

# **The Corporation of the City of Kawartha Lakes**

## **Amended Agenda**

### **Regular Council Meeting**

**CC2018-15**

**Tuesday, July 17, 2018**

**Closed Session Commencing at 1:00 p.m. Open Session Commencing at 2:00 p.m.**

**Victoria Room**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**  
**Councillor Isaac Breadner**  
**Councillor Pat Dunn**  
**Councillor Doug Elmslie**  
**Councillor Gord James**  
**Councillor Gerard Jilesen**  
**Councillor Brian S. Junkin**  
**Councillor Rob Macklem**  
**Councillor Mary Ann Martin**  
**Councillor Gord Miller**  
**Councillor Patrick O'Reilly**  
**Councillor John Pollard**  
**Councillor Kathleen Seymour-Fagan**  
**Councillor Heather Stauble**  
**Councillor Stephen Strangway**  
**Councillor Andrew Veale**  
**Councillor Emmett Yeo**

Accessible formats and communication supports are available upon request.

1. **Call to Order**
2. **Adoption of Closed Session Agenda**
3. **Disclosure of Pecuniary Interest in Closed Session Items**
4. **Closed Session**
  - 4.1 CC2018-15.4.1  
**Closed Session Minutes, Regular Council meeting of May 22, 2018**  
Municipal Act, 2001 s.239(2)(b)(c)
  - 4.2 CC2018-15.4.2  
**Memo - Committee of Council**  
**Personal Matter About an Identifiable Individual**  
**Municipal Act, 2001 s.239(2)(b)**  
Cathie Ritchie, City Clerk
  - 4.3 LGL2018-004  
**Amos Construction**  
**Litigation or Potential Litigation**  
**Municipal Act, 2001 s.239(2)(e)**  
Robyn Carlson, City Solicitor
  - 4.4 LGL2018-005  
**Washington Drain**  
**Litigation or Potential Litigation**  
**Municipal Act, 2001 s.239(2)(e)**  
Robyn Carlson, City Solicitor
  - 4.5 LGL2018-006  
**Fenelon Falls Secondary Plan**  
**Litigation or Potential Litigation**  
**Municipal Act, 2001 s.239(2)(e)**  
Robyn Carlson, City Solicitor



4.6	RS2018-020	
	<b>Request to Expropriate Land for Colborne Street Pumping Station and Forcemain Construction</b>	
	<b>Proposed or Pending Acquisition or Disposition of Land</b>	
	<b>Municipal Act, 2001 s.239(2)(c)</b>	
	Robyn Carlson, City Solicitor and Acting Manager of Realty Services	
<b>5.</b>	<b>Opening Ceremonies</b>	
5.1	Call Open Session to Order	
5.2	O Canada	
5.3	Moment of Silent Reflection	
5.4	Adoption of Open Session Agenda	
<b>6.</b>	<b>Disclosure of Pecuniary Interest</b>	
<b>7.</b>	<b>Notices and Information by Members of Council and Staff</b>	
7.1	Council	
7.2	Staff	
<b>8.</b>	<b>Matters from Closed Session</b>	
<b>9.</b>	<b>Minutes</b>	
9.1	CC2018-15.9.1	22 - 51
	Regular Council Meeting Minutes of June 19, 2018	
	That the Minutes of the June 19, 2018 Regular Council Meeting, be received and adopted.	
<b>10.</b>	<b>Presentations and Deputations</b>	
*10.1	CC2018-15.10.1	52 - 59
	<b>Licensing Agreement for Boathouse at 22 Walnut Street, Fenelon Falls</b>	
	Report RS2018-021, Items 11.1.1 and 11.2.1 on the Agenda)	
	Daniel Mellen	
	Candice Millroy	

10.2	CC2018-15.10.2	
	<b>Licensing Agreement for Boathouse at 781 Kenstone Beach Road, Bobcaygeon</b> (Report RS2018-022, Items 11.1.2 and 11.2.2 on the Agenda) Lucia DiLeo	
*10.3	CC2018-15.10.3	60 - 63
	<b>Planning Advisory Committee Recommendation PAC2018-034</b> <b>Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)</b> (Items 12.1, 15.1.7 and 15.1.8 on the Agenda) John Dell	
*10.4	CC2018-18.10.4	
	<b>Planning Advisory Committee Recommendation PAC2018-034</b> <b>Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)</b> (Items 12.1, 15.1.7 and 15.1.8 on the Agenda) Donna Querengesser	
*10.5	CC2018-18.10.5	
	<b>Building Permit Application 2015-1495, Lot 8, Walsh Road, Kawartha Lakes</b> (Item 11.2.8 on the Agenda) Jeff Farquhar	
11.	<b>Consent Matters</b>	
	<b>That</b> all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.	
11.1	Reports	
11.1.1	RS2018-021	64 - 72
	<b>Boathouse Encroachment – 22 Walnut St., Fenelon Falls</b> Christine Oliver, Law Clerk of Realty Services	

	<b>That Report RS2018-020, Boathouse Encroachment – 22 Walnut St., Fenelon Falls, be received.</b>	
11.1.2	RS2018-022  <b>Boathouse Encroachment – 781 Kenstone Beach Rd., Bobcaygeon</b> Christine Oliver, Law Clerk of Realty Services  <b>That Report RS2018-022, Boathouse Encroachment – 781 Kenstone Beach Rd., Bobcaygeon, be received.</b>	73 - 79
11.1.3	RS2018-023  <b>Land Management Committee Policy CP2018-007</b> Robyn Carlson, City Solicitor  <b>That Report RS2018-023, Land Management Committee Policy CP2018-007, be received.</b>	80 - 105
11.1.4	CAO2018-005  <b>Update – Review of City and Agency Boards and Committees</b> Ron Taylor, Chief Administrative Officer  <b>That Report CAO2018-005, Update – Review of City and Agency Boards and Committees, be received;</b>  <b>That</b> staff be directed to update the terms of reference for various Committees and Boards as generally outlined in Appendix A to Report CAO2018-005 in advance of the next term of Council for approval and subsequent recruitment; and  <b>That</b> the City Clerk include regular monthly Committee of the Whole meetings in future annual meeting calendars beginning the next term of Council.	106 - 189
11.1.5	CLK2018-007  <b>Delegation of Authority – Restricted Acts</b> Cathie Ritchie, City Clerk	190 - 193

**That** Report CLK2018-007, **Delegation of Authority – Restricted Acts**, be received; and

**That** the Municipal Clerk be directed to prepare the necessary by-law prior to Nomination Day, delegating authority to the Chief Administrative Officer from July 27, 2018 to December 3, 2018 to enact the restricted powers of Council (Section 275(3)) during the Lamé Duck period.

11.1.6

CORP2018-012

194 - 207

**2018 Q2 Capital Close**

Nicole Owens, Junior Accountant

**That** Report CORP2018-012, **2018 Q2 Capital Close**, be received;

**That** the capital projects identified in Attachment A to Report CORP2018-012 be approved to be closed due to completion;

**That** the balances in the table below be transferred to or from the corresponding reserves;

<b>Reserve</b>	<b>Report Closing Balance</b>
Capital Projects Reserve	\$644,843.88
Public Works Fleet Reserve	\$14,764.64
Sewer Infrastructure Reserve	\$186,943.50

**That** \$104.89 be withdrawn from Development Charges – Fire and applied to project 932170801 – Fire, Extrication Equipment to address the deficit;

**That** an additional \$5,000 from the Capital Reserves be allocated to 950180306 – Bike Repair/Tire Pump Station as per requirements specified within OMCC Grant acceptance as per DEV2018-003, By-law 2018-018;

**That** project 953180112 – LSC Windows be closed and the remaining budget of \$187,583.08 and all associated expenses be transferred to project 953170300 – LSC Windows;

**That** project 950180113 – Logie Park be closed and all remaining budget and expenses totaling \$1,111,000.00 be transferred to multi-year project 950151801 – Logie Park;

**That** project 950180112 – Trail & Shoreline Restoration be closed and all remaining budget and expenses totaling \$150,000 be transferred to multi-year project 950153301 – Trail & Shoreline Restoration;

**That** project 950164000 – City Boat Launches be closed and the remaining budget of \$50,734.69 be transferred to 950180109 – City Boat Launches;

**That** project 950170300 – City Boat Launches be closed and the deficit of \$37,494.34 be transferred to 950180109 – City Boat Launches;

**That** project 950170500 – Cemetery Site Works be closed and the remaining balance of \$49,376.26 be transferred to corresponding projects within 950180400 – Cemetery Site Works;

**That** project 950170601 – 50/50 Community Park Projects be closed and the remaining budget of \$12,229.20 be transferred to 950180110 – 50/50 Community Park Projects;

**That** project 950170701 – Wilson Estates be closed and the remaining budget of \$100,830.75 be transferred to 950180111 – Wilson Estates;

**That** project 950170901 – Park Furniture be closed and the remaining budget of \$32,799.27 be transferred to 950180301 – Park Furniture;

**That** the following projects be granted an extension to December 31, 2018:

928170301 - Upgrade/Replace Communication Equipment  
928170401 - Upgrade/Replace Client Hardware  
928170601 - Replace Printers  
928171901 - Purchase Parks & Rec Software  
932161401 - Fire Station Capital Repairs  
932170501 - Equipment Replacement  
938170200 - Paramedic Equipment  
938170301 - Replace Light Duty Vehicle  
938170401 - Replacement Ambulance  
950170100 - Playgrounds - Various Locations  
950170401 - Old Mill Park Dam Replacement  
950170800 - Arena & Community Centre Equipment  
950171000 - Arenas & Community Centres  
950171101 - Victoria Park Armoury Repair  
950171501 - Bobcaygeon Library  
953150801 - City Hall – Roof and Atrium  
953170200 - Building Services  
983170100 – Bridges  
983170600 - Gravel Resurfacing  
983170700 - Road Lifecycle Extension  
983171301 - Municipal Drains  
998151201 - Lindsay WPCP Upgrade  
998152200 – Glenelg St E Watermain Replacement & Design  
998170100 - Water & Wastewater – Watermains

**That** the following projects be granted an extension to December 31, 2019:

**That project 997170200 – Landfill Site Works completion date be extended to December 31, 2020.**

**High Bill Adjustment 5 Sussex St N**  
Jennifer Stover, Director of Corporate Services

**That Report CORP2018-013, High Bill Adjustment 5 Sussex St N, be received;**

**That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$1,293.24, plus applicable penalty, to the account at 5 Sussex St N, Lindsay as a one-time exemption to the Section 8.0 of the High Bill Adjustment Policy; and

**High Bill Adjustment 18 Francis St, Fenelon Falls**  
Jennifer Stover, Director of Corporate Services

**That** Report CORP2018-014, **High Bill Adjustment 18 Francis St Fenelon Falls**, be received; and

**That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$1,298.56, plus applicable penalty, to the account at 18 Francis St Fenelon Falls as a one-time exemption to section 8.0 of the High Bill Adjustment Policy.

11.1.9

PUR2018-030

214 - 219

**2018-57-CP Engineering and Design Services for Lindsay Water Pollution Control Plant Upgrades – Phase 1**

Linda Lee, Buyer

Nafiur Rahman, Senior Engineering Technician

**That** Report PUR2018-030, **2018-57-CP Engineering and Design Services for Lindsay WPCP Upgrades – Phase 1**, be received;

**That** Cima Canada Inc., of Bowmanville, be awarded 2018-57-CP Engineering and Design Services for Lindsay WPCP Upgrades – Phase 1, as the highest scoring Proponent;

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and

**That** the Purchasing Division be authorized to issue a Purchase Order.

11.1.10

PUR2018-031

220 - 222

**2018-69-CQ Road Lifecycle Extension – Single Surface Treatment**

Linda Lee, Buyer

Mike Farquhar, Supervisor, Technical Services

**That** Report PUR2018-031, **2018-69-CQ, Road Lifecycle Extension, Single Surface Treatment**, be received;

**That** Royel Paving, a division of CRH Canada Group Inc. of Oakville be selected for the award of Quotation 2018-69-CQ Road Lifecycle Extension, Single Surface Treatment for the quoted price of \$107,380.00 plus HST; and

**That** subject to receipt of the required documents, the Purchasing Division be authorized to issue a purchase order.

11.1.11	PUR2018-032	223 - 225
	<p><b>2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work</b>  Launa Lewis, Supervisor of Financial Services  Corby Purdy, Supervisor/Infrastructure, Design,  Construction</p> <p><b>That</b> Report PUR2018-032, <b>2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work</b>, be received;</p> <p><b>That</b> Hard-Co- Construction Ltd. be selected for the award of Quotation 2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work for the quoted price of \$199,900.00 plus HST;</p> <p><b>That</b> funding in the amount of \$135,000.00 be released from the Capital Reserve for the purpose of awarding this contract;</p> <p><b>That</b> subject to receipt of the required documents, the Mayor and Clerk be authorized to sign the agreement; and</p> <p><b>That</b> Purchasing be authorized to issue a purchase order.</p>	
11.1.12	PLAN2018-056	226 - 238
	<p>This item has been moved to Items Extracted from Consent. See Items 11.3.1 and 11.3.1.1</p>	
11.1.13	PLAN2018-059	239 - 248
	<p><b>Deeming By-law Application D30-2018-010 – 1590839 Ontario Inc. (Haslam)</b>  Janet Wong, Planner II</p> <p><b>That</b> Report PLAN2018-059, <b>Deeming By-law Application D30-2018-010 - 1590839 Ontario Inc. (Haslam)</b>, be received;</p> <p><b>That</b> a Deeming By-law respecting Lots 3 and 4, Registered Plan 57M-734, substantially in the form attached as Appendix E to Report PLAN2018-059, be approved and adopted by Council; and</p> <p><b>That</b> the Mayor and Clerk be authorized to execute any documents required by the approval of this application.</p>	
11.1.14	PLAN2018-061	249 - 252
	<p><b>Downtown Parking Space Update</b>  Chris Marshall, Director</p>	



**That** Report PLAN2018-061, **Downtown Parking Space Update**, be received.

11.1.15      PLAN2018-064      253 - 261

**Removal of Holding (H) Symbol (317 Ranchers Road, Township of Fenelon - Tow-All-Inc. c/o Lucas Lowell)**  
Mark LaHay, Planner II

**That** Report PLAN2018-064, respecting Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, **Tow-All-Inc. c/o Lucas Lowell – Application D06-2018-019**, be received;

**That** Zoning By-Law Amendment application D06-2018-019 identified as 317 Ranchers Road, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2018-064, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

11.1.16      ENG2018-011      262 - 277

**Engineering Policy Review Update**  
Juan Rojas, Director of Engineering and Corporate Assets

**That** Report ENG2018-011, **Engineering Policy Review Update**, be received;

**That** the following policies be rescinded and removed from the policy manual:

063 EPW 001      Street Lighting Assumption Policy; and

**That** the following policies be updated as outlined in the respective attachments to Report ENG2018-011:

071 EPW 004      Pre-Servicing of Subdivision Lands (as per Appendix A)

077 EPW 005      Streetlight Warrant Policy (as per Appendix B)

115 EPW 008      Right of Way Widths (as per Appendix C)

123 EPW 009      Roadway Level of Service Policy - Maintenance Priority Classification System (as per Appendix D)

11.1.17	ENG2018-013	278 - 315
	<p><b>Site Plan Agreement Securities and Fees</b>  Juan Rojas, Director of Engineering and Corporate Assets</p> <p><b>That</b> Report ENG2018-013, <b>Site Plan Agreement Securities and Fees</b>, be received;</p> <p><b>That</b> site plan securities for engineering related work on the private property not be required;</p> <p><b>That</b> the Development Application Approval Process User Fee be increased to 3.7%; and</p> <p><b>That</b> the Guide to the Site Plan Approval Process and the City's Fees and Charges By-law be amended to reflect these changes.</p>	
11.1.18	ENG2018-015	316 - 319
	<p><b>Airport 2018 Capital Budget Update</b>  Juan Rojas, Director of Engineering and Corporate Assets</p> <p><b>That</b> Report ENG2018-015, <b>Airport 2018 Capital Budget Update</b>, be received;</p> <p><b>That</b> 2018 Capital Program AP1802 – Airport Facilities Program, be closed and \$10,000 allocated to this program be transferred to Capital Reserves; and</p> <p><b>That</b> 2018 Capital Program AP1801 – Airport Siteworks Program, be increased by \$10,000 for Minor Airside Improvements and be funded from Capital Reserve.</p>	
11.1.19	HS2018-002	320 - 322
	<p><b>Kawartha Lakes Health Care Initiative: Return of Service Incentive Repayment</b>  Rod Sutherland, Director, Human Services</p> <p><b>That</b> Report HS2018-002, <b>Kawartha Lakes Health Care Initiative: Return of Service Incentive Repayment</b>, be received; and</p> <p><b>That</b> Kawartha Lakes Health Care Initiative retain the repaid Doctor recruitment incentive for the sole purpose of supporting upcoming recruitment incentives prior to further Doctor Recruitment Reserve funding being requested from the City.</p>	

11.2	Correspondence	
11.2.1	CC2018-15.11.2.1	323 - 323
	<p><b>Licensing Agreement for Boathouse at 22 Walnut Street, Fenelon Falls</b> Daniel Mellen Candice Millroy</p> <p><b>That</b> the June 5, 2018 e-mail correspondence from Daniel Mellen and Candice Millroy, regarding a <b>Licensing Agreement for Boathouse at 22 Walnut Street</b>, be received.</p>	
11.2.2	CC2018-15.11.2.2	324 - 324
	<p><b>Licensing Agreement for Boathouse at 781 Kenstone Beach Road, Bobcaygeon</b> Pasquale Di Leo Lucia Di Leo</p> <p><b>That</b> the July 5, 2018 correspondence from Pasquale and Lucia Di Leo, regarding a <b>Licensing Agreement for Boathouse at 781 Kenstone Beach Road, Bobcaygeon</b>, be received.</p>	
11.2.3	CC2018-15.11.2.3	325 - 327
	<p><b>Memo - Fence-Viewer Resignation</b> Joel Watts, Deputy Clerk</p> <p><b>That</b> the July 17, 2018 memorandum from Joel Watts, Deputy Clerk, regarding Fence-Viewer Resignation, be received;</p> <p><b>That</b> the notice of resignation, dated June 29, 2018, of Fence-Viewer Charles Clarke, be received; and</p> <p><b>That</b> a by-law to amend by-law 2015-024 be presented to Council for adoption to reflect the resignation, effective the date of the by-law adoption.</p>	
11.2.4	CC2018-15.11.2.4	328 - 329
	<p><b>Policy Update - AMO Stands with Canada and Ontario on NAFTA</b> Andy Letham, Mayor</p>	

**That** the June 25, 2018 e-mail correspondence from the Association of Municipalities of Ontario (AMO), regarding **Policy Update - AMO Stands with Canada and Ontario on NAFTA**, be received;

**That** the City of Kawartha Lakes support the AMO Resolution regarding NAFTA; and

**That** this resolution be circulated to Prime Minister Trudeau, Premier Doug Ford, AMO and the Federation of Canadian Municipalities.

11.2.5 CC2018-15.11.2.5 330 - 330

**Request for Noise By-law Exemption**

Alex Mitchell

**That** the June 19, 2018 e-mail correspondence from Alex Mitchell regarding a **Request for Noise By-law Exemption**, be received; and

**That** the exemption of the City's Noise By-law 2005-025, as amended, for the wedding event being held at 30 Regent Street, Lindsay, from 4:00 p.m. on August 25, 2018 to 1:00 a.m. on August 26, 2018, be approved.

11.2.6 CC2018-15.11.2.6 331 - 331

**Request for Noise By-law Exemption**

Russell Wilmot

Kaitlin Jubb

**That** the July 7, 2018 correspondence from Kaitlin Jubb and Russell Willmont regarding a **Request for Noise By-law Exemption**, be received; and

**That** the exemption of the City's Noise By-law 2005-025, as amended, for the wedding event being held at Shadow Lake Road 2, Cottage 44, from 3:00 p.m. on August 5, 2018 to 1:00 a.m. on August 6, 2018, be approved.

11.2.7 CC2018-15.11.2.7 332 - 332

**Preserving Canada's Heritage: The Foundation for Tomorrow**

Catherin McKenna, Minister of Environment and Climate Change

**That** the June 26, 2018 correspondence from Catherin McKenna, Minister of Environment and Climate Change, regarding **Preserving Canada's Heritage: The Foundation for Tomorrow**, be received.

- \*11.2.8 CC2018-15.11.2.8 333 - 397
- Building Permit Application 2015-1495, Lot 8, Walsh Road, Kawartha Lakes**  
 Jeff Farquhar
- That the July 5, 2018 correspondence from Jeff Farquhar regarding **Building Permit Application 2015-1495, Lot 8, Walsh Road, Kawartha Lakes**, be received.
- \*11.2.9 CC2018-15.11.2.9 398 - 398
- Planning Advisory Committee Recommendation PAC2018-034**  
**Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)**  
 (Items 12.1, 15.1.7 and 15.1.8 on the Agenda)  
 Jim and Carol Newton
- That the correspondence from Jim and Carol Newton regarding **Planning Advisory Committee Recommendation PAC2018-034, Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)**, (Items 12.1, 15.1.7 and 15.1.8 on the Agenda), be received.
- \*11.2.10 CC2018-15.11.2.10 399 - 399
- Planning Advisory Committee Recommendation PAC2018-034**  
**Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)**  
 (Items 12.1, 15.1.7 and 15.1.8 on the Agenda)  
 Pat and Len Peace
- That the July 14, e-mail correspondence from Pat and Len Peace regarding **Planning Advisory Committee Recommendation PAC2018-034, Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)**, (Items 12.1, 15.1.7 and 15.1.8 on the Agenda), be received.

\*11.2.11

CC2018-15.11.2.11

400 - 400

**Planning Advisory Committee Recommendation PAC2018-034  
Applications to amend the City of Kawartha Lakes Official Plan and the  
Township of Manvers Zoning By-law to permit a variety of on-farm  
diversified uses on land identified as 804 Highway 7A (Sutcliffe)  
(Items 12.1, 15.1.7 and 15.1.8 on the Agenda)  
Rebecca Parker**

**That the July 15, e-mail correspondence from Rebecca  
Parker regarding Planning Advisory Committee Recommendation  
PAC2018-034, Applications to amend the City of Kawartha Lakes  
Official Plan and the Township of Manvers Zoning By-law to permit a  
variety of on-farm diversified uses on land identified as 804 Highway 7A  
(Sutcliffe), (Items 12.1, 15.1.7 and 15.1.8 on the Agenda), be received.**

\*11.2.12

CC2018-15.11.2.12

401 - 401

**Planning Advisory Committee Recommendation PAC2018-034  
Applications to amend the City of Kawartha Lakes Official Plan and the  
Township of Manvers Zoning By-law to permit a variety of on-farm  
diversified uses on land identified as 804 Highway 7A (Sutcliffe)  
(Items 12.1, 15.1.7 and 15.1.8 on the Agenda)  
Dave and Sara Miller**

**That the July 16, e-mail correspondence from Dave and Sara Miller  
regarding Planning Advisory Committee Recommendation PAC2018-  
034, Applications to amend the City of Kawartha Lakes Official Plan and  
the Township of Manvers Zoning By-law to permit a variety of on-farm  
diversified uses on land identified as 804 Highway 7A (Sutcliffe), (Items  
12.1, 15.1.7 and 15.1.8 on the Agenda), be received.**

\*11.2.13

CC2018-15.11.2.13

402 - 404

**Planning Advisory Committee Recommendation PAC2018-034  
Applications to amend the City of Kawartha Lakes Official Plan and the  
Township of Manvers Zoning By-law to permit a variety of on-farm  
diversified uses on land identified as 804 Highway 7A (Sutcliffe)  
(Items 12.1, 15.1.7 and 15.1.8 on the Agenda)  
Kathy Morton**

**That the correspondence from Kathy Morton regarding Planning Advisory Committee Recommendation PAC2018-034, Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe), (Items 12.1, 15.1.7 and 15.1.8 on the Agenda), be received.**

11.3 Items Extracted from Consent

\*11.3.1 PLAN2018-056 405 - 417

**Request for Municipal Council Support Resolution Confirmation (Ground Mount Solar Projects, 1674 County Road 36, Geographic Township of Verulam)**

Ian Walker, Planning Officer – Large Developments

To be dealt with in conjunction with Item 11.3.1.1

\*11.3.1.1 CC2018-15.11.3.1.1 418 - 419

**Memo - Feed-In Tariff (FIT) Program – Prescribed Resolution of Support – Ground Mount Solar Project – 1674 CKL Road 36, Solar Provider Canada Origination Health LP (Kennedy)**

Ian Walker, Planning Officer - Large Developments

**That Report PLAN2018-056, Request for Municipal Council Support Resolution Confirmation**, be received; and

**That** the July 17, 2018 memo from Ian Walker, Planning Officer - Large Developments, regarding **Feed-In Tariff (FIT) Program – Prescribed Resolution of Support – Ground Mount Solar Project – 1674 CKL Road 36, Solar Provider Canada Origination Health LP (Kennedy)**, be received.

**Whereas** capitalized terms not defined herein have the meanings ascribed thereto in the FIT Contract, Version 3.1;

**And Whereas** Solar Provider Canada Origination Health LP (the "Supplier") has entered into a FIT Contract to construct and operate a ground mount solar Facility (the "Project") on 1674 CKL Road 36 (the "Lands") in the City of Kawartha Lakes (the "Local Municipality") under the Province's FIT Program;

**And Whereas** the Supplier previously requested that the Council of the Local Municipality ("Council") indicate by resolution Council's support for the construction and operation of the Project on the Lands and Council did provide such support in a prior resolution.

**And Whereas** the Supplier has requested that the Council indicate, by a resolution dated no earlier than June 10, 2015 (the "New Resolution"), Council's continued support for the construction and operation of the Project on the Lands;

**And Whereas** where a New Resolution is received in respect of a Project, the Supplier will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in the Supplier being offered Notice to Proceed in accordance with the terms of the Supplier's FIT Contract;

**Now Therefore Be It Resolved That** Council of the City of Kawartha Lakes supports the construction and operation of the Project on the Lands. This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose.



12.	<b>Committee of the Whole and Planning Committee Minutes</b>	
12.1	CC2018-15.12.1	420 - 428
	Planning Advisory Committee Meeting Minutes of July 4, 2018	
	<b>That</b> the Minutes of the July 4, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted.	
*12.1.1	CC2018-15.12.1.1	429 - 430
	<b>Memo - Sutcliffe Official Plan Amendment and Zoning By-law Amendment 804 Highway 7A, Geographic Township of Manvers, now City of Kawartha Lakes (Iron Horse Ranch)</b>	
	Sherry L. Rea, Development Planning Supervisor	
	<b>That</b> the July 13, 2018 Memo from Sherry L. Rea, Development Planning Supervisor, to Planning Advisory Committee, regarding <b>Sutcliffe Official Plan Amendment and Zoning By-law Amendment 804 Highway 7A, Geographic Township of Manvers, now City of Kawartha Lakes (Iron Horse Ranch)</b> , be received.	
13.	<b>Petitions</b>	
14.	<b>Other or New Business</b>	
15.	<b>By-Laws</b>	
	<b>That</b> the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.13 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.	
15.1	By-Laws by Consent	
15.1.1	CC2018-15.15.1.1	431 - 432
	<b>A By-law to Delegate Authority for Decisions to the Chief Administrative Officer for Restricted Acts after Nomination Day in the City of Kawartha Lakes</b>	
15.1.2	CC2018-15.15.1.2	433 - 436
	<b>A By-law to Provide Tax Relief to Certain City of Kawartha Lakes Property Owners who are Low Income Elderly Persons, Low Income Persons Between the Ages of 55 And 64, Low Income Disabled Persons or Ontario Disability Support Program Recipients for the Year 2018</b>	

15.1.3	CC2018-15.15.1.3	437 - 441
	<b>A By-law to Provide Water Rate Relief to Certain City of Kawartha Lakes Property Owners who are Low Income Elderly Persons, Low Income Persons Between the Ages of 55 and 64, Low Income Disabled Persons or Ontario Disability Support Program Recipients</b>	
15.1.4	CC2018-15.1.4	442 - 442
	<b>A By-law to Amend By-law 2015-024, being A By-law to Appoint Fence-Viewers for the City of Kawartha Lakes</b>	
15.1.5	CC2018-15.15.1.5	443 - 445
	<b>A By-law to Designate 15 Cluxton Street, Kinmount in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest</b>	
15.1.6	CC2018-15.15.1.6	446 - 447
	<b>A By-Law to Deem Part of a Plan of Subdivision, Previously Registered for Lands Within Kawartha Lakes, <u>Not</u> to be a Registered Plan of Subdivision in Accordance with the Planning Act, PIN 63269-0299 (Lt) and PIN 63269-0300 (LT), Described as Lot 3 and Lot 4, 57M-734, Geographic Township of Manvers, now City of Kawartha Lakes (File D30-2018-010, Report PLAN2018-059, respecting 13 and 17 Sandbourne Drive – 1590839 Ontario Inc)</b>	
15.1.7	CC2018-15.15.1.7	448 - 452
	<b>A By-Law to Amend the City of Kawartha Lakes Official Plan to Add a Special Provision to Land within the City Of Kawartha Lakes (File D06-2018-013, Report PLAN2018-057, respecting Part Lot 13, Concession 7, Geographic Township of Manvers, identified as 804 Highway 7A – Sutcliffe)</b>	
15.1.8	CC2018-15.15.1.8	453 - 456
	<b>A By-Law to Amend the Township of Manvers Zoning By-Law No. 87-06 to Rezone Land within the City Of Kawartha Lakes (File D06-2018-013, Reports PLAN2018-036 and PLAN2018-057, respecting Part Lot 13, Concession 7, Geographic Township of Manvers, identified as 804 Highway 7A – Sutcliffe)</b>	

15.1.9	CC2018-15.15.1.9	457 - 459
	<b>A By-Law to Amend the Township of Ops Zoning By-Law No. 93-30 to Rezone Land within the City Of Kawartha Lakes</b> (File D06-2018-001, Report PLAN2018-060, respecting East Half of Lot 22, Concession 57, Geographic Township of Ops, identified as 417 Fieldside Road)	
15.1.10	CC2018-15.15.1.10	460 - 460
	<b>A By-law to Repeal By-law 2011-260, (as amended), being a By-Law to Govern Water and Wastewater Services</b>	
15.1.11	CC2018-15.15.1.11	461 - 464
	<b>A By-law to Set the Remuneration Level to be Paid to the Municipal Council in the City of Kawartha Lakes</b>	
15.1.12	CC2018-15.15.1.12	465 - 470
	<b>A By-law to Authorize An Application for Approval to Expropriate Land</b>	
*15.1.13	CC2018-15.15.1.13	471 - 472
	<b>A By-law to Amend the Township of Fenelon Zoning By-law 12-95 to Remove the Holding Symbol (H) from a Zone Category on Property within the City of Kawartha Lakes</b> (File D06-2018-019, Report PLAN2018-064, respecting Part of Lot 14, Concession 7, being Part 3, 57R-6073, Geographic Township of Fenelon - Tow-All Inc. (Lucas Lowell))	
15.2	By-Laws Extracted from Consent	
16.	Notice of Motion	
17.	Closed Session (If Not Completed Prior to Open Session)	
18.	Matters from Closed Session	
19.	Confirming By-Law	
19.1	CC2018-15.19.1	473 - 473
	<b>A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, July 17, 2018</b>	
20.	Adjournment	

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Regular Council Meeting**

**CC2018-14**  
**Tuesday, June 19, 2018**  
**Open Session Commencing at 10:00 a.m.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Isaac Breadner**  
**Councillor Pat Dunn**  
**Councillor Doug Elmslie**  
**Councillor Gord James**  
**Councillor Gerard Jilesen**  
**Councillor Brian S. Junkin**  
**Councillor Rob Macklem**  
**Councillor Mary Ann Martin**  
**Councillor Gord Miller**  
**Councillor Patrick O'Reilly**  
**Councillor John Pollard**  
**Councillor Kathleen Seymour-Fagan**  
**Councillor Heather Stauble**  
**Councillor Stephen Strangway**  
**Councillor Andrew Veale**  
**Councillor Emmett Yeo**

**Accessible formats and communication supports are available upon request.**

1. **Call to Order**
2. **Adoption of Closed Session Agenda**
3. **Disclosure of Pecuniary Interest in Closed Session Items**
4. **Closed Session**
5. **Opening Ceremonies**

5.1 Call Open Session to Order

Mayor Letham called the Open Session of the Meeting to order at 10:00 a.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

CAO R. Taylor, City Clerk C. Ritchie and Deputy Clerk A. Rooth were also in attendance.

5.2 O Canada

The Meeting was opened with the singing of 'O Canada'.

5.3 Moment of Silent Reflection

The Mayor asked those in attendance to observe a Moment of Silent Reflection.

5.4 Adoption of Open Session Agenda

**CR2018-370**

**Moved By** Councillor Strangway

**Seconded By** Councillor Seymour-Fagan

**That** the Agenda for the Open Session of the Regular Council Meeting of Tuesday, June 19, 2018, be adopted as circulated and with the following amendments:

**Additions - Deputations:**

Item 10.1.2.1

Lake Management Implementation Action Plan  
(Report PLAN2018-054, Item 10.1.2.2 on the Agenda)  
Deputation - Chris Appleton

Item 10.2.2

Telecommunication Facility Endorsement Application, SBA Canada ULC  
(Report PLAN2018-049, Item 11.1.14 on the Agenda)  
Brayden Libawski, Planner, The Biglieri Group

Item 10.2.3

Planning Advisory Committee Recommendation PAC2018-029  
Zoning By-law Amendment Application D06-2018-016 (2071 CKL Road 36)  
(Items 12.1 and 15.1.9 on the Agenda)  
Doug Carroll, DC Planning Services Inc.

**Carried**

**6. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

**7. Notices and Information by Members of Council and Staff**

**7.1 Council**

Councillor Elmslie:

- Fenelon Falls Canada Day Celebrations take place July 1st with opening ceremonies at 3:30 p.m. at Garnet Graham Park.

Councillor Yeo:

- The Norland Festival is on July 14th and 15th at Ward Park.
- The Fresh Water Summit Festival was held in Coboconk June 15th to 17th and was well attended.

Councillor Martin:

- Omemee Days are coming up on the Canada Day weekend starting with a Pancake Breakfast on June 30th at 8:00 a.m. at Coronation Hall.

Councillor Miller:

- Kinmount Canada Day Celebrations will take place July 1st at the Kinmount Fairgrounds commencing at 5:00 p.m.
- The City of Kawartha Lakes is an Official Bee City and we are celebrating international pollinator week June 18th to 24th. Information sessions are

being held at several library branches and displays will be set up at all 14 City library branches.

Councillor Veale:

- The Oakwood Firefighters Association is hosting Canada Day Fireworks at the Oakwood Community Centre on July 1st at dusk.
- The Woodville Family Festival is on July 6th and 7th.

Councillor Strangway:

- The Kawartha Lakes Heath Care Initiative Annual General Meeting is on June 21st at 9:00 a.m. at the Academy Theatre.
- The Kawartha North Family Health Team AGM is on June 21st at 5:30 p.m. at the Bobcaygeon Service Centre.

Councillor Junkin:

- Bobcaygeon Canada Day celebrations take place July 1st with events planned at both the Bobcaygeon Community Centre/Fairgrounds and Bobcaygeon Beach Park.

Councillor Seymour-Fagan:

- Bobcaygeon Bikefest is June 22nd and 23rd with a live concert on Saturday night at the Bobcaygeon Arena.

Mayor Letham:

- Please join the City in observing National Indigenous Peoples day on June 21st. This is a day to recognize and celebrate Indigenous culture, heritage and accomplishments. Today we acknowledge that the City of Kawartha Lakes is located on the traditional territory of Indigenous Peoples and we are grateful to have the opportunity to live and work on this land.

Councillor O'Reilly:

- Lindsay Canada Day celebrations take place July 1st at Wilson Fields commencing at 3:00 p.m.
- Kawartha Lakes Police Chief John Hagarty retired this week.
- The Kawartha Antique Power Show held June 17th to 18th at the Lindsay Exhibition was well attended.
- Adelaide Place recently celebrated the sod turning for their Phase 2 development.
- There have been several new business openings in Lindsay.

- The Lindsay and District Sports Hall of Fame annual golf tournament is on June 21st.
- The 2018 Annual General Meeting of Community Care of Kawartha Lakes and the Community Care Foundation (Kawartha Lakes) is on June 28th at the Days Inn and Suites in Lindsay.
- St. Paul's Anglican Church in Lindsay is hosting a Strawberry Supper June 19th.
- The 27th annual City of Kawartha Lakes Concerts in the Park starts on July 4th in Victoria Park.

7.2 Staff

**8. Matters from Closed Session**

**9. Minutes**

9.1 CC2018-14.9.1

**Regular Council Meeting Minutes of June 5, 2018**

**Special Council Meeting Minutes of June 12, 2018**

**CR2018-371**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Strangway

**That** the Minutes of the June 5, 2018 Regular Council and June 12, 2018 Special Council Meetings, be received and adopted.

**Carried**

9.2 CC2018-14.9.2

**Executive Committee Meeting Minutes of June 7, 2018**

**CR2018-372**

**Moved By** Councillor Miller

**Seconded By** Councillor Dunn

**That** the Minutes of the June 7, 2018 Executive Committee Meeting, be received.

**Carried**

**10. Presentations and Deputations**

10.1 Presentations with Related Reports and Deputations



10.1.1 CC2018-14.10.1.1

**Short Term Rentals**

Alix Scarr, Senior Licensing Officer

Alix Scarr, Senior Licensing Officer, provided a brief overview of Report LIC2018-004.

**CR2018-373**

**Moved By** Councillor Martin

**Seconded By** Councillor Stauble

**That** the presentation by Alix Scarr, Senior Licensing Officer, regarding **Short Term Rentals**, be received.

**Carried**

10.1.1.1 LIC2018-004

**Short Term Residential Rentals**

Alix Scarr, Senior Licensing Officer

Aaron Sloan, Manager Municipal Law Enforcement

**CR2018-374**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Martin

**That** Report LIC2018-004, **Short Term Residential Rentals**, be received;  
and

**That** Report LIC2018-004, **Short Term Residential Rentals** and any additional information be referred to the August 14, 2018 Council Meeting for consideration.

**Carried**

10.1.2 CC2018-14.10.1.2

**Lake Management Implementation Action Plan**

Mark Majchrowski, CAO, Kawartha Conservation

Kristie Virgoe, Director, Stewardship and Conservation Lands

Mark Majchrowski, CAO for Kawartha Conservation, presented the Lake Management Implementation Action Plan.

**CR2018-375**

**Moved By** Councillor Miller

**Seconded By** Councillor Strangway

**That** the presentation by Mark Majchrowski, CAO for Kawartha Conservation, regarding the **Lake Management Implementation Action Plan**, be received.

**Carried**

10.1.2.1 CC2018-14.10.1.2.2

**Lake Management Implementation Action Plan**

(Report PLAN2018-054, Item 10.1.2.2 on the Agenda)

Deputation - Chris Appleton

Chris Appleton attended Council to speak in support of the Lake Management Implementation Action Plan and the recommendation made in Council Report PLAN2018-054.

**CR2018-376**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Strangway

**That** the deputation of Chris Appleton, regarding the **Lake Management Implementation Action Plan**, (Report PLAN2018-054, Item 10.1.2.2 on the Agenda), be received.

**Carried**

10.1.2.2 PLAN2018-054

**Lake Management Implementation Action Plan**

Chris Marshall, Director of Development Services

A recorded vote was requested by Councillor Breadner.

**CR2018-377**

**Moved By** Councillor Miller

**Seconded By** Councillor Strangway

**That** Report PLAN2018-054, **Lake Management Implementation Action Plan**, be received;

**That** Council adopt the preferred option as outlined in Report PLAN2018-054; and

**That** approval of this Plan guides future budget considerations for the Total Municipal Investment portion of the Total Program Value.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Councillor Breadner		X	
Councillor Dunn	X		
Councillor Elmslie	X		
Councillor James	X		
Councillor Jilesen	X		
Councillor Junkin		X	
Councillor Macklem	X		
Councillor Martin	X		
Councillor Miller	X		
Councillor O'Reilly	X		
Councillor Pollard	X		
Councillor Seymour-Fagan	X		
Councillor Stauble	X		
Councillor Strangway	X		
Councillor Veale	X		
Councillor Yeo	X		
<b>Results</b>	<b>15</b>	<b>2</b>	<b>0</b>
			<b>Carried</b>

Council recessed at 11:45 a.m. and reconvened at 11.54 a.m.

10.1.3 CC2018-14.10.1.3

**Conservation Authority Core Service Review**

Chris Marshall, Director of Development Services  
Anna Kalnina, Planner II

Director Marshall and Anna Kalnina, Planner II, presented the Conservation Authorities Core Service Review Options.

**CR2018-378**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Seymour-Fagan

**That** the presentation by Chris Marshall, Director of Development Services, and Anna Kalnina, Planner II, regarding the **Conservation Authority Core Service Review**, be received.

**Carried**

10.1.3.1 PLAN2018-055

**Conservation Authorities Core Service Review - Options**

Anna Kalnina, Planner II

(Note: Attachment A to Report PLAN2018-055 is included on the Agenda under Item 10.1.3)

A recorded vote was requested by Councillor Breadner.

**CR2018-379**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Miller

**That** Report PLAN2018-055, **Conservation Authorities Core Service Review**, be received;

**That** the recommendation to continue Conservation Authority services as generally outlined in Option 3 to Report PLAN2018-055, be approved; and

**That** staff be directed to negotiate and update the Environmental Planning Services Memorandum of Understanding (MOU) with the four Conservation Authorities with jurisdiction in the City of Kawartha Lakes and bring back a recommended MOU to Council for approval.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Councillor Breadner		X	
Councillor Dunn	X		
Councillor Elmslie	X		
Councillor James		X	
Councillor Jilesen	X		
Councillor Junkin	X		
Councillor Macklem	X		
Councillor Martin	X		
Councillor Miller	X		
Councillor O'Reilly	X		
Councillor Pollard	X		
Councillor Seymour-Fagan	X		
Councillor Stauble	X		
Councillor Strangway	X		
Councillor Veale	X		
Councillor Yeo		X	
<b>Results</b>	<b>14</b>	<b>3</b>	<b>0</b>
			<b>Carried</b>

#### 10.1.4 CC2018-14.10.1.4

##### **Economic Development Program Update**

Denise Williams, Acting Manager of Economic Development

Acting Manager Denise Williams and various other Economic Development staff presented the Economic Development Program Update.

**CR2018-380**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Martin

**That** the presentation by Denise Williams, Acting Manager of Economic Development, and various other Economic Development staff regarding the **Economic Development Program Update**, be received.

**Carried**

10.1.5 CC2018-14.10.1.5

**Kawartha Lakes Healthy Environment Plan Update**

Denise Williams, Strategy Management and Staff Champion Kawartha Lakes Healthy Environment Plan

Susan Hall, LURA Consulting

Michael Dean, ICLEI Canada

Acting Director Denise Williams introduced Susan Hall of LURA Consulting and Michael Dean of IDLEI Canada who presented the Kawartha Lakes Healthy Environment Plan Update.

**CR2018-381**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Dunn

**That** the presentation by Denise Williams, Strategy Management and Staff Champion Kawartha Lakes Healthy Environment Plan, Susan Hall, LURA Consulting and Michael Dean, ICLEI Canada, regarding the **Kawartha Lakes Healthy Environment Plan Update**, be received.

**Carried**

The meeting recessed at 1:35 p.m. and reconvened at 2:17 p.m.

10.2 Deputations

10.2.1 CC2018-14.10.2.1

**Surplus Declaration and Proposed Sale of City-Owned Property – Portion of Shaft Park, Lindsay**

(Report RS2018-018, Item 11.1.2 on the Agenda)

John Pearson

John Pearson requested that the properties on Bond Street East and Lindsay Street North in Lindsay be retained as green space as opposed to being

developed. He expressed concern regarding loss of green space and a community gathering place, safety and traffic.

**CR2018-382**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Martin

**That** the deputation of John Pearson, regarding **Surplus Declaration and Proposed Sale of City-Owned Property – Portion of Shaft Park, Lindsay**, (Report RS2018-018, Item 11.1.2 on the Agenda), be received.

**Carried**

10.2.2 CC2018-14.10.2.2

**Telecommunication Facility Endorsement Application, SBA Canada, ULC**

(Report PLAN2018-049, Item 11.1.14 on the Agenda)

Brayden Libawski, Planner, The Biglieri Group

Brayden Libawski of The Biglieri Group provided information on the proposed telecommunication facility and requested that Council support the application.

**CR2018-383**

**Moved By** Councillor Elmslie

**Seconded By** Councillor O'Reilly

**That** the deputation of Brayden Libawski of The Biglieri Group, regarding **Telecommunication Facility Endorsement Application, SBA Canada, ULC**, (Report PLAN2018-049, Item 11.1.14 on the Agenda), be received.

**Carried**

10.2.3 CC2018-14.10.2.3

**Planning Advisory Committee Recommendation PAC2018-029**

**Zoning By-law Amendment Application D06-2018-016 (2071 CKL Road 36)**

(Items 12.1 and 15.1.9 on the Agenda)

Doug Carroll, DC Planning Services Inc.

Doug Carroll of DC Planning Services Inc. identified text from the draft by-law relating to setbacks that had not previously been presented to the Planning Advisory Committee and requested that it be removed.

**CR2018-384**

**Moved By** Councillor Miller

**Seconded By** Councillor Macklem

**That** the deputation of Doug Carroll of DC Planning Services Inc. regarding **Planning Advisory Committee Recommendation PAC2018-029, Zoning By-law Amendment Application D06-2018-016 (2071 CKL Road 36)**, (Items 12.1 and 15.1.9 on the Agenda), be received.

**Carried**

**11. Consent Matters**

The following items were requested to be extracted from the Consent Agenda:

- 11.1.2 - Councillor Dunn
- 11.1.3 - Councillor Stauble
- 11.1.6 - Councillor Junkin
- 11.1.9 - Councillor Junkin
- 11.1.15 - Councillor Strangway
- 11.1.16 - Councillor Stauble
- 11.1.17 - Mayor Letham
- 11.2.1 - Councillor Stauble

**Moved By** Councillor James

**Seconded By** Councillor Veale

**That** all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered, save and except Items 11.1.2, 11.1.3, 11.1.6, 11.1.9, 11.1.15, 11.1.16, 11.1.17, 11.2.1.

**Carried**

**11.1 Reports**

**11.1.1 RS2018-017**

**Surplus Declaration and Proposed Disposition by Long Term Lease of City-Owned Property**

Robyn Carlson, City Solicitor and Acting Manager of Realty Services

**CR2018-385**



**That** Report RS2018-017, **Surplus Declaration and Proposed Disposition by Long Term Lease of City-Owned Property**, be received;

**That** the northern portion of property municipally known as 68 Lindsay Street North and legally described as LT 4 E LINDSAY ST NO RIVER, 5 E LINDSAY ST N RIVER, 6 E LINDSAY ST N RIVER, 7 E LINDSAY ST N RIVER, 8 E LINDSAY ST N RIVER, 9 E LINDSAY ST N RIVER, 10 E LINDSAY ST N RIVER, 11 E LINDSAY ST N RIVER, 12 E LINDSAY ST N RIVER, 13 E LINDSAY ST N RIVER, 14 E LINDSAY ST N RIVER PL 12P; PT LT 15 E LINDSAY ST N RIVER, 16 E LINDSAY ST N RIVER, 17 EAST LINDSAY ST N RIVER PL 12P; PT LT 1 N/S QUEEN ST, 2 N/S QUEEN ST, 3 N/S QUEEN ST, 4 N/S QUEEN ST PL 15P; PT LT 4 W/S CAROLINE ST, 5 W/S CAROLINE ST, 6 W/S CAROLINE ST, 7 W/S CAROLINE ST, 8 W/S CAROLINE ST, 9 W/S CAROLINE ST, 10 W/S CAROLINE ST, 11 W/S CAROLINE ST, 12 W/S CAROLINE ST, 13 W/S CAROLINE ST, 14 W/S CAROLINE ST, 15 W/S CAROLINE ST, 16 W/S CAROLINE ST, 17 W/S CAROLINE ST, 18 W/S CAROLINE ST PL 12P PT 4, 5 57R5191 & PT 6 57R8136, in the Geographic Town of Lindsay, City of Kawartha Lakes, at the northeast corner of Queen Street and Lindsay Street North, Lindsay, and more specifically identified in Appendix A and Appendix B, be declared surplus to municipal needs and disposed of by long term (40 year) lease to the Kawartha Lakes Haliburton Housing Corporation for affordable housing;

**That** the property be disposed of on the condition that KLHHC undertake all site improvements at its sole cost;

**That** the disposition be on the condition that the Kawartha Lakes Haliburton Housing Corporation incorporate environmentally friendly standards into its construction;

**That** the disposition be on the condition that the Kawartha Lakes Haliburton Housing Corporation obtain, at its cost, a Record of Site Condition pursuant to the Ontario *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended.

**That** the property be disposed of on the condition that, at the end of the term of the lease, the parties either enter into a new lease for KLHHC's continued use of the property or the property be returned to the City – at the City's option – as either a vacant site or with the building and/or other site improvements to remain;

**That** By-law 2018-020 be amended to add a further section 3.04(c): "Or (c) The disposition is to the Kawartha Haliburton Housing Corporation for the purpose of providing affordable housing."; and

**That** By-law 2018-020 be amended to add a further section 10.03: "Exception: Section 10.01 does not apply to applications by the Kawartha Lakes Haliburton Housing Corporation, and the City will bear the cost of these transactions."

**Carried**

11.1.4 CS2018-011

**Release of Fenelon Falls Legacy C.H.E.S.T. Funds to Kawartha Works Community Co-Operative Inc.**

Lisa Peimann, Executive Assistant to the Director of Community Services

**CR2018-386**

**That** Report CS2018-011, **Release of Fenelon Falls Legacy C.H.E.S.T. Funds to Kawartha Works Community Co-operative Inc.**, be received; and

**That** the Kawartha Works Community Co-operative Inc. be approved for funding in the amount of \$5,000.00 with the allocation to come from the Fenelon Falls Legacy C.H.E.S.T. Reserve (3.24350).

**Carried**

11.1.5 CS2018-012

**Release of Powerlinks Funds to the Fenelon Theatre Restoration Committee (Maryboro Lodge)**

Lisa Peimann, Executive Assistant to the Director of Community Services

**CR2018-387**

**That** Report CS2018-012, **Release of Powerlinks Funds to the Fenelon Theatre Restoration Committee (Maryboro Lodge)**, be received; and

**That** the Fenelon Theatre Restoration Committee (Maryboro Lodge) be approved for funding in the amount of \$10,000.00 with the allocation to come from the Powerlinks Reserve (1.32065).

**Carried**

11.1.7 PUR2018-027

**Request for Quotation 2018-62 CQ Refurbishment of One Landfill Loader**

Marielle van Engelen, Buyer

Todd Bryant, Manager of Fleet and Transit Services

**CR2018-388**

**That** Report PUR2018-027, **Request for Quotation 2018-62-CQ Refurbishment of One Landfill Loader**, be received;

**THAT** Iron Equipment Ltd. of Pontypool, be selected for the award of Quotation 2018-62-CQ Refurbishment of One Landfill Loader for the total quoted price of \$177,500.00 not including HST; and

**THAT** Financial Services be authorized to issue a purchase order.

**Carried**

11.1.8 PUR2018-028

**PUR2018-028 RFT 2018-006-CT Rehabilitation of the Manvers and Fenelon Depot Sand Domes**

Marielle van Engelen, Buyer

Richard Monaghan, Senior Engineering Technician

**CR2018-389**

**That** Report PUR2018-028, **Additional Funding for Capital Projects Rehabilitation of the Manvers and Fenelon Depot Sand Domes**, be received;

**That** funds in the amount of \$18,433.00 be released from Capital Reserves and put into the budget for 991180101, Fenelon Falls Salt Dome, and

**That** funds in the amount of \$10,609.00 be released from Capital Reserves and put into the budget for 991170201, Manvers Salt Dome.

**Carried**

11.1.10 ED2018-007

**Ontario's Main Street Revitalization Initiative Funding Agreement**

Denise Williams, Acting Manager of Economic Development

**CR2018-390**

**That** Report ED2018-007, **Ontario's Main Street Revitalization Initiative Funding Agreement**, be received;

**That** staff be authorized to enter into the agreement in order to participate in Ontario's Main Streets Revitalization Initiative;

**That** the Mayor and Clerk be authorized to execute the Municipal Funding Agreement provided in Appendix A for the transfer of Main Streets Revitalization Initiatives funds in the amount of \$96,311.62 between the Association of Municipalities of Ontario (AMO) and the City of Kawartha Lakes; and

**THAT** the necessary by-law to authorize execution of the agreement be adopted by Council.

**Carried**

11.1.11 ED2018-009

**Amendments to Non-Compliant Heritage Designation By-Laws**

Debra Soule Economic Development Officer – Arts, Culture and Heritage

**CR2018-391**

**That** Report ED2018-009, **Amendments to Non-Compliant Heritage Designation By-Laws**, be received;

**That** staff be authorized to proceed with the process to repeal and replace the heritage designation by-laws that do not comply with the current requirements of the Ontario Heritage Act, according to Section 30 1(2) to (10) of the Act, and to prepare updated heritage by-laws; and

**That** the updated designating by-laws be presented to Council for its consideration after the notification process has been completed.

**Carried**

11.1.12 PLAN2018-047

**Telecommunication Facility Endorsement Application, Metrolinx**

Ian Walker, Planning Officer – Large Developments

**CR2018-392**

**That** Report PLAN2018-047, **Telecommunication Facility Application, Metrolinx – D44-17-001**, be received;

**That** the proposed 80.0 metre self-supporting telecommunication facility proposed by Metrolinx on behalf of the Ministry of Transportation of Ontario, to be sited on lands fronting at 3818 Boundary Road and as generally outlined in Appendices A to D to Report PLAN2018-047, be endorsed by Council, conditional upon the applicant entering into a telecommunication facility development agreement with the City;

**That** Industry Canada, the applicant, and all interested parties be advised of Council's decision; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the endorsement of this application.

**Carried**

11.1.13 PLAN2018-048

**Telecommunication Facility Endorsement Application, Shared Network Canada**

Ian Walker, Planning Officer – Large Developments

**CR2018-393**

**That** Report PLAN2018-048, **Telecommunication Facility Application, Shared Network Canada – D44-17-002**, be received;

**That** the proposed 65.0 metre self-supported telecommunication facility proposed by Shared Network Canada on behalf of 2324784 Ontario Limited, to be sited on lands fronting at 388 Angeline Street North and as generally outlined in Appendices A to D to Report PLAN2018-048, be endorsed by Council, conditional upon the applicant entering into a telecommunication facility development agreement with the City;

**That** Industry Canada, the applicant, and all interested parties be advised of Council's decision; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the endorsement of this application.

**Carried**

11.1.14 PLAN2018-049

**Telecommunication Facility Endorsement Application, SBA Canada, ULC**

Ian Walker, Planning Officer – Large Developments

**CR2018-394**

**That** Report PLAN2018-049, **Telecommunication Facility Application, SBA Canada, ULC – D44-2018-001**, be received;

**That** the proposed 75.0 metre guyed wire telecommunication facility proposed by The Biglieri Group Ltd. on behalf of SBA Canada, ULC, to be sited on lands fronting at 2876 CKL Road 121 and as generally outlined in Appendices A to D to Report PLAN2018-049, be endorsed by Council, conditional upon the applicant entering into a telecommunication facility development agreement with the City;

**That** Industry Canada, the applicant, and all interested parties be advised of Council's decision; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the endorsement of this application.

**Carried**

11.1.18 HH2018-005

**2017 Annual Housing and Homelessness Plan (HHP) Report**

Hope Lee, Administrator/Manager of Housing

**CR2018-395**

**That** Report HH2018-005, **2017 Annual Housing and Homelessness Plan (HHP) Report**, be received for information purposes.

**Carried**

11.3 Items Extracted from Consent

11.1.2 RS2018-018

**Surplus Declaration and Proposed Sale of City-Owned Property – Portion of Shaft Park, Lindsay**

Robyn Carlson, City Solicitor and Acting Manager of Realty Services

**CR2018-396**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor James

**That** Report RS2018-018, **Surplus Declaration and Proposed Sale of City-Owned Property – Portion of Shaft Park, Lindsay**, be received.

**Carried**

**CR2018-397**

**Moved By** Councillor James

**Seconded By** Councillor Dunn

**That** the matter of the Surplus Declaration and Proposed Sale of City-Owned Property – Portion of Shaft Park, Lindsay, be referred back to staff to report to Council on other options for land in the City with potential for the development of affordable housing.

**Carried**

11.1.3 RS2018-019

**Proposed Lease Agreement between the City of Kawartha Lakes and Kawartha Lakes Haliburton Housing Corporation**

Robyn Carlson, City Solicitor and Acting Manager of Realty Services

**CR2018-398**

**Moved By** Councillor Stauble

**Seconded By** Councillor Strangway

**That** Report RS2018-019, **Proposed Lease Agreement between the City of Kawartha Lakes and Kawartha Lakes Haliburton Housing Corporation**, be received;

**That** the southern portion of 68 Lindsay Street North, legally described as LT 4 E LINDSAY ST NO RIVER, 5 E LINDSAY ST N RIVER, 6 E LINDSAY ST N RIVER, 7 E LINDSAY ST N RIVER, 8 E LINDSAY ST N RIVER, 9 E LINDSAY ST N RIVER, 10 E LINDSAY ST N RIVER, 11 E LINDSAY ST N RIVER, 12 E LINDSAY ST N RIVER, 13 E LINDSAY ST N RIVER, 14 E LINDSAY ST N RIVER PL 12P; PT LT 15 E LINDSAY ST N RIVER, 16 E LINDSAY ST N RIVER, 17 EAST LINDSAY ST N RIVER PL 12P; PT LT 1 N/S QUEEN ST, 2 N/S QUEEN ST, 3 N/S QUEEN ST, 4 N/S QUEEN ST PL 15P; PT LT 4 W/S CAROLINE ST, 5 W/S CAROLINE ST, 6 W/S CAROLINE ST, 7 W/S CAROLINE ST, 8 W/S CAROLINE ST, 9 W/S CAROLINE ST, 10 W/S CAROLINE ST, 11 W/S CAROLINE ST, 12 W/S CAROLINE ST, 13 W/S CAROLINE ST, 14 W/S CAROLINE ST, 15 W/S CAROLINE ST, 16 W/S CAROLINE ST, 17 W/S CAROLINE ST, 18 W/S CAROLINE ST PL 12P PT 4, 5 57R5191 & PT 6 57R8136, in the Geographic Town of Lindsay, City of Kawartha Lakes, being property proposed to be occupied by an affordable housing development and

more particularly illustrated in Appendix A be declared surplus to municipal needs and disposed of by long term lease to the Kawartha Lakes Haliburton Housing Corporation; and

**That** the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix B on behalf of the City of Kawartha Lakes, being a Lease Agreement with Kawartha Lakes Haliburton Housing Corporation for the purpose of leasing affordable housing space within City property located at 68 Lindsay Street North, Lindsay.

**Carried**

11.1.6 PUR2018-026

**Request for Quotation 2018-50-OQ Supply and Operation of Plow Trucks for Winter Maintenance for Arterial Roads**

Marielle van Engelen, Buyer

Oliver Vigelius, Manager Lindsay Maintenance Area and Capital Projects

**Moved By** Councillor Junkin

**Seconded By** Councillor Breadner

**That** Report PUR2018-026, **Request for Quotation 2018-50-OQ Supply and Operation of Plow Trucks for Winter Maintenance of Arterial Roads**, be received; and

**That** the Request for Quotation 2018-50-OQ Supply and Operation of Plow Trucks for Winter Maintenance of Arterial Roads be collapsed and a new Request for Quotation be released with changes in the specifications to make the process more competitive.

**Motion Failed**

**CR2018-399**

**Moved By** Councillor Pollard

**Seconded By** Councillor Strangway

**That** Report PUR2018-026, **Request for Quotation 2018-50-OQ Supply and Operation of Plow Trucks for Winter Maintenance of Arterial Roads**, be received;

**That** Todd Brothers Contracting Limited of Stouffville, be selected for award of Request for Quotation 2018-50-OQ Supply and Operation of Plow Trucks for



Winter Maintenance of Arterial Roads for the quoted estimated winter roads maintenance season cost of \$1,376,415.00 plus HST;

**That** the initial term of the contract, for all depot locations except Lindsay be for ten (10) winter road maintenance seasons (November 1, 2018 to April 15, 2028), and Lindsay Depot be for one (1) winter road maintenance season (November 1, 2018 to April 15, 2019);

**That** Council approve the two (2) - one (1) year winter road maintenance season renewals for all areas included in the quotation, pending budget approval and successful vendor performance review;

**That** subject to receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreement to award Request for Quotation 2018-50-OT Supply and Operation of Plow Trucks for Winter Maintenance for Arterial Roads; and

**That** the Financial Services Division be authorized to issue a purchase order(s) as required.

**Carried**

#### 11.1.9 ED2018-003

##### **Public Art Policy**

Debra Soule Economic Development Officer – Arts, Culture and Heritage

##### **CR2018-400**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Strangway

**That** Report ED2018-003, **Public Art Policy**, be received;

**That** the policy entitled Public Art Policy appended to Report ED2018-003 be adopted, numbered and inserted into the Corporate Policy and Procedures Manual; and

**That** any unspent funds in the Public Art area be transferred annually to the City's Contingency Reserve for future use in the Public Art initiative. (1.3209); and

**That** \$12,500.00 be allocated annually to the Arts, Culture and Heritage budget, of which \$10,000.00 would be directed to public art purchases and \$2,500.00 towards possible maintenance or installation costs.

**Carried**

Council recessed at 3:29 p.m. and reconvened at 3:39 p.m.

11.1.15 EA2018-014

**Implications of Lowering the Traffic Volume Threshold for the Paving of Gravel Roads**

Adam Found, Manager of Corporate Assets

**CR2018-401**

**Moved By** Councillor Strangway

**Seconded By** Councillor Elmslie

**That** Report EA2018-014, **Implications of Lowering the Traffic Volume Threshold for the Paving of Gravel Roads**, be received.

**Carried**

**CR2018-402**

**Moved By** Councillor Strangway

**Seconded By** Councillor James

**That** Report EA2018-014, **Implications of Lowering the Traffic Volume Threshold for the Paving of Gravel Roads**, be referred back to staff to the 2019 budget for consideration and staff be directed to develop the criteria for hard surfacing roads on a go forward basis and to include future possible funding options.

**Carried**

11.1.16 ENG2018-007

**LAS Proposal, LED Streetlight Replacement Program (Lindsay)**

Mike Farquhar, Supervisor, Technical Services

**CR2018-403**

**Moved By** Councillor Stauble

**Seconded By** Councillor Martin

**That** Report ENG2018-007, **LAS Proposal, LED Streetlight Replacement Program (Lindsay)**, be received;

**That** staff be directed to enter into a contract with LAS and Realterm Energy to implement a staged LED streetlight replacement program in Lindsay in the amount of \$335,394.00 with options for the 2<sup>nd</sup> and 3<sup>rd</sup> phases of the project;

**That** the Mayor and Clerk be authorized to sign the agreement; and

**That** staff be directed to report to Council on a long term proposal for implementation of LED Streetlights city wide.

**Carried**

11.1.17 HH2018-004

**KLH Housing Corporation: New Communities through Leveraging Older Homes – Part 3**

Hope Lee, Administrator/Manager of Housing

**CR2018-404**

**Moved By** Councillor Stauble

**Seconded By** Councillor Martin

**That** Report HH2018-004, **KLH Housing Corporation: New Communities through Leveraging Older Homes – Part 3**, be received;

**That** subject to the necessary by-laws and agreements being forwarded to Council for approval, and the successful completion of such planning and development processes as the City may require, the proposed “New Communities through Leveraging Older Homes – Part 3” provided as Attachment A to Report HH2018-004 be approved, including the following project characteristics:

Phase 2 – Lindsay Street North, Lindsay

1. approval for the sale of sixteen (16) single and semi-detached KLH Housing Corporation units transferred by the Province to KLH in 2001, specific properties as identified in Attachment A, and their replacement with sixteen (16) newly constructed housing unit to be rented as Rent Geared to Income (RGI) units through a rent supplement agreement between the City and KLH;
2. approval for the completion of financing for cash flow and borrowing facilities in the City’s own name, with the City then lending the funds to KLH;
3. approval to provide the land through a 40 year lease between the City and KLH;
4. approval that any and all fees, charges, levies or securities imposed or controlled by the City be provided to KLH as municipal incentives as identified

in Attachment A of Report HH2018-004 to support the development of the sixteen (16) reconstructed and the eight (8) additional units that will be created; and

**That** the CAO be authorized to approve any of the required municipal incentives needed to implement the projects outlined in Attachment A of Report HH2018-004.

**Carried**

## 11.2 Correspondence

### 11.2.1 CC2018-14.11.2.1

#### **Request for Noise By-law Exemption**

Joshua Fawcett, Vertical Horizons Aggregates

#### **CR2018-405**

**Moved By** Councillor Stauble

**Seconded By** Councillor Pollard

**That** the June 11, 2018 correspondence from Joshua Fawcett of Vertical Horizons Aggregates regarding **Request for Noise By-law Exemption**, be received.

**Carried**

Councillor Stauble requested a recorded vote.

#### **CR2018-406**

**Moved By** Councillor Junkin

**Seconded By** Councillor Veale

**That** the exemption from the City's Noise By-law 2005-025, as amended, for the loading and transportation of material only to a Department of Highways project in Manchester, Ontario, during the hours of 7:00 p.m. to 7:00 a.m. Monday to Friday, from June 19, 2018 to December 31, 2018, be approved.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Councillor Breadner	X		

Councillor Dunn	X		
Councillor Elmslie	X		
Councillor James	X		
Councillor Jilesen	X		
Councillor Junkin	X		
Councillor Macklem	X		
Councillor Martin	X		
Councillor Miller	X		
Councillor O'Reilly	X		
Councillor Pollard		X	
Councillor Seymour-Fagan	X		
Councillor Stauble		X	
Councillor Strangway	X		
Councillor Veale	X		
Councillor Yeo	X		
<b>Results</b>	<b>15</b>	<b>2</b>	<b>0</b>
			<b>Carried</b>

## 12. Committee of the Whole and Planning Committee Minutes

### 12.1 CC2018-14.12.1

#### **Planning Advisory Committee Meeting Minutes of June 6, 2018**

##### **CR2018-407**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor O'Reilly

**That** the Minutes of the June 6, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted.

**Carried**

**13. Petitions**

**14. Other or New Business**

**15. By-Laws**

Item 15.1.9 was extracted by Councillor Seymour-Fagan.

The mover requested the consent of Council to read the by-laws by number only.

**CR2018-408**

**Moved By** Councillor Jilesen

**Seconded By** Councillor Elmslie

**That** the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.14 be read a first, second and third time, passed, numbered, signed and the corporate seal attached, save and except Item 15.1.9.

**Carried**

**15.1 By-Laws by Consent**

**15.1.1 By-law 2018-097**

**A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes (D. Camplin)**

**15.1.2 By-law 2018-098**

**A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes (D. Camplin)**

**15.1.3 By-law 2018-099**

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (J. LaPointe)**

**15.1.4 By-law 2018-100**

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (D. Lavallee)**

**15.1.5 By-law 2018-101**

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (J. McIntyre)**

**15.1.6 By-law 2018-102**

**A By-Law to Stop Up and Close Part of the Original Shore Road Allowance Lying in Front of Lot 23, Concession 3 Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10672, and to Authorize the Sale of the Land to the Abutting Owners**

15.1.7 By-law 2018-103

**A By-law to Amend By-Law 2018-020, A By-Law to Regulate the Disposition of Municipal Real Property in and for the Corporation of the City of Kawartha Lakes**

15.1.8 By-law 2018-104

**A By-law to Authorize the Execution of an Agreement between The Association of Municipalities of Ontario (AMO) and The Corporation of the City of Kawartha Lakes for Funding Under the Main Street Revitalization Initiative**

15.1.10 By-law 2018-105

**A By-Law to Amend the Town Of Lindsay Official Plan To Re-Designate Land within the City of Kawartha Lakes (21 Victoria Avenue North – Carter)**

15.1.11 By-law 2018-106

**A By-Law to Amend the Town of Lindsay Zoning By-Law No. 2000-75 To Rezone Land within the City of Kawartha Lakes (21 Victoria Avenue North – Carter)**

15.1.12 By-law 2018-107

**A By-Law to Amend the Town of Lindsay Official Plan to Re-designate Land within the City of Kawartha Lakes (Vacant Land on Angeline Street North – CIC Developments Inc.)**

15.1.13 By-law 2018-108

**A By-Law to Amend the Town of Lindsay Zoning By-Law No. 2000-75 to Rezone Land within the City of Kawartha Lakes (Vacant Land on Angeline Street North – CIC Developments Inc.)**

15.1.14 By-law 2018-109

**A By-law to Amend By-law 2005-328 being A By-law to Establish Speed Limits (Pigeon Lake Road)**

15.2 By-Laws Extracted from Consent

15.1.9 By-law 2018-110

**A By-Law to Amend the Township of Verulam Zoning By-Law No. 6-87 To Rezone Land within the City of Kawartha Lakes (2017 CKL Road 36)**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Yeo

**That** a by-law to Amend the Township of Verulam Zoning By-Law No. 6-87 To Rezone Land within the City of Kawartha Lakes (2017 CKL Road 36), be read a first and second time.

**Carried**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Yeo

**That** the by-law be amended by removing the following from Section 1.02:

“12.3.3.3 Notwithstanding the front yard depth and exterior side yard width requirements in Section 12.3.3.2, and the rear yard depth requirement in Section 12.2, the following requirements apply to the contractor’s yard use:

- |  |      |
|--|------|
| 1. Minimum Setback to Front Lot Line         | 75 m |
| 2. Minimum Setback to Exterior Side Lot Line | 75 m |
| 3. Minimum Setback to Rear Lot Line          | 75 m |

All other yard requirements of the C2 Zone shall continue to apply.”

**Carried**

**CR2018-409**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Yeo

**That** a by-law to Amend the Township of Verulam Zoning By-Law No. 6-87 To Rezone Land within the City of Kawartha Lakes (2017 CKL Road 36), as amended, be read a third time, passed, numbered, signed and the corporate seal attached.

**Carried**



- 16. **Notice of Motion**
- 17. **Closed Session (If Not Completed Prior to Open Session)**
- 18. **Matters from Closed Session**
- 19. **Confirming By-Law**
- 19.1 By-law 2018-111

**A By-law to Confirm the Proceedings of a Regular Meeting of Council,  
Tuesday, June 19, 2018**

**CR2018-410**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Strangway

**That** a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, June 19, 2018 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried**

**20. Adjournment**

**CR2018-411**

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** the Council Meeting adjourn at 4:14 p.m.

**Carried**

**Read and adopted this 17th day of July, 2018.**

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

**Council Meeting**  
**July 17th, 2018**  
**Milroy / Mellen Boathouse**

1. Thank you to Council and Mayor Andy Letham for your time. My name is Candice Milroy, I am a teacher for the TLDSB for the last 15 years. I recently won the Environmental Hero Award. This is my husband Daniel Mellen, he is a master carpenter and local business owner. My family has had property and made Fenelon Falls, more specifically Fells Bay on Cameron Lake home for over 75 years. We are here to **appeal the decision made by the Land Management Committee** which decided that our boathouse was in a state of disrepair as highlighted on page 1 and needs to be removed.
  
2. This letter states that the reason for the decision is the state of the boathouse. I am a master carpenter, I have provided a few pictures of some of the work that I have done. Since the boathouse came to be ours 1 year ago it has been our intention to renovate the structure. We have already had an **initial meeting with Paul Bowls the Building Inspector and discussed the boathouse renovation**. We have set aside a **budget of \$10, 000** to revitalize the boathouse. We were set to begin this renovation when we received the letter from the city.

3. A little bit of history is required to understand our little area of the City of Kawartha Lakes. On the **survey map provided from 1949 the boathouse in question is highlighted**. Our home on Walnut Street is over 100 years old. It used to be down at the lake, with the boathouse just in front of it. The owners decided to move the house up the hill but continued to use the boathouse. Over the years the boathouse has been owned and maintained between 3 families and most recently came to us. The last owners are elderly and it was under their ownership that the boathouse came into its current condition. They did not have the means to keep it in good repair. They loved seeing our family enjoying the lake and wanted us to have it knowing we would bring it back to its former state.

4. We are committed to maintaining the **current footprint** of the boathouse, to **re-build with locally sourced environmentally sound materials within a short time frame**. It is our hope that you can see that the argument for wanting it removed, being the state of disrepair will be rectified immediately. We are committed, responsible homeowners and are hoping to be able to continue to enjoy Cameron Lake as a family.

Thank you for your time,

Candice Milroy and Daniel Mellen



REALTY SERVICES  
Legal Services  
Box 9000, 12 Peel St., Lindsay, Ontario, K9V 5R8  
Phone: 705-324-9411 Ext. 2116 Fax: 705-324-2982  
Toll Free: 1-888-822-2225  
e-mail: coliver@kawarthalakes.ca

May 23, 2018

VIA MAIL

Daniel Mellen  
22 Walnut St.  
Fenelon Falls, On. K0M1N0

Dear Mr. Mellen:

Re: Realty Services Application – to enter into a License Agreement for an existing boathouse belonging to 22 Walnut St.

We confirm your application to enter into a license agreement for the current boathouse to remain within the unopened Walnut St. road allowance was reviewed by the Land Management Committee. Unfortunately, the Committee members could not honour your request, as they felt the structure was in a state of disrepair and is not in the best interest of the City of Kawartha Lakes to encourage boathouses to remain.

Please remove the current boathouse within 30 days of receiving this letter. If you fail to remove the structure, the City of Kawartha Lakes will make arrangements to have the structure removed at your expense.

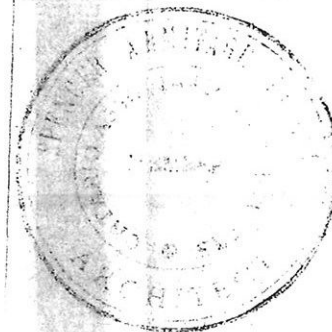
Should you not agree with this decision you are able to make a deputation directly to Council. Please note that deputations are scheduled through the Clerk's office and delegations are limited to a time period of not more than five (5) minutes inclusive of all speakers. The application form and additional information on this process can be found on the City of Kawartha Lakes website: <https://www.kawarthalakes.ca/en/municipal-services/speak-before-council.aspx>.

Yours truly,

The Corporation of the City of Kawartha Lakes

Christine Oliver  
Law Clerk – Realty Services  
CO

Please return to me  
Sid. Stanley



PLAN OF PART  
OF LOT 31, CONC. II,  
TOWNSHIP OF FENELON.  
VICTORIA COUNTY, ONTARIO  
Scale 100 ft = 1 inch.

LOT 31

James H. Fell.  
To  
Ross Oliver.

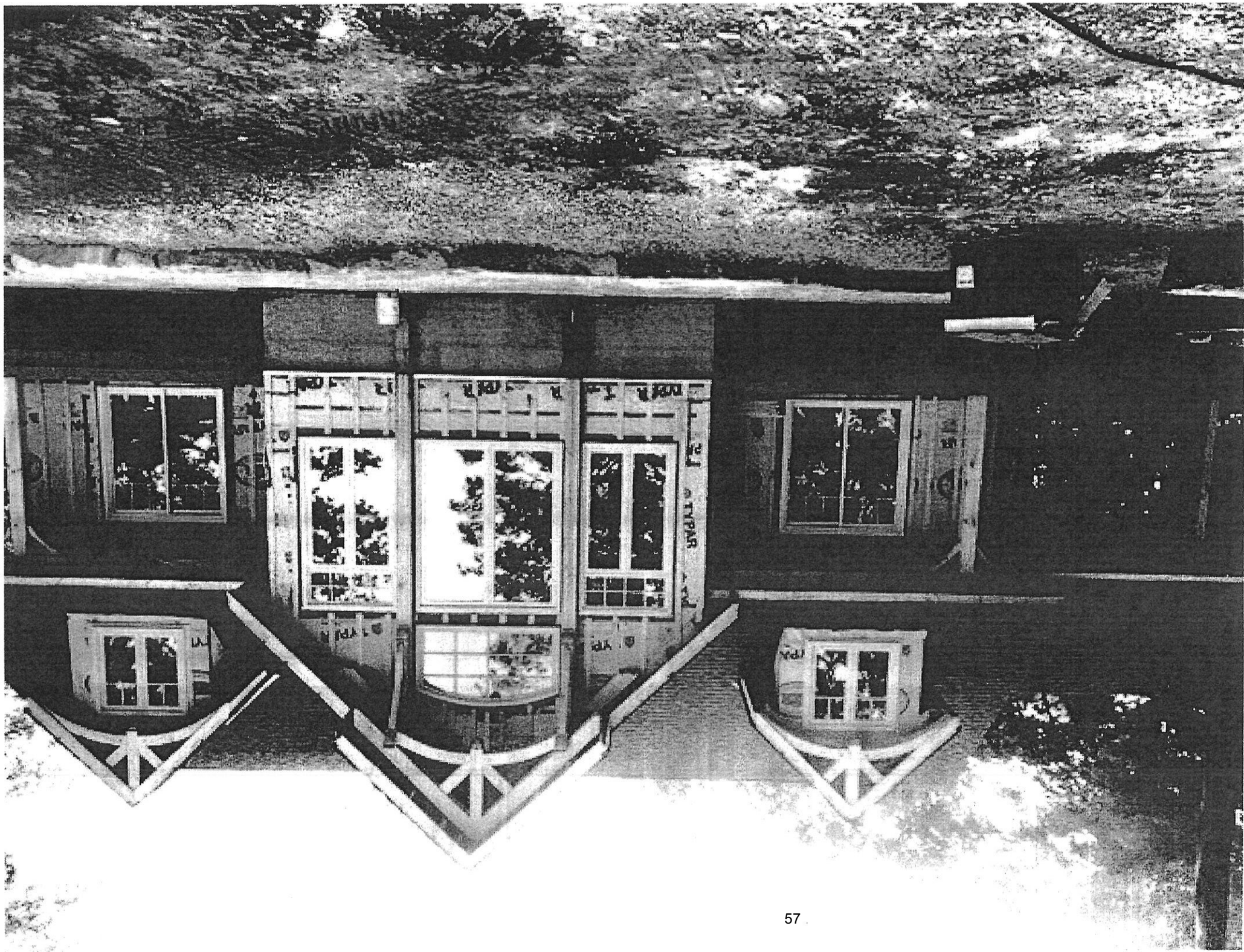
Lot 30

Henry Paulson.

Copied & Compared from Survey  
Made by Oliver Smith. O.L.S.  
Lindsay<sup>ss</sup> 13 July 1949. Added Lakefront  
dimensions. 21 Sept 1949.













Letter below was to Christine Oliver after receiving the initial letter from the City.

**From:** Candice Milroy [REDACTED]  
**Date:** June 5, 2018 at 7:56:41 PM EDT  
**To:** [REDACTED]  
**Subject:** boathouse - letter

Hi Christine, I am writing with regard to a letter we received today about a boathouse we own. I have some questions and some more information regarding it.

Most importantly, we have been saving up and are prepared to completely repair the existing boathouse. We were waiting to move forward. We have already met with the building inspector regarding the boathouse renovation.

Secondly, we bought this boathouse from the land owners adjacent to it. It once belonged with our current home. Our home is 100 years old and the boathouse in question was part of this estate. The owners moved the house up the road a ways. The boathouse has been passed between land owners in our little area for many years. Most recently it came to be ours.

Seeing as the reason stated in the letter for not honouring our request is the disrepair we feel that it should be reconsidered. My husband is a builder and we have the resources and expertise to put the boathouse to rights within the 30 days given.

Lastly, we have the blessing of the landowners on either side of the boathouse, they would love to see our young family enjoying the water and improving the general look of the area.

Please let me know what my next step is regarding this boathouse. It is very important to our family.

Thank you, Candice Milroy (recent recipient of the Environmental Hero Award in the City of Kawartha Lakes)

## Ann Rooth

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**From:** JK Dell [REDACTED]  
**Sent:** Monday, July 16, 2018 9:21 AM  
**To:** Agenda Items  
**Subject:** Deputation on Items 15.1.7 & 8 cc2018-15.15.1 & 8

Deputation: Agenda item Report Plan2018-036 & 057 804 Highway 7a

This is my detailed long version as five minutes is not adequate. I hope you are able to review it all.

I was able after making inquiries by email on Tuesday July 3<sup>rd</sup> to obtain the noise report by Valcoustics Canada prepared for Sutcliffe Holdings dated May 15th. I consulted a professional planner, Stephen Fahner of Northern Vision Planning. He was able to provide a preliminary opinion and would need more time to review all the documents and stated that he was interested in assisting me and suggested I also contact a Noise Consultant. He states that he found the "planning documents up for adoption were weak" and that the OPA and ZPA do not make reference to certain items such as "details on the uses of the property (in particular buildings for accommodation)" nor do they "implement noise attenuation recommendations by the acoustical engineer." He further states, "The city also does not seem to peer review reports that are outside their purview and expertise even though this is noted in their Official plan and Application Fees Bylaw." He further states that while he does not to date have a lot of experience with on-farm diversified uses, who does the PPS is from 2014, he does say I make "an excellent point that such a permanent event centre is not part of this." That is to say a diversified use. On his recommendation I consulted an Acoustical Engineer, Mr Coulter of J.E. Coulter Associated.

Mr Coulter did a preliminary review of the Valcoustics report and identified some areas of concern. The assumption of 81dBA on page six of the report was disturbing. He referred to the "cocktail effect". He also noted Scenario 3 had a north door open and all other doors and windows closed. In that regard I point out that the long axis of the building is more along a North-East to South-West direction as evidenced in the submitted aerial photo by Mr Bedford. It is difficult to determine which door is north and which is east. It is also highly unlikely that in the summer heat in a barn loft 210 people would consent to being confined without maximum ventilation. While I may not have been considered a "noise receptor" for this model I have in the past heard the noise, music and shouting, and my property is more to the south-east. I also find it difficult to grasp how measurements consisting of only 20 people talking in "raised voices for 30 minutes" from a crowd of up to 210 at an alcohol licenced event in the still night air is relevant to common sense. Also note the use of "Indoor sound reinforced music (DJ or live band)." This is why the study needs to be peer reviewed and he is willing and able to do so. He also comments on the use of "a sound level feedback system" to quantify the sound level during an event. These are widely available commercially, and many products can be configured to cut power to amplifiers if the target sound level is exceeded for a specific period." The difficulty here is that the electrical power is supplied by a portable generator which was not available at the time. The weakness in the application is that a sound limiter is required not a feedback system of unknown capability. What if the DJ uses his own equipment or a live band is employed obviously with their own instruments that may not be electronically amplified? Is bylaw going to monitor the device or attend on a Saturday night with a legally accepted device to confirm compliance? Mr Coulter suggests that an expert third party be used to check the elements of any control device not simply accept the operator's word. His company is familiar with this requirement. In that regard the Nestleton Inn application in Omemee, still before the OMB, has been held to a much higher standard related to sound control and mitigation. I'm not aware if that property is prime agricultural land or even in production at the time of the application.



A late staff memorandum has been issued. Concern raised at committee regarding the doors being closed prompted a request by the city to Valcoustics and a second study which I have not been forwarded has been conducted. The fact that this issue was not brought forward by staff in the beginning demonstrates Mr Fahner's statement that staff does not have the expertise required and that a peer review is required. I also find troubling the fact that city staff made the request and not the applicant.

Memorandum comment TEMPORARY USE ZONING BY-LAWS to permit On-Farm Diversified Uses

Staff quotes OMAFRA's Guidelines and declines to apply a Temporary Use By-Law. In my opinion should that route have been used the section on Temporal uses would have applied and the application would fail. Recognising this staff states "the development applications are seeking a variety of PERMANENT On-Farm Diversified Uses." Section 2.3.1 (2) PPS Criteria is referenced. This section deals with diversified uses and this is where staff comment regarding "(e.g. fairgrounds, parks and band shells)" can be also found.

What they fail to quote is the full content of the last paragraph after the topic The Municipal Act 2001 and permits to impose conditions on events.

Large-scale, repeated or permanent events are not on-farm diversified uses and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlement areas or rural lands. Guidelines on new venues in prime agricultural areas are provided in Section 3.2 Limited Non-Agricultural Uses.

And the PPS states under permitted uses:

*If an agriculture-related or on-farm diversified use is to be located in a prime agricultural area, a best practice is to place the use on lower-capability agricultural lands.* In addition, consideration should be given to directing agriculture-related and on-farm diversified uses to settlement areas (the focus of growth and development) or rural lands (where recreation, tourism and other economic opportunities are promoted).

On the request for ten (or any number) of cabins (no matter pioneer or not) a visit to a KOA Campgrounds would be informative. You are able to rent an un-serviced cabin as a standalone rental or as additional sleeping (accommodation) space when arriving with a recreational vehicle, motorhome, travel trailer, tent even. This application is too liberal to prevent this and to leave it to a later site plan or further development document is a serious mistake that may remove a need for council's approval. If not on this application then perhaps another.

In the reports Plan2018-036 and 057. Under OFFICIAL PLAN CONFORMITY it states: "For further clarity, the applicant is requesting a Special Policy Area be applied to permit a broad range of on-farm diversified uses and agri-tourism uses (including pioneer cabins), as defined in the Provincial Policy Statement 2014. Keep in mind this is for CLARITY and this is what is in the PPS:

**Special policy area:**

means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and site alteration, if a community has feasible opportunities for *development* outside the *flood plain*.

Given this definition this application must fail as it is a new and intensified development and even if the site alterations (90 and 35 car parking and other items) have been made they should not have been. Additionally

there are certainly other areas available in this city that is second only to Greater Sudbury in geographic size. I believe the applicant, perhaps through his holding company, owns other properties.

City Official Plan: Section 17.7 Special Policy Area 17.7.1 Where there is existing development within a flood plain, no further development shall be Permitted unless a detailed flood study satisfactory to the Conservation Authority or the Ministry of Natural Resources has been prepared showing the floodway and flood fringe and a Special Policy Area has been established. The Ministers of Municipal Affairs and Natural Resources are responsible for approving the Special Policy Area. If a Special Policy Area is approved, specific policies will be added to this Plan by amendment.

I'm not sure what if any of this has been followed.

City Policy in Official Plan Section 6.2 Objectives: Agriculture Item c) Prevent infiltration of conflicting uses that will restrict or hinder its expansion flexibility on the agricultural community. I suggest to you that should a farmer in the area begin to apply the use of chicken or pig manure a permanent banquet / wedding facility would be in conflict and the farmer, although perhaps within his rights, may find himself defending this new practice in court. Try Yelverton area for this experience. Where would the city liability lie having again approved a wedding venue?

Section 15 Prime Agricultural Designation: 15.2 Objectives: a) Protect prime agricultural lands from non-farm activities and ensure that non-farm agricultural uses and development is encouraged to locate within designated settlement areas.

If this application is allowed how many more non-farm agricultural uses and development from a not limited list will appear?

PPS definition of adverse effects:

Defined in the Environmental Protection Act, means one or more of: c) harm or material discomfort to any person and g) loss of enjoyment of normal use of property.

I can attest to the fact that living in proximity to a banquet / wedding / dinner venue operating from a barn has had both the above defined effects.

The EPA:

Note that NOISE is considered a CONTAMINANT:

**Prohibition, contamination generally**

**6 (1)** No person shall discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations. R.S.O. 1990, c. E.19, s. 6 (1).

**Prohibition, discharge of contaminant**

**14 (1)** Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect. 2005, c. 12, s. 1 (5).

**When Ministry to be notified, adverse effect**

**15 (1)** Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment shall forthwith notify the Ministry if the discharge is out of the normal course of events, the

discharge causes or is likely to cause an adverse effect and the person is not otherwise required to notify the Ministry under section 92. 2005, c. 12, s. 1 (6).

It is my hope that council will deny this application in full however failing that certain aspects are already allowed as noted in the document from Mr Bedford such as a home occupation a bed and breakfast and an as yet unregulated short term rental. I would expect that if not allowed currently farm based educational programs, workshops on farm operations, farm to table dinners and displays of farm equipment in a museum setting, gallery space would perhaps be suitable. Depending on the nature and time of day charitable fund raisers, corporate functions may also be suitable with a clearer definition of what each entails.

However dances and private parties (especially into the late evening, night and early morning) where music (band, DJ or recorded is a key element) are very suspect and likely to be a problem.

Most importantly weddings and wedding receptions and anything resembling a banquet hall should not be allowed nor should the PPS policy of allowing for ""accommodation for full-time farm labour when additional labour is required" in *prime agricultural areas*" be co-opted to allow cabins for rent to tourists nor a claim they are part of a B&B.

I was unable to attend the first planning committee meeting but I did submit comments. I did not receive notice of the second meeting until an email was sent late Thursday morning June 28<sup>th</sup> prior to the Canada Day long weekend. Like many other people that weekend is a 4 day event where we left to visit family. I did not get to review the email notice until Tuesday July 3<sup>rd</sup>. The deadline for the July 4<sup>th</sup> committee meeting was 12 pm of the 3<sup>rd</sup>. I began making inquiries, in particular into where the results of a sound study were that was to be completed as a result of submissions made at the previous committee meeting and was referred to in Mr Bedford's reply of May 11<sup>th</sup> to my concerns. Clearly I could not prepare to meet the noon deadline for the second meeting.

Thank you, John and Kathy Dell

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number RS2018-021**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 6

**Title:** Boathouse Encroachment – 22 Walnut St., Fenelon Falls

**Author and Title:** Christine Oliver, Law Clerk of Realty Services

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### **Recommendation:**

**That** Report RS2018-020, Boathouse Encroachment – 22 Walnut St., Fenelon Falls, be received.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The City passed the City Lands Encroachment By-law 2018-017 in February 2018. The City Lands Encroachment By-law provides that encroachments on City property are not permitted, unless authorized by the City pursuant to by-law, statute, regulation, policy, resolution of the City, or encroachment agreement.

The City Lands Encroachment By-law provides further that any person wishing to encroach on City lands must make an application to the Land Management Committee.

The Land Management Committee consists of the Director of Public Works, the City Solicitor, the Asset Manager, the Director of Engineering and Corporate Assets, the Director of Development Services and a Land Use Planner. All members are employed by the City. Unlike other Committees, the purpose of the Land Management Committee is not only to make recommendations to Council; in some cases, the purpose of this Committee is to make administrative decisions within Staff's delegated authority, set out in the City Lands Encroachment By-law and the Signing Authority By-law.

More specifically, the Land Management Committee makes recommendations to Council regarding land acquisition and land disposition, and with respect to longer term leases and licenses having a higher annual associated revenue or expense. The Land Management Committee also is used as a venue for Staff to process shorter term leases and licenses that have a lower annual associated revenue or expense, for which Staff have delegated authority.

Pursuant to section 5.05 of the Signing Authority By-law 2016-009, License Agreements with associated revenue of \$10,000.00 or less per year are signed by the City Solicitor or the Director of Corporate Services. A Council by-law is not required.

With respect to License Agreements for encroachments, the criteria upon which the Land Management Committee makes its decisions is set out at section 4.01 of the City Lands Encroachment By-law. Some examples of when an application will be denied include: the encroachment creates an unsafe condition; the encroachment creates liabilities for which the City cannot assign full responsibility to the owner of said encroachment; etc.

Section 4.04 of the City Lands Encroachment By-law provides that an applicant will be advised of the Committee's decision and has the opportunity to bring a deputation to a Special Meeting of Council. At that Special Meeting, Council may refer the matter back to Staff for a Report, which will allow Council to consider the matter and make a final decision on it.

## Rationale:

The Applicant, being the homeowner at 22 Walnut St., Fenelon Falls, applied to the Land Management Committee to allow an existing boathouse (photographs and aerial showing property lines at Appendices A and B) to remain in its current location being the unopened road allowance of Walnut St., which is leading to water. The entire boathouse encroaches into the City's road allowance (shown on the draft plan of survey at Appendix C).

In the application, the Applicant noted that they are prepared to repair the boathouse and have met with the building inspector.

The Committee denied the application on the grounds that the Committee had previously made a decision that, generally, private structures on road allowances leading to water will not be permitted by the Committee. In this way, the Committee treats road allowances leading to water quite differently from shoreline road allowances. The reason for this differential treatment is because, in the case of a shoreline road allowance, continued use of the shoreline tends to promote the public use of the City property. In the case of road allowances leading to water, on the other hand, providing exclusive access decreases the ability for the general public to use the area. The reason for this is because, in the case of road allowances leading to water, only a 66 foot width must service an entire area. Where we may allow one person to exclusively use most of the cleared portion of the road allowance leading to water, we tend to deny the use of this water access to many more persons who may use the area to swim, launch their boats, etc.

This is in alignment with Council Resolution CR2001-1025, that unopened road allowances leading to water shall be retained by the municipality. Exceptions may be considered where alternate access to water in the immediate vicinity can be provided.

This is further in alignment with Council Direction to Staff in 2010, wherein Council expressly envisioned an Encroachment Policy that enabled property owners immediately adjacent to a travelled shoreline road allowance to have continued access to the water opposite their property. Specifically, Council passed Council Resolution CR2010-1206:

***Moved by Councillor Luff, seconded by Councillor Strangway,***  
***RESOLVED THAT*** Report LMC2010-048, *"Unauthorized Dock Placement on Municipally Owned Land within the City of Kawartha Lakes"*, be received; and ***THAT*** staff be directed to develop an Encroachment Policy for docks on municipal property based upon the following principles:

1. THAT such a policy be structured to deal with matters on the basis only where access to waterfront is being adversely affected;
2. THAT such a policy be structured to protect the general public's interest in access to the waterfront;



3. THAT such a policy be structured to ensure the municipality's rights as landowner, along with protecting the municipality from liability;
4. THAT such a policy contemplate a license, permit or encroachment agreement process for those residents wishing to ensure longer term use of municipal property and where previously referenced principles are not impacted; and

**THAT** staff be directed to bring forward a report to Council in 2011 with a DRAFT policy as outlined above.

Subsequent to this direction, Council passed the Encroachment By-law 2018-017, which section 4.01(i) states that the Committee may object to encroachments on the basis that the encroachment interferes with the public use of the space. Such is the case here. This same philosophy is carried into the Dock Encroachments Policy CP2018-001, which further requires Staff to consider the potential for overcrowding of the waterfront. Again: Such is the case here.

22 Walnut is a back lot. City Staff understands that the boathouse may have historically been in the ownership of a person owning a property other than 22 Walnut. Accordingly, to allow one back lot owner to exclusively use a road allowance leading to water and thus prohibit others from likewise using the road allowance is not what was envisioned by Council, nor what was approved by Council in adopting its Encroachment and Docking policies.

The second reason for this decision is the fact that this boathouse is in disrepair. Council has passed a Docking Policy – expressly allowing docks to encroach on City property – with respect to the Encroachment By-law, but has not yet considered Boathouse encroachments. The Committee previously passed a decision of general application concerning boathouses: in each of the instances boathouse is in substantial or structural disrepair such that substantial costs would be required to bring it into repair, such that a building permit would be required for its rehabilitation, or such that it creates an unsafe condition, the boathouse should be removed. This would result in its removal at the most convenient time for the boathouse owner.

The reason for this decision is the fact that boathouses constitute a larger impediment to general public access, and a larger visual impairment. They also have the potential for bigger risks to the City: Specifically, gas stored in boathouses present additional risk of discharge of contaminants into the environment. Further, roofed structures such as boathouses or covered boat slips carry additional personal injury risk associated with collapse.

Realty Services envisions formalizing a set of boathouse policies in a Council Policy or Management Directive in 2019.

## **Other Alternatives Considered:**

The City could choose to enter into a License Agreement with the Applicant to allow the boathouse to remain in its current location. This would be achieved by adding a second statement to the recommendation, in passing the Council Resolution: “That Staff be directed to enter into a License Agreement with the owner of 22 Walnut St., Fenelon Falls, to allow the boathouse at the northwest corner of unopened road allowance of Walnut St. to remain in its current location.” This would be to the detriment of the other back lot owners in the area, it would not align with existing Council resolution and policy that provides guidance in this instance, and thus is not recommended.

## **Financial/Operation Impacts:**

None, if the encroachment is not permitted.

If the encroachment is permitted, then the License Agreement will be structured in a way so that the City will be insured and indemnified for any government order or third party claim (such as an environmental spill from contents stored in the boathouse, or personal injury) resulting from the encroachment.

## **Relationship of Recommendation to the 2016-2019 Strategic Plan:**

This Report does not specifically align with any of the goals in the Council Adopted Strategic Plan. This Report is in alignment with the strategic enabler of “efficient infrastructure and asset management”.

## **Consultations:**

Land Management Committee

## **Appendixes:**

Appendix A – Photograph of Current Structure



Appendix A-Photo.pdf

Appendix B – Aerial Photograph



Appendix B-  
Aerial.pdf

Appendix C – Draft Plan of Survey



Appendix C- Plan.pdf

**Department Head E-Mail: [rcarlson@kawarthalakes.ca](mailto:rcarlson@kawarthalakes.ca)**

**Department Head: Robyn Carlson**

**Department File: L17-18-RS033**









**Legend**

- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities
- ☐ Property ROLL#

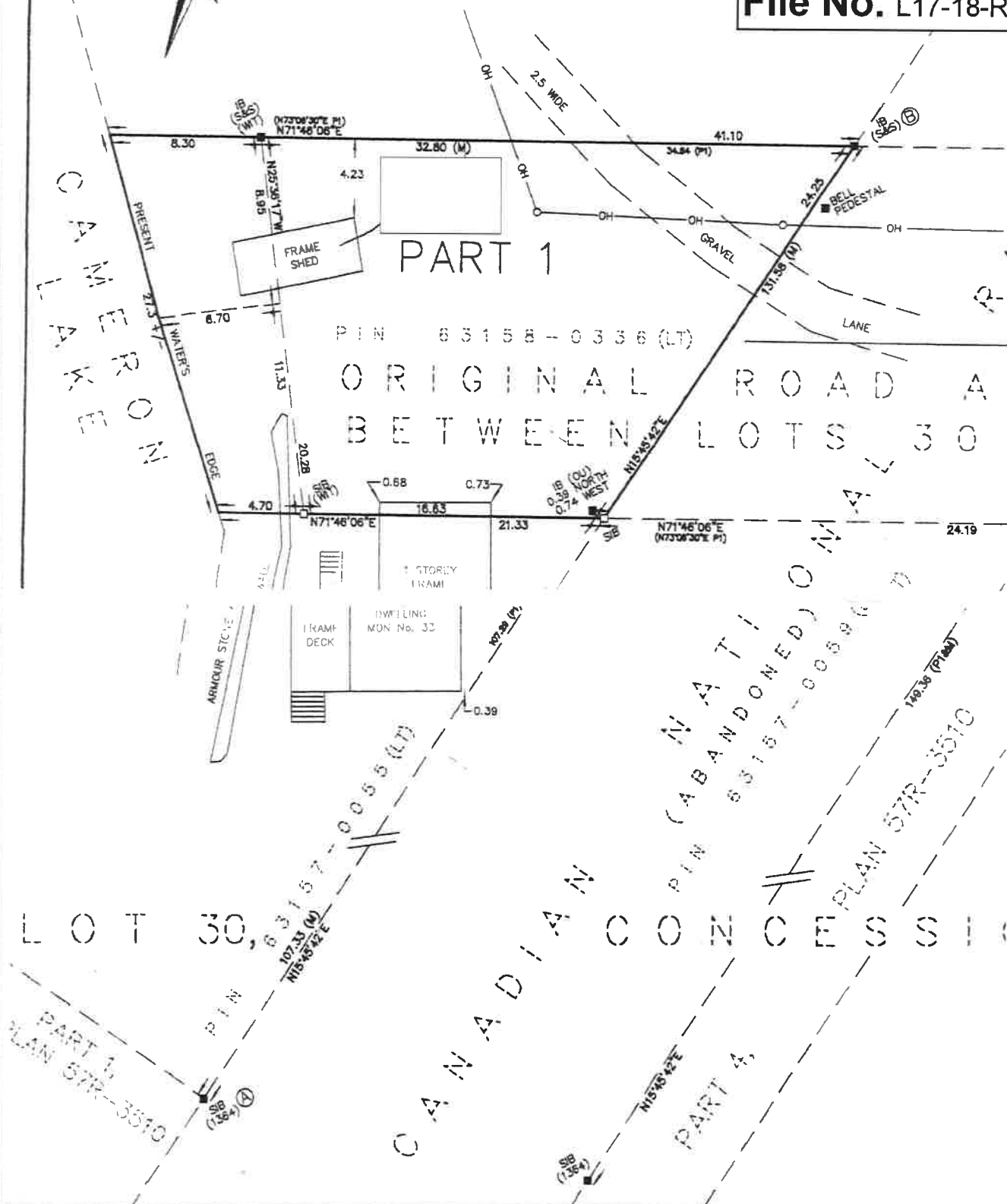
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# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number RS2018-022**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 13

**Title:** Boathouse Encroachment – 781 Kenstone Beach Rd.,  
Bobcaygeon

**Author and Title:** Christine Oliver, Law Clerk of Realty Services

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### **Recommendation:**

**That** Report RS2018-022, Boathouse Encroachment – 781 Kenstone Beach Rd., Bobcaygeon, be received.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The City passed the City Lands Encroachment By-law 2018-017 in February 2018. The City Lands Encroachment By-law provides that encroachments on City property are not permitted, unless authorized by the City pursuant to by-law, statute, regulation, policy, resolution of the City, or encroachment agreement.

The City Lands Encroachment By-law provides further that any person wishing to encroach on City lands must make an application to the Land Management Committee.

The Land Management Committee consists of the Director of Public Works, the City Solicitor, the Asset Manager, the Director of Engineering and Corporate Assets, the Director of Development Services and a Land Use Planner. All members are employed by the City. Unlike other Committees, the purpose of the Land Management Committee is not only to make recommendations to Council; in some cases, the purpose of this Committee is to make administrative decisions within Staff's delegated authority, set out in the City Lands Encroachment By-law and the Signing Authority By-law.

More specifically, the Land Management Committee makes recommendations to Council regarding land acquisition and land disposition, and with respect to longer term leases and licenses having a higher annual associated revenue or expense. The Land Management Committee also is used as a venue for Staff to process shorter term leases and licenses that have a lower annual associated revenue or expense, for which Staff have delegated authority.

Pursuant to section 5.05 of the Signing Authority By-law 2016-009, License Agreements with associated revenue of \$10,000.00 or less per year are signed by the City Solicitor or the Director of Corporate Services. A Council by-law is not required.

With respect to License Agreements for encroachments, the criteria upon which the Land Management Committee makes its decisions is set out at section 4.01 of the City Lands Encroachment By-law. Some examples of when an application will be denied include: the encroachment creates an unsafe condition; the encroachment creates liabilities for which the City cannot assign full responsibility to the owner of said encroachment; etc.

Section 4.04 of the City Lands Encroachment By-law provides that an applicant will be advised of the Committee's decision and has the opportunity to bring a deputation to a Special Meeting of Council. At that Special Meeting, Council may refer the matter back to Staff for a Report, which will allow Council to consider the matter and make a final decision on it.



## **Rationale:**

The Applicant, being the homeowner at 781 Kenstone Beach Rd., Bobcaygeon, applied to the Land Management Committee to allow an existing boathouse (photographs and aerial showing property lines at Appendices A and B) to remain in its current location being along the travelled road allowance for Kawartha Lakes Road 24. The entire boathouse encroaches into the City's road allowance (shown on the draft plan of survey at Appendix C).

In the application, the Applicant noted that they are prepared to repair the boathouse.

The Land Management Committee denied the application on the grounds that the boathouse is in disrepair and should be removed. The associated dock was permitted to remain.

Council has passed a Dock Encroachments Policy CP2018-001 – expressly allowing docks to encroach on City property – with respect to the Encroachment By-law, but has not yet considered Boathouse encroachments. Realty Services envisions formalizing a set of boathouse policies in a Council Policy or Management Directive in 2019. The Committee previously made a decision of general application concerning boathouses: in each of the instances that a boathouse is in substantial or structural disrepair such that substantial costs would be required to bring it into repair, such that a building permit would be required for its rehabilitation, or such that it creates an unsafe condition, the boathouse should be removed. This would result in its removal at the most convenient time for the boathouse owner.

The reason for this decision is the fact that boathouses constitute a larger impediment to general public access, and a larger visual impairment, than do docks. They also have the potential for bigger risks to the City: Specifically, gas stored in boathouses present additional risk of discharge of contaminants into the environment. Further, roofed structures such as boathouses or covered boat slips carry additional personal injury risk associated with collapse. Accordingly, it was the opinion of the Committee that these structures will ideally be located on private property.

## **Other Alternatives Considered:**

The City could choose to enter into a License Agreement with the Applicant to allow the boathouse to remain in its current location. This would be achieved by adding a second statement to the recommendation, in passing the Council Resolution: "That Staff be directed to enter into a License Agreement with the owner of 781 Kenstone Beach Rd., Bobcaygeon, to allow the boathouse at the

north side of the travelled road allowance for Kawartha Lakes Road 24 to remain in its current location.”

### **Financial/Operation Impacts:**

None, if the encroachment is not permitted.

If the encroachment is permitted, then the License Agreement will be structured in a way so that the City will be insured and indemnified for any government order or third party claim (such as an environmental spill from contents stored in the boathouse, or personal injury) resulting from the encroachment.

### **Relationship of Recommendation to the 2016-2019 Strategic Plan:**

This Report does not specifically align with any of the goals in the Council Adopted Strategic Plan. This Report is in alignment with the strategic enabler of “efficient infrastructure and asset management”.

### **Consultations:**

Land Management Committee

### **Appendixes:**

#### Appendix A – Photograph of Current Structure



Appendix A-  
Photo.pdf

#### Appendix B – Aerial Photograph



Appendix B-  
Aerial.pdf

#### Appendix C – Draft Plan of Survey



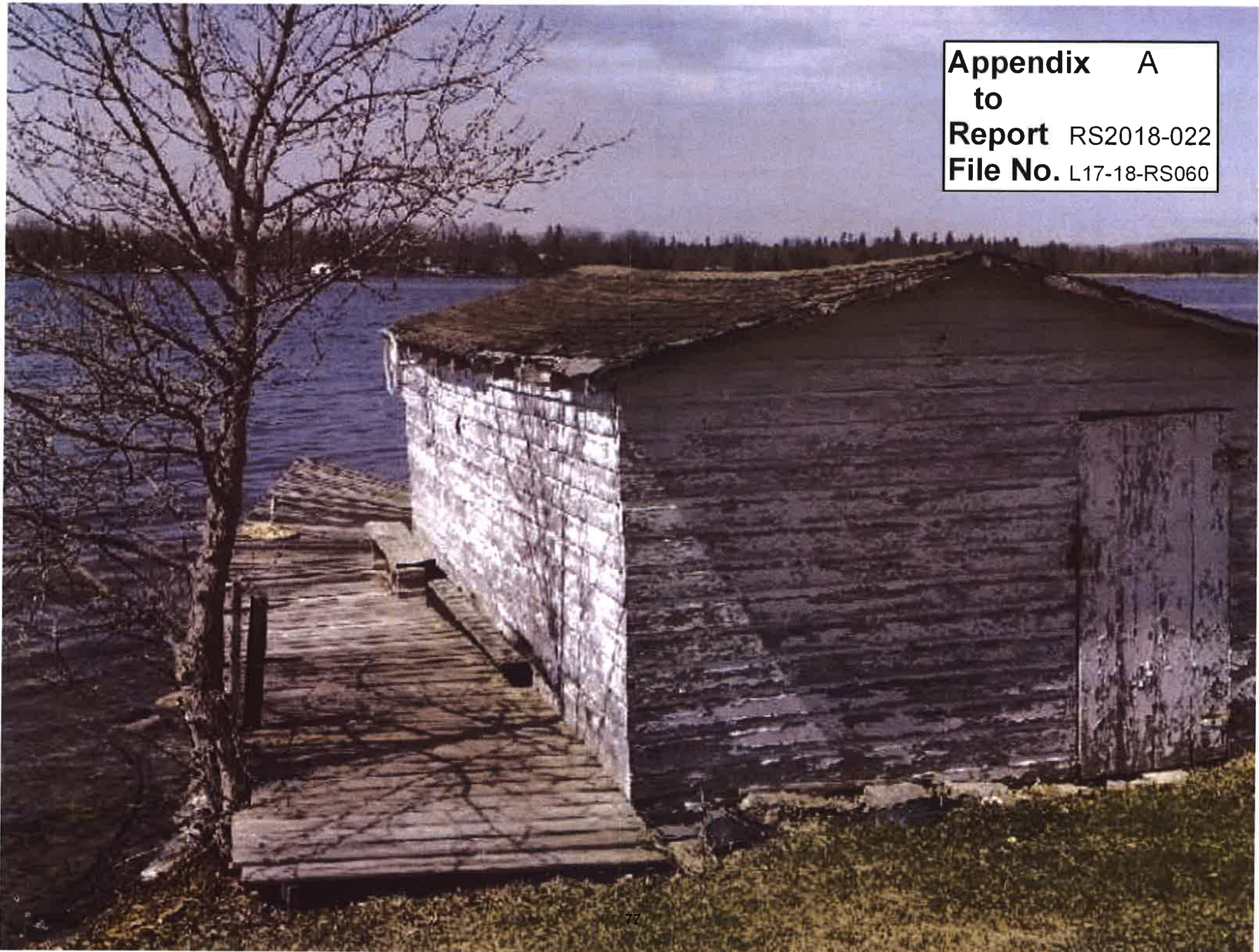
Appendix C-Plan.pdf

**Department Head E-Mail: [rcarlson@kawarthalakes.ca](mailto:rcarlson@kawarthalakes.ca)**

**Department Head: Robyn Carlson**

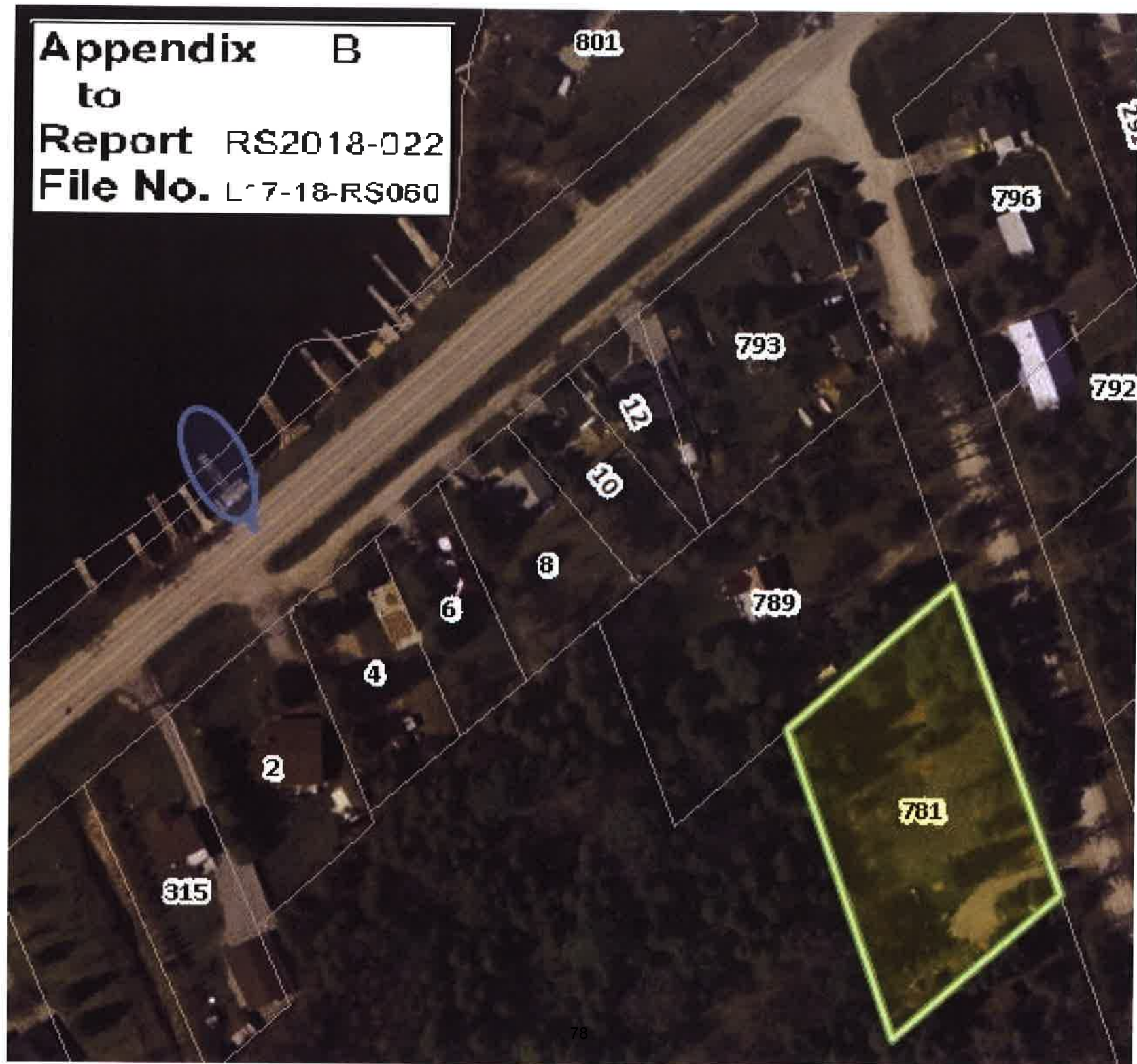
**Department File: L17-18-RS060**

**Appendix A**  
**to**  
**Report RS2018-022**  
**File No. L17-18-RS060**





**Appendix B**  
**to**  
**Report RS2018-022**  
**File No. L-7-18-RS060**





# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number RS2018-023**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier: All Wards**

**Title:** Land Management Committee Policy CP2018-007

**Description:** Information Report

**Author and Title:** Robyn Carlson, City Solicitor

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### **Recommendations:**

**That** Report RS2018-023, Land Management Committee Policy CP2018-007, be received.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the May 22, 2018 Regular Council Meeting, Council passed the following resolution:

**CR2018-342**

**Moved By** Councillor Strangway

**Seconded By** Councillor Yeo

**That** the Terms of Reference for the Land Management Committee be brought to Council for review by end of July 2018.

**Carried**

The purpose of this Report is to satisfy the request set out in that resolution.

## **Rationale:**

The Land Management Committee was created by the Property Disposition Task Force in 2001, with the approval by Council of the Land Management Policy number 032-CAO-005, now numbered as CP2018-007 (the "Policy").

The Policy defines the Land Management Committee as follows: "a staff committee chaired by the Realty Services Manager composed of representatives of each of the departments of Community Services, Public Works, Development Services, Engineering and Corporate Services, as appointed by the Director of each relevant department. Realty Services Law Clerk provides a recording secretary function, and minutes of decisions are recorded for every meeting. The Land Management Committee is the administrative and legal arm for the management of the real estate portfolio owned by the City."

The Policy was revised in February 13, 2018 to include the function of a Portfolio Management Team, defined as follows: "a staff committee co-chaired and project managed by Strategy Management Office (which also acts as recording secretary), co-chaired by Manager of Building and Property, and comprised of the Asset Manager and Realty Services Manager. The Portfolio Management Team is the asset management function for the real estate portfolio owned by the City."

The role, functions and activities of each of these staff teams is set out in the Policy.

Council has the sole authority to sell or acquire property.<sup>1</sup> In the case of a potential sale or acquisition of property, the function of the Land Management Committee is to provide a recommendation to Council with respect to a potential acquisition or disposition of land.

*Reasoning for the Committee being a Staff Committee – Delegation of Authority*

The City Solicitor has been delegated authority to sign lease agreements with revenue/ expense of up to \$10,000.00 per year and a term of up to 5 years, without the necessity of the matter proceeding to Council.<sup>2</sup> Similarly, the City Solicitor has been delegated authority to sign license agreements of up to \$10,000.00 per year without the necessity of the matter proceeding to Council.<sup>3</sup>

The Director of Engineering and Corporate Assets has been delegated authority to release easements in favour of the City registered on private land and to release subdivision agreements on private land, without obtaining instruction from Council.<sup>4</sup>

In each of these cases, where Council has delegated authority to Staff, the Land Management Committee is a convenient forum to vet matters before that delegated authority is exercised.

Using July, 2018 as an example, 8 of the 13 matters processed by the Land Management Committee were matters delegated to Staff.

*Reasoning for the Committee being a Staff Committee – Confidentiality*

Matters proceeding to Council for decision are required, subject to certain exemptions, to be public.<sup>5</sup> The potential acquisition or disposition of land can be presented to Council in a closed meeting.<sup>6</sup> Likewise, the potential lease or license of land can be presented to Council in a closed meeting.<sup>7</sup> The meetings of the Land Management Committee are not public meetings due to the fact that virtually every matter discussed would be subject to privilege should it proceed in a public forum. This allows Staff to freely discuss confidential matters – such as negotiation strategy – that would be otherwise have to go to a closed session if the matter was before Council or a Committee of Council.

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<sup>1</sup> See sections 5.01 and 5.02 of the Consolidated Signing By-law 2016-009, attached as Appendix B.

<sup>2</sup> Section 5.03 of Signing By-law 2016-009

<sup>3</sup> Section 5.05 of Signing By-law 2016-009

<sup>4</sup> See By-law 2016-059, attached as Appendix C.

<sup>5</sup> Section 239 of the Municipal Act, 2001

<sup>6</sup> Section 239(2)(c) of the Municipal Act, 2001

<sup>7</sup> Section 239(2)(k) of the Municipal Act, 2001



If the Land Management Committee was to become a public Committee of Council, the vast majority of items discussed by that Committee would be on the closed agenda. With 13 matters being decided by the Committee in the month of July, 2018, for example, the associated increased administration would slow down the process of matters through the Committee. The expeditious dealing of land matters has been a historical problem in the Realty Services Division (formerly the Land Management Division). Therefore, a change in structure from a staff team to a Committee of Council – with associated administrative inefficiencies – is not recommended.

*Reasoning for the Limited Involvement of Members of Council at the Committee*

The Code of Conduct and Ethics for Council members (approved by Council on November 22, 2016 as Council Policy number CP2016-017) under the heading “Relationships with Staff and Other Members of Council” states that members shall:

- Acknowledge that only Council as a whole shall direct staff members, through the CAO, to carry out specific tasks or functions.
- Refrain from using their position to improperly influence members of staff in their duties to gain an advantage for their Ward area.
- Be respectful that staff work for the City as a body corporate and are charged with providing advice that is objective and based upon their professional expertise, politically neutral and consider a corporate perspective, without undue influence from any individual member of Council

Active involvement of members of Council in the decision making function of the Committee, which both recommends the purchase or sale of land to Council via Staff Report and deals with matters for which Staff have delegated authority, thus engages Code of Conduct issues.

The Committee’s function cannot be likened to a Committee of Council, such as the Planning Advisory Committee, for example. In the PAC example, Planning Staff create a report after confidential circulation to internal departments and confidential staff discussions are had. That report recommends to PAC a certain course of action, and then the PAC makes a decision on the matter. In this scenario, the Committee functions similarly to Staff in creating the report. To have Council members assist in writing the Staff report to PAC would contravene the Code of Conduct.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

There are no recommendations set out in this Report. Accordingly, this section is not applicable.

## **Consultations:**

None.

## **Attachments:**

Appendix A – Land Management Committee Policy CP2018-007



CP2018-007 Land  
Management Policy.d

Appendix B – Consolidated Signing By-law 2016-009



2016-009  
Consolidated Provide

Appendix C – By-law 2016-059, a By-law to Release Certain Property Interests



2016-059 Delegate  
Release of Property I

**Department Head E-Mail:** [rcarlson@kawarthalakes.ca](mailto:rcarlson@kawarthalakes.ca)

**Department Head:** Robyn Carlson

Council Policy No.:	CP2018-007
Council Policy Name:	Land Management
Date Approved by Council:	July 9, 2001
Date revision approved by Council:	February 13, 2018
Related SOP, Management Directive, Council Policy, Forms	

## Policy Statement and Rationale:

The Corporation of The City of Kawartha Lakes requires policies and procedures for land management. This policy statement sets out the philosophy, principles and procedures for the management of the inventory of property owned, or to be acquired, by the Corporation.

Section 193 of the Municipal Act, 2001 S.O. 2001, c. M.25, governs municipalities' obligations with respect to the disposition of real property.

Section 207 of the Municipal Act, 2001 requires municipalities to adopt policies regarding the sale and other disposition of municipally owned land. To promote consistent, transparent and equitable processed in disposal in a manner consistent with the best interest of the City.

## Scope:

This policy covers all real property owned or to be acquired by The Corporation of the City of Kawartha Lakes.

## Policy:

Definitions:

"City" refers to The Corporation of the City of Kawartha Lakes.

"Committee" refers to the Council sitting in Committee of the Whole, unless the Council has authorized a special ad hoc committee to deal with the issue in question. In those circumstances, the ad hoc committee is intended.

"Council" means the elected council of the City.

"Director" means the Director of Economic Development of the City.

"Land Management Committee" means a staff committee chaired by the Realty Services Manager composed of representatives of each of the departments of



# Council Policy

Community Services, Public Works, Development Services, Engineering and Corporate Services, as appointed by the Director of each relevant department. Realty Services Law Clerk provides a recording secretary function, and minutes of decisions are recorded for every meeting. The Land Management Committee is the administrative and legal arm for the management of the real estate portfolio owned by the City.

“Portfolio Management Team” means a staff committee co-chaired and project managed by Strategy Management Office (which also acts as recording secretary), co-chaired by Manager of Building and Property, and comprised of the Asset Manager and Realty Services Manager. The Portfolio Management Team is the asset management function for the real estate portfolio owned by the City.

“Land Management System” refers to the policies and procedures outlined in this policy statement.

“Realty Services Manager” refers to a person employed by the City with that title. Where the City has not employed a person with that title, the term refers to the City Solicitor, or his or her delegate.

## Background:

Inquiries from residential property owners, businesses and public institutions such as school boards regarding acquisition or occupation of City-owned real estate or selling real estate to the City are received by all City departments and by Council. All inquiries should be directed to the Realty Services Manager. Having a comprehensive Land Management System comprised of an up-to-date City-owned property inventory, a list of surplus properties, a comprehensive profile of each property, established real estate procedures to evaluate inquiries, and a revised real estate disposition by-law, will enable the expeditious and prompt consideration of all inquiries.

All leases and licenses, including encroachment agreements, are held in the Clerks’ Office. The Clerks’ Office will notify the Realty Services Division of upcoming renewals 6 months prior to expiry of a tenancy where the City is the landlord. Where the City is the tenant, the Portfolio Management Team will consider the lease in light of long term portfolio planning, and make a recommendation to Council (report authored by the Manager of Building and Property, who shall have jurisdiction over all City-owned buildings, regardless of their occupancy) with the assistance of the Realty Services Division.

Accounts Receivable manages all the invoicing related to leases and licenses, with the exception of temporary leases issued by Community Services of its buildings pursuant to the CLASS system.

To assist the Realty Services Manager (who is responsible for the management of the City’s Land Management System) with recommendations to Council, a City staff Land Management Committee comprised of representatives from the departments of Development Services, Planning, Community Services, Engineering and Corporate Assets and Public Works has been established. This group’s role is to undertake the

ongoing analysis of each City-owned land parcel to determine present or future municipal need. The Realty Services Manager, after acquiring the Land Management Committee's input, together with that of the appropriate Ward Councillor (or Councillors where the property spans wards), prepares a Report for providing a recommendation to Council. However, with some requests to sell a particular City-owned property, the input provided by the Land Management Committee could indicate the municipal use opportunities require significant analysis before considering selling a property. In these situations, the City department with the identified, specific need (i.e., future road servicing corridor, recreation, etc.) for a particular property would complete an analysis (including acquiring input from the Land Management Committee) and provide a recommendation to Council.

To assist the Land Management Committee, the Portfolio Management Team will establish a 5 – 10 year plan on a portfolio basis, for each community within the City of Kawartha Lakes. The Portfolio Management Team will have regard to Council-approved plans, including but not limited to, asset management, parkland, transit, and affordable housing plans when determining long term planning for each community.

Acquisition of property for municipal staff occupancy is considered by the Portfolio Management Team at least two years prior to occupation date. If Council agrees to acquire property, the Realty Services Manager (typically) negotiates an acquisition with property profile information provided by the City's Land Management Committee. There are exceptions to whether or not the lead negotiation person is the Realty Services Manager. One example involves public road allowance widenings acquired at little or no cost in conjunction with environmental assessments or agreements about fence maintenance. These, for example, are negotiated by the Director of Engineering & Corporate Assets. The Portfolio Management Team composition ensures that the City is in a position to acquire land in a timely manner with respect to its long term requirements, to maximize the options available to the City and ensure cost reduction. The Land Management Committee composition ensures that staff discuss processes regularly and all are kept informed about discussions in progress. Cross-corporate representation ensures that all relevant and appropriate input is received, such as input as to locations of underground services, potential land contamination, Wilson Estate or other trust implications, etc.

City Council makes all final decisions to purchase real estate and to sell or to retain or lease (above a certain cost and term threshold, established in by-law 2016-009) City-owned real estate.

Typically, real estate activity related to City-owned lands cover 5 areas as follows:

- A- Offers to sell or lease land TO the City;
- B- Offers FROM the City to purchase or lease from private (or other public) interests;
- C- Offers FROM the City to sell land, directly to certain individuals (lot expansions; road allowances) or on the open market (development land; building lots; surplus facilities);

D- Third party inquiries to purchase, lease or occupy land FROM the City; and

E- Encroachment circumstances, whether or not intentional.

It is helpful to establish guidelines for determining the respective roles and responsibilities of the Departments represented on the Land Management Committee in relation to each of these five types of activity. This policy provides those guidelines and procedures.

The City's property disposition by-law (No. 2018-020) and encroachment authorization by-law (No. 2018-017) are utilized by the Land Management Committee as appropriate.

Philosophy:

All dispositions of municipal realty shall occur at market value or greater.

Procedures:

## **A- Offers to sell or lease land TO the City**

Examples include:

- (a) School Boards offering surplus land to the City;
- (b) Conservation Areas offering land to the City;
- (c) CN Rail, Hydro One Inc., etc. offering surplus property corridors to the City; and
- (d) Private individuals who approach the City (i.e. waterfront homeowners; valley land owners, land for fences or road widenings).

Where persons approach the City to dispose of a property interest, the following procedure is followed:

1. All such offers are communicated to the Clerks in the Realty Services Division, regardless of the point of entry to the City (Clerk's office; Development Services; etc.).
2. The Realty Services Clerk contacts the owner (if necessary) to advise of process and timing or liaises with the appropriate departmental staff member (i.e. the Director of Engineering & Corporate Assets in circumstances of land-for-fence negotiations) to contact the owner.
3. The Realty Services Clerk takes the offer to the next regularly scheduled Land Management Committee for review. In cases of extreme urgency, a special Land Management Committee meeting might be required.
4. The Land Management Committee analyzes the offer, considering the City's need (or desire) for the acquisition or lease for municipal purposes and the significance of the land parcel in question, the City's ability to purchase, whether or not an appraisal is required, and appropriate funding sources.

5. Where members of the Land Management Committee agree upon the treatment of the offer, the Realty Services Clerk proceeds to draft a report to Council to obtain direction. Prior to finalization of the report, the content discussed with the appropriate Ward Councillor(s).
6. If the Land Management Committee does not agree on treatment of the matter, then the Realty Services Manager shall determine the direction to be taken.
7. If there is a significant corporate issue involved, then a coordinated response may be appropriate. All relevant departmental directors shall have input in determining the lead department for purposes of the report. A joint report may be necessary to Council in committee of the whole.

## **B- Offers FROM the City to purchase or lease from private (or other public) interests**

From time to time, staff may recognize either a need or an opportunity for the City to occupy or acquire land for existing or future municipal purposes.

Examples include:

- (a) Desirable parkland or open space property (waterfront, neighbourhood or community parks);
- (b) Road extensions or widenings; and
- (c) Land required for new/expanded City facilities (new depot site, parking lots; arenas, pools, cemeteries, fire halls, contaminate attenuation zones, etc.).

In the case of road extensions or widenings, the lead department will be the Department of Engineering and Corporate Assets, as the one with responsibility for the subject matter in terms of policy or operations. It will undertake the research, analysis and reporting to Council on the policy context, financing, timing, need, location, etc. The lead department will consult with the Realty Services Division and any other appropriate sources (such as the Wilson Estate representatives or other potential third-party funding sources) prior to reporting regarding matters such as land values, appraisal reports, etc.

In the case of acquisitions for new / expanded City facilities, or for parkland, Portfolio Management Team will consider the need approximately 2 years prior to occupancy date. The Portfolio Management Team will advance a refusal / alternative plan to the requesting department or, in the case of a recommended acquisition, will advance the request to Council via report by the Manager of Building and Property in conjunction with the Manager of Realty Services.



# Council Policy

Upon Council approval, the Realty Services Division will implement the resolution.

## **C- Offers FROM the City to sell or lease land, directly to certain individuals (lot expansions; road allowances) or on the open market (development land; building lots; surplus facilities)**

Sometimes there is no clear market for a parcel of land (particularly remnant parcels remaining after implementation of a project) except to a select few interests. In those cases, although the by-laws require the advertisement of the potentially surplus lands, interest in them may not be expressed and may have to be solicited.

Examples include:

- (a) Sales or leases of land to legalize or regularize encroachments;
- (b) Sales of closed road allowances offered to abutting owners pursuant to section 66 of the Municipal Act, 2001; and
- (c) Sales of remnant parcels of land “leftover” after development to abutting owners as lot accretions.

In these circumstances, the Realty Services Manager has carriage of the matter and will report to Council in this regard.

## **D- Third party inquiries to purchase or lease land FROM the City**

Interest is invited from members of the public or other agencies in any land the City currently owns, when it has been declared surplus. However, interest can and is expressed from time to time on land that has not been considered surplus or even potentially surplus – or even land that is under active City use and clearly not surplus. However, if an appropriate land exchange is part of the offer, or if the City facility would be better placed elsewhere (using purchase funds), it may well be appropriate to consider the offer regardless of whether or not the Land Management Committee has historically considered the land potentially surplus.

Examples include:

- (a) Lands owned by the City which are attractive to persons or corporations proposing to invest in the community; and
- (b) Lands owned and operated by the City which are strategically located for private economic interests, and not necessarily optimally located for the municipal operation.

Where persons approach the City with inquiries, the following procedure is followed:

1. All such inquiries are communicated to the Clerks of the Realty Services Division, regardless of the point of entry to the City (Clerk’s office; Development Services; etc.).



2. The Realty Services Clerk contacts the person inquiring (if necessary) to advise of process and timing.
3. The Realty Services Clerk takes the inquiry to the next regularly scheduled Land Management Committee for review. In cases of extreme urgency, a special Land Management Committee meeting might be required.
4. The Land Management Committee analyzes the inquiry, considering the City's need (or desire) to retain the land for municipal purposes and the significance of the land parcel in question. At this time, other options for properties or facilities not previously considered surplus can be reviewed.
5. Where members of the Land Management Committee agree upon the treatment of the offer, the Realty Services Clerk proceeds to draft a report to Council for instruction.
6. If the Land Management Committee does not agree on treatment of the matter, then the Realty Services Manager shall determine which decision will be made and, if applicable, which recommendation will be made to Council.
7. In circumstances where property disposition by the City in response to an inquiry would require a significant change of use (Official Plan Amendment, Rezoning application, or plan of subdivision), then a representative from the Planning Department shall be in attendance at the Committee to provide advice.
8. If there is a significant corporate issue involved, then a coordinated response may be appropriate. All affected Directors shall have input in determining the lead department for purposes of the report. A joint report may be necessary, reporting to Committee or to Council.
9. If Council approves a course of action to sell or lease property, the Real Estate Manager will negotiate terms, in consultation with the City Solicitor, and prepare the appropriate report on a proposed agreement of purchase and sale to Council.

## **E- License and Encroachment Circumstances**

Requests to occupy City property through an agreement which is less than a lease arise in two circumstances. The first is where City property is being occupied inadvertently. The second is where City property is either being occupied intentionally or is intended to be occupied intentionally in the near future, and consent of the City is sought. Leases in these circumstances are not practical because the property occupier does not seek exclusive occupation rights or because the occupation of property is not intended to end within a determinable time frame. Examples include circumstances where business awnings, eaves, or signs, or residential eaves or porches, overhang City road allowances, parks, or open spaces where structures are accidentally erected with small portions encroaching on or over City realty, where persons deed land to the City pursuant to the Planning Act, but that land is partially occupied by structures, where businesses seek permission to temporarily occupy boulevard property for sidewalk sales or cafés, etc.

The City's Encroachment By-law, No. 2018-017, governs circumstances where City staff are authorized to grant encroachment agreements.

Requests for encroachment agreements are processed by application to the Land Management Committee, which are received by the Realty Services Division.

## **F- Short Term Licenced Use of Municipal Premises – Exemptions from this Scheme**

It is understood that the City staff person with management authority over each municipal facility may, with the consent of the Chief Administrative Officer, authorize the licencing of space within that facility. These licences will involve non-exclusive possession or shared use for short time periods, terminable at any time on short notice. Extent of occupation, term and consideration are at the discretion of the facility manager, with the consent of the Chief Administrative Officer, and subject to applicable law.

Examples include: short term storage or gathering space for Christmas donations for community groups and the use of municipal space by the Riverfront Festival.

Longer term occupations, even if non-exclusive, are not subject to this process, but to the processes described in Sections "C" or "D" (as applicable) of this policy.

The annual license program to use roadways for patios is separately administered by the Engineering and Corporate Assets Department.

The temporary occupation of roadways for construction, including driveway construction, is separately administered by road occupancy permits issued by the Public Works Department.

## **G- Financial Considerations: Accounting for Proceeds from Leases, Licences & Sales**

In all circumstances, the proceeds from the lease or disposition of municipal property shall be first applied to the expenses associated with the sale or lease (i.e. advertising, surveys, legal and registration fees, appraisals, etc.).

Where municipal property is encumbered with a trust or other legal restriction on the disposition of the net proceeds, those proceeds will be administered in accordance with that legal restriction (for example, Planning Act restriction on use of funds from parkland sales).

As a general rule, the net proceeds from the sale of any municipal property will be deposited in a corporate account for future land acquisition and capital improvements to existing property (including demolition of structures).

Council may direct the net proceeds from the sale of any municipal property in a manner not provided for in this Policy.



# Council Policy

## Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	February 13, 2018	Initial Release	

THE CORPORATION OF THE CITY OF KAWARTHA LAKES  
OFFICE CONSOLIDATION OF BY-LAW 2016-009

Consolidated on February 19, 2018  
Passed by Council on January 12, 2016

Amendments:

- |                    |                   |              |
|--------------------|-------------------|--------------|
| 1) By-law 2017-076 | April 18, 2017    | Section 6.01 |
| 2) By-law 2018-019 | February 13, 2018 | Section 5.03 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES  
BY-LAW 2016-009

A BY-LAW TO PROVIDE AUTHORITY FOR THE EXECUTION OF CERTAIN  
DOCUMENTS AND AFFIX THE CORPORATE SEAL ON BEHALF OF THE CITY OF  
KAWARTHA LAKES

**Recitals**

1. In 2004, Council authorized certain signing authorities for various agreements entered into on behalf of The Corporation of the City of Kawartha Lakes.
2. The Corporation may designate who may act on behalf of the City to sign documents necessary to give effect to the matters approved by Council.
3. It is appropriate and necessary that certain officials be authorized to sign documents on behalf of the corporation to implement actions which have been approved by Council without having to seek further approval.
4. The delegation of signing authority will be clear for Council, staff and the public and for others who have dealings with the Corporation.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-009.**

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

“**agreement**” means a contract duly executed and legally binding.

“**by-law**” means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this by-law are considered integral parts of it.

“**CAO**” means the Chief Administrative Officer and the person who holds that position or another person designated by Council;

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“**City Solicitor**” means the person who holds that position;

“**City Treasurer**” means the office and function of the Treasurer as set out in section 286 of the *Municipal Act, 2001*;

“**contract**” means a formal legal agreement, in writing, between two or more parties that is validated by a due exchange of consideration.

“**Council**” or “**City Council**” means the municipal council for the City;

“**Department Head**” or “**Director**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“**Land Management Coordinator**” means the person who holds that position and his or her delegates(s) or, in the event of organizational changes, the successor position or another person designated by Council;

“**lease**” means a contract by which one conveys real estate, equipment, or facilities for a specified term, for specified conditions and for a specified rent.

“**licence**” means an agreement between two parties giving one party permission to act.

“**Mayor**” means the head of Council or as applicable, the Acting Mayor.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General Provisions
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2.01 **Agreement Repository:** The City Clerk is responsible to maintain a central repository of all City agreements and contracts.

2.02 **Staff Signing Responsibility:** Every member of staff is responsible to sign agreements and contracts in accordance with the delegated authority set out in this by-law or by Resolution of Council.

2.03 **Staff Responsibility:** Every member of staff who signs an agreement or contract is responsible to forward all executed agreements and contracts to the Office of the City Clerk upon execution for inclusion in the central agreement repository.

2.04 **Electronic Signatures:** All staff that have authority to bind the corporation through the signing of documents, can execute agreements by hand signatures or by electronic signature, in accordance with adopted policy.

2.05 **Use of Templates:** Wherever templates are provided for certain documents that have been approved by the City Solicitor or City Clerk, staff are required to use these templates.

Section 3.00: General Document Execution – Mayor and City Clerk
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3.01 **Execution of Documents:** The Mayor and City Clerk, without the specific approval by resolution of Council are authorized to execute under seal on behalf of The Corporation of the City of Kawartha Lakes:

- a) any deed, grant, assignment, release, surrender, discharge, quit claim deed, conveyance, re-conveyance, instrument, notice, caution or other document relating to any estate, right or interest in land which is of a routine nature, is for nominal consideration, or has been approved for such execution by the City Solicitor, and falls within any of the categories listed in 3.01(c) below;
- b) any agreement for the purchase of services by the Corporation from the successor of an operator with whom the Corporation has a similar agreement immediately prior to the change in operator, where such agreement is required by reason of a change of name, ownership, address or legal status of the operator and the agreement has been approved for such execution by the City Solicitor.
- c) contracts and agreements with a value not exceeding \$100,000.00 (exclusive of HST where applicable) other than those procurement

contracts authorized for execution by the purchasing policy as noted below:

1. **Road Allowances:**

- i. conveyance of an original road allowance to an abutting owner or his successor where land is taken without compensation for the site of a highway laid out and opened.
- ii. conveyance of an original road allowance to an abutting owner who or whose predecessors laid out and opened a highway without compensation for the site.
- iii. conveyance to an abutting owner of an unassumed road allowance, highway, street, lane or walk shown on a registered plan of subdivision which has been closed by judge's order.
- iv. Renewal of existing sidewalk cafe licence agreements where the size and location of the café has not changed after it has been approved by the Department Head.

2. **Condominiums:**

- i. Declaration and/or consent where the City is the owner of land or an interest appurtenant to the land described in the description.

3. **Land Titles:**

- i. Application by the Corporation as owner or purchase of land or an interest appurtenant thereto for its own benefit to be registered under the Land Titles Act as owner.
- ii. Consent to a purchaser of land from the Corporation being registered under the Land Titles Act as owner.
- iii. Authorization for actual or beneficial owner of land nominally owned by the Corporation, to have the corporation registered under the Land Titles Act as owner.
- iv. Statement of an adverse claim or a claim not recognized in the application of any person to be registered under the Land Titles Act as owner.
- v. Caution and any renewal therefor against registration under the Land Titles Act of land in which the Corporation has or claims an interest without its consent.
- vi. any notice, caution, inhibition or restriction to protect any unregistered estate, right, interest or equity of the Corporation in registered land from being impaired by any act of the registered owner.
- vii. Application by the Corporation as registered owner for amendment of any entry in the register of its title, including escheat properties.
- viii. Application by the Corporation as registered owner to improve, withdraw or modify restrictions on transferring or charging the land or conditions, restrictions or covenants regarding building thereon or use thereof.
- ix. Application for registration or renewal or withdrawal of a caution against dealing and with land without notice to the Corporation.
- x. Signing of a plan of subdivision and subdivision extensions prepared and to be registered on the Corporation's behalf after it has been approved by the Department Head.
- xi. Application by the Corporation to be entered as the owner of a public highway laid out on a registered plan.
- xii. Application by the Corporation as Registered owner to withdraw land from the Land Titles Act.
- xiii. Application for an order or entry inhibiting any dealing with registered land or registered charge without notice to the Corporation.
- xiv. Application for an entry negating implied covenants on transfer of leasehold estate.

4. **Boundaries:**

- i. Application by the Corporation to have the true location of the boundaries confirmed under the Boundaries Act.

5. **Certification:**

- i. Application by the Corporation the Certification of Land Titles Act, to have the Registrar certify title to land.
- ii. A written statement of claim by affidavit alleging an adverse or inconsistent claim to a claim set out in an application for certification of title.
- iii. Application by Corporation to be paid compensation out of The Land Titles Assurance Fund.

6. **Utilities:**

- i. Execution of grants of easements for the purposes of the Corporation for water, sewer or other infrastructure services.

7. **Correction of Perfection of Title:**

- i. Execution of deed, quit claim deed, release or other document to correct inadvertent error or defect of title to land.

8. **Road widening agreements wherein the developer has agreed to dedicate land for public highway purposes:**

- i. Execution of road widening agreements entered into between the City and developer upon the development or redevelopment of land pursuant to the Planning Act, R.S.O. 1990, c. P.13, s.41, where the developer has agreed to dedicate land for public highway purposes as approved by the Department Head.

9. **Underground Pipe Crossing Agreements:**

- i. Execution of Agreements with land owners respecting underground pipe.
- d) Application forms for grant funding where any municipal funding is included in the current budget or is part of the normal operations of a department where a budget has not yet been approved or it is 100% funded from external sources.
- e) Service Agreements or Contracts that receive subsidy for mandated operating programs included in the approved operating budget or it is 100% funded from external sources (Example – Social Service Agreements with the Province).
- f) Agreements between the City and Educational Institutions where a partnership for training and development of students working with City staff has been arranged and where there are no budget implications. All Agreements between the City and Educational Institutions where there are budget implications, a report shall be presented to Council and a by-law adopted authorizing the Mayor and City Clerk to sign.
- g) Memorandum of Understanding (MOU) between the City and one or more third parties where an agreement has been developed to investigate future partnership opportunities and where the MOU does not commit the Corporation into future financial or asset encumbrance excluding staff resources.
- h) Amendment to an approved contract or agreement, where the nature of the amendment is of a minor nature and where the contract or agreement does not fall under the jurisdiction of the Purchasing Policy.

Section 4.00: Document Execution – Planning Act and Condominium Act
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4.01 **Authority** The Director of Development Services is delegated the authority to execute on behalf of The Corporation of the City of Kawartha Lakes:

- 1. Consent Agreements required to satisfy conditions imposed by the Committee of Adjustment for the City of Kawartha Lakes under the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

2. Condominium Agreements required to satisfy a condition of condominium draft approval under the *Condominium Act*, S.O. 1998, c.19, as amended.

Section 5.00: Document Execution – Land Transactions
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- 5.01 **Land Sale:** In all cases of the Corporation selling land, Council approval to sell the property shall be done in accordance with the Land Disposition By-law in effect at the time of property sale. The CAO or Land Management Coordinator are authorized to execute all surplus municipal land listing documentation and documentation associated with the receipt of an offer to purchase surplus municipal land for the full appraised value plus any and all costs associated with the transaction; A by-law for the sale of land by the Corporation shall be adopted by Council authorizing the Mayor and City Clerk to sign the requirement documents except as outlined within Section 3.01 of this by-law.
- 5.02 **Land Purchase:** In all cases of the Corporation purchasing land, Council approval to purchase the property shall be done in accordance with the Municipal Act. A by-law for the purchase of land by the Corporation shall be adopted by Council authorizing the Mayor and City Clerk to sign the required documents except as outlined within Section 3.01 of this by-law.
- 5.03 **Lease Agreement with a Third Party:** In all cases of the Corporation entering into a lease agreement, the lease agreement shall have legal review and approval. In all cases, with the exception of 1 below, Council approval is required to enter into the lease agreement and signing authority shall be as follows:
  1. The Lease Agreement with revenue or expense of \$10,000.00 or under per year with a lease term of five (5) years or under, the City Solicitor or Director of Corporate Services to sign.
  2. The Lease Agreement with a revenue or expense over \$10,000 per year and/or a lease term of greater than five (5) years, the City Solicitor approves and the City Clerk puts an authorizing by-law before Council to authorize the Mayor and City Clerk to sign.
  3. The Lease Agreement with revenue or expense over \$10,000.00 per year with a lease term of five (5) years or under, the Mayor and City Clerk to sign.

2018-019 Effective February 13, 2018

- 5.04 **Encroachment Agreement:** In all cases of the Corporation entering into an encroachment agreement, the encroachment agreement shall have legal review and approval, and signing authority shall be as follows:
  1. The encroachment agreement requires a Council Report recommendation adopted by Council that approves the Encroachment Agreement and authorizes the Mayor and City Clerk to sign.
- 5.05 **Licence Agreement with a Third Party:** In all cases of the Corporation entering into a licence agreement, except for software licences, the licence agreement shall have legal review and approval, and signing authority shall be as follows:
  1. The licence agreement where the revenue or expense is \$10,000.00 or under per year, the City Solicitor or Director of Corporate Services to sign.
  2. The licence agreement with revenue or expense over \$10,000.00 per year with a term of five (5) years or under, the City Solicitor approves and the City Clerk put an authorizing by-law before Council authorizing the Mayor and City Clerk to sign.

Section 6.00: Document Execution – Contracts and Agreements
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- 6.01 **General Agreement:** This section applies to all contracts and agreements not specifically addressed in another section of this by-law or addressed in the Purchasing Policy. Where the agreement relates to a procurement, the requirements of the Purchasing Policy shall take precedence.

2017-076, effective April 18, 2017

- 6.02 **Specific Signing Authority:** Authority for specific document signing may be delegated to staff if the Council Report recommendation adopted by Council identifies that staff should have this responsibility.



- 6.03 **Rental Agreement for City Facilities:** A rental agreement for use of a city facility within a Council approved policy, shall be approved and signed by Staff as outlined within the approved policy. A rental agreement for use of a city facility not included in a policy requires a Council Report recommendation adopted by Council that approves the rental agreement and authorizes the Mayor and City Clerk to sign.
- 6.04 A contract or agreement with a term of five (5) years or less and funded within the approved Corporate Budget, the CAO or Department Head to approve and:
- a. the Mayor and City Clerk to sign for contracts with an aggregate value greater than \$100,000;
  - b. the CAO and Department Head to sign for contracts with an aggregate value greater than \$50,000 and up to \$100,000;
  - c. the Department Head or designate to sign for contracts with an aggregate value up to \$50,000.
- 6.05 A contract or agreement with a value of up to \$100,000.00 with a term of five (5) years or less and not funded within the approved Corporate Budget but 100% of funding from external source(s) to cover expenses, the CAO or Department Head to approve and the CAO or Department Head to sign but the signing of the contract shall be completed by other than the person who approved.
- 6.06 A contract or agreement with a term of five (5) years or less and not funded within the approved Corporate Budget, requires a Council Report recommendation adopted by Council that approves the contract or agreement and authorizes the Mayor and City Clerk to sign. This does not include emergency purchases authorized by the Purchasing Policy.
- 6.07 A contract or agreement with a term of five (5) years or more, requires a Council Report recommendation adopted by Council that approves the contract or agreement and authorizes the Mayor and City Clerk to sign.
- 6.08 A contract or agreement between municipalities, requires a Council Report recommendation adopted by Council that approves the contract or agreement and authorizes the Mayor and City Clerk to sign.
- 6.09 A contract or agreement between levels of government, requires a Council Report recommendation adopted by Council that approves the contract or agreement and authorizes the Mayor and City Clerk to sign.
- 6.10 A contract or agreement that does not fall within 6.03 – 6.09 above, requires a Council Report recommendation adopted by Council that approves the contract or agreement and authorizes the Mayor and City Clerk to sign.
- 6.11 A contract or agreement that has an aggregate value greater than \$100,000.00 requires a report to Council and by-law to authorize the execution of the agreement.
- 6.12 An annual contract or agreement where the service is included in the operating budget but extends beyond the spending limit, be approved by the Director of Corporate Services or the CAO, and authorized to be executed by the Manager of Revenue and Taxation or Manager of Information Technology. (Example MPAC Contract and Software Licences)
- 6.13 A contract or agreement that discharges the obligation of a third party to the Corporation once the obligation has been satisfied, the City Solicitor approves the discharge and the City Clerk is authorized to sign the Acknowledgement and Direction document. (Example Ontario Home Renewal Program Liens).
- 6.14 A grant claim form required to be submitted to the funding body is approved by Department Head of the initiating department and the City Treasurer is authorized to sign the document.

Section 7.00: Execution of Documents - Insurance
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- 7.01 **Insurance Claim Settlements:** The authority to settle insurance claims within the existing insurance deductible shall be exercised as per the prescribed approval authorization limits adopted within the Purchasing Policy.
- 7.02 **Insurance Claim Recoveries:** In all cases of the Corporation entering into an Agreement to settle an insurance claim, the release documentation shall have legal review and approval, and the signing authority shall be as follows:

1. Where the Settlement Agreement is being paid by a third party to the City, the CAO and City Solicitor or Director of Corporate Services shall sign the release documentation.

Section 8.00: Execution of Documents - Finance
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- 8.01 **Investment Documents:** In all cases of the Corporation entering into an investment, the signing authority shall be as follows:
1. The City Treasurer shall have authority to sign the documents required to invest corporate funds in accordance with adopted policy setting out the parameters.
  2. In the case where the investment is outside of the adopted policy setting out the investment parameters, it requires a Council Report recommendation adopted by Council that approves the investment and authorizes the City Treasurer to sign.
- 8.02 **Procurement Documents:** In all cases of the Corporation entering into a procurement contract or agreement, the signing authority shall be as outlined within the approved Purchasing Policy.
- 8.03 **Banking Documents:** The Mayor, CAO, City Clerk or City Treasurer be authorized to sign account agreements as approved by the City Treasurer and required by the City banking and financial institution.
- 8.04 **Tax Sale Extension Agreements:** A tax sale extension agreement between the City and the property owner, requires a Council Report recommendation adopted by Council that approves the tax sale extension agreement and authorizes the Corporate Services Manager - Revenue and Taxation to sign.
- 8.05 **Release Documents:** A contract or agreement that discharges a financial obligation of a third party to the Corporation upon the completion of the obligation, the City Solicitor or the Manager of Revenue and Taxation approves the discharge and authorizes the City Clerk or the Manager of Revenue and Taxation to sign. The execution of the contract shall not be completed by the person who approved.

Section 9.00: Execution of Documents - Human Resources
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- 9.01 **Negotiations:** In all cases of the Corporation entering into a tentative Collective Agreement, subject to ratification, the Director, Corporate Services or designate and the negotiating committee shall be authorized to sign the memorandum of settlement.
- 9.02 **Collective Agreements:** In all cases of the Corporation entering into a Collective Agreement, at the end of negotiations, the Director, Corporate Services or designate shall report to Council the terms of the tentative collective agreement. Upon approval by Council of the terms of the tentative collective agreement, the collective agreement shall be signed by the Director, Corporate Services or designate and the negotiating committee.
- Collective Agreements which are amended as a result of interest arbitration shall be reviewed with Council by report and the collective agreement shall be signed by the Director, Corporate Services or designate and the negotiating committee.
- 9.03 **Letter of Understanding:** In all cases of the Corporation entering into a letter of understanding forming part of the collective agreement, the agreement shall be approved by the Director, Corporate Services. The Director and his/her designate shall sign when such agreements do not represent substantive monetary impacts to the Corporation and are within the spending limit of the Director. Letters of Understanding with substantive monetary impacts, entered into during the term of a Collective Agreement (therefore not during the renewal agreement process) must be approved by Council, by written report. Upon approval by Council the letter of agreement shall be signed by the Director, Corporate Services or designate and the appropriate Director.
- 9.04 **Grievances/ Arbitrations:** In all cases of the Corporation entering into a grievance settlement, the agreement shall be approved by the Director, Corporate Services. The Director and his/her designate may sign when such agreements do not represent substantive monetary impacts to the Corporation and are within the spending limit of the Director. Grievance settlements with substantive monetary impacts must be approved by Council, by Report. Upon

approval by Council the grievance settlement shall be signed by the Director, Corporate Services or designate and the appropriate Director.

Section 10.00: Administration and Effective Date
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- 10.01 **Administration of the By-law:** The City Clerk and Department Heads are responsible for the administration of this by-law.
- 10.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 12<sup>th</sup> day of January, 2016.

_____ Andy Letham, Mayor	_____ Judy Currins, City Clerk
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# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## BY-LAW 2016-059

### A BY-LAW TO DELEGATE TO STAFF AUTHORITY TO APPROVE THE RELEASE OF CITY PROPERTY INTERESTS IN CERTAIN CIRCUMSTANCES

#### Recitals

1. From time to time circumstances arise where the municipality becomes the owner of relatively minor property interests obtained for development or other purposes. These include strips of land as conditions for development approvals, easements, road widening requirements and reserves prior to development conclusion.
2. City staff is often approached by developers with requests to relocate easements, release reserves or release subdivision agreements to facilitate development within Kawartha Lakes. As the land re-develops, or as neighbouring lands develop the need for, or the location for, these minor property interests may change.
3. It is expedient to delegate to staff the authority to approve these releases and adjustments in circumstances where alternate sites are provided for the property interest, or in circumstances where the property interest is no longer required.
4. This by-law updates and replaces By-laws 2012-079 and 2012-080.
5. Pursuant to Section 23.1, 23.2 and 23.3 of the Municipal Act, 2001, S.O. 2001, c.25, Council is authorized to delegate administrative authority to staff.
6. The delegated authority must be authorized by by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-059.**

#### Section 1.00: Definitions and Interpretation

##### 1.01 Definitions: In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

**“City Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

**“Council” or “City Council”** means the municipal council for the City.

**“Director of Development Services”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“Director of Engineering and Corporate Assets”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“Director of Public Works”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“Easement”** means that property right described as “a dominant tenement” over another’s land for access including a “right of way” or for drainage;

**“Owner”** means the owner of property;

**“Property”** refers to the servient tenement to an easement;

**“Reserve”** refers to a small piece of property held by the City until such time as conditions have been fulfilled by a developer.

**“Servient Tenement”** means the land over which the City owns an easement or right-of-way.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General

2.01 **Delegation:** The authority to approve release of easements, reserves, subdivision agreements and road widening parcels is delegated to the Director of Engineering and Corporate Assets.

2.02 **Consultation Required:** Prior to any final approval delegated within this by-law, the Director of Engineering and Assets shall consult with the Director of Development Services and the Director of Public Works to ensure all City interests are resolved.

2.03 **Approval:** The Director of Engineering and Corporate Assets may present a by-law to the Council to effect any approved property interest action within this by-law, without separately reporting on the history of the property interest.

2.04 **Council Authorization:** Wherever an action does not meet the delegation criteria established within this by-law, the Director of Engineering and Corporate Assets shall prepare a report to Council seeking direction.

2.05 **Signing Authority:** Any action authorized in this by-law shall comply with the requirements of the Signing Authority By-law in effect at the time of the transaction.

2.06 **Acquisition and Disposition of Land:** Where an action authorized in this by-law requires the acquisition or disposition of land, the procedures for such land acquisition or disposition shall be in accordance with the governing by-law in effect at the time of the transaction.

Section 3.00: Criteria for Delegated Approval Authority

3.01 **Criteria for Easements on land owned by a third party:** The Director of Engineering and Corporate Assets may approve the release of any easement which meets the following criteria:

- (a) the easement provided access to property, the Director of Engineering and Corporate Assets must be satisfied that adequate alternate access has been provided, either by the owner or otherwise;
- (b) the easement involves drainage of the property or other properties, the Director of Engineering and Corporate Assets must be satisfied that an adequate alternate route has been provided, either by the owner or otherwise;
- (c) the easement involves the potential for trail connections; and
- (d) the release of the easement does not prejudice in any way the safety of any member of the public.

- 3.02 **Criteria for Easements on land owned by the City:** The Director of Engineering and Corporate Assets may approve easements owned by the City under this by-law which provide access to the City for:
- (a) installation, maintenance, repair and replacement of underground, overhead or surface municipal services;
  - (b) a pathway for the travel of water;
  - (c) another parcel of land owned by the City, for which there is no other legal access;
  - (d) a relocation where the location is satisfactory; and
  - (e) the easement is no longer necessary for municipal purposes.
- 3.03 **Criteria for Reserves on land owned by the City:** The Director of Engineering and Corporate Assets may approve the release of a reserve owned by the City where:
- (a) the land parcel is within a travelled highway and by all appearances, practices and treatments, the land parcel in question has been historically treated as if it has already been dedicated as public road allowance; or
  - (b) the land parcel prevents an adjacent developed property from having access to or frontage on a highway, and no history can be located for the reasons for imposition of the reserve and conditions for lifting the reserve; or
  - (c) by all appearances, practices and treatments, the land parcel in question has been historically treated as if it has already been dedicated as public road allowance; or
  - (d) the land parcel was set aside through a development approval process as a reserve pending the completion of conditions by an adjacent land owner.
- 3.04 **Criteria for Reserves associated with a Development Agreement:** The Director of Engineering and Corporate Assets may approve the release of a reserve associated with a Development Agreement where:
- (a) the development conditions imposed at the time of the City's reservation of the reserve have been met to the Director of Engineering and Corporate Assets' satisfaction;
  - (b) the reserve is no longer required due to an extension of a road; and
  - (c) the release of the reserve does not prejudice in any way the safety of any member of the public.
- 3.05 **Criteria for Subdivision Agreements:** The Director of Engineering and Corporate Assets may approve the release of any subdivision agreement where:
- (a) the subdivision agreement has been released from a portion of the development but not every lot in accordance with the terms of the conditions of the subdivision agreement;
  - (b) the subdivision agreement financial security has been released; and
  - (c) the release of the subdivision agreement does not prejudice in any way the safety of any member of the public.
- 3.06 **Road Widening Strips:** The Director of Engineering and Corporate Assets may conclude that of a parcel of land owned by the City was intended to be dedicated by by-law as part of a road allowance where:
- (a) the land parcel is immediately adjacent to another parcel of land owned by the City which has been dedicated as public road allowance; and
  - (b) where it not part of the road allowance, the land parcel would be preventing adjacent property from having frontage on a road allowance; and
  - (c) by all appearances, practices and treatments, the land parcel in question has been historically treated as it if has already been dedicated as public road allowance; or
  - (d) a development project previously approved by the council contains a condition that the land owner in question deed land to the City for the purposes of the widening of the adjacent road allowance;

#### Section 4.00: Signing Approval Authority

- 4.01 **Easements:** Where an easement has been approved in accordance with Section 3.01 and 3.02 of this by-law, the Director of Engineering and Corporate Assets shall advise the Mayor and City Clerk, who are authorized to sign a Release of Easement in a form satisfactory to the City's legal advisors.
- 4.02 **Reserves:** Where a reserve has been approved in accordance with Section 3.03 and 3.04 of this by-law, the Director of Engineering and Corporate Assets shall advise the Mayor and City Clerk, who are authorized to sign the documents necessary, in a form satisfactory to the City's legal advisors, to remove any passage hindrance imposed by the reserve.
- 4.03 **Subdivision Agreements:** Where a subdivision agreement release has been approved in accordance with criteria set out in Section 3.05 of this by-law, the Director of Engineering and Corporate Assets shall advise the Mayor and City Clerk, who are authorized to sign a release of that agreement in a form satisfactory to the City's legal advisors, and at the expense of the person requesting the release.
- 4.04 **Road Widening Strips:** Where a road widening strip has been identified in accordance with the criteria set out in Section 3.06 of this by-law, the Director of Engineering and Corporate Assets shall present a by-law to the Council to dedicate the reserve as part of the immediately adjacent road allowance.

#### Section 5.00: Costs

- 5.01 **Easement Costs:** All costs for the release or relocation of easements shall be borne by the holder of the Servient Tenement title, unless Council determines otherwise.
- 5.02 **Reserve Costs:** Where a by-law is presented pursuant to 3.03 (a) through (d) inclusive, the costs for preparation and registration of the by-law shall be borne by the City. Where the by-law is presented pursuant to Section 3.03 (d), the costs for preparation and registration of the by-law shall be borne by the adjacent land owner.
- 5.03 **Road Widening Costs:** Where a by-law is presented pursuant to 3.06 (a) through (c) inclusive, the costs for preparation and registration of the by-law shall be borne by the City. Where the by-law is presented pursuant to Section 3.06 (d), the costs for preparation and registration of the by-law shall be borne by the adjacent land owner.
- 5.04 **Subdivision Agreement Release Costs:** The costs associated with the subdivision agreement release under Section 3.05 of this by-law, shall be borne by the person requesting the release.

#### Section 6.00: Administration and Effective Date

- 6.01 **Administration of the By-law:** The Director of Engineering and Corporate Assets is responsible for the administration of this by-law.
- 6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22<sup>nd</sup> day of March, 2016.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Judy Currins, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CAO2018-005**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:**

**Title:** **Update – Review of City and Agency Boards and Committees**

**Description:** **Options for CKL Committees and Boards Structure**

**Author and Title:** Ron Taylor, Chief Administrative Officer

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### **Recommendation(s):**

**That** Report CAO2018-005, **Update – Review of City and Agency Boards and Committees**, be received;

**That** staff be directed to update the terms of reference for various Committees and Boards as generally outlined in Appendix A to Report CAO2018-005 in advance of the next term of Council for approval and subsequent recruitment; and

**That** the City Clerk include regular monthly Committee of the Whole meetings in future annual meeting calendars beginning the next term of Council.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_



## **Background:**

The City has reviewed Committees and Boards structure through staff reports provided to Council in 2014, 2015 and 2016. These reports are provided in Appendix B to D to this report.

In 2014, the previous Council established committee assessment criteria and guidelines to function, and expectations for establishing and reporting annual work plans. This guided the establishment of, and recruitment for, active Committees and Boards during this current term of Council.

At the Council Meeting of March 3, 2015, Council considered a follow-up report that included consideration for various changes to specific committees. At that same meeting, Council adopted the following additional resolution (**CR2015-257**):

**Resolved that** staff review and present a report to Council by the end of June 2015 that analyzes the dissolution of all current advisory committees in their present form and create one advisory committee per City operating department; and

**That** the report also provide draft terms of reference to be used for each committee.

In 2016, a follow-up report was provided, and Council passed the following resolution (**CR2016-020**):

**Resolved that** Report CAO2016-001, Department Committees of Council, be received; and

**That** staff continue with the direction given in Resolution CR2015-257 and provide draft terms of reference for department based advisory committees.

This report provides an update of staff's review and addresses that direction.

## **Rationale:**

Concurrent with this review, staff has continued to monitor and review current committee and board structure and effectiveness. As well, Council has reviewed its complement and downsized to 9 total members (from 17) effective the next term of Council.

Appendix A to this report provides recommended structure for all active committees and boards effective the next term of Council. These recommendations were formulated through discussions with department heads, staff liaisons, individual members of Council, and through Executive Committee meetings.

If Council supports this direction, staff will also complete an update to the current Council Policy entitled “Non-Legislated Committees of Council” (see Appendix E).

Council requested draft terms of reference for department-based advisory committees (one committee per operating department) to replace all current advisory committees.

In Appendix A, there are currently 22 active “non-legislated advisory committees and boards” listed that would be replaced with 9 advisory committees aligned with City departments. Those departments are:

CAO (3)  
Corporate Services (1)  
Public Works (2)  
Engineering & Assets (1)  
Human Services (1)  
Community Services (10)  
Development Services (4)  
Fire Services (0)  
Paramedic Services (0)

**Note:** (#) with department (above) indicates number of active non-legislated advisory committees and boards managed/implemented by that department.

The recommendations contained in Appendix A for these 22 committees and boards include consolidation of 2 (with a legislated committee), dissolution of the Executive Committee (and replaced with regular Committee of the Whole meetings), and possible dissolution/restructure of the Airport Board.

Dissolving current “non-legislated advisory committees and boards” and replacing with department-based committees is not recommended for the following reasons:

- Current committees and boards are issue and/or geographic focused, with public volunteers as active members with defined scope and workplans.
- Departments have a much broader mandate and workplans – it is difficult to define the scope of matters these new committees would be responsible for reporting on.
- Some issues may extend beyond one department mandate, requiring multiple resources and committee meeting attendance.
- A maximum of 4 Council members could serve on any one committee. Recommendations and information discussed would not be consistent for all Council members.

- If Council continues with non-legislated advisory committees (with public volunteers), then adding additional department-based advisory committees will significantly increase Council member and Clerks division workload.
- All recommendations from department-based advisory committees would be forwarded to Council for debate and approval prior to implementation. This creates significant duplication, potential time delays, and potential for “inequity” of information for Council members to make decisions.
- Department-based advisory committees could not direct departments and operations directly. A review of other municipal structures suggests portfolio or department-based committees are difficult to define the scope of work and integration of non-elected volunteers.

Similar “standing committees” are typically established in some municipalities (but not in lieu of specific advisory committees). These standing committees are typically aligned with “high-volume” departments and issues better considered through a more informal setting prior to consideration at a regular Council meeting. These standing committees are typically only composed of Council members. Examples of these types of committees include:

Finance and Administration  
Public Works and Engineering  
Community and Human Services  
Economic Development and Planning  
Emergency Services (Fire, Paramedics and Police)

For the volume and type of reports and issues currently processed through CKL Council, it is recommended that regular Committee of the Whole meetings be established effective the next term of Council.

This regular and more informal committee could review matters typical of standing committees and/or department-based committees by all Council members consistently, efficiently and frequently.

## **Other Alternatives Considered:**

### **Department-based Advisory Committees**

Should Council wish to establish only department-based advisory committees effective the next term of Council, then consideration and direction should be given to staff respecting:

- Council’s preferred composition of department-based committees (Council membership and/or community volunteer membership);

- The number of committees to be established (one per department or consolidations); and
- Confirmation of intent to dissolve all active advisory committees.

Staff would then develop amendments to the procedural by-law to implement department-based advisory committees for Council consideration and approval, and draft any required supporting Council Policy to implement.

### **Financial/Operation Impacts:**

Should Council establish department-based advisory committees, then staff will need to review and determine meeting frequency and propose appropriate scheduling to ensure workload of Council and administration is manageable, and open and transparent for the public.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

Council's Strategic Plan sets out a priority of Municipal Service Excellence through, among other things, providing citizen accessibility to government services and implementing best municipal practices.

It is recommended that regular Committee of the Whole meetings be established (together with regular and information special council meetings) effective the next term of Council. This would be an effective "interim" step to better assess department-based issues that Council wishes to receive reporting and information about.

It is further recommended that, post-orientation of the future Council, that Special Information Council meetings continue to be utilized for department, project, program and budget updates to all Council members.

### **Consultations:**

Executive Committee  
All Directors  
City Clerk  
Review of Various Municipal Committee Structures

## Attachments:

### Appendix A: CKL Boards and Committee Inventory with Recommendations



Review of  
Committees.pdf

### Appendix B: Report CLK2014-003 – Review of Committees of Council



CLK2014-003 -  
Review of Committee

### Appendix C: Report CLK2015-008 – Review of Committees of Council



CLK2015-008 -  
Review of Committee

### Appendix D: Report CAO2016-001 – Department Committees of Council



CAO2016-001 -  
Department Committee

### Appendix E – Non-Legislated Committee of Council Policy



Policy  
028CAO002.pdf

**Department Head E-Mail:** rtaylor@kawarthalakes.ca

**Department Head:** Ron Taylor

**Department File:**

## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
<b>Legislated Committees &amp; Boards</b>						
1	Accessibility Advisory Committee	CAO	1	2		Recommend reduction in membership from maximum of 15 to maximum of 10 + one Councillor - 11 total. AODA requires minimum 50% committee membership be citizens with disabilities.
2	Committee of Adjustment	DS	1 annually appointed	several		Recommend Council representative appointment for 2 years. Committee has requested the City review/consider remuneration. This request is not recommended and no other members of committees are provided remuneration.
3	Community Emergency Management Program Committee (CEMPC)	FIRE	1 + Mayor	many		Recommended Mayor and Deputy Mayor are Council representatives.
4	Drainage Board	E&A	2	2 to 4		Recommend 2 Council appointees maintained.
5	Municipal Heritage Committee (formerly Heritage Victoria)	DS	1 + Mayor	3		Recommend 1 Council appointee.
6	Kawartha Lakes - Haliburton Housing Corporation	HS	2 CKL and 1 Haliburton	4	Yes	Recommend maintain current committee membership.
7	Municipal Election Compliance Audit Committee	CAO	prohibited	prohibited		Prescribed mandate similar to a task force with community-based representation.
8	Planning Advisory Committee	DS	5 + Mayor	several		Recently updated to require public representation. Composition outlined in Procedural By-law. Recommend 7 members total consisting of Mayor, 3 Council representatives and 3 public representatives.
9	PRC Fenelon Landfill Site	PW	1			Recommend consolidation of all PRC's with total 1-2 Council representatives.
10	PRC Lindsay Ops Landfill	PW	1			Recommend consolidation of all PRC's with total 1-2 Council representatives.
11	Property Standards Committee	CAO	3	1		Recommend 3 Council appointees, and consolidate to hear Fortification By-law appeals and Order to Restrain matters.



## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
12	Public Library Board	Library	3		Yes	MOU established to guide City and Board interaction. Liaison through Community Services and CAO Departments. Recommend 1 Council representative.
13	Victoria Manor Committee of Management	HS	5	2	Yes	Recommend reduction in Council appointees to 3.
14	Lindsay Downtown Business Improvement Area (LDBIA)	DS	2	1	Yes	Recommend 2 Lindsay Ward Councillors appointed.

## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
<b>Non-Legislated Advisory Committees &amp; Boards</b>						
1	Agricultural Development Advisory Board (ADAB)	DS	2	1		Change name from board to committee. Recommend 1 Council representative.
2	Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee	CS	2	as required		Recommend 1 Council representative.
3	Legacy C.H.E.S.T. Audit Committee	CS	as required	1		
4	Lindsay Legacy C.H.E.S.T. Fund Grant Committee	CS	4	1		Recommend 2 Council representatives.
5	Committee to Hear Appeals - Orders to Restrain	CAO	3 + 1 alternate	1		Recommend 3 Council appointees, and consolidate to hear Fortification By-law appeals and Property Standards matters.
6	Community Policing Advisory Committee (CPAC) Ontario Provincial Police	CAO	5		Yes	Recommend 2 Council representatives from Wards outside of Lindsay/Ops service area.
7	Environmental Advisory Committee (CKLEAC)	DS	1	2		Recommend continued council representation (1).
8	Executive Committee	Mayor/CAO	4 + Mayor			Recommend dissolve and replace with regularly scheduled Committee of the Whole.



## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
9	Fenelon Falls Cemetery Board	CS	1	1		Recommend 1 Council representative. Consolidate with Joint Cemetery Board.
10	Joint Cemetery Board	CS	3	2		Recommend 1 Council representative. Consolidate with Joint Cemetery Board and review public complement.
11	Fenelon Falls Museum Board	CS	1	1		Recommend Fenelon Falls Ward Councillor be appointed.
12	Fenelon Falls Powerlinks Committee	CS	2	0		Recommend 1 Council representative.
13	Fortification By-law Appeal Committee	DS	3	1		Recommend 3 Council appointees, and consolidate to hear Order to Restrain and Property Standards matters.
14	Joint Social & Housing Services Advisory Committee	HS	3 CKL and 3 Haliburton	5	Yes	Required committee through service agreement
15	Kinmount Committee for Planning and Economic Development	DS	1			Recommend Mayor and Kinmount Ward Councillor be appointed as ex officio (non-voting)
16	Lindsay Nayoro Twinning Committee	CS	2	-		Recommend Lindsay Ward Councillors (2) be appointed as required.

## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
17	Lindsay Parks Advisory Committee	CS	4	1		Recommend change to City-wide Parks Advisory Committee. Recommend 3 Council representatives, and 4 public appointees. Terms of reference to focus on advice respecting large park projects and city-wide standards.
18	Transit Advisory Board	PW	3	3	Yes	Recommend terms of reference mention/align work with Transit Master Plan. Recommend 2 Council appointees.
19	Wilson Estate Advisory Committee	CS	4 + Mayor	1		Lindsay By-law 98-130, CKL 2011-016. Recommend 2 Lindsay Councillors and Mayor be appointed.
20	Kawartha Lakes Municipal Airport Board	E&A	2 (voting) + Mayor (non-voting)	1	Yes	Future recommendations from Board pending. Recommend "advisory" role and 1 Council representative.

## 2018 Review of Committees

	<b>Name</b>	<b>Lead Department</b>	<b>Council Representation (2018)</b>	<b>Staff Representation (2018)</b>	<b>Mun. Funded</b>	<b>Notes &amp; Comments</b>
21	High Water Bill Appeals Committee	Corporate Services	3			Recently established committee.
22	Mandatory Connections Appeal Committee (pending)	PW	3 (proposed)			Recent Council direction to establish this committee. Terms of reference pending and likely consolidation with High Water Appeals Committee



## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
<b>Recreation Volunteer Management Committees</b>						
1	Baddow Community Centre Volunteer Management Board	CS				Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
2	Bolsover Community Centre Volunteer Management Board	CS				Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
3	Burnt River Community Centre Volunteer Management Board	CS	1	1		Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
4	Carden Community Centre Management Committee	CS	1	1		Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
5	Coboconk Railway Station Restoration Committee	CS	1	1		Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
6	Dalton Community Centre Volunteer Management Board	CS	1	1		Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
7	Janetville Community Centre Volunteer Management Board	CS				Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).

## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
8	Kinmount Community Centre	CS	1	1		Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
9	Kirkfield Festival Committee	CS				Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
10	Manilla Community Centre Volunteer Management Board	CS				Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
11	Norland School Hall Community Centre Volunteer Management Board	CS	2	1		Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
12	Palestine Community Centre Committee	CS				Recommend Mayor and Ward Councillor ex-officio, non-voting members (include in terms of reference).
13	Seagrave Park Association	CS				Durham-based management committee - CKL invited.

2018 Review of Committees

Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
Note: Recommended all be renamed to "Volunteer Management Committees"					



## 2018 Review of Committees

	Name	Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
<b>Agencies</b>						
1	Ganaraska Region Conservation Authority	DS	1		yes	Additional working groups formed for various objectives with both staff and Council representation. Trail Users Sub-committee public appointment ongoing.
2	Kawartha Region Conservation Authority	DS	3		yes	Additional working groups formed for various objectives with both staff and Council representation.
3	Otonabee Region Conservation Authority	DS	1		yes	Additional working groups formed for various objectives with both staff and Council representation.
4	Lake Simcoe Conservation Authority	DS	1		yes	Additional working groups formed for various objectives with both staff and Council representation.
5	Haliburton, Kawartha, Pine Ridge District Health Unit Board	HS	2		yes	Recommend minimum 2 Council representatives.
6	Kawartha Lakes Community Health Care Initiative	HS	2		yes	Recommend 1 Council representative.
7	Kawartha Lakes Police Services Board	CAO	1 + Mayor		yes	Recommend 2 Council representatives.
8	Ross Memorial Hospital Board	HS	1		no	Recommend 1 Council representative.
9	Trent Conservation Coalition Source Protection Committee	Trent and Ganaraska Watershed CA's	1		yes	Recommend 1 Council representative.

## 2018 Review of Committees

Name		Lead Department	Council Representation (2018)	Staff Representation (2018)	Mun. Funded	Notes & Comments
<b>Task Forces (Active)</b>						
1	Drainage Task Force (new)	E&A	2			Approved January 30, 2018.
2	Liquidation Sales Task Force (new)	DS	1	3		
3	Development Charges Task Force (new)	E&A				Approved May 22, 2018.



# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CLK2014-003

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**Date:** June 24, 2014  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:**

**Subject:** Review of Committees of Council

**Author/Title:** Judy Currins, City Clerk

**Signature:**



**Recommendation(s):**

**RESOLVED THAT** Report CLK2014-003, **Review of Committees of Council**, be received;

**THAT** a four step process to establish a committee of Council as outlined in Report CLK2014-003, be adopted;

**THAT** the Committee of Council Assessment Criteria Tool, appended to Report CLK2014-003 be adopted and completed by the Lead Department assigned by the CAO prior to the establishment of any Committee of Council;

**THAT** all existing Committees of Council be reviewed by their Lead Department using the Assessment Criteria Tool with results reported to Council by the end of October 2014;

**THAT** the Terms of Reference template for all Committees of Council appended to Report CLK2014-003, be adopted;

**THAT** all Committees of Council be advised of the new Terms of Reference, including the requirements for an annual work plan and report to Council;

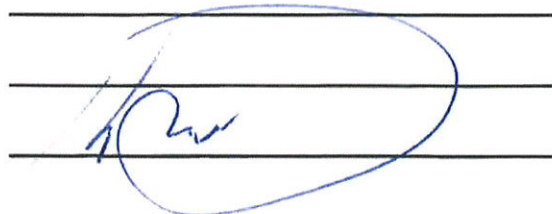
**THAT** staff amend existing Terms of Reference for Committees of Council using the new template and that any required by-laws be presented;

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



**THAT** policy number 028CAO002 – Non-legislated Committees of Council be reviewed and a report back on any amendments to the policy by end of Q3;

**THAT** a process to form a Task Force and a Terms of Reference template (for the Task Force) be established, with a report back by the end of October 2014;

**THAT** the Acting Director of Community Services provide a report on Recreation Volunteer Management Committees;

**THAT** the City Clerk schedule a training session in December for Councillors appointed to advisory committees relating to Committees of Council and the role of Councillor Liaison; and

**THAT** the City Clerk develop an Orientation Program for all Committees of Council, Chairs and Secretaries for implementation in January 2015.

### **Background:**

At the Council Meeting of November 26, 2013, Council adopted the following resolution as part of Report CAO2013-009:

**THAT** the City Clerk provide a preliminary report to Council on the process to review Committees of Council by March 2014 with the report to include recommendations on the Terms of Reference template, a training process for members of Council and volunteers who sit on the Committees, volunteer recruitment process, boarder community committees, terms of committee appointments, Councillor Liaison responsibilities and committee reporting responsibilities to Council;

This report addresses that direction.

### **Rationale:**

Active volunteers and volunteerism are widely regarded as fundamental to the building of community spirit and identification with the City. This municipality has relied on the efforts of volunteers who have given countless hours sitting on advisory committees for the past number of years. Members of the public who volunteer in the City of Kawartha Lakes make a vital contribution to our communities. Regardless of the time given or the task completed, volunteers improve resident quality of life, promote local heritage, demonstrate civic pride and strengthen social and community identity.

Many of our citizens participate in their local communities by being part of a volunteer Committee of Council. These committees are most frequently created as an opportunity to provide advice and recommendations to Council on actions, policies and procedures related to specific areas of interest.

In November 2013, City Council requested a preliminary report on the process to review Committees of Council. Committees of Council are typically advisory in nature and practice. This report does not include the Planning Committee or Management Boards. It also does not address External Committees/Agencies as they are operated by an independent third party organization with appointed representation from the City as a member.

Specifically, the purpose of this report is to make recommendations on the current Terms of Reference template, a training process for members of Council and volunteers who sit on the Committees, the volunteer recruitment process, border community committees, the terms of committee appointments, the Councillor Liaison responsibilities and the committee reporting responsibilities to Council.

This preliminary report will review the above issues and provide Council with information on the committee operating efficiency and effectiveness.

The City has broken down its committees into five categories:

**Legislated:** Mandatory committees formed to meet a requirement of law or to make recommendations to Council on Discretionary Committees;

**Advisory Board:** Formed to provide recommendations to Council on areas determined by Council.

**Volunteer Recreation Management:** Discretionary Committees formed to manage recreation facilities.

**Agencies:** Committees formed by an external body where municipal representation has been requested to make decisions independent of Council Management Boards - Discretionary formed in accordance with legislation.

**Local Boards:** Discretionary - formed in accordance with legislation

The City currently is involved in 69 agencies, boards and committees, of which 39 are advisory committees, 2 are task forces, 1 local board, 2 management boards, 13 volunteer recreation management committees and 12 agencies, as reflected in Appendix A.

Data was collected from the various committees as a starting point. The data covered the terms of reference, meeting frequency, meeting duration, Council and staff resources used, the volunteer base engaged and the recommendations brought forward from the Committee to Council on issues. As the City has recently adopted a Strategic Plan, and as the Corporation progresses with performance management, it is an ideal time to review Committees of Council to ensure value is added by efforts expended. One of the identified enablers in the Strategic Plan to advance Council's objectives (as outlined in the community vision) is to "Identify and Secure Partnerships and Collaboration". Utilizing the community's talent base through Committees is essential to advancing our community vision.

#### Observations:

Based on known data in 2012, 4759 hours were dedicated to support the forty-one (41) legislated and non-legislated committees. This exceeds the equivalent of two (2) FTE/yr. Of that 2,190 [ $219 \times (3 + 2) \times 2 = 2,190$ ] were hours tallied for Council and Staff attendance/administration and the balance, 2569 hours, were volunteer hours [ $(4759 - 2190) / 4759 \times 100 = 54\%$ ]. This is worth noting as we have indicated the significance of volunteerism and unanswered questions regarding the City's ability to maintain and attract volunteer(s). Of equal importance, is the suspicion that the 54% of volunteer contributions is not evenly spread across the Municipality, resulting in concerns about attracting volunteers in some communities, as is the case for many jurisdictions across Canada.

Reviewing further a sampling of the minutes from these committees, some committees are strictly administrative / informational while others are very structured and contribute with recommendations on policy and legislation, increasing advocacy and promotion of various activities. Three to five of the 41 committees regularly provide Council with recommendations while the balance or 88% of the committees provide no direct recommendations to Council. Greater analysis on volunteers and their contributions is called for which may be revealing in terms of community representation and future increased expectations by Council and staff to support the various committees that comprise the City. Attention as well should be given to the issue of ageing, since this impacts volunteerism.

The last revision to the Committees of Council recruitment policy and Terms of Reference Template was in 2007. As Council and the City strategic directions change, Committees continuance need to be aligned with these priorities to provide value to Council and the communities that are represented. A consistent process and expectations are required moving forward. It is important to focus efforts to the municipal Council strategic direction, adapt the structure to maximize flexibility for effective and procedurally correct decision making in an open and transparent way.

Senior Management and staff dealing with Committees have identified some of the inconsistencies and issues relating to current committee operations and the terms of reference, including:

Terms of Reference:

- Some approved by by-law, some by resolution
- Terms of Reference wording is inconsistent
- Sections are missing in some
- No date of approval
- No review timeframe for task forces
- Criteria for committee not clear
- Doesn't fit all our types of committees (recreation management)

Operation of Committee:

- No orientation
- No clear expectation of members - council and volunteer
- Liability to Corporation of their actions
- Insurance coverage – only formed to get access to insurance coverage
- Training – has not been consistent
- No clear guidelines for Chair, staff, Council Liaison
- Meeting for nothing – agendas should have quality items – if just administrative – cancel meeting
- Option to discontinue but treat volunteers as resources – less formal, less administration, more focused to specific issues
- Only put in place to direct staff
- No clear policy for committee expenditures
- Committee Meeting Rooms – challenge
- Lack of quorum in many cases

Recruitment:

- Cumbersome recruitment process – alternative – committee do all, make for term of council – only have to do once with few exceptions, one training
- Not successful recruitment – challenge on how to advertise and either short in number of applications received or they lack the required skill set/expertise/qualifications



Accountability:

- No reporting requirements – need better, more consistent reporting method
- Public notice of meetings – not consistent
- May not be in line with new strategic priorities
- No meeting schedules published, limited public participation
- Minutes and Agendas not regularly posted in a timely manner
- Minutes not provided at all
- No clear criteria to form a new advisory committee
- Few committees have a work plan
- Annual Work plans should be approved by Council
- Not following proper procedures – agenda posted with no business items – all business items added at meeting with adoption of agenda
- Working on issues outside of Council's jurisdiction
- Volume of minutes is unmanageable
- Some committees forget they report to Council

As you can see, a number of inconsistencies and issues have been identified and will be addressed in the report that follows.

**Creation of a Committee**

Currently, there is no established process to create a committee. Many times a resolution of Council recommends the formation of a committee without any analysis or clear details of the purpose for the committee. There are a number of factors that may prompt the creation of a new committee of council including:

- Legislated requirement including federal or provincial legislation or a by-law
- Fulfillment of a provincial mandate
- Council or Staff request
- Public issues
- Contentious issues.

It is important for Council to have all of the facts relating to any new committee including anticipated mandate and Council's expectations. These should be established prior to the recruitment of members and formation of the committee to ensure that scarce resources are channeled to achieve Council's strategic priorities and to ensure value for the Corporation.

It is recommended that the creation of a committee follow four parameters, without exception:

1. Receive the request to form a new committee from council or the public, including an explanation of the purpose and objective.
2. Direction to staff and Clerk to research report back to Council utilizing the established criteria
3. Comprehensive report to Council
4. Council adopts or abandons the creation of Committee Terms of Reference

The staff report qualifying factors would include:

- Alignment with the Strategic Plan
- Considerations of corporate and departmental goals and objectives
- Terms of reference including sunset clause, and reporting requirements
- Public stewardship and financial value
- Duplications
- An assessment of the criteria to establish a committee,
- Any public interest or feedback received.

The process to assess the formation of a new advisory Committee of Council would be a stepped approach following a path of:

- 1) Defining – creation of parameters
- 2) Measures – qualifying factors
- 3) Analysis - assessment criteria.

This process would align with the overall City performance management program. The recommended Assessment Criteria Checklist is attached as Appendix B. It is recommended that a review of all existing Committees be undertaken during the 3rd quarter of 2014 with a report to Council by end of October advising of the results.

### **Terms of Reference**

It is recommended that the existing Terms of Reference template be abandoned and replaced by Appendix B. Generally, the revised Terms of Reference are shorter and more concise. Once Council has adopted a new terms of reference template, the next step would be to review all existing committees list. The assessment criteria and only those Committees that move forward would be considered for new terms of reference. The balance would be dissolved.

Included in the Terms of Reference, each Committee will be required to provide and present to Council an annual work plan outlining the goals for the year. An annual report is also required to update Council on the Committee's progress and also to measure its effectiveness in relation to their established mandate and Council's strategic priorities. The annual report will ensure Council maintains their required oversight of activities without having to read 100's of sets of minutes. In addition, it provides Council with a way to measure the Committee's performance. The Council Liaison position also has the opportunity to advise Council if they feel a committee is not reaching its mandate during the year.

Annual work plan approaches have proven to work very well. Members are contributing more, there is better liaison with city departments and more quality recommendations, advocacy and participation has occurred.

### **Councillor Liaison Position**

In an informal survey conducted by Councillor Hodgson, many Councillors noted they are on many committees; and some committees have more than one Councillor. The majority felt that only one member of Council would be required on Advisory Committees if proper training of their role is achieved. It is recommended that Advisory Committees only have one appointed member of Council identified as Councillor Liaison.

### **Orientation for Volunteer Members**

At the first meeting of each year, an orientation session using a prescribed format shall take place. This will ensure the action is completed by orienting new members, refreshing existing members and focusing the entire committee toward the end goal. Councillor Liaisons are strongly recommended to attend.

An orientation checklist will be created and supplied to each department to allow for conducting an orientation session and to ensure that all members are provided with updated information. The orientation session will:

- introduce the Committee to the staff
- set clear expectations
- allow for the explanation of insurance coverage and have each volunteer sign a volunteer waiver
- provide an explanation of why it is important to keep records of their activities particularly with events, inspections off-site and any partnering that takes place to run events
- provide an explanation on the use of sub-committees and the fact that they are not covered under the current insurance policy unless the members are appointees of the original Committee.



## **Recruitment**

Recruiting and maintaining volunteer committee members has been a challenge. Currently many committees do not have their maximum membership and find it difficult to meet quorum. as earlier noted in the analysis.

It is possible volunteers may feel they are not accomplishing what they expected they would or they are simply too busy for the time commitment of regular meetings. If the recommendation above to create an annual work plan is adopted, members may feel more fulfilled and appreciated. As well, if the meeting structure was revised to more informal working meetings as opposed to structured formal meetings, there may be more contributions by the volunteer members. The number of formal meetings may be reduced to quarterly or semi-annually depending on the adopted work plan.

To get full value from the recruitment exercise, it is recommended that members be appointed for two and four year terms. This will allow the terms of members to stagger, it will reduce the need for annual advertising and interviews, it will maximize the orientation efforts and work plan development. This recommendation has been included in the revised Terms of Reference.

### Managing Risk with Volunteers

The City of Kawartha Lakes General Liability insurance policy extends coverage to Committees of Council under the control of, answerable to, or the responsibility of the City of Kawartha Lakes. The intent is that the Committee of Council works in conjunction with the municipality. To be an insured the City must be aware of all planned activities so that the City can assess the risks and ensure that proper policies and procedures are being followed.

Committees of Council and volunteers are not entitled to any benefits normally provided by the City including WSIB nor does coverage provided extend to injury sustained by the volunteer or any loss or damage to their personal property. The volunteer is responsible for his or her own medical or health insurance coverage.

The City's insurance coverage only extends to the City's activities and those activities of the Committee of Council that is authorized by the City. If a Committee is partnering with another group who does not have their own insurance it is not automatically the responsibility of the City to assume their liability. In the event of a loss, the City's insurer would only be obligated to defend the City and the authorized Committee of Council, not another group partnered with. Therefore it is not in the best interest of the City and/or a Committee to partner with another group who does not have insurance unless the City and/or Committee is willing to take control of the entire event. This is an area of particular concern from a corporate risk management perspective. Many Committees of Council take it upon themselves to create "sub-committees" and

develop community partnerships in the belief that the City's insurance coverage continues as a blanket over all partners. It does not. Simply put, the City's insurer needs to know that the City, or its designated committee has direct care and control over an activity.

On a general note, any Committee should not be making any promises on behalf of the group or the City unless they know they are in a position to properly and safely complete the task. Any commitments they make, and if not followed through on would result in the City bearing the responsibility. . The same would be true for any of their events; it would be the City's policy that would respond in the event of a loss, with the City having to finance all expenses within its deductible. This is the ultimate risk that the City needs to mitigate if it continues to assign responsibility to volunteers.

A Committee of Council is a representation of the City of Kawartha Lakes and therefore must always act in the best interest of the municipality and its citizens. If the tools and processes are put in place as noted above, it will assist to limit the city risk and better inform the volunteers of the coverage through the orientation process. During the analysis of each Committee, consideration will be given to the requirement of criminal record checks to be included in the Terms of Reference.

The next steps, assuming that Council approves the assessment criteria and revised terms of reference, would be:

- That the lead department appointed by the CAO will review all existing committees using the assessment criteria checklist
- A Report will come back to Council on the outcome of the assessment with recommendations for each Committee
- Depending on the decision of Council after the assessment criteria has been completed and reports, revise the Terms of Reference for all committees carried forward
- Clerk's Office develop the Orientation Program for implementation in January 2015
- Clerk's Office develop the Councillor Liaison training to be used during Council Orientation in 2014.

#### Volunteer Recreation Management Boards

Volunteer Recreation Management Boards were created to assist with the management in an independent way, some of the smaller community centres throughout the municipality. This type of committee of council is different from an advisory committee as they have decision making powers, control finances, and manage facilities and other city assets on a daily basis. It is recommended that the Acting Director of Community Services report separately on options to deal with Volunteer Recreation Management Boards.

## Border Community Committees

This issue was reviewed with the Acting Director of Community Services since the one Border Community that exists is for a recreation purpose. It was felt that there is no real issue at this point, however, it would be recommended that if future committees form, that the assessment criteria and four step process to create it is followed. This will allow Council to have input into the expectations, funding, etc. in relation to their strategic priorities. If Council wishes a more in-depth analysis or more detailed review of this issue, further direction will be required.

## Other Alternatives Considered:

Council may wish to do nothing with respect to Committees of Council at this time. This is not recommended as the current process is not as efficient as it could be nor is Council seeing the results from the time and effort being put forth by volunteers. With a proper process, it will streamline the creation of committees, develop a proper training tool to start the committee on their work with a clear and concise expectation of Council and have proper approval and reporting formats.

## Financial Considerations:

There will be a cost to review the existing committees, however, the potential for more efficient use of time and efforts of Council, staff and volunteers should be far greater than the one-time cost to review. With a good process in place to create new committees, time will not be expended on non-essential work in the future.

## Relationship of Recommendation(s) To Strategic Priorities:

The recommendations contained within this report will support Council's strategic priorities by creating stronger relationships with the City's volunteer base and maximize the volunteer efforts.

## Review of Accessibility Implications of Any Development or Policy:

N/A

### **Servicing Comments:**

N/A

### **Consultations:**

Mark Fisher, CAO  
Senior Management Team  
Jolene Ramsay, Insurance and Risk Management Coordinator

### **Attachments:**



Appendix A -  
Committees of Council



Appendix B -

Committee of Council



Appendix C -

Committee of Council

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**Department Head: Mark Fisher, CAO**

**Department File:**

## **Schedule A to Report CLK2014-003**

The current committees included in each category can be broken down as follows:

### Legislated Advisory Committees (12)

Accessibility Advisory Committee,  
Community Emergency Management Program,  
Drainage Board,  
Heritage Victoria,  
Municipal Election Compliance Audit Committee,  
Property Standards Committee,  
Public Review Committee (PRC) Lindsay Ops Landfill,  
PRC Fenelon Landfill Site,  
Public Library Board,  
Victoria Manor Committee of Management,  
Committee of Adjustment (non-advisory)  
Kawartha Lakes-Haliburton Housing Corporation.

### Non-Legislated Advisory Committees (29)

Agricultural Development Advisory Board (ADAB),  
Aggregate Secondary Plan Steering Committee,  
Audit Committee,  
Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee,  
Budget Committee,  
City Property Disposition Task Force,  
Coboconk-Norland and Area Business Committee of Council,  
Committee to Hear Appeals – Orders to Restrain,  
Community Policing Committee,  
Environmental Advisory Committee,  
Fortification By-law Appeal Committee,  
Governance Review Task Force (concluded Dec 2013),  
Human Resources Committee,  
Legacy C.H.E.S.T. Audit Committee,  
Lindsay Legacy C.H.E.S.T. Fund Grant Committee,  
Lindsay Parks Advisory Committee,  
Northwest Trunk Sanitary Sewer Steering Committee,  
Omeme Business Committee of Council,  
Transit Board,  
Waste Management Committee,  
Joint Social and Housing Services Advisory Committee,  
Fenelon Falls Cemetery Board,  
Fenelon Falls Museum Board,  
Fenelon Falls Powerlinks Committee,

Joint Cemetery Board,  
Kinmount Committee for Planning and Economic Development,  
Lindsay Nayoro Twinning Committee,  
Trails Advisory Committee,  
Wilson Estate Advisory Committee.

Local Board (1)

Lindsay Downtown Business Improvement (BIA).

Management Boards (2)

Kawartha Lakes Municipal Airport Board  
Trolley Management Board

Recreation Volunteer Management Committees (13)

Baddow Community Centre,  
Bolsover Community Centre,  
Burnt River Community Centre,  
Carden Community Center,  
Coboconk Railway Station Restoration Committee,  
Dalton Community Centre,  
Janetville Community Centre,  
Kinmount Community Centre,  
Kirkfield Festival Committee,  
Manilla Community Centre,  
Norland School Hall Community Centre,  
Palestine Community Centre,  
Seagrave Park Association.

Agencies (12)

Haliburton, Kawartha, Pine Ridge District Health Unit Board,  
Kawartha Lakes Community Health Care Initiative,  
Kawartha Lakes Police Services Board,  
Queen Elizabeth Provincial Park Committee,  
Ross Memorial Hospital Board,  
Safe Communities  
Kawartha Lakes, Sturgeon Lake Management Plan Executive Liaison  
Group,  
Trent Conservation Coalition Source Protection Committee,  
Ganaraska Region Conservation Authority,  
Kawartha Region Conservation Authority,  
Lake Simcoe Region Conservation Authority,  
Otonabee Region Conservation Authority.

## Appendix “B” to Report CLK2014-003

### Assessment Criteria List to Form a new Advisory Committee of Council

\_\_\_\_\_ Statutory requirement – Is the existence of this committee required by Federal/Provincial/By-law legislation and regulation

List Legislation/Order/By-law \_\_\_\_\_

Is there a clear committee mandate?

Is the committee’s mandate relevant?

Is the committee’s mandate achievable?

Is the committee’s mandate unique?

Is the committee’s mandate aligned with corporate goals?

Is the committee operating effectively? (for review year)

If not a Statutory requirement – must fulfil five (5) of the following eight (8) criteria

\_\_\_\_\_ Aligns with Strategic Map and Priorities (or other approved Master Plans, guiding documents)

\_\_\_\_\_ Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate

\_\_\_\_\_ Broad subject matter is handled by multiple internal divisions and/or external stakeholders

\_\_\_\_\_ Emerging issue of clear importance to the municipality

\_\_\_\_\_ Significantly helps steam-line discussion and decision making at Council

\_\_\_\_\_ Handles work that staff do not perform

\_\_\_\_\_ Needed for the long-term (minimum four years – term of council)

\_\_\_\_\_ Mandate and work plan and can be clearly articulated



## Appendix “C” to Report Number CLK

Terms of Reference Template Revised 2014

### TERMS OF REFERENCE

**NAME:** *(name of Committee/Board)*

Date Established by Council:

Regular Review Timeframe:

Date Committee Ends: (if applicable)

**MISSION:** *(a brief description of the mission, goals and objectives of the Committee)*

The XXXXX Committee is established to

### ROLES AND RESPONSIBILITIES:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct,
- the City Accountability and Transparency Policy
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act

No individual member or the Committee as a whole has the authority to make direct representations of the City to Federal or Provincial Governments

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

**ACTIVITIES:** The following represent the general activities of the Committee:

(List specific activities, such as:)

- a) To prepare, by September 15<sup>th</sup> of each year, a projected budget and/or annual workplan for the succeeding year, for Council approval during the budget process. Workplan to include details on promotion of public education programs, review of other government reports, programs and legislation for any impacts on

the City or its programs, and future City policy direction all with the view of advancing the City's adopted strategic priorities and the proposed budget.

- b) To make recommendations to Council on strategy, policies and various issues to achieve Council's strategic priorities relating to the Board/Committee's mandate.
- c) Prepare an annual written report to Council by the end of January of the following year to outline the Board/Committees achievements in line with the approved workplan.
- d) Other – as recommended and approved by Council.

**COMPOSITION:**

The Committee shall be comprised of a maximum of (*state number of members*) consisting of (*state number of public volunteers*) members of the public and (*state number of council members*) Council representative(s). Committee members will be appointed by Council in accordance with established policy. The Councillor appointed by the Council will be ex-officio on the Committee and have full authority to debate and vote. The Committee shall, at its first meeting in each year, elect from its membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services. All committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council. No attendance at conferences or workshops shall be allowed by a volunteer member unless clearly identified in the workplan/budget and approved by Council.

**TERM OF APPOINTMENT:**

Unless exempted by legislation, members will be appointed to varying terms to a maximum of a three year term. An equal number of appointees will be for a one year term and two year term with the balance appointed to a three year term for the first appointees. Successive appointments will be for a three year term to ensure knowledge succession and that there be no complete turnover of membership in any given year. OR

Members will be appointed for a term of two or four years. Successive appointments will be for a two year term to ensure knowledge succession and that there be no complete turnover of membership in any given year.

**RESOURCES:**

The (*name the department*) will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The Department will also assist in the preparation and submission of budget requests/grant submissions, if needed and attend meetings of the committee upon request.

**TIMING OF MEETINGS:**

Meetings will be held on a set day and time as may be determined by the Committee/Board or at the call of the Chair.

**MEETINGS:**

The Committee shall hold a minimum of (*state number*) meetings in each calendar year. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee. No meeting shall proceed without quorum. OR

The Committee shall hold a minimum of two (2) formal business meetings in each calendar year to discuss the budget/workplan and the annual report. Other formal business meetings shall be at the call of the Chair. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the committee a minimum of five (5) business days prior to the date of each meeting. Quorum for formal business meetings shall consist of a majority of the members of the Committee. No meeting shall proceed without quorum.

Working meetings throughout the year to advance the efforts of the workplan shall be held at the call of the Chair with the Chair providing notice of the working meetings to all members of the Committee a minimum of three (3) business days prior to the date of each meeting. No formal minutes are required to be taken at working meetings, however, notes shall be taken.

Any member of the Committee who misses three consecutive formal business meetings, without being excused by the Committee, may be removed from the Committee in accordance with adopted policy.

**PROCEDURES:**

Procedures for the formal business meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

**CLOSED MEETINGS:**

The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and visiting members of Council, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act. Prior to the commencement of closed session, a resolution shall be passed stating the general nature of the matter to be discussed and what section of the Municipal Act applies. The Committee shall maintain a record of the meeting which will be stored in the lead department. Formal minutes are not required for working meetings.

**AGENDAS AND MINUTES:**

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Committee Members. The City Clerk's office will distribute the agenda to Council members as per established policy and have it posted on the website. At the first meeting of each year, an Orientation Session shall be held for new members.

Minutes of all formal business meetings and notes from working meetings of the Committee/Board shall be forwarded to the *(name of Department)* not later than two weeks after the meeting. Minutes of all formal business meeting of the Committee/Board shall be forwarded to the City Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the *(name of the Department)* at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

**REPORTS:**

Two written reports are required per year from the Board/Committee, being the workplan/budget and the annual report. If there are recommendations of the *(name of committee)* that fall outside of these two reports, they are to be forwarded to Council in a formal written report on the City report template. It will be the responsibility of the Committee to identify those recommendations to the *(name of the Department)* for final preparation of the report.

**LOCATION OF MEETINGS:**

The location of the meetings will be set by the Committee.

**PURCHASING POLICY:**

This Committee has no purchasing or procurement responsibilities. OR  
ALTERNATIVELY: This Committee has the following purchasing responsibilities within the budget allocated as follows (most should not have any purchasing responsibilities)

**INSURANCE:**

*(This will be specific to the committee and will advise the members clarification of the position of the city insurers with respect to the specific committee and to what extent the city's coverage will be extended.)*

**EXPULSION OF MEMBER:**

The Committee may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Board/Committee or other legal issues. The process for expulsion of a member is outlined with Policy Number 028 CAO 002.

**Terms of Reference:**

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee/Board at any time. Any changes proposed to these Terms of Reference by the Committee/Board shall be recommended to Council via the Director through a report to the appropriate Committee of Council.

**At the discretion of Council or upon the mandate of the Board/ Committee being fulfilled, the Committee may be dissolved by resolution of Council.**

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CLK 2015-008

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**Date:** March 3, 2015

**Time:** 2:00 p.m.

**Place:** Council Chambers

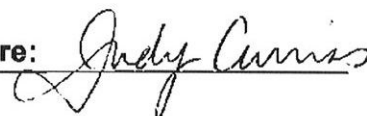
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**Ward Community Identifier:**

**Subject:** Review of Committees of Council

**Author/Title:** Judy Currins, City Clerk

**Signature:**



**Recommendation(s):**

**RESOLVED THAT** Report CLK 2015-008, **Review of Committees of Council**, be received;

**THAT** Coboconk Norland and Area Businesses Committee of Council, Aggregate Secondary Plan Steering Committee, City Property Disposition Task Force, Omemee Business Committee of Council, and the OCWA Contract Efficiency Working Group be dissolved as they have completed their mandate;

**THAT** the Transit Advisory Committee be dissolved in its present form and the Director of Public Works report back with revised terms of reference to establish a review committee with a scoped work plan as identified on Appendix A attached to this report;

**THAT** the Waste Management Committee be dissolved in its present form and the Director of Public Works report back with revised terms of reference to establish a task force to support the development of the Waste Strategy for the City as identified on Appendix A attached to this report;

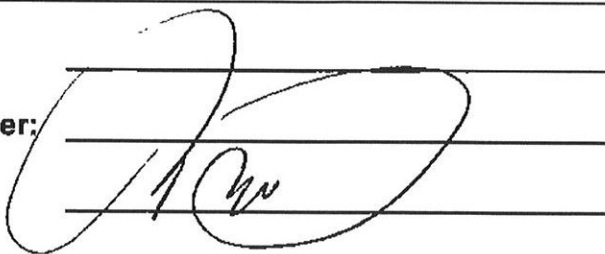
**THAT** the Agriculture Development Advisory Board continue and that staff develop and forward new terms of reference to Council;

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



**THAT** the Trails Advisory Committee be dissolved as it has completed its mandate;

**THAT** the Lindsay Parks Advisory Committee be dissolved in its present form as a Committee of Council and the Director of Community Services and staff continue to work with the existing membership in an advisory capacity to support the parks activities in Lindsay;

**THAT** the Joint Cemetery Board continue and that staff develop and forward new terms of reference to Council;

**THAT** the Fenelon Falls Museum Board continue and staff review alternatives to establish this Board as an independent body;

**THAT** the Wilson Estate Advisory Committee continue as it is a requirement of receiving funds from the Wilson Estate;

**THAT** the Victoria Manor Committee of Management continue as it is a legislated committee and staff bring forward any terms of reference amendments required;

**THAT** the Joint Social and Housing Services Advisory Committee continue as it is part of the approved agreement with the County of Haliburton.

## **Background:**

At the Council Meeting of June 24, 2014, Council adopted the following resolution:

10.3.1 **RESOLVED THAT** Report CLK2014-003, **Review of Committees of Council**, be received;

**THAT** a four step process to establish a Committee of Council, as outlined in Report CLK2014-003, be adopted;

**THAT** the Committee of Council Assessment Criteria Tool, appended to Report CLK2014-003, be adopted and completed by the Lead Department assigned by the CAO prior to the establishment of any Committee of Council;

**THAT** all existing Committees of Council be reviewed by their Lead Department using the Assessment Criteria Tool with results reported to Council by the end of October 2014;

**THAT** the Terms of Reference template for all Committees of Council, appended to Report CLK2014-003, be adopted;

**THAT** all Committees of Council be advised of the new Terms of Reference, including the requirements for an annual work plan and report to Council;

**THAT** staff amend existing Terms of Reference for Committees of Council using the new template and that any required by-laws be presented;



**THAT** Policy number 028 CAO 002 - Non-legislated Committees of Council be reviewed and a report back on any amendments to the policy by end of Q3;  
**THAT** a process to form a Task Force and a Terms of Reference template (for the Task Force) be established, with a report back by the end of October 2014;  
**THAT** the Acting Director of Community Services provide a report on Recreation Volunteer Management Committees;  
**THAT** the City Clerk schedule a training session in December for Councillors appointed to advisory committees relating to Committees of Council and the role of Councillor Liaison; and  
**THAT** the City Clerk develop an Orientation Program for all Committees of Council, Chairs and Secretaries for implementation in January 2015.

**CR2014-609**

This report addresses that direction.

### **Rationale:**

The Clerk's Office provided each Director with material for the Committees of Council (advisory) that they have the liaison responsibility. The material included, the present Terms of Reference, the new Terms of Reference Template, the Assessment Criteria Tool and the previous report to Council outlining the task.

Directors reviewed each Committee under their responsibility and the Assessment Criteria Tool for each Committee is attached as Appendix "A" to this Report.

The Assessment Criteria Tool provides information to Council with the conclusion of the assessment for each Committee. The Director has provided a recommendation for the future of the Committee along with possible alternatives.

During this review, a number of Committees and Task Forces were identified as having completed their mandate. It is recommended that these committees be dissolved at this time and if a need arises in the future, that they be established at that time with specific terms of reference. These committees include: Coboconk Norland and Area Businesses Committee of Council, Aggregate Secondary Plan Steering Committee, City Property Disposition Task Force, Omeme Business Committee of Council and the OCWA Contract Efficiency Working Group.

The Fenelon Falls Cemetery Board will be reviewed by separate report.

As noted on the Assessment Criteria Tool completed for the Fenelon Falls Powerlinks Committee, there is an opportunity to review the overall objectives of this committee and how the funds are dispersed. If Council wishes a review of

this committee mandate, then a resolution directing this to be done would have to be passed.

Due to the fact that the Victoria Manor Committee of Management and the Joint Social and Housing Services Advisory Committee were created as a result of legislation or a service agreement arrangement, they have been moved to be treated as legislated committees.

### **Other Alternatives Considered:**

The alternatives for each Committee are provided on the Assessment Criteria Tool. Council may wish a further review of any of the committees with the view of combining or changing the mandate.

### **Financial Considerations:**

The financial considerations for dollar savings are minimal, however, we anticipate with the overall change in committee reporting that many hours of staff time will be saved with the reduction in the number of agendas and minutes that will have to be produced. This was reported in the initial report to Council.

### **Relationship of Recommendation(s) To Strategic Priorities:**

Public Input is essential to any municipal government. The importance cannot be measured, however, the volunteer time and effort to provide input should be maximized which is the objective of this exercise.

### **Review of Accessibility Implications of Any Development or Policy:**

N/A

### **Servicing Comments:**

N/A

### **Consultations:**

CAO  
Directors

## Attachments:

Appendix A – Agriculture Development Advisory Board  
Environmental Advisory Committee  
Fenelon Falls Museum Board  
Joint Cemetery Board  
Lindsay Parks Advisory Committee  
Wilson Estate Committee  
Trails Advisory Committee  
Fenelon Falls Powerlinks Committee  
Transit Advisory Committee  
Waste Management Committee  
Victoria Manor Committee of Management  
Joint Social and Housing Services Advisory Committee



Appendix A -  
ADAB.docx



EAC Assessment  
Criteria Tool Form Up



FFM Committee  
Assessment.docx



JCB Committee  
Assessment.docx



LPA Committee  
Assessment.docx



WE Committee  
Assessment.docx



TAC Committee  
Assessment.docx



FFPL Committee  
Assessment.docx



Appendix A - Transit  
Committee Assessment



JAC - Committee  
Assessment Jan 2015



VMC - Committee  
Assessment Jan 2015



Appendix A - Waste  
Management Committ

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Phone: (705)324-9411 Ext. 1295  
E-Mail: [jcurrins@city.kawarthalakes.on.ca](mailto:jcurrins@city.kawarthalakes.on.ca)  
Department Head: Mark Fisher, CAO  
Department File:

## Appendix A

Committee Name:	Agriculture Development Advisory Board
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Assessment Criteria Review	
Statutory Requirement	
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No
If yes, list the Legislation/Order/By-law:	
Is there a clear committee mandate?	
Is the committee's mandate relevant?	
Is the committee's mandate achievable?	
Is the committee's mandate aligned with corporate goals?	
Is the committee operating effectively? (for year review	
No Statutory Requirement	
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:	
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	Yes
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	Yes
The committee handles emerging issues of clear importance to the municipality	Yes
The committee significantly helps stream-line discussion and decision making at Council	Yes
The committee handles work that staff do not perform	
The committee is needed for the long-term (minimum four years – term of council)	Yes
The committee's mandate and work plan can be clearly articulated	Yes

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and a recommendation to bring back revised Terms of Reference for approval:</p> <p><b>Mandate:</b>  The Agriculture Development Advisory Board is a volunteer board appointed by City Council. ADAB will provide advice and assistance to Council and Economic development "to optimize economic opportunities available to and within the City by aggressively working towards the implementation of activities focused on the continued growth and prosperity of the rural areas and agricultural sector of the City of Kawartha Lakes."</p> <p>The Board shall provide advice, guidance and assistance to Council and the Manager of Economic Development, in areas by which the Board's involvement can benefit the overall agricultural prosperity of the City.</p> <p>The following are the activities and responsibilities of the Board:</p> <ul style="list-style-type: none"> <li>(a) Consider and advise Council upon the objectives and strategies for incorporation within Council's agricultural development policy which the Board deems most likely to optimize economic growth and the advancement of the agricultural sector</li> <li>(b) Review and advise Council and the Manager of Economic Development on matters related to the farm and the agricultural industry as they relate to the overall rural community</li> <li>(c) Advise City Council on long and short term planning regarding Agricultural Development within the City of Kawartha Lakes</li> <li>(d) Review and report to Council annually upon the effectiveness of Council's agricultural development policy and the execution thereof and on all activities and operations of the Board</li> <li>(e) Provide such other initiative, assistance, and advice to Council and to the Manager of Economic Development as they or the Manager may request or the Board considers appropriate for the provision, through agricultural development, of diverse and secure employment opportunities as well as the assessment necessary to support in a vital and attractive economic environment the highest possible quality of community life.</li> <li>(f) The Board may establish "special task forces or sub-committees" to investigate certain matters or carry special tasks for projects. The Board may appoint volunteers to serve on these task forces or committees;</li> </ul> <p>If the committee does not meet the criteria provide alternatives.</p>
Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p>

Alternatives:

## Appendix A

<b>Committee Name:</b>	<b>Environment Advisory Committee (EAC)</b>	
<b>Assessment Criteria Review</b>		
<b>Statutory Requirement</b>		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No	
If yes, list the Legislation/Order/By-law:	No	
Is there a clear committee mandate?	No	
Is the committee's mandate relevant?	Yes	
Is the committee's mandate achievable?	Yes	
Is the committee's mandate aligned with corporate goals?	Yes	
Is the committee operating effectively? (for year review)	Yes	
<b>No Statutory Requirement</b>		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	No	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	Yes	
The committee handles emerging issues of clear importance to the municipality	Yes	
The committee significantly helps stream-line discussion and decision making at Council	Yes	
The committee handles work that staff do not perform	No	
The committee is needed for the long-term (minimum four years – term of council)	Yes	
The committee's mandate and work plan can be clearly articulated	Yes	



Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference:</p> <p>Mandate: To provide advice to Council and staff on various environmental matters, with a focus on implementation of the City's sustainability Plan. To assist staff and Council in moving forward on various community projects. Aligns with "Healthy Environment" Strategic Priority and various priorities on city's Strategy Map. Aligns with sustainability plan and its' implementation. New sustainability plan identifies important environmental issues.</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc).</p>
<p>Alternatives: This committee was reassigned to Development Services in 2015 with refreshed mandate and alignment with various City projects, programs and priorities. Recommendation is to provide new more focussed terms of reference.</p>

## Appendix A

<b>Committee Name:</b>	Fenelon Falls Museum	
<b>Assessment Criteria Review</b>		
<b>Statutory Requirement</b>		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No	
If yes, list the Legislation/Order/By-law:	N/A	
Is there a clear committee mandate?	Yes	
Is the committee's mandate relevant?	Yes	
Is the committee's mandate achievable?	Yes	
Is the committee's mandate aligned with corporate goals?	Yes	
Is the committee operating effectively? (for year review)	Yes	
<b>No Statutory Requirement</b>		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	Yes	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	No	
The committee handles emerging issues of clear importance to the municipality	Yes	
The committee significantly helps stream-line discussion and decision making at Council	Yes	
The committee handles work that staff do not perform	Yes	
The committee is needed for the long-term (minimum four years – term of council)	Yes	
The committee's mandate and work plan can be clearly articulated	No	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and a recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate: <b>MISSION:</b> To manage the Fenelon Falls Museum Board facility with volunteers and in the most cost-effective way.</p> <p><b>OBJECTIVES:</b> The Board shall be responsible for the management and operations of the Fenelon Falls Museum including collection management, staffing, promotion, and events for the facility. The Board will also manage the various artifacts in accordance with the City's adopted policies relating to artifacts, maintain officer and director liability insurance for its volunteers and staff, oversee grant funding related initiatives and manage the day-to-day finances of the facility.</p> <p>The Board will abide by any terms and conditions which may be set out by the City's Solicitor, Auditor and/or Insurer for any activities relating to Board business including but not limited to special events as well as financial information.</p> <p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p> <p>Alternatives: This Committee could become more of a Management Board/Advisory Board and not continue as a Committee of Council.</p>

## Appendix A

<b>Committee Name:</b>	Joint Cemetery Board	
<b>Assessment Criteria Review</b>		
<b>Statutory Requirement</b>		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	Yes	
If yes, list the Legislation/Order/By-law:	Cemeteries Act R.S.O. 1990, c. 4.	
Is there a clear committee mandate?	Yes	
Is the committee's mandate relevant?	Yes	
Is the committee's mandate achievable?	Yes	
Is the committee's mandate aligned with corporate goals?	Yes	
Is the committee operating effectively? (for year review)	Yes	
<b>No Statutory Requirement</b>		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	No	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	Yes	
The committee handles emerging issues of clear importance to the municipality	No	
The committee significantly helps stream-line discussion and decision making at Council	Yes	
The committee handles work that staff do not perform	No	
The committee is needed for the long-term (minimum four years – term of council)	Yes	
The committee's mandate and work plan can be clearly articulated	Yes	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and a recommendation to bring back revised Terms of Reference for approval:</p> <p><b>Mandate: MISSION:</b>          Provide advice and input on City of Kawartha Lakes cemetery services and support related local community initiatives such as annual Decoration Days. Promote the sale of cemetery lots; and guidance on the provision of cemetery maintenance (includes foundations, setting of markers, staking, grass cutting, and general upkeep).</p> <p><b>OBJECTIVES:</b>          To work towards being a self-sustaining operation. The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p> <p>Alternatives: Should remain status quo due to legislation and by-law.</p>

# Appendix A

Committee Name:		Lindsay Parks Advisory
Assessment Criteria Review		
Statutory Requirement		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No	
If yes, list the Legislation/Order/By-law:	N/A	
Is there a clear committee mandate?	Yes	
Is the committee's mandate relevant?	Yes	
Is the committee's mandate achievable?	Yes	
Is the committee's mandate aligned with corporate goals?	Yes	
Is the committee operating effectively? (for year review)	Yes	
No Statutory Requirement		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	Yes/No	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	No	
The committee handles emerging issues of clear importance to the municipality	Yes	
The committee significantly helps stream-line discussion and decision making at Council	Yes	
The committee handles work that staff do not perform	No	
The committee is needed for the long-term (minimum four years – term of council)	Yes/No	
The committee's mandate and work plan can be clearly articulated	Yes	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate: <b>MISSION:</b> The mandate of the Lindsay Parks Advisory Committee is to: Advise on the provision of parks services in the Town of Lindsay, including input to parks policy, and promoting and maintaining communication with the public on local parks needs.</p> <p><b>OBJECTIVES:</b> To provide input for the City in regards to the Lindsay Parks system, particularly related to its policies for parkland use, development and maintenance. To allow for open communication between the City and the stakeholders of the Lindsay Parks system and act as a sounding board for potential projects.</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p> <p>Alternatives: It would be preferable to staff to leave this as an active Advisory Committee which is not a Committee of Council. However, this may come with some objection from the Councillors on the Committee.</p>



## Appendix A

<b>Committee Name:</b>	Wilson Estate	
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Assessment Criteria Review		
Statutory Requirement		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No	
If yes, list the Legislation/Order/By-law:	N/A	
Is there a clear committee mandate?	Yes	
Is the committee's mandate relevant?	Yes	
Is the committee's mandate achievable?	Yes	
Is the committee's mandate aligned with corporate goals?	Yes	
Is the committee operating effectively? (for year review	Yes	
No Statutory Requirement		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)		Yes
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate		Yes
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders		Yes
The committee handles emerging issues of clear importance to the municipality		Yes
The committee significantly helps stream-line discussion and decision making at Council		Yes
The committee handles work that staff do not perform		Yes
The committee is needed for the long-term (minimum four years – term of council)		Yes
The committee's mandate and work plan can be clearly articulated		Yes

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate: The Committee should remain status quo as its existence and mandate is dictated by the Will of Mr. Wilson.</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p>
<p>Alternatives:</p>

## Appendix A

Committee Name:	Trails Advisory Committee
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Assessment Criteria Review	
Statutory Requirement	
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No
If yes, list the Legislation/Order/By-law:	N/A
Is there a clear committee mandate?	No
Is the committee's mandate relevant?	No
Is the committee's mandate achievable?	No
Is the committee's mandate aligned with corporate goals?	No
Is the committee operating effectively? (for year review)	No
No Statutory Requirement	
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:	
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	No
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	Yes
The committee handles emerging issues of clear importance to the municipality	No
The committee significantly helps stream-line discussion and decision making at Council	No
The committee handles work that staff do not perform	No
The committee is needed for the long-term (minimum four years -- term of council)	No
The committee's mandate and work plan can be clearly articulated	No

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate:</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p> <p>Alternatives: The Committee has not met for over 2 years and should be disbanded.</p>

# Appendix A

Committee Name:		Fenelon Falls Powerlinks
Assessment Criteria Review		
Statutory Requirement		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No	
If yes, list the Legislation/Order/By-law:	N/A	
Is there a clear committee mandate?	Yes	
Is the committee's mandate relevant?	Yes	
Is the committee's mandate achievable?	Yes	
Is the committee's mandate aligned with corporate goals?	Yes	
Is the committee operating effectively? (for year review	Yes	
No Statutory Requirement		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	Yes	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	Yes	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	Yes	
The committee handles emerging issues of clear importance to the municipality	Yes	
The committee significantly helps stream-line discussion and decision making at Council	Yes	
The committee handles work that staff do not perform	No	
The committee is needed for the long-term (minimum four years – term of council)	Yes	
The committee's mandate and work plan can be clearly articulated	Yes	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate: MISSION' To make recommendations concerning financial assistance for capital projects that lead to the physical improvement, enhancement, beautification, sustainable tourism and for the benefit of Village of Fenelon Falls residents.</p> <p>OBJECTIVES: To make recommendations to Council on the expenditure and/or investment of the Powerlinks Fund within Fenelon Falls and within the Fund Disbursement Policy approved by Council. Funding will be available to the City, community-based organizations and individuals for initiatives that meet the program objectives of improving public property in any one of the following areas of focus:</p> <ul style="list-style-type: none"> <li>- Beach Park - Fenelon Falls Museum - Docking</li> <li>- Water Street Promenade - west of Colborne</li> <li>- Oak Street Improvements . Water Street - east of Colborne</li> <li>- Flume parkette (Upl)</li> <li>- Fallsview and Heritage Gorge Walkway o Bass Street Park area south of Railway Bridge</li> </ul> <p>The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.</p> <p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p>

Alternatives: Should continue as is due to funding components unless Council decides to alter how funds are dispersed and used.



## Appendix A

<b>Committee Name:</b>	<i>Transit Advisory Board (TAB)</i>	
<b>Assessment Criteria Review</b>		
<b>Statutory Requirement</b>		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	No	
If yes, list the Legislation/Order/By-law:	n/a	
Is there a clear committee mandate?	n/a	
Is the committee's mandate relevant?	n/a	
Is the committee's mandate achievable?	n/a	
Is the committee's mandate aligned with corporate goals?	n/a	
Is the committee operating effectively? (for year review)	n/a	
<b>No Statutory Requirement</b>		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	partially	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	no	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	no	
The committee handles emerging issues of clear importance to the municipality	no	
The committee significantly helps stream-line discussion and decision making at Council	no	
The committee handles work that staff do not perform	no	
The committee is needed for the long-term (minimum four years – term of council)	no	
The committee's mandate and work plan can be clearly articulated	no	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate:</p> <p>Each member of the Committee shall:</p> <ol style="list-style-type: none"> <li>1. exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances</li> <li>2. take such measures as necessary to ensure that the corporation complies with all requirements under this Act (Municipal Act 2001) as it applies to a transit system;</li> <li>3. become knowledgeable of Public Transit in Ontario;</li> <li>4. be committed to achieving and maintaining the vision, mission and values of Kawartha Lakes Transit Board; and</li> <li>5. promote Transit Services and communicate with passengers, employees and stakeholders in a positive manner concerning the Kawartha Lakes Transit Board and the board Vision.</li> </ol> <p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p> <p>Alternatives:</p> <p>Staff recommend that the TAB be reorganized as a review committee with a scoped work plan, that would meet a minimum 2 times per year, have four members (one Councillor and three residents of the CKL and have a revised terms of reference.) The Board may make recommendations to Council on the following matters:</p> <ol style="list-style-type: none"> <li>1. The annual capital and operating budgets;</li> <li>2. Transit initiatives</li> </ol>

## Appendix A

<b>Committee Name:</b>	<b><i>Waste Management Committee</i></b>	
<b>Assessment Criteria Review</b>		
<b>Statutory Requirement</b>		
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	no	
If yes, list the Legislation/Order/By-law:	n/a	
Is there a clear committee mandate?	n/a	
Is the committee's mandate relevant?	n/a	
Is the committee's mandate achievable?	n/a	
Is the committee's mandate aligned with corporate goals?	n/a	
Is the committee operating effectively? (for year review)	n/a	
<b>No Statutory Requirement</b>		
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:		
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	yes	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	no	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	no	
The committee handles emerging issues of clear importance to the municipality	occasionally	
The committee significantly helps stream-line discussion and decision making at Council	no	
The committee handles work that staff do not perform	no	
The committee is needed for the long-term (minimum four years – term of council)	Subject to new task force mandate	
The committee's mandate and work plan can be clearly articulated	no	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and recommendation to bring back revised Terms of Reference for approval:</p> <p>Mandate:</p> <p>The committee mandate, as per existing TOR is to provide recommendations to Council on strategy, policies and procedures and public education. Also to review other governmental reports/programs and advise/make recommendations to Council.</p> <p>The committee has typically not focused on the above mandate and has been involved at a more grass roots level; commenting on operations and day to day activities. That said, most recently the Committee has been engaged in participating in the development of a Waste Management Strategy.</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p>
<p>Alternatives:</p> <p>Staff recommend (in concert with the current WMC Chairperson Brian Junkin), that the WMC be reorganized as a task force. The first order of business will be to provide support and guidance through the development of the Waste Strategy. Once this has been finalized and approved by Council, the task force mandate will again be reviewed and perhaps aligned with recommendations in the Waste Management Strategy.</p> <p>A resolution was received from the Lindsay PRC that reads as follows:</p> <p><u>Waste Management Committee Resolution made July 16, 2014</u></p> <p>There was discussion by members of the PRC regarding the merit of having members of the public sit on the Waste Management Committee.</p> <p>Moved by: Lloyd Robertson</p> <p>Seconded by: Ken Trodd</p> <p><b>RESOLVED THAT</b> the PRC recommends to the present Waste Management Committee</p>

and Council that when a new Waste Management Committee is appointed after the 2014 election, that it consist of both Councillors and interested members of the public.

**CARRIED**

Staff do not recommend at this time that the recommended task force include members of the public.

Committee Name:	<b>Victoria Manor Committee of Management</b>
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Assessment Criteria Review	
Statutory Requirement	
Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	Yes
If yes, list the Legislation/Order/By-law:	<p><i>Long-Term Care Homes Act, 2007</i>  <b>132. (1)</b> The council of a municipality establishing and maintaining a municipal home or the councils of the municipalities establishing and maintaining a joint home shall appoint from among the members of the council or councils, as the case may be, a committee of management for the municipal home or joint home. 2007, c. 8, s. 132 (1).</p> <p>Regulation O. Reg. 79/10 under the Act states:  <b>284.</b> A committee of management appointed under section 132 of the Act shall,  (a) in the case of a municipal home, be composed of not fewer than three members;</p>
Is there a clear committee mandate?	Yes
Is the committee's mandate relevant?	Yes
Is the committee's mandate achievable?	Yes
Is the committee's mandate aligned with corporate goals?	Yes
Is the committee operating effectively? (for year review)	Yes
No Statutory Requirement	
If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:	
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	

The committee handles emerging issues of clear importance to the municipality	
The committee significantly helps stream-line discussion and decision making at Council	
The committee handles work that staff do not perform	
The committee is needed for the long-term (minimum four years – term of council)	
The committee's mandate and work plan can be clearly articulated	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and we will put a recommendation to bring back the Terms of Reference for approval:</p> <p>Mandate:</p>          
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.</p> <p>Alternatives:</p>          



Committee Name:	Joint Social & Housing Services Advisory Committee
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Assessment Criteria Review
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Statutory Requirement
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Is the existence of this committee required by Federal/Provincial/By-law legislation or regulation?	Yes: Resolution to approve agreement with the County, including the JAC Agreement (which includes the terms and conditions of the JAC Committee): CR2011-812
If yes, list the Legislation/Order/By-law:	By-law #: <b>2011-135</b>
Is there a clear committee mandate?	Yes
Is the committee's mandate relevant?	Yes
Is the committee's mandate achievable?	Yes
Is the committee's mandate aligned with corporate goals?	Yes
Is the committee operating effectively? (for year review)	Yes

No Statutory Requirement
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If there is no statutory requirement for the committee, the committee must fulfill five (5) of the following eight (8) criteria:	
The committee aligns with the strategic map and the strategic priorities (or other approved Master Plans or guiding principles)	
The committee requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate	
The committee addresses a broad subject matter that is handled by multiple internal divisions and/or external stakeholders	
The committee handles emerging issues of clear importance to the municipality	
The committee significantly helps stream-line discussion and decision making at Council	
The committee handles work that staff do not perform	
The committee is needed for the long-term (minimum four years – term of council)	
The committee's mandate and work plan can be clearly articulated	

Conclusion
<p>If the committee meets the criteria, outline the mandate of the committee from the approved terms of reference and we will put a recommendation to bring back the Terms of Reference for approval:</p> <p>Mandate:</p>
<p>If the committee does not meet the criteria provide alternatives.</p>

Alternatives
<p>Provide alternatives to strengthen the committee's mandate (i.e. merge committees, create an issue task force, etc.)</p> <p>Alternatives:</p>

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CAO2016-001

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**Date:** January 12, 2016  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:**

**Subject:** Department Committees of Council

**Author/Title:** Ron Taylor, CAO

**Signature:** 

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### Recommendation(s):

**RESOLVED THAT** Report CAO2016-001, **Department Committees of Council**, be received;


**THAT** no further action be taken to create department committees of Council at this time.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**

\_\_\_\_\_  
\_\_\_\_\_  
  
\_\_\_\_\_

## **Background:**

At the Council Meeting of March 3, 2015, Council adopted the following resolution:

**Moved by Councillor Breadner, seconded by Councillor Junkin,**  
**RESOLVED THAT** staff review and present a report to Council by the end of June 2015 that analyzes the dissolution of all current advisory committees in their present form and create one advisory committee per City operating department; and  
**THAT** the report also provide draft terms of reference to be used for each committee.

**CARRIED CR2015-257**

This report addresses that direction.

## **Rationale:**

Council requested a review of Committees of Council in 2014 and made a decision to change the way advisory committees report and are accountable to Council. Starting for the fiscal year 2016, Advisory Committees of Council will be providing a work plan on a standard template for approval. Council will be able to see what Committees wish to accomplish during the year, and provide any amendments and directions to that work plan. Work plans will be presented to Council before year end. At the end of 2016, each Committee will present Council with an annual report. The purpose is to document committee achievement of targets and to be accountable to Council for results. This process will keep committees focused and maximize the time of volunteers and staff to achieve results for the municipality.

The municipal advisory committees take many forms. Generally they are formed to deal with specific tasks, projects or specific program areas. Several committees inform topics that are multi-departmental. There are also legislated committees that deal with specific legislated processes such as the Drainage Board.

Establishing department-focused committees is not recommended for the following reasons:

- There would be difficulty in attracting individuals as the scope of department programs and services is broad-based (specific or special interests may not be adequately addressed);
- Departments manage the prescribed service delivery and programming of the City – department-based committees would likely delve into operational issues, and volunteers should not be directing staff operational matters or establishing service levels on behalf of Council; and
- Council and staff are moving towards streamlining and reducing overall committees to maximize resources, achieve specified targets and objectives, and establish through Council-approved committees, clear work programs.

Council reduced the number of non-legislated advisory committees from 29 (at end of 2014) to 19 at the end of 2015. Council and staff continue to monitor the new Committee structure and process, and dissolution or changes to the current structure would be premature at this time. A previous report providing an analysis of Committees of Council is available for review.

**Other Alternatives Considered:**

Council could direct staff to establish terms of reference for department-based committees. This is not recommended.

**Financial Considerations:**

There are no financial considerations relating to this report.

**Relationship of Recommendation(s) To Strategy Map:**

This report does not directly impact or align with a specific Strategy Map topic.

**Review of Accessibility Implications of Any Development or Policy:**

N/A

**Servicing Comments:**

N/A

**Consultations:**

City Clerk

**Attachments:**

n/a

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**E-Mail:** [rtaylor@city.kawarthalakes.on.ca](mailto:rtaylor@city.kawarthalakes.on.ca)

**Department Head:**

**Department File:**

## CORPORATE POLICY AND PROCEDURES MANUAL

Policy No:

<b>028</b>	<b>CAO</b>	<b>002</b>
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Policy Name:

### **Non-Legislated Committees of Council - Revised**

DEVELOPED BY:	<b>Judy Currins, Clerk</b>	DATE:	<b>Mar 13/07</b>
DEPARTMENT:			
ADOPTED BY:	<b>Council</b>	DATE:	<b>Mar 13/07</b>
RESOLUTION NUMBER:	<b>CR2007-233 CHR2007-032</b>	EFFECTIVE:	
CROSS-REFERENCE:	<b>CR2002-320 – Mar 26/02</b>	REVISIONS:	

### **POLICY STATEMENT AND RATIONALE:**

The City appoints citizens from the municipality to non-legislated Boards and Committees of Council to review and recommend actions to Council to advance various issues relating to the municipality. This policy establishes the process of appointments, along with defining the volunteer appointee's roles and responsibilities, and how they conduct business for the betterment of the municipality.

### **SCOPE:**

This policy applies to all non-legislated Committees of Council created and approved by Council and their sub-committees and the appointment process is specific to citizen appointees. It does not cover legislated Committees of Council except where the legislation governing those Committees is silent.(ie. Appointment process)

### **DEFINITIONS: In this policy:**

**"City", "Corporation of the City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes.

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

**"Committee"** means any Committee, commission, board, task force, or similar group which is advisory in nature and/or mandate specific and is:



1. created by the City;
2. approved by the City; or
3. created by another level of government (with jurisdiction), providing the right to Council to appoint one or more Persons to it, who are not members of Council.

**“Council”** or **“City Council”** means the municipal council for the City.

**“Director”** means the employee who holds that position, his or her delegate(s) or, in the event of organizational changes, another employee designated by Council;

**“Interview Team”** means a committee composed of three (3) members of Council to review applications and make the recommendation to Council on the Committee appointment(s).

**“Person”** means a human individual. For the purposes of this policy, the term does not include “artificial” persons recognized by law (for example, Corporations).

<b>POLICY, PROCEDURE AND IMPLEMENTATION:</b>
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## **1.0 Qualifications**

1.01 In addition to any other qualification requirements established by resolution or by City policy, any Persons appointed to a Committee must be:

- i) an elector of the City;
- ii) at least eighteen years of age; and
- iii) a Canadian citizen.

except where provided for in section 1.05 of this policy.

1.02 Notwithstanding Section 1.01, the following Persons are ineligible for appointment to the City’s Committees as a Citizen Appointee:

- i) current members of the Council (with the exceptions of statutory requirements and ex officio positions);
- ii) current trustees of the Trillium Lakelands District School Board or the Peterborough, Victoria, Northumberland, Clarington Catholic District School Board who have direct association/affiliation with the service/facility in question;
- iii) current City employees who have direct association/affiliation with the service/facility in question;



- iv) any Person who may have an actual or perceived (in the opinion of the Interview Team) conflict of interest with the purposes of the Committee in question due to his or her employment or otherwise; or
  - v) any Person who is in litigation or potential litigation with the municipality.
- 1.03 Council may assign staff persons to committees in liaison or record-keeping roles. No City employees may participate in voting that may occur on Committees unless they have been appointed as a Committee member.
- 1.04 Given the time commitment required by members of Committees, no Person shall serve as a member of more than two (2) Committees during the same time period, without special permission of the Council.
- 1.05 Despite the qualification requirements as set out under Section 1.01 of this policy, and subject to other applicable legislation, the Interview Team may recommend the appointment of one or more Person(s) to a Committee, with the consent of two thirds of the members (of the Interview Team) present.

## **2.0 Terms of Committee Membership**

- 2.01 The terms of reference for each Committee shall stipulate the terms of the membership of the Committee members. Terms of reference shall be developed in accordance with the Agenda and Reporting Policy.
- 2.02 The City encourages staggered-terms of membership of its Committees, with stated maximum terms. The maximum term for any member shall be three (3) years. Members may be reappointed for succeeding terms.
- 2.03 From time to time it may be necessary for an Interview Team to recommend to Council an appointment to a Committee which is outside the term of office stated in that Committee's terms of reference. In those circumstances, the Council must be fully apprised of the circumstances when considering its options for appointments.

## **3.0 Annual Appointment Advertising Requirements**

- 3.01 Once annually in the last quarter of each year, the Clerk shall, in accordance with the applicable statutes of the Province of Ontario and the policies of the City, advertise all vacancies to be filled through appointments of Persons to Committees of the City. The advertisement shall be placed in accordance with Council's approved advertising policies, and shall also be listed on the City's website.
- 3.02 The advertisement(s) shall list the name(s) of the committee(s) and any particular qualification requirements for membership.
- 3.03 Persons wishing to fill advertised vacancies on Committees of the City must submit to the Clerk, in writing, an application except as outlined in Section 3.04. The application shall be on a form supplied by the Clerk's office. No consideration will be given to filling vacancies unless a written application is

received. Supplemental resumés are encouraged, but are not required. Application forms and attached resumes are considered confidential and shall only be used for their intended purpose of selecting members to the specified committee.

- 3.04 Any person who is a current appointee to any Committee and remains qualified to be a citizen appointee, can reapply by submitting a letter indicating their intention to reapply. Nothing prevents an incumbent from applying using the application form if they choose.
- 3.05 The Clerk shall maintain a file with all current appointee's original applications for use during the selection process.

#### **4.0 Appointment Procedure**

- 4.01 The Clerk shall arrange an interview team to consist of three (3) members of Council to include any member(s) of Council appointed as the Council representative to the Committee shall form part of the interview team.
- 4.02 The Clerk shall copy for the appropriate affected Director a copy of all applications received for a Committee and the names of the Interview Team.
- 4.03 The Director shall arrange a meeting of the Interview Team to review the applications and decide whether there is a sufficient number of qualified candidates, or if a further notice and advertisement is required, or to decide if interviews are required and how many candidates will be interviewed, or if a recommendation will be made to Council without interviews.
- 4.04 If interviews are required, the Director shall arrange a meeting of the Interview Team to conduct the interviews with the applicants.
- 4.05 The Director or designate shall advise all selected applicants of the time and place of the interview. The notice shall be given at least one (1) week in advance of the interview.
- 4.06 The Interview Team will give fair and equal consideration to the qualifications, abilities and civic interest of all Persons who have applied who meet the qualifications of the office when considering appointments to Committees.
- 4.07 Interviews of the applicants to a Committee will be dealt with individually by the Interview Team. After interviews, the Director will call the members of the Interview Team to a vote. The Director shall advise the Interview Team of those citizen candidates receiving the greatest number of recommending votes. The Interview Team will recommend the selected candidates to Council for appointment to the said Committee, subject to the following conditions having been met:
  - a) the number of candidates thereby recommended shall not exceed, but may be fewer than, the number of vacancies to be filled, and

- b) No candidate may be recommended who has not received a majority of the votes eligible to be cast in relation to that candidate for a particular appointment.
- 4.08 The Director shall check the names of the recommended candidates with the Clerk's office to ensure the person(s) is not on more than two Committees.
- 4.09 A written report from the Interview Team, prepared by the Director responsible for the Committee, will be presented in closed session at the next scheduled regular meeting of the Standing Committee where the Committee reports. This report shall include the Interview Team's recommendations for appointments, together with a list of all the names submitted for the vacancies and a brief explanation of each applicant interviewed. The Standing Committee shall recommend the final appointments to Council to be considered in closed session. Council may choose to accept any of the Interview Team's recommendations, or it may choose to appoint an applicant not recommended by the Interview Team. Council shall not appoint a Person who was not considered by the Interview Team. The final appointment resolution shall be made in open session of Council.
- 4.10 If an applicant who was not invited to be interviewed wishes to appeal such to Council, he/she shall do so by contacting the Clerk who in turn will place the individual on the closed session agenda of the Council meeting. Council shall hear the individual. The final decision on the appointment to Committees is that of Council.
- 4.11 The Clerk shall maintain the list of all candidates who have submitted their names to the Interview Team but were not appointed to the Committee. The sole purpose of the list shall be to provide information relevant to Section 5.01 of this policy. Names shall be removed from the list at the request of the candidate or after a period of 3 years.
- 4.12 The Clerk shall not accept applications which are received but were not solicited through advertising in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Applications received after the date to receive applications will be kept on file in the event of a future vacancy and the applicant will be so notified.

## **5.0 Vacancies – (January to September of any year)**

- 5.01 Upon receiving a request from a Committee that there is a vacancy, the Director shall review the applications received when the position was most recently advertised and recommend the person to fill the vacancy to the Committee. If there are no applications in the file then the Director shall ask the Committee, through the chair, to nominate a single candidate for the position, which candidate shall be recommended to the applicable Standing Committee for appointment via a written confidential report. If the Committee declines to nominate a candidate, the Clerk shall advertise the vacancy in accordance with Section 3.01.

- 5.02 Where for any reason it is impossible to fill a Committee vacancy pursuant to Section 5.01 then Council may approve an amendment to the terms of reference for the Committee to allow for a smaller membership number or to alter quorum rules, as required, or the Council may approve circumstances allowing the position to remain vacant for the balance of the year.
- 5.03 In all cases, Persons appointed to fill a vacancy on a Committee shall assume the remainder of the term of office of the member whose vacancy is being filled.
- 6.0 Termination of Appointment (Recommended by Committee)
- 6.01 If a member of a Committee ceases to maintain the eligibility requirements, is not willing or able to carry on his or her duties, or absents himself or herself from three consecutive meetings of the Committee without being authorized by resolution entered upon its minutes, he or she is deemed to have vacated his or her seat. The Committee chair shall immediately advise the Director of the vacancy, which shall be considered in accordance with this policy.
- 6.02 A proposed recommendation to Council to terminate the appointment of a member of a Committee, based on reasons other than those as set out under Section 6.01, shall not be considered at any meeting of the Committee unless notice of the proposed recommendation to terminate the appointment has been given to the member of the Committee as set out in 6.03. The waiving of this notice is prohibited. The notice shall state the proposed recommendation to Council for termination of appointment of the member(s) and the reasons advanced for the recommendation. Where authorized by legislation, the matter may be considered at a meeting closed to the public.
- 6.03 The notice for termination of appointment and any supporting documentation shall be sent directly to the member identified in the motion by registered mail, the Secretary of the Committee, the Director, and the Clerk within seven (7) days after the meeting at which the matter will be presented.
- 6.04 The Committee member identified in any notice for termination of appointment shall be advised of his/her entitlement to forward a written response to the Secretary of the Committee, the Director, and the Clerk within seven (7) days of receipt of the notice and the supporting documentation.
- 6.05 After the period for response as set out in section 6.04 has expired, the Secretary of the Committee, shall place the proposed recommendation to Council for termination of appointment, any supporting documentation and any written response received on the agenda of the next scheduled regular meeting of the Committee. Where authorized by legislation, the matter may be considered at a meeting closed to the public.
- 6.06 The Committee member identified in a notice for termination of appointment shall be allowed to make a final presentation to the Committee prior to a vote being taken on the matter.

- 6.07 The recommendation to Council for termination of appointment of a member of a Committee appointed by Council requires a two-thirds vote of the Committee for approval.
- 6.08 Upon approval of a recommendation to Council for termination of appointment of a Committee member, the Secretary or Department Liaison of the Committee shall prepare a written report outlining the recommendation and all documentation presented concerning the recommendation.
- 6.09 The Clerk shall place the report with the recommendation for termination of the Committee member on the agenda of the next scheduled regular meeting of Council. The Clerk shall invite the attendance before Council of:
1. the member(s) who provided notice for termination of appointment;
  2. the Committee member whose appointment has been recommended for termination; and
  3. any other member of the committee, municipal officer or Person the Clerk may deem necessary to be in attendance.
- 6.10 The comments of those invited pursuant to Section 6.09, the report with the recommendation for termination of the Committee member and all other documentation received with respect to the matter, shall be considered in a meeting of Council closed to the public if permitted under section 239 of the *Municipal Act 2001*.
- 6.11 The Committee member identified in the recommendation for termination of appointment shall be given the opportunity to make a final presentation to Council prior to a vote being taken on the matter.
- 6.12 Adoption of the recommendation for termination of an appointment by Council to a Committee requires the affirmative vote of a simple majority of members of Council.

## **7.0 Termination of Appointment Initiated by Council**

- 7.01 A proposal to Council to terminate the appointment of a Committee member shall not be considered at any meeting of Council unless notice of the proposal to terminate the appointment has been given to the individual being considered. The waiving of this notice is prohibited. The notice shall state both the proposed recommendation to Council for termination of the appointment of the Committee member in question and the reasons advanced in support of the recommendation.
- 7.02 The notice for the termination of the appointment, along with any supporting documentation, shall be sent by the Clerk directly to the Committee member identified in the motion, by registered mail, at least seven (7) days prior the meeting at which the issue will be presented.



- 7.03 A Committee member identified in any notice for termination of appointment shall be advised of his/her entitlement to forward a written response to the Clerk within seven (7) days of receipt of the notice and the aforementioned supporting documentation.
- 7.04 After the period for response, as set out in Section 7.03 has expired, the Clerk shall place the matter and provide Council with any supporting documentation and any written response received on the closed session agenda of the next scheduled regular meeting of Council, or on the agenda of any Special Meeting of Council called for the purpose of its consideration.
- 7.05 The Committee member identified in a notice for termination of appointment shall be given the opportunity to make a presentation to Council prior to a vote being taken on the matter.
- 7.06 The termination by Council of the appointment of a Committee member appointed by Council requires the affirmative vote of a simple majority of Council for approval.
- 7.07 Council has the sole discretion to terminate any City Committee, established by Council, if Council determines that the Committee, is no longer required. No prior notice is required.

## **8.0 Terms of Reference**

- 8.01 The Terms of Reference of any Committee shall be developed using the template as attached to this policy as Appendix "A". Any amendments or revisions to the Terms of Reference are required to be submitted to the relevant Standing Committee for approval by both the Committee and ultimately Council.

Terms of Reference Template Revised

**TERMS OF REFERENCE**

**NAME:** *(name of Committee/Board)*

**MISSION:** *(a brief description of the mission of the Committee)*

**OBJECTIVES:** *(brief outline of objectives and goals of the Committee)*

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

**ROLES AND RESPONSIBILITIES:**

*(a brief description of the roles and responsibilities of the Committee will be inserted and be specific to the Committee. Items that may be included, if applicable:*

- *Compliance with the Code of Conduct*
- *Compliance with the Municipal Act including the Accountability and Transparency Section*
- *Direction of Staff*
- *Advisory Body to provide recommendations to Council*
- *No direct representations of the City to Provincial or Federal Governments*
- *Follow the by-laws and policies established by Council)*

**ACTIVITIES:** The following are the activities and responsibilities of the Committee: (List specific activities, such as:)

- (a) To make recommendations to Council on various issues related to the Board/Committee mandate.
- (b) To advise and make recommendations to Council on strategy, policies and procedures to achieve Council's goals relating to the Board/Committee's mandate.
- (c) To develop and recommend to Council the promotion of public education programs on local related issues and related to the board/Committee's mandate.
- (d) To review other governmental reports/programs and advise/make recommendations to Council of any impacts of those reports for the City and any action that should be considered by Council.



- (e) To prepare, by September 15<sup>th</sup> of each year, a projected budget and work program for the succeeding year, for presentation to, and adoption by, Council during the budget presentation process.
- (f) *Other – as recommended and approved by Council.*

**COMPOSITION:** The Committee shall be comprised of a maximum of (*state number of members*) consisting of (*state number of public volunteers*) members of the public and (*state number of council members*) Council representative(s). Committee members will be appointed by Council in accordance with established policy. The Councillor appointed by the Council will be ex-officio on the Committee. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair, Vice-Chair and Secretary. It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services.

**TERM OF APPOINTMENT:** Unless exempted by legislation, members will be appointed to varying terms to a maximum of a three year term. An equal number of appointees will be for a one year term and two year term with the balance appointed to a three year term for the first appointees. Successive appointments will be for a three year term to ensure knowledge succession and that there be no complete turnover of membership in any given year.

**RESOURCES:** The (*name the department*) will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The Department will also assist in the preparation and submission of budget requests/grant submissions, if needed.

**STAFF ASSIGNED:** Staff from (*name the department*) will be available to assist the Committee as outlined under “Resources” and to attend meetings of the Committee upon request.

**TIMING OF MEETINGS:** Meetings will be held on a set day and time as may be determined by the Committee/Board or at the call of the Chair.

**ADMINISTRATION:** Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee/Board at any time. Any changes proposed to these Terms of Reference by the Committee/Board shall be recommended to Council via the Director through a report to the appropriate Committee of Council.

**APPOINTMENT OF OFFICERS:** The (*name of Committee*) shall, at its first meeting in each year, elect from its membership a chairperson and a vice-chairperson. In the event that there is a staff liaison appointed pursuant to Staff Appointment, that person shall serve as the Secretary. In the

event that there is no staff liaison, the Committee shall, at its first meeting in each year, elect from its membership a Secretary.

**MEETINGS:** The Committee shall hold a minimum of (*state number*) meetings in each calendar year. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee.

**PROCEDURES:** Procedures for the meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

**CLOSED MEETINGS:** The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and visiting members of Council, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act. Prior to the commencement of closed session, a resolution shall be passed stating the general nature of the matter to be discussed and what section of the Municipal Act applies.

**AGENDAS AND MINUTES:** A copy of the Agenda shall be provided to the Clerk's office at the same time it is provided to Committee Members.

Minutes of all meetings of the Committee/Board shall be forwarded to the (*name of Department*) and to the Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the (*name of the Department*) at that time. The Clerk's Office will electronically circulate the minutes to all members of Council for their information. The Clerk's Office will maintain a set of printed minutes on file for public review.

**REPORTS:** All recommendations of the (*name of committee*) are to be forwarded to Standing Committee in a formal written report on the City report template. It will be the responsibility of the Committee to identify those recommendations to the (*name of the Department*) for final preparation of the report.

**CONFLICTS OF INTEREST:** Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

**ERRORS/OMISSIONS:** The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance,

does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

**MEETING ATTENDANCE:** Any member of the Committee who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member in accordance with adopted policy.

**LOCATION OF MEETINGS:** The location of the meetings will be set by the Committee.

**PURCHASING POLICY:** This Committee has no purchasing or procurement responsibilities. OR ALTERNATIVELY: This Committee has the following purchasing responsibilities within the budget allocated as follows (most should not have any purchasing responsibilities)

**BUDGET:** Committees will not be responsible for a budget unless Council approves their budget and delegation of responsibility to the Committee through the Committee's Terms of Reference.

**VOLUNTEER POSITIONS:** Unless approved by Council, as part of the Terms of Reference or establishing by-law, all committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council.

**INSURANCE:** *(This will be specific to the committee and will advise the members clarification of the position of the city insurers with respect to the specific committee and to what extent the city's coverage will be extended.)*

**DISSOLUTION:** At the discretion of Council, or upon the mandate of the Board/Committee being fulfilled, the Committee may be dissolved by resolution of Council.

**EXPULSION OF MEMBER:** The Committee may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Board/Committee or other legal issues. The process for expulsion of a member is outlined with Policy Number 028 CAO 002.

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CKL2018-007

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All Wards

**Title:** Delegation of Authority – Restricted Acts

**Description:** Providing the Chief Administrative Officer Delegated Authority during the “Lame Duck” Period

**Author and Title:** Cathie Ritchie, Clerk

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### Recommendation(s):

**That** Report CLK2018-007, **Delegation of Authority – Restricted Acts**, be received; and

**That** the Municipal Clerk be directed to prepare the necessary by-law prior to Nomination Day, delegating authority to the Chief Administrative Officer from July 27, 2018 to December 3, 2018 to enact the restricted powers of Council (Section 275(3)) during the “Lame Duck” period.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

Under the Municipal Act, 2001, S.O. 2001, c.25, a Council can be restricted from performing certain actions in one or both of two separate time periods:

1. Following Nomination Day Inaugural Day and/or
2. Following Election Day until Inaugural Day)

This period is technically referred to as the Restricted Acts after Nomination Day but is also known as a “lame duck” period.

When a new Council is going to be less than 75% of the existing members, “Lame Duck” will apply. In 2016 Council reduced the number of wards changing the size of the future Council from 17 to 9 and will automatically put Council into a “lame duck” period after nomination day.

The restrictions include the following:

- the appointment or removal from office of any officer of the municipality;
- the hiring or dismissal of any employee of the municipality;
- the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- making any expenditures or incurring any other liability which exceeds \$50,000

Section 275 of the Municipal Act, 2001, as amended states:

### **Restricted Acts after Nomination Day**

#### **Restricted acts**

275. (1) The council of a local municipality shall not take any action described in subsection (3) after the first day during the election for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.
2. If the new council will have more members than the outgoing council, the new council will include less than three-quarters of the members of the outgoing council or, if the new council will include at least three-quarters of the members of the outgoing council, three-quarters of the members of the outgoing council will not constitute, at a minimum, a majority of the members of the new council.
3. If the new council will have fewer members than the outgoing council, less than three-quarters of the members of the new council will have been members of the outgoing council or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the

members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council. 2001, c. 25, s. 275 (1).

### **Basis for determination**

[\(2\)](#) If a determination under subsection (1) is made,  
(a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or  
(b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation. 2001, c. 25, s. 275 (2).

### **Restrictions**

[\(3\)](#) The actions referred to in subsection (1) are,  
(a) the appointment or removal from office of any officer of the municipality;  
(b) the hiring or dismissal of any employee of the municipality;  
(c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and  
(d) making any expenditures or incurring any other liability which exceeds \$50,000. 2001, c. 25, s. 275 (3); 2006, c. 32, Sched. A, s. 114 (1).

### **Exception**

[\(4\)](#) Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by the council before nomination day in the election. 2001, c. 25, s. 275 (4).

### **Emergencies**

[\(4.1\)](#) Nothing in this section prevents a municipality taking any action in the event of an emergency. 2006, c. 32, Sched. A, s. 114 (2).

[\(5\)](#) Not applicable

### **Delegated authority unaffected**

[\(6\)](#) Nothing in this section prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council. 2006, c. 32, Sched. A, s. 114 (3).

### **Rationale:**

To ensure continuity of service delivery and decision making is maintained.

### **Other Alternatives Considered:**

None

### **Financial/Operation Impacts:**

There are no financial implications associated with this recommendation. Corporate policies will continue to be complied with during this period and all decisions in accordance with this delegated authority will be reported to Council.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

To maintain Municipal Service Excellence.

### **Review of Accessibility Implications of Any Development or Policy:**

No impacts.

### **Servicing Implications:**

This report will ensure continued service to residents to advance the Corporate Strategic Priorities.

Under the Act Section 275(4)(4.1) Council is not restricted from taking any action in the event of an emergency within the municipality.

### **Consultations:**

Ministry of Municipal Affairs and Housing

### **Attachments:**

The relevant By-law is provided in Section 15 of the Agenda

**Department Head E-Mail:** rtaylor@kawarthalakes.ca

**Department Head:** Ron Taylor, Chief Administrative Officer

**Department File:**



# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CORP2018-012

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** 2018 Q2 Capital Close

**Author and Title:** Nicole Owens, Junior Accountant

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### Recommendation(s):

**That** Report CORP2018-012, **2018 Q2 Capital Close**, be received;

**That** the capital projects identified in Attachment A to Report CORP2018-012 be approved to be closed due to completion;

**That** the balances in the table below be transferred to or from the corresponding reserves;

Reserve	Report Closing Balance
Capital Projects Reserve	\$644,843.88
Public Works Fleet Reserve	\$14,764.64
Sewer Infrastructure Reserve	\$186,943.50

**That** \$104.89 be withdrawn from Development Charges – Fire and applied to project 932170801 – Fire, Extrication Equipment to address the deficit;

**That** an additional \$5,000 from the Capital Reserves be allocated to 950180306 – Bike Repair/Tire Pump Station as per requirements specified within OMCC Grant acceptance as per DEV2018-003, By-law 2018-018;

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

**That** project 953180112 – LSC Windows be closed and the remaining budget of \$187,583.08 and all associated expenses be transferred to project 953170300 – LSC Windows;

**That** project 950180113 – Logie Park be closed and all remaining budget and expenses totaling \$1,111,000.00 be transferred to multi-year project 950151801 – Logie Park;

**That** project 950180112 – Trail & Shoreline Restoration be closed and all remaining budget and expenses totaling \$150,000 be transferred to multi-year project 950153301 – Trail & Shoreline Restoration;

**That** project 950164000 – City Boat Launches be closed and the remaining budget of \$50,734.69 be transferred to 950180109 – City Boat Launches;

**That** project 950170300 – City Boat Launches be closed and the deficit of \$37,494.34 be transferred to 950180109 – City Boat Launches;

**That** project 950170500 – Cemetery Site Works be closed and the remaining balance of \$49,376.26 be transferred to corresponding projects within 950180400 – Cemetery Site Works;

**That** project 950170601 – 50/50 Community Park Projects be closed and the remaining budget of \$12,229.20 be transferred to 950180110 – 50/50 Community Park Projects;

**That** project 950170701 – Wilson Estates be closed and the remaining budget of \$100,830.75 be transferred to 950180111 – Wilson Estates;

**That** project 950170901 – Park Furniture be closed and the remaining budget of \$32,799.27 be transferred to 950180301 – Park Furniture;

**That** the following projects be granted an extension to December 31, 2018:

- 928170301 - Upgrade/Replace Communication Equipment
- 928170401 - Upgrade/Replace Client Hardware
- 928170601 - Replace Printers
- 928171901 - Purchase Parks & Rec Software
- 932161401 - Fire Station Capital Repairs
- 932170501 - Equipment Replacement
- 938170200 - Paramedic Equipment
- 938170301 - Replace Light Duty Vehicle
- 938170401 - Replacement Ambulance
- 950170100 - Playgrounds - Various Locations
- 950170401 - Old Mill Park Dam Replacement
- 950170800 - Arena & Community Centre Equipment
- 950171000 - Arenas & Community Centres

- 950171101 - Victoria Park Armoury Repair
- 950171501 - Bobcaygeon Library
- 953150801 - City Hall – Roof and Atrium
- 953170200 - Building Services
- 983170100 - Bridges
- 983170600 - Gravel Resurfacing
- 983170700 - Road Lifecycle Extension
- 983171301 - Municipal Drains
- 998151201 - Lindsay WPCP Upgrade
- 998152200 - Glenelg St E Watermain Replacement & Design
- 998170100 - Water & Wastewater – Watermains
- 998170300 - Water & Sanitary
- 998170601 - Fenelon Water Treatment Plant Modifications
- 998170701 - Bobcaygeon Main Breaker
- 994171601 - Ice Machine Replacement
- 994172400 - Transit Hub and Shelters

**That** the following projects be granted an extension to December 31, 2019:

- 928151500 - ERP System
- 953170501 - Development 68 Lindsay St N
- 998151801 - Ridout St SPS – Pumps & Flow Meter
- 998161701 - Lindsay WPCP Upgrade-Construct
- 998170500 - Water & Wastewater – Upgrades
- 997146001 - Fenelon Landfill - Admin Building
- 997146301 - Laxton Landfill Site
- 997166101 - Pump Chamber Construction

**That** project 997170200 – Landfill Site Works completion date be extended to December 31, 2020;

## **Background:**

This report is provided to advise Council on each capital project's actual costs versus its approved budget and to close projects that are complete as at June 30, 2018 in accordance with the Capital Close and Administration Policy.

## **Rationale:**

The expectation of a capital close report is to bring completed capital projects to a zero balance by recommending provisions for any shortfalls and disposition of surplus amounts. When projects are closed with a surplus, the surplus is typically transferred to the Capital Projects Reserve. There are some exceptions to this practice. If the project being closed was funded from a source other than the general tax levy then the surplus is returned to that source of funding.

Please see below a list of attachments:

Attachment A - Lists all projects completed and recommended to be closed identifying the amount that will be returned to the reserves listed. There are projects that are closing with a zero balance as the funding has been returned to the original funding source and does not require Council approval to do so.

Attachment B – Lists all projects that will be complete as of December, 2018 or are on target to be completed by their current completion date. The project numbers with two asterisks (\*\*) are multi year projects that will have additional funding over multiple years and will be using the same project number until the project is completed.

Attachment C – Lists the active projects that are seeking Council Resolution to extend the current completion date.

Attachment D - Lists all of the current municipal drain projects. Most of the municipal drain projects are currently showing as negative amounts because the landowner is billed for his/her share and the City applies for funding from the province, once the project is complete.

The projects that are still open total \$119 Million in budget. The spending to date is approximately \$42 Million. There is currently \$77 Million of capital spending still to be incurred and of that total 73% of the projects are on track and have the capacity and resources to be completed on schedule. The remaining 27% of projects have been delayed for various reasons and are requesting extensions.

### **Other Alternatives Considered:**

Council may choose an alternative direction with respect to where the over and under expenditures should be transferred. Staff's recommendations are in accordance with the Capital Close and Administration Policy C 187 FIN 018.

### **Financial/Operation Impacts:**

The status of each project has been reviewed by Directors and appropriate management staff. The below detailed tables show the balances to the affected Reserves and Deferred Revenue, of the projects being closed.

#### **Attachment A: Completed Projects**

The table below is a listing of the reserves that require Council approval to transfer funds to and from.

<b>Reserve</b>	<b>Report Closing Balance</b>
Capital Projects Reserve	\$644,843.88
Public Works Fleet Reserve	\$14,764.64
Sewer Infrastructure Reserve	\$186,943.50

#### Obligatory Funds

Below is a table listing the obligatory funds for which the return of funding does not require Council approval, all deficits require Council approval and are included in the Council resolutions.

<b>Obligatory Reserves and Development Charge Reserve</b>	<b>Report Closing Balance</b>
City Development Charge Reserve	\$436,807.26
Gas Tax Reserve – Transit	\$131,682.69
Gas Tax Reserve – Infrastructure	\$2,032.96
Provincial Grants Receivables	\$14,183.00

#### Debenture Proceeds

The debenture debt will be decreased by \$988,854.04 due to the closure of various capital projects that already had debenture funding from previous capital budgets.

<b>Debenture Proceeds</b>	<b>Report Closing Balance</b>
983150100 – Bridge Reconstruction, Rehab & Design	\$41,893.58
983160100 – Bridge Reconstruction	\$102,657.28
99815101 – Huron Street Watermain Replacement	\$40,929.92
998170400 – Water & Wastewater Treatment	\$17,000.00
991150300 – Depot/Sand/Salt Building Repairs – East	\$848,250.000

In summary, a total of \$2,481,988.71 is recommended to be closed and returned to the original budget funding sources. There are currently 174 projects and staff recommend closing 37 projects, leaving a remaining 137 projects open.

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

This recommendation assists in achieving the Strategic Enabler goal. This Capital Close enables Council and the public to see that the projects that have been approved are being closed within budget and in a timely manner. This illustrates responsible fiscal resource management.

[City of Kawartha Lakes Strategic Plan.](#)

## **Consultations:**

Directors, Managers and Executive Assistants

## **Attachments:**



Attachment A.xlsx



Attachment B.xlsx



Attachment C.xlsx



Attachment D.xlsx

Attachment A: Completed projects.

Attachment B: Projects on target to be closed by current completion date.

Attachment C: Projects requesting an extension.

Attachment D: Municipal Drains.

**Department Head E-Mail: [jstover@kawarthalakes.ca](mailto:jstover@kawarthalakes.ca)**

**Department Head: Jennifer Stover**

Completed Projects - June 30,2018

Project Number	Description	Budget Year	Capital Projects Reserve	Public Works Fleet Reserves	Sewer Infrastructure Reserve	Sub-total	Debenture	Development Charges	Gas Tax Reserve Transit	Gas Tax Reserve Infrastructure	Provincial Grants	Total
			1.32045	1.32070	1.32030		1.13595	3.24140	3.24115	3.24110		
928170201	Transit Scheduling System	2017				-			129,945.01			129,945.01
932170701	Communication Equipment	2017	721.83			721.83						721.83
932170801	Extrication Equipment	2017	(760.11)			(760.11)		(104.89)				(865.00)
950160700	Ice Plant/System Equip Replace	2016	8,707.35			8,707.35						8,707.35
950162200	Arena&Pool Syst&Equip Upgrade	2016	25,310.00			25,310.00						25,310.00
950171300	Arena Systems	2017	(6,027.62)			(6,027.62)						(6,027.62)
950171401	LRC Pool System Upgrades	2017	132.24			132.24						132.24
953150200	Upgrade City Building Systems	2015	6,087.75			6,087.75						6,087.75
953150300	HVAC Replacements	2015	204,763.96			204,763.96						204,763.96
953170100	HVAC Systems	2017	(3,034.83)			(3,034.83)						(3,034.83)
953170600	HVAC - Emergency Replacemen	2017	0.04			0.04						0.04
983150100	Bridge Recon, Rehab and Design	2015				-	41,893.58					41,893.58
983160100	Bridge Reconstruction	2016				-	102,657.28					102,657.28
983161400	Traffic Improvements	2016	1,866.56			1,866.56		5,599.67				7,466.23
983161800	Roads Portion of WWWW Projects	2016				-				2,032.96		2,032.96
983170400	Urban and Arterial Resurfacing	2017	1,084.74			1,084.74						1,084.74
983170500	Rural Resurfacing	2017	94,068.07			94,068.07						94,068.07
983170900	Sidewalks	2017	127,730.38			127,730.38						127,730.38
983171201	Parking Lots	2017	61,681.58			61,681.58						61,681.58
998151001	Huron Street Watermain Replace	2015				-	40,929.92					40,929.92
998160701	East St N Watermain Replace	2016				-		13,837.88				13,837.88
998170400	Water & Wastewater - Treatment	2017			186,943.50	186,943.50	17,000.00				14,183.00	218,126.50
997130401	Somerville Landfill Cell Const	2013	855.38			855.38						855.38
997131000	Landfills - Cell Construction	2013	45,310.51			45,310.51						45,310.51
987170101	Resurfacing of Runway 13-31	2017	4,430.50			4,430.50						4,430.50
991150300	Depot/Sand/Salt Build Rep-East	2015	38,883.53			38,883.53	848,250.00	417,474.60				1,304,608.13
991150400	Depot/Sand/Salt Build Rep-West	2015	33,032.02			33,032.02						33,032.02
994152501	Transit - Calling of Stops	2015				-			1,737.68			1,737.68
994170501	Tractor Replacement	2017		14,764.64		14,764.64						14,764.64
			644,843.88	14,764.64	186,943.50		1,050,730.78	436,807.26	131,682.69	2,032.96	14,183.00	
Total						846,552.02						2,481,988.71



Attachment A  
Capital Projects to be Closed

Project	Description	Total Approved Budget	Total Spending	Remaining Budget	
928170201	Transit Scheduling System	255,000.00	125,054.99	129,945.01	1/2 GTR 1/2 Transit Infrastructure Reserve
932170701	Communication Equipment	40,000.00	39,278.17	721.83	tax levy
932170801	Extraction Equipment	50,000.00	50,865.00	(865.00)	43937 tax levy 6063 DC -
950160700	Ice Plant/System Equip Replace	987,000.00	978,292.65	8,707.35	tax levy
950162200	Arena&Pool Syst&Equip Upgrades	312,000.00	286,690.00	25,310.00	45000 cap reserv 267,000 tax levy
950170200	Sportsfield Siteworks	55,000.00	58,641.24	(3,641.24)	tax levy
950170300	Boat Launches	100,000.00	137,494.34	(37,494.34)	
950170500	Cemetery Siteworks	60,000.00	10,623.74	49,376.26	
950170601	50/50 Community Capital Projects	80,000.00	67,770.80	12,229.20	
950170701	Wilson Estate Parkland Program	110,000.00	9,169.25	100,830.75	
950170901	Upgrade/Replace Park Furniture	40,000.00	7,200.71	32,799.29	
950171300	Arena Systems	310,000.00	316,027.62	(6,027.62)	tax levy
950171401	LRC Pool System Upgrades	245,600.00	245,467.76	132.24	tax levy & cap res
953150200	Upgrade City Building Systems	118,000.00	111,912.25	6,087.75	tax levy
953150300	HVAC Replacements	935,496.11	730,732.15	204,763.96	tax levy
953170100	HVAC Systems	15,000.00	18,034.83	(3,034.83)	tax levy
953170600	HVAC - Emergency Replacement	23,413.00	23,412.96	0.04	cap res
983150100	Bridge Recon, Rehab and Design	79,411.00	37,517.41	41,893.59	27% debenture 23% reserves 50% DC Road
983160100	Bridge Reconstruction	3,095,695.00	2,993,037.72	102,657.28	13% ocif grant 74% debenture 13% cap res
983161400	Traffic Improvements	260,000.00	252,533.78	7,466.22	cap reserve & tax levy
983161800	Roads Portion of WWWW Projects	475,104.00	473,071.04	2,032.96	100000 added infra gas tax, rest tax levy & capital reserve
983170400	Urban and Arterial Resurfacing	2,771,693.00	2,770,608.26	1,084.74	used all ocif, balance to CR
983170500	Rural Resurfacing	2,959,918.00	2,865,849.93	94,068.07	CR
983170900	Sidewalks	572,824.00	445,093.62	127,730.38	CR
983171201	Parking Lots	150,526.00	88,844.42	61,681.58	CR
998151001	Huron Street Watermain Replace	339,900.00	298,970.08	40,929.92	28000 Water Reserve/111900 cap reserve additional funding?
998160701	East St N Watermain Replace	26,000.00	12,162.12	13,837.88	DC
998170400	Water & Wastewater - Treatment Plants	482,000.00	263,873.50	218,126.50	7415 of ocif grant to return, 17000 deb and rest CR
997130401	Somerville Landfill Cell Const	121,000.00	120,144.62	855.38	CR
997131000	Landfills - Cell Construction	301,800.00	256,489.49	45,310.51	CR
987170101	Resurfacing of Runway 13-31	200,000.00	195,569.50	4,430.50	CR
991150300	Depot/Sand/Salt Build Rep-East	1,440,000.00	135,391.87	1,304,608.13	848250 debenture 135000 CR 456750 (32%) DC
991150400	Depot/Sand/Salt Build Rep-West	132,500.00	99,467.98	33,032.02	CR
994152501	Transit - Calling of Stops	211,000.00	209,262.32	1,737.68	GT
994170501	Tractor Replacement	110,000.00	95,235.36	14,764.64	GT
<b>Total</b>		<b>17,465,880.11</b>	<b>14,829,791.48</b>	<b>2,636,088.63</b>	

0.32  
417,474.60  
848,250.00  
38,883.53

260,000.00		7,466.22
65,000.00	0.25	1,866.56
195,000.00	0.75	5,599.67

## Capital Projects on target to be closed by current completion date

Project	Description	Budget	Expenses	Remaining Budget	Closing Date	Initials	%Complete	Comments
928180100	IT Systems	282,000.00	-	282,000.00	June 30, 2019			
932130701	**Central Training Facility	75,000.00	426.80	74,573.20	December 31, 2018	VK	0%	PROJECT EXTENSION APPROVED CR2016-611 Requires funding in 2018 budget. Master Fire Plan recommendation MFP T-1 "That a Central Training Facility be established to incorporate all aspects, facilities and equipment discussed in this plan." Approved in 2014 budget was \$50,000 with a current project balance of \$74,573.20. No budget was approved in 2015, 2016 and 2017 and the project balance is not enough to complete the project.
932170201	**Bethany Firehall	1,000,000.00	98,940.62	901,059.38	December 31, 2018	VK	10%	PO 901366 issued. Multi Year Project.
932170901	**Bunker Gear	75,000.00	65,772.66	9,227.34	December 31, 2018	VK	90%	Multi year project. Expected completion Q4 2018
932171001	**SCBA Equipment	500,000.00	-	500,000.00	June 30, 2020	VK	0%	Multi year project. Expected completion Q2 2020
932172201	Coboconk Fire Hall Upgrades	637,786.00	29,542.48	608,243.52	December 31, 2018	VK	1%	Project has been tendered. Expected completion Q4 2018. Project awarded by tender PO903511
932180100	Fire Facilities	356,000.00	-	356,000.00	June 30, 2019	VK	0%	Estimated Completion Q2 2019
932180201	Fire Fleet - Light Duty Vehicle	46,000.00	-	46,000.00	June 30, 2019	VK	0%	Estimated Completion Q2 2019
932180300	Fire Equipment Program	730,000.00	9,171.09	720,828.91	June 30, 2019	VK	10%	Estimated Completion Q2 2019
938180200	Paramedic Fleet	585,000.00		585,000.00	June 30, 2019	AS	0%	Project in progress
938180300	Public Access Defibrillators	16,000.00	3,953.24	12,046.76	June 30, 2019	AS	0%	Project on target to be completed Q2 2019
942180101	Police Computers	30,000.00	-	30,000.00	June 30, 2019	LR	0	Complete, awaiting final invoice
942180201	Police Printer Replacement	3,000.00	468.61	2,531.39	June 30, 2019	LR	15%	on order
942180301	Police Vehicle Replacement	150,200.00	129,415.18	20,784.82	June 30, 2019	LR	95%	Complete, awaiting final invoices
942180401	Police Radio System Upgrade	144,000.00	65,868.08	78,131.92	June 30, 2019	LR	50%	Awaiting invoices
942180501	Police Switch Replacement	15,000.00	6,730.43	8,269.57	June 30, 2019	LR	45%	Awaiting work to be done by IT and final invoicing
950151801	**Logie Park Improvements	1,136,000.00	242,586.19	893,413.81	June 30, 2020	LP	25%	Multi-year estimated completion Q2 2020
950153301	**Shoreline Restore Sheet Piling	450,000.00	236,083.67	213,916.33	June 30, 2020	LP	25%	Multi-year estimated completion Q2 2020
950180100	Parkland Siteworks	3,208,000.00	125,381.69	3,082,618.31	June 30, 2019	LP	10%	Estimated completion Q2 2019
950180200	Parkland Facilities	239,000.00	14,527.08	224,472.92	June 30, 2019	LP	10%	Estimated completion Q2 2019
950180300	Parks & Rec Equipment	140,000.00	15,008.34	124,991.66	June 30, 2019	LP	10%	Estimated completion Q2 2019
950180400	Cemetery Siteworks	100,000.00	2,234.00	97,766.00	June 30, 2019	LP	10%	Estimated completion Q2 2019
950180500	Arenas & Pools	3,317,000.00	21,044.69	3,295,955.31	June 30, 2019	LP	10%	Estimated completion Q2 2019
950180601	Dalton Community Centre Elevator	73,000.00	3,358.08	69,641.92	June 30, 2019	LP	10%	Estimated completion Q2 2019
953170300	**Building Envelope	187,300.00	54,209.64	133,090.36	June 30, 2019	LP	50%	Estimated completion Q2 2019
953180100	**B&P Facilities	1,850,000.00	69,070.80	1,780,929.20	June 30, 2019	LP	25%	Estimated completion Q2 2020
953180201	Demo & Removal of 6 Buildings	278,380.00	2,136.96	276,243.04	June 30, 2019	LP	25%	Estimated completion Q4 2018
969180101	VM Circulation Piping	33,000.00	15,054.98	17,945.02	June 30, 2019	PK	50%	Ongoing, project on target
969180102	VM Kitchen Steamer/Soup Kettle	20,000.00	-	20,000.00	June 30, 2019	PK	0%	Project to begin in the fall

Project	Description	Budget	Expenses	Remaining Budget	Closing Date	Initials	%Complete	Comments
969180103	VM Resident Room Furniture	22,000.00	20,391.40	1,608.60	June 30, 2019	PK	95%	Ongoing, project on target
969180104	VM MacMillian Common Area Furniture	18,476.00	-	18,476.00	June 30, 2019	PK	0%	Project to begin in the fall
969180105	VM Hi-Low Electric Beds	12,000.00	11,002.71	997.29	June 30, 2019	PK	15%	Ongoing, project on target
969180106	VM 3rd Servery	40,000.00	-	40,000.00	June 30, 2019	PK	0%	Project to begin in the fall
969180107	VM Blixer/Food Processor	6,000.00	-	6,000.00	June 30, 2019	PK	0%	Project to begin in the fall
983150600	**Urban/Rural Recon Projects	4,488,332.00	4,342,672.66	145,659.34	December 31, 2018	CP	99%	Work complete. Utility invoices outstanding
983160600	**Urban/Rural Reconstruct Projec	4,851,494.00	3,189,111.43	1,662,382.57	December 31, 2018	CP	85%	Project is in progress and ongoing
983161301	**New Streetlights	110,000.00	4,923.82	105,076.18	December 31, 2018	MF		Project is in progress and ongoing
983170300	Urban /Rural Reconstruction	6,259,100.00	4,894,750.13	1,364,349.87	December 31, 2018	CP	80%	Project is in progress and ongoing
983170800	Road Restoration WWW Projects	400,775.00	86,363.57	314,411.43	December 31, 2018	CP	50%	Project is in progress and ongoing
983171001	Streetlights	110,000.00	1,307.87	108,692.13	December 31, 2018	MF	5%	Project is in progress and ongoing
983171101	Traffic Signals	100,000.00	21,155.48	78,844.52	December 31, 2018	MF	20%	Project is in progress and ongoing
983180100	Bridge Program	3,152,320.00	457,842.75	2,694,477.25	June 30, 2019	CP	25%	Project is in progress and ongoing
983180201	Jennings Creek Culverts	100,000.00	-	100,000.00	June 30, 2019	MF	5%	Project is in progress and ongoing
983180300	Urban/Rural Reconstruction	6,870,615.00	345,894.08	6,524,720.92	June 30, 2019	CP	25%	Project is in progress and ongoing
983180400	Urban/Rural Resurfacing	4,309,200.00	26,967.77	4,282,232.23	June 30, 2019	CP	25%	Project is in progress and ongoing
983180500	Rural Resurfacing	3,487,400.00	50,299.13	3,437,100.87	June 30, 2019	MF	15%	Project is in progress and ongoing
983180600	Gravel Resurfacing	1,717,220.00	15,043.69	1,702,176.31	June 30, 2019	MF	20%	Project is in progress and ongoing
983180700	Road Lifecycle Extension	1,219,800.00	-	1,219,800.00	June 30, 2019	MF	15%	Project is in progress and ongoing
983180900	Sidewalks	306,883.00	123,687.22	183,195.78	June 30, 2019	CP	50%	Project is in progress and ongoing
983181001	Streetlights	110,000.00	-	110,000.00	June 30, 2019	MF	0%	Project is in progress and ongoing
983181100	Traffic Signals	100,000.00	-	100,000.00	June 30, 2019	MF	0%	Project to begin in the fall
983181200	Parking Lots	171,000.00	595.30	170,404.70	June 30, 2019	MF	5%	Project is in progress and ongoing
983181301	Municipal Drains	40,000.00	-	40,000.00	June 30, 2019	MF	0%	Project to begin in the fall
983181400	Gravel Road Rehabilitation	4,559,540.00	-	4,559,540.00	June 30, 2019	MF	0%	Project to begin in the fall
998110100	**Omeme WPC Plant Upgrades	2,450,000.00	2,347,009.47	102,990.53	December 31, 2019	JR/AF	N/A	Project is on going
998151501	**Lindsay WPCP Septage Receiving	250,000.00	95,321.82	154,678.18	December 31, 2018	AH	95%	Project is in progress and ongoing
998151601	**Fenelon Falls Ellice St SPS Up	2,658,317.00	2,421,010.07	237,306.93	December 31, 2018	CP	95%	Project is in progress and ongoing
998151701	**Colborne St SPS Upgrades	5,675,000.00	4,356,959.44	1,318,040.56	December 31, 2018	CP	40%	Project is in progress and ongoing
998160201	**Water Operations Monitor Syst	150,000.00	18.73	149,981.27	December 31, 2018	JR	5%	Awarded to OCWA Bobaygeon Pilot
998160501	**Pinewood Production Well	254,456.45	51,844.81	202,611.64	December 31, 2018	CP	20%	Project is in progress and ongoing
998160800	**Fenelon Falls Watermain Upgrad	64,400.00	59,779.29	4,620.71	December 31, 2018	CP	90%	Project is in progress and ongoing
998161100	**Peel/York St Watermain -Design	50,000.00	8,054.77	41,945.23	December 31, 2018	CP	20%	Project is in progress and ongoing
998161401	**Kings Bay - RBC Units Upg/Repl	200,000.00	18,923.27	181,076.73	December 31, 2018	CP	50%	Project is in progress and ongoing
998161501	**Wastewater Operat Monitor Syst	150,000.00	18.73	149,981.27	December 31, 2018	JR	5%	Awarded to OCWA Bobaygeon Pilot
998162001	**Adelaide St N Sewer	127,600.00	89,354.31	38,245.69	December 31, 2018	CP	75%	Project is in progress and ongoing

Project	Description	Budget	Expenses	Remaining Budget	Closing Date	Initials	%Complete	Comments
998180101	Caroline St Water Main	40,000.00	-	40,000.00	June 30, 2019	CP	0%	Project to begin in the fall
998180301	Water Distribution & Collection Program	5,190,000.00	496,374.93	4,693,625.07	June 30, 2019	CP	25%	Project is in progress and ongoing
998180401	Water Treatment Program	502,000.00	511.82	501,488.18	June 30, 2019	CP	5%	Work has been awarded. Construction ongoing
998180501	Wastewater Treatment Program	784,000.00	14,966.20	769,033.80	June 30, 2019	CP	5%	Work has been awarded. Construction ongoing
997130801	**Eldon Landfill	292,000.00	178,983.25	113,016.75	December 31, 2018	DK	61%	Project is in progress and ongoing
997141000	**Landfills - Cell Construction	143,750.00	99,864.12	43,885.88	December 31, 2018	SH	70%	ongoing(road grading and bin placement)
997161201	**Eldon Landfill Const - Phase 3	1,200,630.00	182,862.39	1,017,767.61	December 31, 2018	JR	15%	Project is in progress and ongoing
997180100	Landfill Site Works	67,000.00	6,062.89	60,937.11	June 30, 2019	TK	10%	Project is in progress and ongoing
997180200	Landfill Equipment	78,000.00	8,388.08	69,611.92	June 30, 2019	DK	10%	Project is in progress and ongoing
987180100	Airport Siteworks	201,500.00	-	201,500.00	June 30, 2019	JR	0%	Project to begin in the fall
987180201	Airport Terminal HVAC	10,000.00	-	10,000.00	June 30, 2019	JR	0%	Project to begin in the fall
987180301	Airport Capital Plan	35,000.00	-	35,000.00	June 30, 2019	JR	0%	Project to be reevaluated
988000001	**Tile Drainage	0.00	102,900.00	(102,900.00)	On going	JH		Ongoing tile drainage recording project
991170200	Sand & Salt Storage Structure	75,000.00	6,716.16	68,283.84	December 31, 2018	RM	50%	Project ongoing
991180100	Roads Operations Depot Program	270,000.00	13,771.89	256,228.11	June 30, 2019	RM	50%	Project ongoing
994180101	Transit Stops	50,000.00	-	50,000.00	June 30, 2019	TB	0%	Scheduled to start process in July 2018
994180200	Fleet Program	3,189,000.00	348,107.62	2,840,892.38	June 30, 2019	TB	25%	Expected completion, spring 2019
<b>Total</b>		<b>82,396,474.45</b>	<b>25,710,798.38</b>	<b>56,685,676.07</b>				

Projects requesting an extension									
Project	Description	Budget	Expenses	Remaining Budget	Closing Date	Initial	% Com	Comments	Extension Date Requested
928151500	ERP System	3,200,218.00	2,738,691.22	461,526.78	June 30, 2018	KK	86%	Extend - implementation of initial scope is substantially complete and implementation of remaining scope and optimization is ongoing.	Extend Dec 31, 2019
928170301	Upgrade/Replace Communication	80,700.00	46,539.95	34,160.05	June 30, 2018	JC	58%	Extend - Competitive process for additional hardware yet to be issued once equipment needed is confirmed	Extend Dec 31
928170401	Upgrade/Replace Client Hardware	110,000.00	61,074.34	48,925.66	June 30, 2018	JC	56%	Extend - Waiting on vendor to deliver hardware	Extend Dec 31
928170601	Replace Printers	11,000.00	-	11,000.00	June 30, 2018	JC	0%	Extend - Quotes for hardware are going to be issued shortly, assessing needs for equipment is ongoing	Extend Dec 31
928171901	Purchase Parks & Rec Software	180,000.00	60,398.66	119,601.34	June 30, 2018	DT	34%	Extend - Awaiting delivery of hardware & onsite costs	Extend Dec 31
932161401	Fire Station Capital Repairs	80,000.00	60,747.52	19,252.48	June 30, 2018	VK	75%	Project requires extension to complete. Pending final invoicing	Extend Dec 31
932170501	Equipment Replacement	65,000.00	22,991.07	42,008.93	June 30, 2018	VK		Project requires extension to complete. Waiting for delivery of equipment and final billing.	Extend Dec 31
938170200	Paramedic Equipment	16,000.00	8,988.76	7,011.24	June 30, 2018	AS	55%	170202 Project needs to remain open beyond Q2. Goods received and waiting for final invoicing	Extend Dec 31
938170301	Replace Light Duty Vehicle	80,000.00	68,422.44	11,577.56	June 30, 2018	AS	90%	Project needs to remain open beyond Q2 PO outstanding(903477) good received invoice pending.	Extend Dec 31
938170401	Replacement Ambulance	150,000.00	147,008.40	2,991.60	June 30, 2018	AS	100%	Project complete, awaiting final invoicing	Extend Dec 31
950170100	Playgrounds - Various Locations	200,000.00	89,289.67	110,710.33	June 30, 2018	LP	50%	PO issued, products order, installs are happening now. This is being kept open as the installs will be after June 30 and we need to pay. Project on hold through the winter as installs cannot be done in winter months.	Extend Dec 31
950170200	Sportsfield Siteworks	55,000.00	58,641.24	(3,641.24)	June 30, 2018	LP	100%	All work is complete we are just waiting on final invoicing	Extend Dec 31
950170401	Old Mill Park Dam Replacement	167,611.00	164,485.67	3,125.33	June 30, 2018	LP	75%	All work is complete we are just waiting on final invoicing	Extend Dec 31
950170800	Arena & Community Centre Equipment	57,500.00	48,915.06	8,584.94	June 30, 2018	LP	75%	All equipment has been ordered we are just waiting on final invoicing	Extend Dec 31
950171000	Arenas & Community Centres	60,000.00	19,307.38	40,692.62	June 30, 2018	LP	90%	Work is 90% complete, final PO to be closed and awaiting final invoicing	Extend Dec 31
950171101	Victoria Park Armoury Repair	20,000.00	2,409.26	17,590.74	June 30, 2018	LP	50%	It took time to find where the leak was coming from after many repairs. We have finally pin pointed the issue. Work is underway and the project will be complete Q3, 2018	Extend Dec 31
950171501	Bobcaygeon Library	20,000.00	13,564.61	6,435.39	June 30, 2018	LP	75%	Changes need to be made to design to meet code, invoices outstanding. Request extension to Dec 31 2018	Extend Dec 31
953150801	City Hall - Roof, Atrium, etc	2,077,316.00	1,807,524.91	269,791.09	June 30, 2018	LP	95%	Extend to Dec 31, 2018 awaiting final payments and hold backs	Extend Dec 31
953170200	Building Services	88,000.00	5,672.99	82,327.01	June 30, 2018	LP	25%	Extend to Dec 31, 2018 requesting additional funds through the 2019 Capital Budget in order to move forward with this project	Extend Dec 31
953170501	Development 68 Lindsay St N	12,300,000.00	3,407,087.40	8,892,912.60	June 30, 2018	RS	40%	Extend to December 31, 2019 to allow for final billing. Expected construction completion Q1 2019. Should have been a multi-year project	Extend December 31, 2019
983170100	Bridges	3,006,214.00	1,798,484.49	1,207,729.51	June 30, 2018	CP	80%	Construction ongoing, project on hold over winter as construction cannot be done in winter months. Request extension to Dec 31 2018	Extend Dec 31
983170600	Gravel Resurfacing	1,395,497.00	1,235,497.08	159,999.92	June 30, 2018	MF	96%	Construction ongoing, project on hold over winter as construction cannot be done in winter months. Request extension to Dec 31 2018	Extend Dec 31
983170700	Road Lifecycle Extension	500,000.00	395,657.17	104,342.83	June 30, 2018	MF	80%	Construction ongoing, project on hold over winter as construction cannot be done in winter months. Request extension to Dec 31 2018	Extend Dec 31
983171301	Municipal Drains	40,000.00	33,361.00	6,639.00	June 30, 2018	MF	16%	Construction ongoing, project on hold over winter as construction cannot be done in winter months. Request extension to Dec 31 2018	Extend Dec 31
998151201	Lindsay WPCP Upgrade	192,520.00	166,566.04	25,953.96	December 31, 2018	AH	100%	Work complete. Outstanding final invoice from OCWA for contractor maintenance holdback. Keep open until December 2018	Extend Dec 31
998151801	Ridout St SPS-Pumps&Flow Meter	100,000.00	26,283.72	73,716.28	December 31, 2018	AF	25%	Construction ongoing, delayed start due to weather. Request extension to Dec 31 2018	Extend Dec 31, 2019
998152200	GlennlgStIE Watermain Repl-Dsgn	50,000.00	29,011.56	20,988.44	June 30, 2018	CP	90%	design complete, invoices outstanding. Request extension to Dec 31 2018	Extend Dec 31
998161701	Lindsay WPCP Upgrade-Construct	315,000.00	25,617.39	289,382.61	December 31, 2018	CP	5%	RFP to be awarded in Q3, had to wait for design work to be completed. Request extension to Dec 31 2019	Extend Dec 31, 2019
998170100	Water & Wastewater - Watermains	767,714.00	350,168.77	417,545.23	June 30, 2018	CP	60%	Construction ongoing, project on hold over winter as construction cannot be done in winter months. Request extension to Dec 31 2018	Extend Dec 31
998170300	Water & Sanitary	3,069,206.00	2,763,190.66	306,015.34	June 30, 2018	CP	90%	Construction ongoing, project on hold over winter as construction cannot be done in winter months. Request extension to Dec 31 2018	Extend Dec 31
998170500	Water & Wastewater - Upgrades	6,500,561.00	235,688.24	6,264,872.76	June 30, 2018	CP	50%	Lindsay WPCP RFP to be awarded in Q3. Request extension to Dec 31 2019. Colborne PS ongoing. Design work was delayed, causing delays to construction	Extend Dec 31, 2019
998170601	Fenelon Water Treatment Plant Mods	120,000.00	65,891.80	54,108.20	June 30, 2018	TK	70%	Complete, awaiting final invoices	Extend Dec 31
998170701	Bobcaygeon Main Breaker	49,083.72	-	49,083.72	June 30, 2018	AH	5%	Work has been rescheduled due to Hydro One August 2018. Request extension to December 31,	Extend Dec 31
997146001	Fenelon Landfill-Admin Buildin	269,675.00	66,207.39	203,467.61	December 31, 2018	TK	25%	Request extension to December 31, 2019. Waiting for MOECC approval	Extend Dec 31 2019
997146301	Laxton Landfill Site	173,750.00	3,533.98	170,216.02	December 31, 2018	DK	5%	Request extension to December 31, delays due to slow negotiations for land purchases.	Extend Dec 31 2019
997166101	Pump Chamber Construction	250,000.00	-	250,000.00	December 31, 2018	TK	0%	Request extension to Dec, 31 2019. Construction is ongoing, should have been a multi-year project	Extend Dec 31 2019
997170200	Landfill Site Works	875,000.00	357,314.58	517,685.42	December 31, 2018	TK	40%	Request exrtension to Dec. 31 2020. Compost pad complete. Ministry approvals are ongoing and construction for Gas Collection to begin after approval. Should have been created as a multi-year project	Exend Dec 31 2020
994171601	Ice Machine Replacement	100,000.00	-	100,000.00	June 30, 2018	TB	90%	Manufacturer states that we should have ice machine by August 1, 2018. Late due to parts supply issues	Extend Dec 31
994172400	Transit Hub and Shelters	291,029.00	95,599.01	195,429.99	June 30, 2018	TB	50%	Main Transit Hub is installed but remainder of shelters are schedue for August 24, 2018. Late due to parts supply and an influx of orders	Extend Dec 31
Total		37,083,594.72	16,479,833.43	20,603,761.29					

## Municipal Drains

## MUNICIPAL DRAINS

*MUNICIPAL DRAINS*

988000001	Tile Drainage	0.00	102,900.00	(102,900.00)	JH	
988033601	Carew Drain	0.00	503.71	(503.71)	JH	Drain Maintenance
988037101	Ferguson Drain	0.00	25,848.69	(25,848.69)	JH	
988038101	Grant Municipal Drain	0.00	1,381.39	(1,381.39)	JH	Drain Maintenance
988038601	Hall Municipal Drain	0.00	22,361.77	(22,361.77)	JH	Drain Maintenance
988043601	Lownsborough Municipal Drain	0.00	29,303.18	(29,303.18)	JH	
988047101	Murdoch Drain	0.00	11,649.24	(11,649.24)	JH	Drain Maintenance
988052601	Ryall Drain - Main	0.00	854.78	(854.78)	JH	
988054101	Short - Branch A	0.00	505.00	(505.00)	JH	Drain Maintenance
988081101	Ops Drain #1	0.00	29,599.00	(29,599.00)	JH	Drain Maintenance
988082101	Ops Drain #4	0.00	5,025.00	(5,025.00)	JH	Drain Maintenance
988082601	Ops Drain #5	0.00	778.46	(778.46)	JH	Drain Maintenance
988083201	Ops Drain 21/74	0.00	650.00	(650.00)	JH	
988083203	OPS 21-74 Drain Archer Branch	0.00	1,300.00	(1,300.00)	JH	Drain Maintenance
988083601	Robertson Drain - Main	0.00	976.90	(976.90)	JH	
988083901	Darmar/Tamlin Drain ENG12-007	0.00	256,526.28	(256,526.28)	JH	Drain Construction
988084001	Sandringham Drain(ELD)ENG15-013	118,247.00	118,247.86	(0.86)	JH	Construction Previously Levied
988084101	Gingrich Drain (EMI) ENG15-017	26,580.00	26,578.82	1.18	JH	Construction Previously Levied
988084201	Waite Drain	0.00	9,270.56	(9,270.56)	JH	Construction - to be levied upon completion
<i>MUNICIPAL DRAINS</i>			<u>144,827.00</u>	<u>644,260.64</u>	<u>(499,433.64)</u>	



# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CORP2018-013**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 12

**Title:** High Bill Adjustment 5 Sussex St N

**Author and Title:** Jennifer Stover, Director of Corporate Services

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### **Recommendation(s):**

**That** Report CORP2018-013, **High Bill Adjustment 5 Sussex St N**, be received;

**That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$1,293.24, plus applicable penalty, to the account at 5 Sussex St N, Lindsay as a one-time exemption to the Section 8.0 of the High Bill Adjustment Policy; and

**That** staff review and report back to Council on the High Water Bill Adjustment Policy with consideration to removing the restriction on income producing properties.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of May 22, 2018, Council adopted the following resolution:

### **CR2018-340**

**That** Report CORP2018-009, **High Water Bill Adjustment Appeals Committee**, be received; and

**That** Councillor James, Councillor Veale and Councillor Breadner be appointed to the High Water Bill Adjustment Appeals Committee, in accordance with By-law 2018-039, for the remainder of this term of Council;

**That** the Terms of Reference for the Committee be amended to include both High Water Bill Adjustment and Mandatory Connection Appeals; and

**That** the necessary by-law amendments and revised terms of reference be brought forward to Council.

This report addresses the outcome of the High Water Bill Adjustment Appeals Committee meeting.

## **Rationale:**

The High Water Bill Adjustment Appeals Committee held its first meeting on June 26, 2018 to hear the concerns of the owner of 5 Sussex St North, Lindsay. This property is a multi-tenanted residential dwelling unit.

In a typical billing cycle (+/- 90 days) this address consumes 50 to 80 cubic metres of water. During the period of November 2017 to January 2018, the consumption of water totaled 492.7 cubic metres. Due to the timing between the first bill, and the leaking toilet being fixed, the next billing cycle was also higher than normal with consumption of 249.2 cubic metres.

Section 8 of the High Water Bill Adjustment Policy provides one-time relief for instances similar to those that occurred at this property however, it does not apply to income producing properties.

The Committee received the deputation of the owner and recommended that a credit be applied to the account, using the same methodology that would be applied had this not been an income producing property.

The credit is calculated as 50% of the consumption billed that was above the average consumption. Specific to this property, the credit would be equal to 309.55 cubic metres, or \$1,293.94.

The Committee also made the recommendation that staff review the policy with consideration to removing the restriction on income producing properties.

### **Other Alternatives Considered:**

If Council wishes to uphold the High Water Bill Adjustment Policy, and not provide relief, then the following resolution should be passed:

That Council not approve any financial relief of the high water bill incurred at 5 Sussex St N, Lindsay for the billing period from November 2017 to January 2018.

### **Financial/Operation Impacts:**

The Water and Wastewater rates are established to recover the cost of producing and delivering safe drinking water to property owners, and the collection and treatment of wastewater.

Although the water was not knowingly consumed by the property owner, the City still bears the cost providing the service. Providing relief to residents for high water bills results in the City incurring a cost for which there isn't a direct revenue for recovery. This cost is then borne by the remaining user rate contributors throughout the City.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

Strategic Enabler – Responsible Fiscal Resource

### **Consultations:**

Property Owner  
Director, Public Works  
High Water Bill Appeal Committee

**Department Head E-Mail:** [jstover@kawarthlakes.ca](mailto:jstover@kawarthlakes.ca)

**Department Head:** Jennifer Stover

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CORP2018-014**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 12

**Title:** High Bill Adjustment 18 Francis St, Fenelon Falls

**Author and Title:** Jennifer Stover, Director of Corporate Services

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### **Recommendation(s):**

**That** Report CORP2018-014, **High Bill Adjustment 18 Francis St Fenelon Falls**, be received; and

**That** Council approve the recommendation of the High Water Bill Appeal Committee and provide a credit of \$1,298.56, plus applicable penalty, to the account at 18 Francis St Fenelon Falls as a one-time exemption to section 8.0 of the High Bill Adjustment Policy.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of May 22, 2018, Council adopted the following resolution:

### **CR2018-340**

**That** Report CORP2018-009, **High Water Bill Adjustment Appeals Committee**, be received; and

**That** Councillor James, Councillor Veale and Councillor Breadner be appointed to the High Water Bill Adjustment Appeals Committee, in accordance with By-law 2018-039, for the remainder of this term of Council;

**That** the Terms of Reference for the Committee be amended to include both High Water Bill Adjustment and Mandatory Connection Appeals; and

**That** the necessary by-law amendments and revised terms of reference be brought forward to Council.

This report addresses the outcome of the High Water Bill Adjustment Appeals Committee meeting.

## **Rationale:**

The High Water Bill Adjustment Appeals Committee held its first meeting on June 26, 2018 to hear the concerns of the owner of 18 Francis Street in Fenelon Falls. This property is a multi-tenanted commercial and residential unit.

In a typical billing cycle (+/- 90 days) this address consumes approximately 20 cubic metres of water. During the period of January to March 2018, consumption totaled 641.7 cubic metres of water.

The owner of the property was out of the country during the winter months and claims that a vandal turned on the tap in the basement resulting in the high water bill.

Section 2.9 of the High Water Bill Adjustment Policy states that no adjustment will be made where water loss is due to theft, vandalism or construction damage.

Ignoring the vandalism issue, Section 8 of the High Water Bill Adjustment Policy also exempts income producing properties.

The Committee received the deputation of the owner and recommended that a credit be applied to the account, using the same methodology that would be

applied had the property not been vandalized, and not been an income producing property.

The credit is calculated as 50% of the consumption billed that was above the average consumption. Specific to this property, the credit would be equal to 114.58 cubic metres, or \$1,298.56.

### **Other Alternatives Considered:**

If Council wishes to uphold the High Water Bill Adjustment Policy, and not provide relief, then the following resolution should be passed:

That Council not approve any financial relief of the high water bill incurred at 18 Francis Street, Fenelon Falls for the billing period from January to March 2018.

### **Financial/Operation Impacts:**

The Water and Wastewater rates are established to recover the cost of producing and delivering safe drinking water to property owners, and the collection and treatment of wastewater.

Although the water was not knowingly consumed by the property owner, the City still bears the cost providing the service. Providing relief to residents for high water bills results in the City incurring a cost for which there isn't a direct revenue for recovery. This cost is then borne by the remaining user rate contributors throughout the City.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

Strategic Enabler – Responsible Fiscal Resource

### **Consultations:**

Property Owner  
Director, Public Works  
High Water Bill Appeal Committee

**Department Head E-Mail:** [jstover@kawarthlakes.ca](mailto:jstover@kawarthlakes.ca)

**Department Head:** Jennifer Stover

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PUR2018-030**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 5

**Title:** 2018-57-CP Engineering and Design Services for Lindsay Water Pollution Control Plant Upgrades – Phase 1

**Author and Title:** Linda Lee, Buyer  
Nafiur Rahman, Senior Engineering Tech.

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### **Recommendation(s):**

**That** Report PUR2018-030, 2018-57-CP Engineering and Design Services for Lindsay WPCP Upgrades – Phase 1, be received;

**That** Cima Canada Inc., of Bowmanville, be awarded 2018-57-CP Engineering and Design Services for Lindsay WPCP Upgrades – Phase 1, as the highest scoring Proponent;

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and

**That** the Procurement Division be authorized to issue a Purchase Order.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_



## **Background:**

The Lindsay Water Pollution Control Plant (WPCP) is situated directly north of the community of Lindsay settlement area adjacent to the Scugog River and the City's Lindsay-Ops Landfill site. It was originally constructed in 1962/64 as a facultative lagoon treatment system and has been subsequently upgraded several times in the past.

The current Lindsay WPCP is an extended aeration facility with a rated Average Daily Flow (ADF) capacity of 21,500 m<sup>3</sup>/day as per the current MOECC Environmental Compliance Approval (ECA). Considering the City's completed Growth Management Strategy and Municipal Master Plan Project forecast rate of population growth, the existing WPCP will run out of reserve capacity by approximately 2022. Due to the increased demand of current and future residential, commercial and industrial development within the area and the operational issues and deficiencies in WPCP, the City completed a Schedule "C" Municipal Class Environmental Assessment (Class EA) study in 2015. The study focused on providing additional wastewater treatment capacity and improving WPCP operations by upgrading the WPCP's treatment process and improved effluent quality to service approved growth for the community of Lindsay.

The Class EA was completed in accordance with the Municipal Class Environmental Assessment process and was received by Council as follows:

**RESOLVED THAT** Report WWW2015-001, **Lindsay Water Pollution Control Plant (WPCP) - EA Update**, be received;

**THAT** the recommendations in the attached "Lindsay Water Pollution Control Plant upgrades, Municipal Class Environmental Study Report (Jan 2015)" be endorsed by Council;

**THAT** the notice of completion be forwarded to MOE and posted on the City's Website for 30 calendar days and posted in the local newspaper as per the Municipal Class EA process;

**THAT** the Environmental Study Report (Jan 2015) be made available at the Clerk's office and the Lindsay Library for review by the public and other interested parties for 30 calendar days.

**CR2015-132**

As per EA study, the preferred design is to upgrade and expand the existing Lindsay WPCP to an ultimate capacity of 42,756 m<sup>3</sup>/day on the existing site in two phases. Due to the uncertainty of phasing of forecasted growth during the EA

study, the Phase 1 upgrades considered to provide the Lindsay WPCP to an ADF capacity of 24,500 m<sup>3</sup>/day to meet the servicing requirements up to 2025, while taking into account planning for the future construction of additional works during Phase 2 to accommodate servicing of Lindsay to full build-out in 2048.

The Phase 1 upgrades will include expansion and upgrading the treatment system to include improved aeration and other miscellaneous improvements to address operational issues and deficiencies. The Phase 2 upgrades will be confirmed through further EA study while incorporating the updated Growth Management Plan and Lindsay Wastewater System Capacity Assessment.

The Request for Proposal (RFP) 2018-57-CP Engineering Services, Design, and Contract Preparation for WPCP – Phase 1 was released and advertised in accordance with the Purchasing Policy.

The RFP closed on Thursday May 17, 2018 and was opened in public by Councillor Pat O'Reilly and Launa Lewis, Supervisor of Financial Services. Proposals were received from the following:

Company
CIMA Canada Inc
AECOM
Associated Engineering
Wood Environmental & Infrastructure
D.M. Wills Associates
WSP
Hatch
J.L. Richards

Submissions were carefully reviewed and evaluated by the evaluation committee by consensus to the criteria described in the RFP, and CIMA Canada Inc. was found to be the highest scoring proponent.

References were checked with no concerns identified.

### **Rationale:**

Staff recommends that CIMA Canada Inc., of Bowmanville, be awarded 2018-57-CP Engineering and Design Services for Lindsay WPCP Upgrades – Phase 1 as the highest scoring proponent.

## Other Alternatives Considered:

No other alternative is being considered as the competitive procurement processes were followed and the scope of work cannot be changed. So, the highest scoring proponent is being recommended.

## Financial/Operation Impacts:

Capital Project Number	Project Budget	Other Committed Funds	Capital Project balance	Purchase Amount (excl. HST)	Contingency (10%)	HST Payable	Total Purchase	Project Balance
WW 1617 998161701	\$315,000	\$63,463	\$251,537	\$224,715	\$22,471	\$4,351	\$251,537	\$0
WW1705 998170501	\$315,000	\$40,725	\$274,254	\$219,539	\$21,954	\$4,251	\$245,743	\$28,531
TOTAL	\$630,000	\$104,188	\$525,812	\$444,254	\$44,425	\$8,602	\$497,280	\$28,531

Other committed Funds include staff time.

Water and wastewater capital projects do not close with a surplus, only the amount required is funded based on costs incurred. Therefore these projects will close with a zero balance in the capital close report.

Upon completion of the work, any remaining surplus or deficit will be dealt with through the Capital close report presented to Council by the Treasury Department in accordance with the Capital Close Policy.

## Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

RFP 2018-57-CP – Engineering and Design Services for Lindsay WPCP Upgrades – Phase 1 aligns with the Corporate Strategic Goals “A Vibrant and Growing Economy”, “An Exceptional Quality of Life”, and “A Healthy Environment”.

This Wastewater Capital Project directly aligns with these strategic goals by:

- Enabling efficient infrastructure and asset management;
- Priority Action - Protect and Enhance Water Quality;
- Support development by providing sanitary capacity;
- Update and execute Municipal Master Plans by implementing improvements to wastewater infrastructures.

## Servicing Implications:

Due to the uncertainty of phasing of forecasted growth as per City’s Growth Management Strategy completed in 2010, the Municipal Class EA for Lindsay WPCP Upgrades completed in 2015 identified that the existing Lindsay WPCP

will be upgraded in two phases. As per EA, the Phase 1 upgrades will be designed to ensure the wastewater capacity to 2025 (14% increase), while taking into account in design to allow for provision of future expansion and adaptability to accept the use of new technology as will be needed to improve the effluent quality and treat greater flows for full build-out in 2048 (est. 100% increase). The Ministry of Environment, Conservation and Parks (the then MOECC) commented that the Phase 2 expansion would need to be planned as a new schedule C project. The future EA undertaking will be planned with taking into account the future updates of City's Growth Management Plan and Lindsay Water/Wastewater Capacity Study.

As per current EA, the estimated capital costs (in 2014 dollars) for Phase 1 and Phase 2 upgrades of Lindsay WPCP (design and construction) are \$12M and \$40M respectively. The design for Phase 1 upgrades are funded in 2016 & 2017 capital budget and the future cost for Phase 1 construction and Phase 2 upgrades will be budgeted in 10-Year Capital Plan. It is expected that a multi-year phased design and construction program will be used to construct the proposed upgrades.

**Consultations:**

Junior Accountant  
Supervisor/Infrastructure, Design, Construction

**Department Head E-Mail:** jrojas@kawarthalakes.ca

**Department Head:** Juan Rojas, Director of Engineering and Corporate Assets

**Department File:** 2018-57-CP

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number: PUR2018-031**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier: Ward 12, Ward 14**

**Title: 2018-69-CQ Road Lifecycle Extension – Single Surface Treatment**

**Author and Title:** Linda Lee, Buyer  
**Co-Author and Title:** Mike Farquhar, Supervisor, Technical Services

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### **Recommendation(s):**

**That** Report PUR2018-031, 2018-69-CQ, Road Lifecycle Extension, Single Surface Treatment, be received;

**That** Royel Paving, a division of CRH Canada Group Inc. of Oakville be selected for the award of Quotation 2018-69-CQ Road Lifecycle Extension, Single Surface Treatment for the quoted price of \$107,380.00 plus HST; and

**That** subject to receipt of the required documents, the Purchasing Division be authorized to issue a purchase order.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## Background:

Within the 2018 Capital budget the program RD1807 Road Life Cycle Extension was approved for the treatment of road sections with preservation measures to insure and extend the surface life cycle of the selected road sections. These preservation measures can involve localized paving, single surface treatment, micro surfacing, crack sealing and slurry sealing as listed under RD1807.

This tender was issued under RD1807 for Localized Single Surface treatment. Crack sealing under this program has already been awarded and is underway. Localized paving is currently out for tendering.

Request for Quotation 2018-69-CQ Road Surface Extension – Single Surface Treatment was released for advertising in accordance with the City's Purchasing Policy.

The RFQ closed on Thursday June 21, 2018 and was opened in public by Andy Letham, Mayor and Linda Lee, Buyer with the following results:

<b>Quotation Received From</b>	<b>Total Quotation Amount (excluding HST) As Read at the Public Opening</b>
Royel Paving, a division of CRH Canada Group Inc.	\$107,380.00
Miller Paving Limited	\$112,725.00

In accordance with the Purchasing Policy the results of a competitive procurement process are considered to be irregular when fewer than three submissions are received in a formal competitive procurement process.

Irregular results of a competitive procurement process require that the selection of the vendor for award be approved according to the Table of Authority (4.04).

Bids received were checked for mathematical errors and compliance to the bid call.

Royel Paving is the lowest compliant quote and is known to the City.

## Rationale:

Staff recommends that Royel Paving, a division of CRH Canada Group Inc. of Oakville be selected for the award of Quotation 2018-69-CQ Road Lifecycle Extension, Single Surface Treatment for the quoted price of \$107,380.00 plus HST.

## Other Alternatives Considered:

No other alternatives are being considered at this time as the recommendation to award was achieved through an open, fair and transparent process and is within budget.

## Financial/Operation Impacts:

Funds for Tender 2018-69-CQ were approved in the 2018 Capital Budget as indicated in the table below.

Capital Project Number	Project Budget	Other Committed Funds	Capital Project balance	Purchase Amount (excluding HST)	10% Contingency	HST Payable	Total Purchase	Project Balance
983180702	\$197,950	\$2,000	\$195,950	\$107,380	\$10,738	\$2,079	\$120,197	\$75,753

Upon completion of the work, any remaining surplus or deficit will be dealt with through the Capital close report presented to Council by the Treasury Department in accordance with the Capital Close Policy.

## Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This project relates to Goal1 by maintaining the City existing infrastructure :

- Goal 1 – A Vibrant and Growing Economy

## Consultations:

Junior Accountant

**Department Head E-Mail:** jrojas@kawarthalakes.ca

**Department Head:** Juan Rojas, Director of Engineering and Corporate Assets

**Department File:** 2018-69CQ



# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PUR2018-032**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 5

**Title:** 2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work

**Author and Title:** Launa Lewis, Supervisor of Financial Services  
**Co-Author and Title:** Corby Purdy, Supervisor/Infrastructure, Design, Construction

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### **Recommendation(s):**

**That** Report PUR2018-032, **2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work**, be received;

**That** Hard-Co- Construction Ltd. be selected for the award of Quotation 2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work for the quoted price of \$199,900.00 plus HST;

**That** funding in the amount of \$135,000.00 be released from the Capital Reserve for the purpose of awarding this contract.

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to sign the agreement; and

**That** Purchasing be authorized to issue a purchase order.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

Request for Quotation 2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work was issued in accordance with the City's Purchasing Policy.

The RFQ closed on Thursday June 28, 2018 and was opened in public by Pat Dunn, Councillor and Linda Lee, Buyer with the following results:

<b>Quotation Received From</b>	<b>Total Quotation Amount (excluding HST) As Read at the Public Opening</b>
Hard-Co Construction	199,900.00
Coco Paving Inc.	229,624.08
Accurex Inc.	\$297,129.90
Fidelity Engineering & Construction	\$538,641.00

Bids received were checked for mathematical errors and compliance to the bid call.

Hard-Co Construction Ltd. is the lowest compliant quote and is known to the City.

## **Rationale:**

Staff recommends Hard-Co- Construction Ltd. be selected for the award of Quotation 2018-74-CQ Sylvan Crescent Reconstruction Deficiency Work for the quoted price of \$199,900.00 plus HST.

## **Other Alternatives Considered:**

None, as the lowest compliant bid is being recommended.

## Financial/Operation Impacts:

Funds for Sylvan Crescent Reconstruction were approved in the 2017 Capital budget as noted in the table below.

Capital Project	Capital Project Budget	Other Committed Funds *see below	Capital Project Balance	Tender Amount (Excl. HST)	10% Contingency	Payable HST	Total Tender Cost	Capital Project Balance
998170302 (WW1703)	\$300,000	\$211,225	\$88,774	\$199,900	\$19,990	\$3,870	\$223,760	<\$134,986>

\*Other committed funds subcontract work, internal staff time/wages, investigation and equipment.

Any remaining surplus or deficit will be dealt with through a further report to Council.

## Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This project aligns with the Strategic Enabler of Efficient Infrastructure and Asset Management.

## Consultations:

Junior Accountant

**Department Head E-Mail:** jrojas@kawarthalakes.ca

**Department Head:** Juan Rojas, Director of Engineering and Corporate Assets

**Department File:** 2018-74-CQ

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-056**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Victoria Room

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**Ward Community Identifier: Ward 13 – Dunsford**

**Title:** Request for Municipal Council Support Resolution Confirmation

**Description:** Feed-In Tarrieff (FIT) 3.0 Municipal Council Support Resolution Confirmation – Ground Mount Solar Projects, 1674 County Road 36, Geographic Township of Verulam

**Author and Title:** Ian Walker, Planning Officer – Large Developments

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### **Recommendations:**

**That** Report PLAN2018-056, **Request for Municipal Council Support Resolution Confirmation**, be received;

**That** Council of the City of Kawartha Lakes supports the construction and operation of the Project on the Lands described as 1674 County Road 36, Geographic Township of Verulam. This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose;

**That** the Chief Administrative Officer and Director of Development Services be authorized to sign the required Independent Electricity System Operator (IESO) forms on behalf of Council for the ground mount solar project at 1674 County Road 36, Geographic Township of Verulam, which was previously endorsed; and

**That** this resolution shall expire 12 months after its adoption by Council.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

On January 15, 2013 Council adopted the following resolution:

### **CR2013-027**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Luff

**RESOLVED THAT** Council for the City of Kawartha Lakes supports the construction and operation of ground mount solar projects located at the following locations:

- 1) 38 Esker Drive, Township of Emily, City of Kawartha Lakes
- 2) 1674 County Road 36, Township of Verulam, City of Kawartha Lakes
- 3) 3269 County Road 36, Township of Verulam, City of Kawartha Lakes
- 4) 309 Northline Road, Township of Fenelon, City of Kawartha Lakes
- 5) 131 Northline Road, Township of Fenelon, City of Kawartha Lakes; and

**THAT** this resolution shall expire twelve (12) months after its adoption by Council.

The City has been notified that the Independent Electricity System Operator (IESO) requires the Council Resolution of Support to be submitted, and provide confirmation in the prescribed forms.

## **Rationale:**

Since that resolution, the project at 1674 County Road 36 has received a **Renewable Energy Approval (REA) from the Ministry of the Environment and Climate Change (MOECC), under the FIT 3.0 program**. The Independent Electricity System Operator (IESO) requires that successful applicants of the FIT 3.0 program must receive confirmation of the original Municipal Council Support Resolutions.

## **Planning Comments:**

The project seeking a Municipal Council Support Resolution Confirmation is a ground mount solar project. This ground mount project is located on land designated Rural in the City of Kawartha Lakes Official Plan (OP). The land area of this parcel is 32.2 hectares (79.7 acres), of which the footprint of the project is a maximum of 1.2 hectares (3.0 acres). Small scale solar installations are considered an accessory use to rural uses, and would not create a land use conflict with abutting uses.

## **Other Alternatives Considered:**

No other alternatives were considered.

## **Risks/Considerations**

The FIT Contract has commenced based on the January 15, 2013 Council Resolution No. CR2013-027, enabling the Supplier to achieve Notice to Proceed under its FIT Contract. As the contract has proceeded, a motion to reconsider or rescind the January 15, 2013 motion is not being recommended.

## **Financial/Operation Impacts:**

In March 2018, the City's Fee Schedule was updated to require a fee of \$425 per request for a Municipal Council Support Resolution. This fee offsets the cost for staff resources to screen each request for completeness of information, sign the IESO prescribed form/template, and prepare a package to the proponent. The package includes the resolution from Council.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

The Feed-In Tariff program does not directly impact or align with a specific Strategic Priority. One of the top 10 Strategic Priorities is to protect prime agricultural land. The project is not proposed on prime agricultural land.

## **Consultations:**

IESO Website

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Correspondence from Proponents



PLAN2018-056  
Appendix A.pdf

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D43-2018



1 Atlantic Ave., Suite 105  
Toronto, ON M6K 3E7

Office: (416) 532-4658  
Fax: (416) 532-0090  
Email: [aross@solarprovidergroup.com](mailto:aross@solarprovidergroup.com)

May 29, 2018

Hey Ian,

APPENDIX " A "  
to  
REPORT PLAN 2018-056  
FILE NO. 043-2018

Enclosed are 3 documents that I will summarize for you:

- 1) The first is the original Support Resolution that was provided for this project by the City of Kawartha Lakes on October 29, 2013.
- 2) The second is the new Municipal Support Resolution Confirmation document that we require for the Notice To Proceed process. It includes the instruction pages, but page #2 & #4 are the ones that are required to be completed on your end. Page #2 can be signed by you or a planning office representative, while page #4 is the one that requires a signature from an elected representative of the City of Kawartha Lakes.
- 3) The third document is the Limited Partnership Report, which documents the change in name of the Limited Partnership, currently known as "SOLAR PROVIDER CANADA ORIGINATION HEALTH LP", but previously known as "SUNEDISON CANADA ORIGINATION HEALTH LP" (as shown on the 2<sup>nd</sup> page, and highlighted).

Feel free to email or call me at any time if there is anything that you need clarification on. The cheque for \$425 + HST (total \$480.25) is in our system being processed, and I hope to get it to you by the end of next week. I will email you a scan of the cheque once it has been signed.

Thank you very much,

Andrew Ross

Project Developer

**Solar Provider Group**  
1 Atlantic Avenue, Suite 105  
Toronto, ON M6K 3E7

cell: [647-624-2468](tel:647-624-2468)  
office: [1-888-989-4677](tel:1-888-989-4677)

email: [aross@solarprovidergroup.com](mailto:aross@solarprovidergroup.com)  
website: [solarprovidergroup.com](http://solarprovidergroup.com)

**RECEIVED**

**JUN 01 2018**

City of Kawartha Lakes  
Development Services  
Planning Division

Solar Provider Group, 1 Atlantic Ave., Suite 105, Toronto, ON M6K 3E7

Phone: (416) 532-4658 | Toll Free: 1 (888) 989-4677 | Fax: 416-532-0090 | [www.solarprovidergroup.com](http://www.solarprovidergroup.com)

## PREScribed FORM: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION

(Sections 5.1(g) of the FIT Rules, Version 3.0)

OPARF 1-FIT 02211

The Prescribed Form may be completed and provided to the OPA by an Applicant that had received a FIT Rules, Version 2.1 Template: Municipal Council Support Resolution (that was not a blanket support resolution) that was issued by the Local Municipality prior to October 9, 2013 in relation to the Applicant and the Project. The Prescribed Form: Municipal Council Support Resolution Confirmation may not be used as a substitute for a Template: Municipal Council Support Resolution where no Template: Municipal Council Support Resolution was issued for the Project previously.

Capitalized terms not defined in this form have the meanings ascribed thereto in the FIT Rules, Version 3.0.

1. I am the/an: Director of Development Services of the  
City of Kawartha Lakes (the "Municipality"),

and have the delegated authority to provide this confirmation on behalf of the Municipality and without personal liability.

2. SunEdison Canada Origination Health LP (the "Applicant")

*(This must be the same Applicant (i.e. same name) as stated in the Municipal Council Support Resolution originally provided as attached)*

proposes to construct and operate a ground mount solar

*(This must be the same description as stated in the Municipal Council Support Resolution originally provided as attached)*

(the "Project") on 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0

*(This must be the same description as the Lands in the Municipal Council Support Resolution originally provided as attached)*

(the "Lands") in the Municipality under the Provinces FIT Program.

3. The Council of the Municipality (the "Council") had previously provided the Municipal Council Support Resolution attached as Exhibit "A" for the Project indicating by resolution the Council's support for the construction and operation of the Project on the Property.

4. I have confirmed that the Project being proposed by the Applicant under the Province's FIT Program is the same Project on the same Lands as the Project that was the subject of the Municipal Council Support Resolution attached as Exhibit "A".

5. I confirm that the Municipal Council Support Resolution attached as Exhibit "A" is still in effect and that the Council has not rescinded, revoked or repealed such resolution and confirm that the Municipality supports the construction and operation of the Project on the Lands.

DATE: October 29, 2013

Signature: 

Signature: R. Taylor

Name: Ron Taylor

Title: Director of Development Services

FIT reference number: FIT-6431703

*(The reference number must be inserted by the Applicant in order for the resolution to comply with the FIT rules, even where Local Municipal letterhead is used. This is not to be inserted by the Local Municipality.)*



**PRESCRIBED FORM/TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION**

Section 6.1(d)(i) of the FIT Rules, Version 2.1

OPAMP/FIT 03/14

Capitalized terms not defined herein have the meanings ascribed thereto in the FIT Rules, Version 2.1.

Resolution NO: CR2013-027Date: January 15, 2013

**WHEREAS** SunEdison Canada Origination Health LP (the "Applicant") proposes to construct and operate a  
ground mount solar project

(the "Project") on 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0 (the "Lands") in  
City of Kawartha Lakes under the Province's FIT Program;

**AND WHEREAS** the Applicant has requested that Council of City of Kawartha Lakes  
indicate by resolution Council's support for the construction and operation of the Project on the Property;

**AND WHEREAS**, pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts;

**NOW THEREFORE BE IT RESOLVED THAT:**

Council of the City of Kawartha Lakes supports the  
construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.



Ron Taylor, Director of Development Services

(Note: signature lines for councillors or other representatives, as appropriate.)

FIT reference number: FIT-64317C3  
(Note: Must be inserted by Applicant to complete Application)

## **INSTRUCTIONS: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION - NOTICE TO PROCEED**

(Sections 2.4(d)(vii) of the FIT Contract, Version 3.1)

Capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract.

### **INSTRUCTIONS SPECIFIC TO THE MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION (PROJECT-SPECIFIC) - NOTICE TO PROCEED (THE "PRESCRIBED FORM")**

1. Where a Prior Resolution (as defined in the Prescribed Form) was passed in respect of a Project and a Municipal Council Support Resolution is required as per the FIT Contract Cover Page, the Prescribed Form must be provided to the IESO for the purposes of achieving Notice to Proceed ("NTP") under Section 2.4(d)(vii) of the FIT Contract, Version 3.1.
2. The Supplier must submit a New Resolution (as defined in the Prescribed Form) that was issued by the Local Municipality.
3. The Template: Municipal Council Support Resolution (Project-Specific) must be completed and attached as Exhibit "A" to the Prescribed Form.
4. All information, including Project details, provided in the Prescribed Form must be consistent with the information contained in the New Resolution and the Prior Resolution.
5. The Prescribed Form may not be used as a substitute for a Municipal Council Support Resolution where no new Municipal Council Support Resolution was issued for the Project.
6. No Prior Resolution related to the Project will be accepted as Exhibit "A" for the purposes of achieving NTP.
7. The Prescribed Form must be completed by an authorized representative of the Local Municipality.
8. Apart from the completion of any blanks, no amendments may be made to the wording of the Prescribed Form or of the Municipal Council Support Resolution attached as Exhibit "A".
9. The original ink signature must be provided on the Prescribed Form and submitted as a hard copy along with the NTP Request.
10. This instruction page is not required to be submitted to the IESO.

### **INSTRUCTIONS SPECIFIC TO THE TEMPLATE: MUNICIPAL COUNCIL SUPPORTS RESOLUTION (PROJECT-SPECIFIC) (EXHIBIT "A")**

1. The Local Municipality named in the Municipal Council Support Resolution must be the Local Municipality in which the Project is located.
2. The Renewable Fuel type named in the Municipal Council Support Resolution must be the same as that contained on the FIT Contract Cover Page.
3. The Supplier's legal name and Lands (as defined in the Prescribed Form) must be the same as the information contained on the FIT Contract Cover Page.
4. Local municipal councils have the option of drafting the Exhibit "A" on the council or equivalent governing body letterhead.
5. Words in between square brackets (i.e. "[" and "]") are immaterial to the intent of Exhibit "A" and may be modified to follow standard procedure of the issuing body. Wording not contained within square brackets must not be changed in order for the New Resolution to be acceptable for the purposes of achieving NTP.

**PRESCRIBED FORM: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION (PROJECT-SPECIFIC)**  
**RE: NOTICE TO PROCEED**

**(Section 2.4(d)(vii) of the FIT Contract, Version 3.1)**

Capitalized terms not defined in this form have the meanings ascribed thereto in the FIT Contract, Version 3.1.

1. I am the/an: \_\_\_\_\_ of the  
\_\_\_\_\_  
City of Kawartha Lakes (the "Municipality"),  
and have the delegated authority to provide this confirmation on behalf of the Municipality and without personal liability.
2. \_\_\_\_\_ SOLAR PROVIDER CANADA ORIGINATION HEALTH LP (the "Supplier") has entered into  
a FIT Contract to construct and operate a \_\_\_\_\_ ground mount solar Facility  
(the "Project").
3. The Project is located on \_\_\_\_\_ 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0 (the "Lands").
4. The Council of the Municipality (the "Council") had previously provided a Municipal Council Support Resolution indicating the Council's support for the construction and operation of the Project on the Lands, which the Supplier obtained and submitted in its Application in accordance with the FIT Rules, Version 3.0 (the "Prior Resolution").
5. The Council has provided a new Municipal Council Support Resolution indicating by resolution Council's continued support for the construction and operation of the Project on the Lands (the "New Resolution"). The New Resolution is attached as Exhibit "A" hereto.
6. I have confirmed that the Project proposed by the Supplier and that is the subject of the New Resolution is the same Project on the same Lands as the Project that was the subject of the Prior Resolution.
7. I confirm that the New Resolution attached as Exhibit "A" is still in effect as of the date below and that the Council has not rescinded, revoked or repealed such resolution and confirm that the Municipality supports the construction and operation of the Project on the Lands.

DATE: \_\_\_\_\_

Signature: \_\_\_\_\_

FIT Contract ID #: F-006145-SPV-310-722

Name:

Title:

**PRESCRIBED FORM: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION - NOTICE TO PROCEED**  
(Section 2.4(d)(vii) of the FIT Contract, Version 3.1)

---

**Exhibit "A"**

**New Resolution**

*Attach the new Municipal Council Support Resolution. This can be provided on Council letterhead or in the  
Template: Municipal Council Support Resolution (Project-Specific) - Notice to Proceed*

**TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION (PROJECT-SPECIFIC) - NOTICE TO PROCEED**

**Section 2.4(d)(vii) of the FIT Contract, Version 3.1**

---

Resolution NO: \_\_\_\_\_

Date: \_\_\_\_\_

**[WHEREAS]** capitalized terms not defined herein have the meanings ascribed thereto in the FIT Contract, Version 3.1;

**[AND WHEREAS]** SOLAR PROVIDER CANADA ORINATION HEALTH LP (the "Supplier") has entered into a FIT Contract to construct and operate a ground mount solar Facility (the "Project") on 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0 (the "Lands") in the City of Kawartha Lakes (the "Local Municipality") under the Province's FIT Program;

**[AND WHEREAS]** the Supplier previously requested that the Council of the Local Municipality ("Council") indicate by resolution Council's support for the construction and operation of the Project on the Lands or all Projects with the same Renewable Fuel anywhere in the Local Municipality, and Council did provide such support in a prior resolution.

**[AND WHEREAS]** the Supplier has requested that the Council indicate, by a resolution dated no earlier than June 10, 2015 (the "New Resolution"), Council's continued support for the construction and operation of the Project on the Lands;

**[AND WHEREAS]** where a New Resolution is received in respect of a Project, the Supplier will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in the Supplier being offered Notice to Proceed in accordance with the terms of the Supplier's FIT Contract;

**[NOW THEREFORE BE IT RESOLVED THAT]:**

Council of the City of Kawartha Lakes supports the construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose.

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Title:

*(signature lines for elected representatives.)*

FIT Contract ID #: F-006145-SPV-310-722
---

Request ID: 018943015  
Transaction ID: 61076988  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2016/05/11  
Time Report Produced: 10:41:28  
Page: 1

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

SOLAR PROVIDER CANADA ORIENTATION HEALTH  
LP

**Business Identification Number**

221277569

**Business Type**

LIMITED PARTNERSHIP

---

**Mailing Address**

1 ATLANTIC AVENUE

No. 105  
TORONTO  
ONTARIO  
CANADA, M6K 3E7

**Address of Principal Place of Business in Ontario**

1 ATLANTIC AVENUE

No. 105  
TORONTO  
ONTARIO  
CANADA, M6K 3E7

**General Nature of Business**

RENEWABLE ENERGY

**Jurisdiction of Formation**

ONTARIO

**Declaration Date**

2012/12/21

**Expiry Date**

2022/12/19

**Renewal Date**

2016/04/28

**Change Date(s)**

2016/05/03

**Last Document Filed**

CHANGE

**Dissolution/Withdrawal Date**

NOT APPLICABLE

**Last Document Filed Date**

2016/05/03

**Current Partnership Business Names Exist:**

NO

**Expired Partnership Business Names Exist:**

NO

Request ID: 018943015 Province of Ontario  
Transaction ID: 61076988 Ministry of Government Services  
Category ID: UN/E

Date Report Produced: 2016/05/11  
Time Report Produced: 10:41:28  
Page: 2

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

SOLAR PROVIDER CANADA ORIGINATION HEALTH  
LP

**Business Identification Number**

221277569

**Business Type**

LIMITED PARTNERSHIP

---

**Former Names**

SUNEDISON CANADA ORIGINATION HEALTH LP

**Date of Name Change**

2016/04/28

Request ID: 018943015 Province of Ontario  
Transaction ID: 61076988 Ministry of Government Services  
Category ID: UN/E

Date Report Produced: 2016/05/11  
Time Report Produced: 10:41:28  
Page: 3

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

SOLAR PROVIDER CANADA ORIGINATION HEALTH  
LP

**Business Identification Number**

221277569

**Business Type**

LIMITED PARTNERSHIP

---

**Information Regarding General Partner(s)**

**Name (Individual/Corporation/Other)**

SOLAR PROVIDER CANADA ORIGINATION HEALTH  
GP CORP.

Corporate Number: 2355101

**Address**

1 ATLANTIC AVENUE

No. 105  
TORONTO  
ONTARIO  
CANADA, M6K 3E7

**Name of Signatory**

SEYFARTH, SEBASTIAN

**Power of Attorney**

NO

Former Limited Partnership Names will only be displayed for Declarations registered on or after April 1, 1994.

This Report sets out the most recent information registered on or after April 1, 1994 and recorded in the Ontario Business Information System as of the last business day.

The issuance of this report in electronic form is authorized by the Ministry of Government Services.



# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-059**

---

**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Victoria Room

---

**Ward Community Identifier:** 16

**Title:** Deeming By-law Application D30-2018-010 – 1590839 Ontario Inc. (Haslam)

**Description:** Deem Lots 3 and 4, Registered Plan 57M-734, geographic Township of Manvers, being 13 and 17 Sandbourne Drive

**Author and Title:** Janet Wong, Planner II

---

### **Recommendation(s):**

**That** Report PLAN2018-059, **Deeming By-law Application D30-2018-010 - 1590839 Ontario Inc. (Haslam)**, be received;

**THAT** a Deeming By-law respecting Lots 3 and 4, Registered Plan 57M-734, substantially in the form attached as Appendix E to Report PLAN2018-059, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

Proposal:	To deem Lots 3 and 4, Registered Plan 57M-734 not to be lots within a registered plan of subdivision.
Owner:	1590839 Ontario Inc.
Applicant:	Ron Haslam
Official Plan:	Oak Ridges Moraine Natural Linkage Area – Schedule G Oak Ridges Moraine Policy Area, City of Kawartha Lakes Official Plan
Zone:	General Industrial Zone – Oak Ridges Moraine Zoning By-law 2005-133
Site Servicing:	Private well and individual septic system
Existing Use:	Industrial
Adjacent Uses:	North, South and West: Industrial East: Rural

## **Rationale:**

The applicant (Mr. Haslam) operates a business constructing signs (Maximum Signs) from 17 Sandbourne Drive and has obtained site plan control approval to construct an addition to the building. Mr. Haslam has since purchased 13 Sandbourne Drive and is seeking to deem these two lots not to be part of a registered plan in order to merge the parcels on title. As two separate lots, a retaining wall is required to direct runoff from 17 Sandbourne Drive to the roadside such that runoff is not increased to 13 Sandbourne Drive. The purchase allows Mr. Haslam to remove the requirement for a retaining wall and lot grading and drainage will be reviewed to ensure no adverse impacts on subsequent neighbouring properties. Please refer to Appendices B, C and D. The applicant has requested that Council pass a Deeming By-law to effect the consolidation of Lots 3 and 4, Registered Plan 57M-734.

Adoption and subsequent registration of this Deeming By-law (Appendix E) will allow the two parcels to be used as one providing greater flexibility with use of the lands and to address grading and drainage with less long term maintenance costs. The effect of this Deeming By-law is that Lots 3 and 4 will consolidate into one larger property, which cannot be sold as two separate lots. The legal description will remain as – Lots 3 and 4, Registered Plan 57M-734.

## **Other Alternatives Considered:**

At this time, there are no other alternatives considered that are appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's land.

## **Financial/Operation Impacts:**

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the vibrant and growing economy and healthy environment priorities by creating a property which supports local business operations with the least impact on the environment.

## **Conclusions:**

The consolidation of the two separate parcels will create one larger property. This will allow for greater flexibility to address lot grading and drainage from development of this site. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## **Attachments:**

Appendix A – Location Map

Appendix B – Orthoimage

Appendix C – Excerpt from Registered Plan 179

Appendix D – Excerpt from Lot Grading and Drainage Plan

Appendix E – Draft Deeming By-law



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf



Appendix D.pdf



Appendix E.pdf

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**Department Head E-Mail:** [cmarshall@kawarthlakes.ca](mailto:cmarshall@kawarthlakes.ca)

**Department Head:** Chris Marshall

**Department File:** D30-2018-010

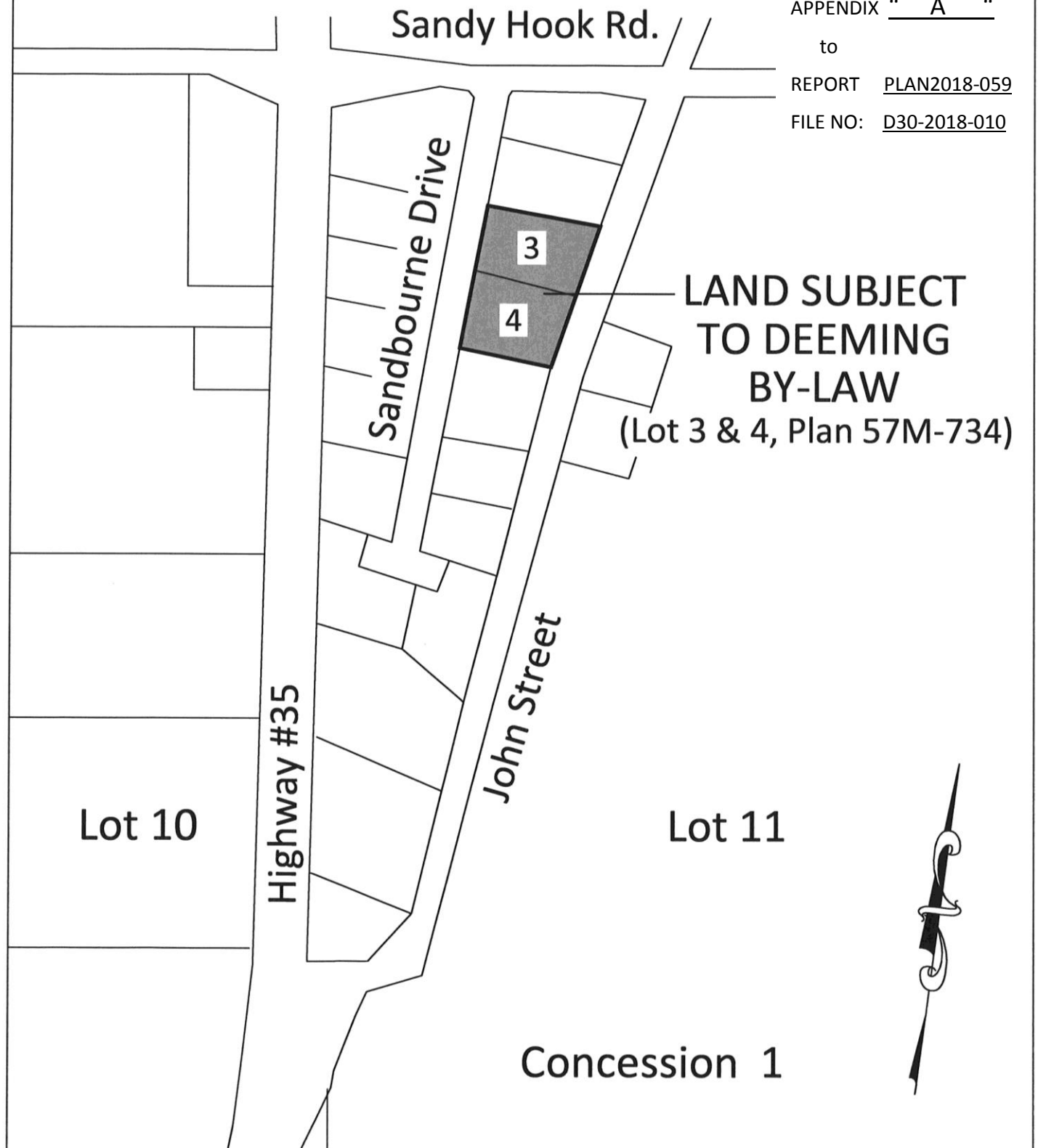
# Geographic Township of Manvers

APPENDIX " A "

to

REPORT PLAN2018-059

FILE NO: D30-2018-010



- Legend**
- Road Centreline
  - Upper Municipalities
  - Lower Tier Municipalities
  - Property ROLL#
  - Lots and Concessions

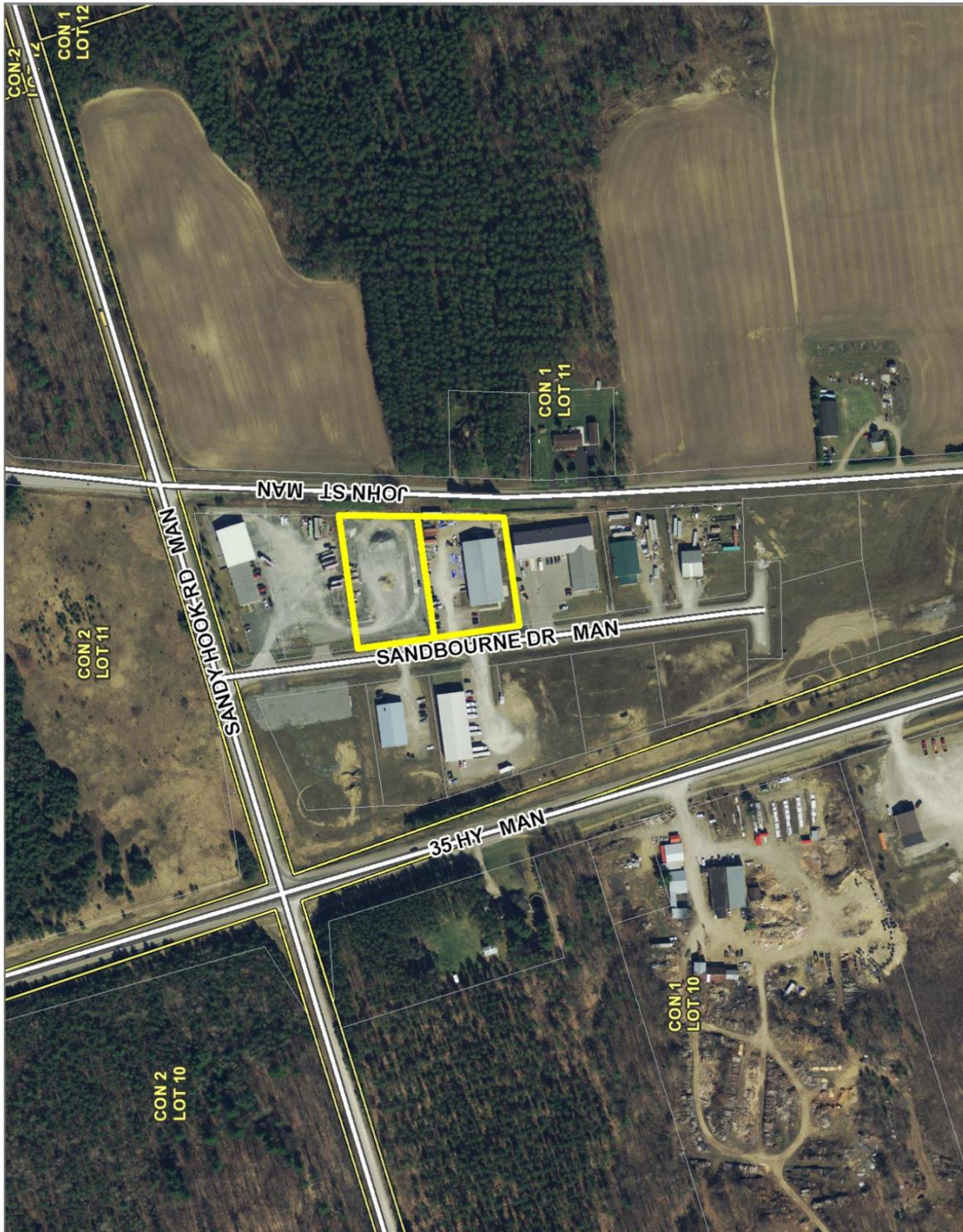
APPENDIX " B "

to

REPORT PLAN2018-059

FILE NO: D30-2018-010

No No



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

0.30 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes







to

REPORT PLAN2018-059FILE NO: D30-2018-010**The Corporation of the City of Kawartha Lakes****By-Law 2018 -**

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
PIN 63269-0299 (Lt) And PIN 63269-0300 (LT), Described As Lot 3 and Lot 4, 57M-  
734, Geographic Township Of Manvers, Now City Of Kawartha Lakes**

File D30-2018-010, Report PLAN2018-059, respecting 13 and 17 Sandbourne Drive –  
1590839 Ontario Inc.

**Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Details**

- 1.01 **Property Affected**: PIN 63269-0299 (LT) and PIN 63269-0300 (LT). The Property affected by this By-law is described as Lot 3 and Lot 4, 57M-734, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Deeming Provision**: The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

**Section 2:00 General Terms**

- 2.01 **Force and Effect**: This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.



By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

---

Andy Letham, Mayor

---

Cathie Ritchie, Clerk



**The Corporation of the City of Kawartha Lakes**  
**Council Report**

**Report Number PLAN2018-061**

---

**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

---

**Ward Community Identifier: 10**

**Title:** Downtown Parking Space Update

**Author and Title:** Chris Marshall, Director

---

**Recommendation(s):**

That Report PLAN2018-061, **Downtown Parking Space Update**, be received;

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The owner of 171-183 Kent Street proposes to demolish the existing three storey hotel/restaurant building at 171 Kent Street West, known as The Grand hotel, and the existing two storey mixed commercial and residential building at 171-183 Kent Street West, and to construct a new three (3) storey commercial building. As part of the application process, the applicants requested that Council permit them to pay cash in lieu for the required parking spaces that could not be provided on site.

At the May 22, 2018 Regular meeting of Council the request to pay cash in lieu for the parking spaces that could not be provided on site was approved and a follow up motion was adopted:

### **CR2018-337**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Strangway

**That** staff be directed to meet with the Lindsay Downtown Business Improvement Area and bring a report back to Council regarding the financial information on the cost of parking in downtown Lindsay at the last meeting in June 2018.

**Carried**

This report addresses that direction.

## **Rationale:**

Further to the Council resolution/direction, staff met with the Lindsay BIA parking sub-committee on June 12, 2018. The staff that attended the meeting included the CAO (Ron Taylor), Manager, Corporate Assets (Adam Found), Manager, MLEO (Aaron Sloan) and Planning Officer, Large Developments (Ian Walker).

The CAO provided an overview of the past downtown parking utilization study, the City's existing Transportation Master Plan (and parking demand targets), and the long term capital plan (inclusive of allocation for some tax support investment in parking expansion).

The Manager, Corporate Assets provided an overview of the parking strategy and explained that the City's Transportation Master Plan (TMP) recognizes the general need to expand municipal parking capacity in the downtown areas of Lindsay, Fenelon Falls, and Bobcaygeon. This is based on the population and employment forecasts in the Growth Management Strategy. These are in turn based on the Provincial Growth Plan, which forecasts the City of Kawartha Lakes

will reach a permanent population of 100,000 by 2031 and 107,000 by 2041. The Places to Grow Act requires the City to plan for this growth.

Section 6 of the Transportation Master Plan (TMP) recommends the City further study municipal parking needs through a parking strategy designed to examine parking issues in downtown areas more closely, substantiate specific needs and develop proposed solutions. The TMP recommended that this parking strategy be undertaken in 2023 as it was forecasted that downtown Lindsay's parking capacity would reach 80% occupancy by this time. However, due to recent growth in the area and increased parking demand since the removal of paid parking, Council adopted a staff recommendation at the April 24, 2018 Council meeting to budget \$100,000 to start the Parking Strategy in 2018.

The Manager of Corporate Assets went on to explain to the BIA Parking Sub-Committee members that:

It is recommended that a parking strategy study be undertaken to assess the operation of the existing parking infrastructure in downtown Lindsay and other urban areas in the City, the costs of providing this parking, the parking requirements for new development and redevelopment sites in these areas, parking enforcement, and the potential to provide additional parking to meet future demands. This study should be undertaken with input from the business community and include more detailed utilization surveys of the existing parking. The goal of this study will be to find a long-term solution that meets parking needs, is supportive of overall City objectives of encouraging travel by modes other than the private automobile, is financially viable and sustainable for the community. (City of Kawartha Lakes Transportation Master Plan)

At the June BIA Sub-Committee meeting, staff committed to providing an update on the Parking Strategy at the August BIA Parking Sub-committee meeting and reiterated that until the Parking Strategy was completed, providing detailed costing of expanding parking was premature.

Although it is difficult to provide costing of parking spaces in downtown Lindsay without a more thorough study, the Manager of Corporate Assets did provide some ballpark figures for constructing various kinds of parking including:

- Surface parking spaces would cost about \$10,000 per stall;
- Above ground parking stalls in a parking structure would cost about \$37,500 per stall
- Underground Parking spaces would cost about \$50,000 to \$60,000 per stall depending on depth, ground conditions and other factors.

## **Financial/Operation Impacts:**

The Parking Strategy has been budgeted for \$100,000. The cost of providing parking in downtown Lindsay, Bobcaygeon and Fenelon Falls will be identified in the Parking Strategy.

## **Relationship of Recommendations to the 2016-2019 Strategic**

The recommendations of this report align with the following goals of the Corporate Strategic Plan:

- Goal 1 – A Vibrant and Growing Economy: An effective Downtown Parking Strategy helps support municipal infrastructure that is essential for a prosperous and growing economy, especially in the major downtown areas of the City.
- Goal 2 – An Exceptional Quality of Life: An effective Downtown Parking Strategy helps support municipal infrastructure that is essential for the quality of life of residents, especially in the major downtown areas of the City.

## **Consultations:**

CAO  
Manager of Planning  
Chief Building Official  
Manager of Municipal Law Enforcement  
Manager of Economic Development  
City Treasurer  
Manager of Corporate Assets  
Planning Officer, Large Developments  
Director of Engineering and Corporate Assets  
Lindsay Downtown BIA Parking Sub-Committee

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Ron Taylor, CAO

**Department File:**

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-064

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Victoria Room

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**Ward Community Identifier:** 16

**Subject:** An application to amend the Township of Fenelon Zoning By-law 12-95 to remove the Holding (H) symbol to permit a towing facility on Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 317 Ranchers Road (Tow-All-Inc. c/o Lucas Lowell)

**Author Name and Title:** Mark LaHay, Planner II

---

### Recommendation(s):

**THAT** Report PLAN2018-064, respecting Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, **Tow-All-Inc. c/o Lucas Lowell – Application D06-2018-019**, be received;

**THAT** Zoning By-Law Amendment application D06-2018-019 identified as 317 Ranchers Road, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2018-064, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## Background:

The application proposes to remove the Holding (H) symbol from Schedule A of the Township of Fenelon Zoning By-law 12-95, which regulates development and the use of land on Part of Lot 14, Concession 7, being Part 3, 57R-6073, in the geographic Township of Fenelon. The removal of the Holding (H) symbol would permit the construction of a towing facility consisting of a garage with office and associated on-site parking together with a storage compound on the subject land (see Appendix A and B attached).

Owner/Applicant:	Tow-All-Inc., c/o Lucas Lowell
Legal Description:	Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, now City of Kawartha Lakes.
Designation:	Highway Commercial in the City of Kawartha Lakes Official Plan
Zone:	Highway Commercial Exception Six Holding (C2-6(H)) Zone in the Township of Fenelon Zoning By-law 12-95 as amended by By-law 2017-051.
Lot Area:	1.27 ha. (3.14 ac.) - MPAC
Site Servicing:	Private water well and septic system with ditches
Existing Uses:	Vacant land
Adjacent Uses:	North: Rural Residential South: Highway Commercial/Agricultural East: Ranchers Road/Agricultural West: Highway 35/Agricultural

## Rationale:

The subject land is vacant and is proposed to be developed with a towing facility consisting of a garage with office and associated on-site parking together with a storage compound between Ranchers Road and Highway 35 (see Appendix A and B attached).

In Zoning By-law 12-95, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures, unless otherwise specified within the applicable zone provisions. In this regard, presently, land zoned C2-6 with a Holding (H) symbol may be used for a tree or garden nursery with no buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the land may be used in accordance with the applicable zone provisions. In accordance with By-law 2017-051, the removal of the (H) Holding Symbol requires that the owner enter into a



site plan agreement with the City for any development on land zoned C2-6 on lands described as Part 3, 57R-6073 and municipally known as 317 Ranchers Road.

The property is subject to site plan control, and on July 6, 2018, City staff provided the owner with the prepared Site Plan Agreement for the owner to enter into with the City for the proposed development, as all review was completed and the site plans were finalized. The owner has agreed to enter into the agreement with full securities prior to July 17, 2018, therefore it is appropriate for Council to consider removal of the Holding (H) symbol.

### **Provincial Policies:**

The application conforms to the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the 2014 Provincial Policy Statement (PPS).

### **Official Plan Conformity:**

The land is designated Highway Commercial on Schedule A-5 of the City of Kawartha Lakes Official Plan. The proposed use on the property conforms to the applicable policies of the official plan designation.

### **Zoning By-law Compliance:**

The property is zoned Highway Commercial Exception Six - Holding (C2-6)(H) Zone in the Township of Fenelon Zoning By-law 12-95, as amended by By-law 2017-051, which permits the proposed towing facility on the subject land once the Holding (H) provision is removed.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Impacts:**

There are no financial considerations unless Council's decision is appealed by the owner/applicant to the Local Planning Appeal Tribunal. In the event of an appeal there could be costs for legal representation and planning staff.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life

- A Healthy Environment

This application aligns with the vibrant and growing economy goal as it provides opportunities for business growth.

## **Review of Accessibility Implications of Any Development or Policy:**

Accessibility matters will be implemented through the Site Plan Approval and Building Permit processes.

## **Servicing Implications:**

The property will be developed on private well and septic system services with roadside ditches.

## **Development Services – Planning Division Comments:**

Prior to July 17, 2018, the City and the Owner will need to execute the Site Plan Agreement. Staff supports the application based on the information contained in this report and as such, respectfully recommends that the proposed Zoning By-law application to remove the Holding (H) symbol be approved and adopted by Council.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A'  
PLAN2018-064.pdf



Appendix 'B'  
PLAN2018-064.pdf



Appendix 'C'  
PLAN2018-064.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Site Plan, last revised July 3, 2018

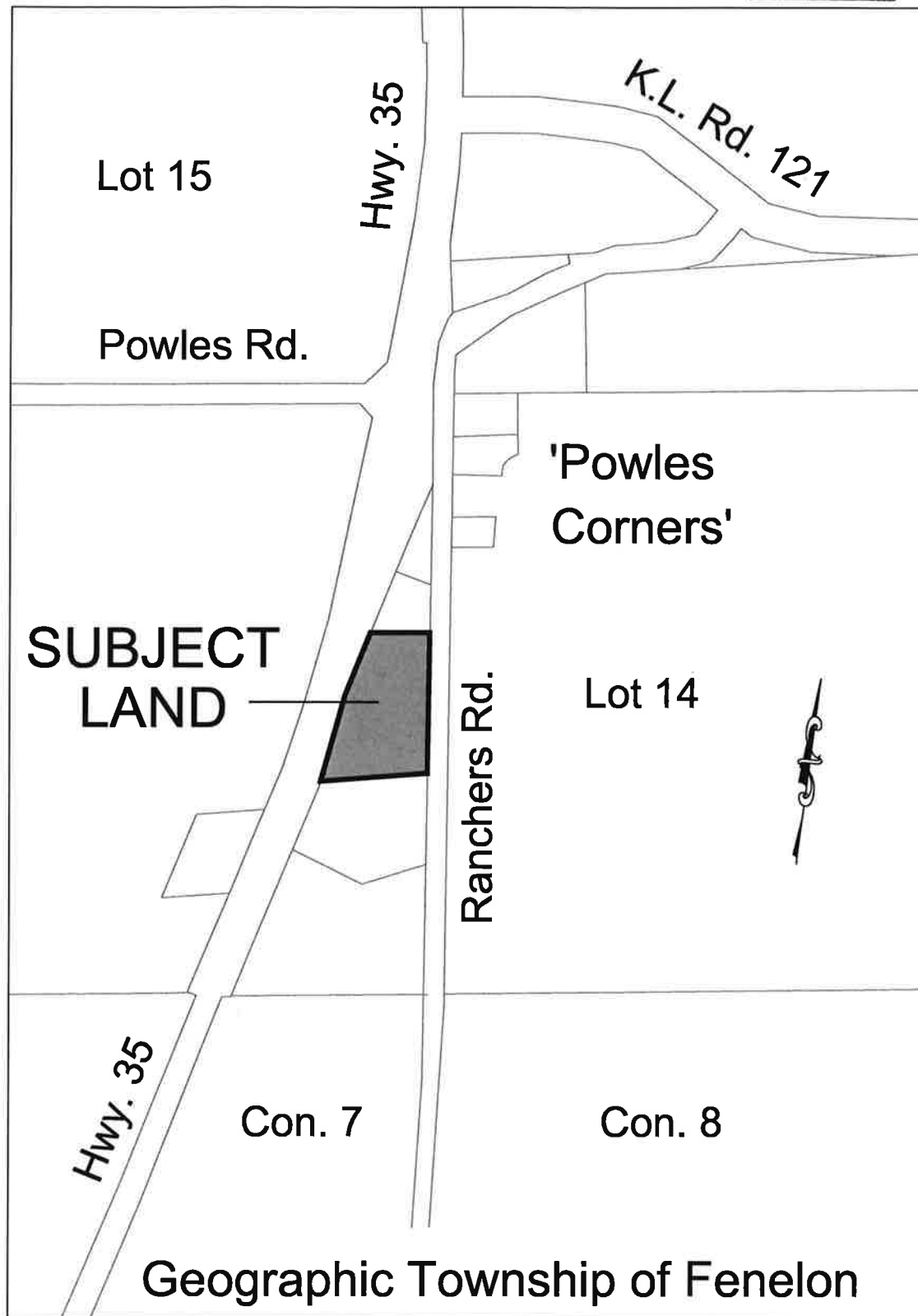
Appendix 'C' – Draft Zoning By-law Amendment

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2018-019





**The Corporation of the City Of Kawartha Lakes** REPORT PLAN2018-064**By-Law 2018 -**FILE NO. D06-2018-019**A By-Law To Amend The Township of Fenelon Zoning By-Law 12-95 To  
Remove The Holding Symbol (H) From A Zone Category On Property  
Within The City Of Kawartha Lakes**

File D06-2018-019, Report PLAN2018-064, respecting Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon – Tow-All Inc. (Lucas Lowell)

**Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the City of Kawartha Lakes enacted By-law No. 12-95, which contained a Holding (H) symbol relating to the use of the property, which was modified by By-law 2017-051 to require an executed Site Plan Agreement.
3. Council has received a request to remove the Holding (H) symbol from the Highway Commercial Exception Six Holding "C2-6 (H)" Zone.
4. The conditions imposed by Council and shown in By-law 2017-051 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\*\*.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to remove the Holding (H) symbol from the "Highway Commercial Exception Six - Holding [C2-6(H)] Zone" for the land referred to as 'C2-6', as shown on Schedule 'A' attached to this By-law.

**Section 2:00 General Terms**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

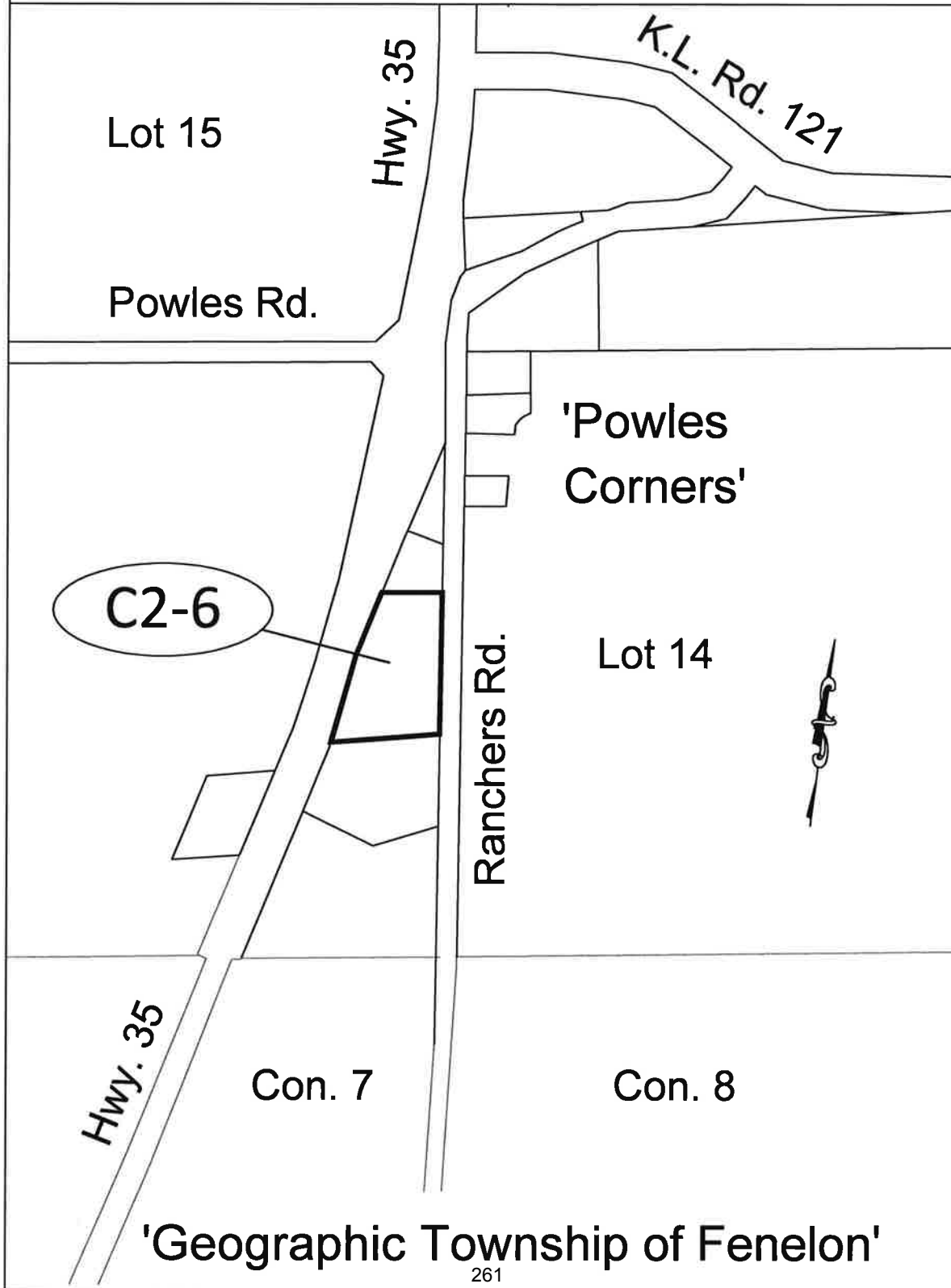
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number ENG2018-011**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Subject:** Engineering Policy Review Update

**Author:** Juan Rojas, Director of Engineering of Corporate Assets

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### **Recommendation(s):**

**That** Report ENG2018-011, **Engineering Policy Review Update**, be received;

**That** the following policies be rescinded and removed from the policy manual:

063 EPW 001      Street Lighting Assumption Policy; and

**That** the following policies be updated as outlined in the respective attachments to Report ENG2018-011:

071 EPW 004      Pre-Servicing of Subdivision Lands (as per Appendix A)  
077 EPW 005      Streetlight Warrant Policy (as per Appendix B)  
115 EPW 008      Right of Way Widths (as per Appendix C)  
123 EPW 009      Roadway Level of Service Policy - Maintenance Priority  
                         Classification System (as per Appendix D)

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_



## **Background:**

At the direction of Executive Committee, Engineering and Corporate Assets staff reviewed existing Council Policies related to the Division. The review involved analyzing the current policies and determining which ones are no longer valid and which ones need to be updated. At the March 1, 2018 Executive Committee meeting an update on the proposed changes was received.

This report addresses that direction.

## **Rationale:**

Staff reviewed the current documents in accordance with the new structure for Policies, Management Directives and Standard Operating Procedures.

It is agreed by staff and the Executive Committee:

- that one current policy is no longer valid and should be rescinded,
- that five current policies should be updated, and
- that two current policies require further review.

Below is the rational for rescinding, updating and continuing review of the policies.

### **Policies to be Rescinded:**

#### **Policy 063 EPW 001 – Street Lighting Assumption Policy**

Rescind Policy, as the elements of the street lighting Assumption Policy form part of PW policy for Assumption of Private and Unopened Roads (143 EPW 014)

### **Policies to be Updated:**

#### **Policy 071 EPW 004 – Pre-Servicing of Subdivision Lands**

Policy was reviewed in 2016 with report No. ENG2016-018 going to Planning Committee on June 8, 2016 and adopted by Council on June 28<sup>th</sup>, 2016 (CR2016-624). The pre-servicing agreement template only was again updated at the July 5<sup>th</sup>, 2017 PAC (Report No. ENG2017-006) and adopted by Council on July 11<sup>th</sup>, 2017 (CR2017-646).

Policy inventory needs to be updated with revised Policy found in Report No. ENG2016-018 and pre-servicing template found in ENG2017-006.

Minor housekeeping changes regarding department lead, proposed changes can be found in Appendix A of this report.

### **Policy 077 EPW 005 – Streetlight Warrant Policy**

Policy follows TAC (Transportation Association of Canada) guideline, warrant table needs to be updated

Proposed Changes can be found in Appendix B of this report.

### **Policy 115 EPW 008 – Right of Way Widths**

Minor housekeeping changes can be found in Appendix C of this report.

### **Policy 123 EPW 009 – Roadway Level of Service Policy - Maintenance Priority Classification System**

Table 1 – Road Classification requires to be updated in accordance with the Roads Needs Study and current road classification.

Proposed Changes can be found in Appendix D of this report.

### **Policies requiring further Review**

#### **Policy 064 EPW 002 – Crossing Guard Requirements**

Policy should be updated to identify that the Engineering & Corporate Asset departments conducts the crossing guard warrant and Public Work implements warrant recommendations.

This policy should be guided by Community Services and will require additional review and input from Community Services.

#### **Policy 114 EPW 007 – Agricultural Tile Drain Discharge to Roadside Ditches**

This policy is currently being reviewed by the Drainage Taskforce and will form part of the taskforce recommendation.

## **Policy 162 EPW 015 – Tile Loan Program**

This policy is currently being reviewed by the Drainage Taskforce and will form part of the taskforce recommendation.

### **Servicing Implications:**

N/A

### **Consultations:**

Director of Public Works  
Executive Committee

### **Attachments:**

Appendix A – Pre-Servicing of Subdivision Lands, Policy No 071 EPW 004



071 EPW 004  
Pre-Servicing of Subd

Appendix B – Streetlight Warrant Policy, Policy No 077 EPW 005



077 EPW 005  
Streetlight Warrant P

Appendix C – Right of Way Widths, Policy No 115 EPW 008



115 EPW 008 Right  
of Way Widths.doc

Appendix D – Roadway Level of Service Policy - Maintenance Priority  
Classification System, Policy No 123 EPW 009



123 EPW 009  
Roadway Level of Se

**Department Head E-Mail:** [jrojas@kawarthalakes.ca](mailto:jrojas@kawarthalakes.ca)

**Department Head:** Juan Rojas, Director of Engineering and Corporate Assets

**Department File:** Engineering

Policy No:		
	071	EPW
		004
<b>Policy Name:</b> <b>Pre-Servicing of Subdivision Lands</b>		

<b>DEVELOPED BY:</b>	<b>Wayne Hancock</b>	<b>DATE:</b>	<b>May 12/03</b>
<b>DEPARTMENT:</b>	<b>Public Works</b>		
<b>REVIEWED BY:</b>	<b>Development &amp; Public Works</b>	<b>DATE:</b>	<b>May 20/03</b>
<b>APPROVED BY:</b>	<b>Council</b>	<b>DATE:</b>	<b>May 27/03</b>
<b>RESOLUTION NUMBER:</b>	<b>CR2003-520</b>	<b>EFFECTIVE:</b>	<b>May 27/03</b>
<b>CROSS-REFERENCE:</b>	<b>DPW2003-130</b>	<b>REVISIONS:</b>	
	<b>CR2012-303</b>		<b>Mar 27/12</b>
	<b>CR2016-624</b>		<b>June 28/16</b>
	<b>CR2017-646 (agreement template only)</b>		<b>July 11/17</b>

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### **POLICY STATEMENT AND RATIONALE:**

It is the purpose of this policy to establish the requirements for pre-servicing of vacant lands prior to the execution of a subdivision agreement throughout the City of Kawartha Lakes.

### **SCOPE:**

This policy shall apply to all requests for pre-servicing of vacant lands which have been granted draft plan approval.

### **DEFINITIONS:**

In reading and interpreting the *Pre-Servicing of Subdivision Lands* policy, the following definitions apply:

- a) "City" means The Corporation of the City of Kawartha Lakes.
- "Owner" means the party who wishes to install services as a requirement of draft plan approval.

## **POLICY, PROCEDURE AND IMPLEMENTATION:**

### **1.0 Request for Pre-Servicing Agreement**

- 1.01 Staff of the Engineering and Corporate Assets Department shall review in consultation with the Public Works Department the requests for pre-servicing submitted by Owners.
- 1.02 The Owner shall acknowledge in writing in the request for pre-servicing that he or she understands that the pre-servicing work will be completed solely at his or her peril, and the City will assume no responsibility for any work that has commenced.
- 1.03 The Owner shall acknowledge in writing in the request for pre-servicing that he or she understands that the pre-servicing agreement will not permit any connections to any existing sewers or water services. In addition, the Owner shall acknowledge that there will be no installations of any services within the City's right-of-ways.

### **2.0 Requirements**

- 2.01 The following items must be submitted with the pre-servicing request:
  - A draft copy of the pre-servicing agreement prepared by the Owner and Consulting Engineer;
  - A written acknowledgement from the Consulting Engineer addressed to the City stating that the Consulting Engineer understands the obligations to the City of the pre-servicing agreement;
  - A letter of indemnification to the City identifying that the Composite Utility Plan and Landscaping Plans are still outstanding from the engineering submission and that the Owner is proceeding at his or her sole risk on that basis;
  - A letter of credit or certified cheque for the securities (details noted in 2.03 below);
  - A certificate of public liability insurance in an amount not less than \$5,000,000 to protect the Owner and the City jointly against loss, damage, or injury to persons or property caused directly or indirectly by reason of the Owner undertaking development of the lands (details noted in 2.04 below);
  - A Construction Management Plan addressing the erosion and sediment controls, the construction traffic routing plan, and the detailed construction schedule, including the coordination of the preconstruction meeting with the City staff, Consulting Engineer, and the Contractor;
  - A copy of the Ministry of the Environment and Climate Control approval for municipal services;
  - A copy of the Conservation Authority written confirmation of clearance; and
  - Four hard copies and one electronic copy of the complete "issued for pre-servicing" sets of engineering drawings.
- 2.02 The Engineering and Corporate Assets Department must approve the servicing proposal prior to the execution of the pre-servicing agreement.

- 2.03 The Owner will submit security in the amount of 50 percent of the total estimated cost of engineering design along with an executed Pre-Servicing Agreement. The security will be used to secure the site with any required fencing, vegetative cover, or grading if the Owner does not enter into a subsequent subdivision or development agreement.
- 2.04 The Owner will also supply an indemnification in the pre-servicing agreement along with proof of liability insurance in the amount of at least \$5,000,000 with the City being named as a co-insured.

### **3.0 Procedures**

- 3.01 If an Owner wishes to pre-service a property, he or she will make a request to the Director of Engineering and Corporate Assets.
- 3.02 Development Engineering will provide a template of the pre-servicing agreement as requested.
- 3.03 The Owner shall submit the draft pre-servicing agreement along with the required items listed in Section 2.0 to the Director of Engineering and Corporate Services for review by the City.
- 3.04 The Director of Engineering and Corporate Assets will report to the Mayor and Clerk that the Owner has met the requirements, and the City may execute the agreement.

### **4.0 Delegated Authority**

- 4.01 For the purpose of permitting pre-servicing, the authority to execute a pre-servicing agreement is hereby delegated to the Director of Engineering and Corporate Assets.

Pre-Servicing Agreement Template (updated July 2017 CR2017-646):



Pre Servicing  
Agreement Template

	<h2 style="margin: 0;">CORPORATE POLICY AND PROCEDURES MANUAL</h2>
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Policy No:

<b>077</b>	<b>EPW</b>	<b>005</b>
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**Policy Name:**  
**Streetlight Warrant Policy**

**DEVELOPED BY:** Wayne Hancock  
**DEPARTMENT:** Public Works

**DATE:** Oct 7/03

**REVIEWED BY:**  
**APPROVED BY:** Council

**DATE:**  
**DATE:** Oct 14/03

**RESOLUTION NUMBER:** CR2003-254

**EFFECTIVE:** Oct 14/03

**CROSS-REFERENCE:**

**REVISIONS:** July 17,2018

### **POLICY STATEMENT AND RATIONALE:**

It is the purpose of this policy to establish the warrant requirements for full street lighting throughout the City of Kawartha Lakes.

### **SCOPE:**

This policy shall apply to all requests for full street lighting.

### **DEFINITIONS:**

In reading and interpreting the *StreetlightWarrant* policy, the following definitions apply:

- a) "City" means The Corporation of the City of Kawartha Lakes.
- b) "Director" means the Director of Engineering & Corporate Assets.



## **POLICY, PROCEDURE AND IMPLEMENTATION:**

### **1.0 Request for Street Lights**

- 1.01 Staff of the Engineering & Corporate Assets Department shall review the request for streetlights and apply the warrants of the Transportation Association of Canada (TAC).


### **2.0 TAC Warrants**

- 2.01 Staff will evaluate the location requested and fill in the appropriate warrant form.
- 2.02 Factors that will be considered are geometrics, operational, environmental and accidents.
- 2.03 Staff will report on their findings to the Director for consideration.
- 2.04 An example of a warrant for a non-controlled access roadway is attached.

### **3.0 Warrants Met**

- 3.01 If the warrants have been met, the Director is authorized to make the necessary arrangements for the installation of the streetlights if funds are budgeted or with the approval of the CAO.

## Sample of Streetlight Warrant

WARRANTS FOR LIGHTING ARTERIAL, COLLECTOR AND LOCAL ROADS									
<b>LOCATION CHARACTERISTICS</b>		This spreadsheet, to be used in conjunction with Transportation Association of Canada 2006 "Guide for the Design of Roadways", Ch. 9 "Roadways and Interchanges". (This Spreadsheet is derived from Figure 9 - 9)							
City/Twp:		Please enter information in the cells with yellow background							
<b>(A) If at an Intersection</b>		<b>(B) If Along a Roadway (Segment)</b>				<b>Site Details</b>			
Main Road:		From:				Posted Speed (km/hr):			
Minor Road:		To:				Date (dd/mm/yyyy):			
<b>Item No.</b>	<b>Classification</b>	<b>Rating Factor ( R )</b>					<b>Weight ( W )</b>	<b>Rating ( R )</b>	<b>Score ( R x W )</b>
<b>GEOMETRIC FACTORS</b> <small>*(see note 5)</small>		1	2	3	4	5			
1	Number of Lanes	≤ 4	5	6	7	≥ 8	0.15		0.00
2	Lane Width (m)	> 3.6	3.4 - 3.6	3.2 - 3.4	3.0 - 3.2	< 3.0	0.35		0.00
3	Median Openings (#/km) <small>*(see note 10)</small>	< 2.5 or 1-way	2.5 - 5.0	5.0 - 7.2	7.2 - 9.0	> 9.0 or No Medians	1.40		0.00
4	Driveways and Entrances (#/km)	< 20	20 - 40	40 - 60	60 - 80	> 80	1.40		0.00
5	Horizontal Curve Radius (m)	> 600	450 - 600	225 - 450	175 to 225	< 175	5.90		0.00
6	Vertical Grades (%)	< 3	3 - 4	4 - 5	5 - 7	> 7	0.35		0.00
7	Sight Distance (m)	> 210	150 - 210	90 - 150	60 - 90	< 60	0.15		0.00
8	Parking	Prohibited	Loading	Off Peak	One Side	Both Sides	0.10		0.00
<b>Geometric Factors Subtotal:</b>							<b>0.00</b>		
<b>OPERATIONAL FACTORS</b>									
9	Signalized Intersections (%)	80 - 100	70 - 80	60 - 70	50 - 60	0 - 50	0.15		0.00
10	Left Turn Lane <small>*(see note 10)</small>	All Major Intersections or 1-Way	Substantial number of Intersections	Most Major Intersections	Half of Major Intersections	Infrequent # of TWTL <small>*(see note 1 &amp; 3)</small>	0.70		0.00
11	Median Width (m)	> 10 or no median	6 - 10	3 - 6	1.2 - 3	0 - 1.2	0.35		0.00
12	Operating/Posted Speed (km/hr) <small>*(see note 7)</small>	≤ 40	50	60	70	≥ 80	0.60		0.00
13	Pedestrian Activity Level <small>*(see note 2)</small>			Low	Medium	High	3.15		0.00
<b>Operational Factors Subtotal:</b>							<b>0.00</b>		
<b>ENVIRONMENTAL FACTORS</b>									
14	Percentage of Development Adjacent to Road (%)	nil	nil - 30	30 - 60	60 - 90	> 90	0.15		0.00
15	Area Classification	Rural	Industrial	Residential	Commercial	Downtown	0.15		0.00
16	Distance from Development to Roadway (m) <small>*(see note 4)</small>	>60	45 - 60	30 - 45	15 - 30	<15	0.15		0.00
17	Ambient (off roadway) Lighting	Nil	Sparse	Moderate	Distacting	Intense	1.38		0.00
18	Raised Curb Median	None	Continuous	100% (All) Intersections	51-99% (Most) Intersections	≤ 50% (Few) Intersections <small>*(see note 8)</small>	0.35		0.00
<b>Environmental Factors Subtotal:</b>							<b>0.00</b>		
<b>COLLISION FACTORS</b>									
19	Night to Day Collision Ratio <small>(over last three years)</small>	< 1.0	1.0 - 1.2	1.2 - 1.5	1.5 - 2.0	> 2.0 <small>*(see note 1 &amp; 6)</small>	5.55		0.00
1 Lighting Warranted 2 Pedestrian Activity Level (ref: 9.1.3) 3 Two-Way Left Turn Lane 4 Development defined as Commercial, Ind. or Res. 5 Apply worst case factors for road segment 6 Collision Factors (ref: 9.4.5)		7 Use 85th Percentile night speed (if available); otherwise use Posted Speed 8 Includes Isolated medians between intersections 9 Warranted if Total Warrant Points ≥ 60 10 This Factor is for Urban or heavy traffic areas only All other scenarios enter zero (0)				<b>Collision Factors Subtotal:</b>		<b>0.00</b>	
<b>Total Warrant Pts (all factors):</b> <small>*(see note 9)</small>							<b>0.00</b>		

## CORPORATE POLICY AND PROCEDURES MANUAL

Policy No:

<b>115</b>	<b>EPW</b>	<b>008</b>
------------	------------	------------

Policy Name:

### RIGHT OF WAYS WIDTHS

DEVELOPED BY: **Kenneth D. Becking**  
DEPARTMENT: **Public Works**

DATE: **May 10, 2005**

ADOPTED BY: **Council**

DATE: **May 10, 2005**

RESOLUTION NUMBER: **CR2005-518**

EFFECTIVE: **May 10, 2005**

CROSS-REFERENCE: **CKL Design Guidelines**

REVISIONS: **July 19, 2018**

### POLICY STATEMENT AND RATIONALE:

Right of ways are common public lands and provide space for the placement of common services such as roads, sidewalks, water and sewer and utilities such as telephone, electricity and natural gas. Because we are in a northern climate, right of ways must also provide sufficient volume for the storage of snow plowed from the streets.

The widths recommended in the policy are considered the minimum necessary to provide for the placement of common services for the public. They represent a reasonable balance between the needs of the road authority to provide for the services and desires of the development community to minimize the allocation of lands for such common purposes.

### SCOPE:

This policy applies to all existing and proposed right of ways within the City of Kawartha Lakes.

### DEFINITIONS:

*Local Roads* – Roads whose primary function is to provide access to adjoining properties. Local roads connect to other local roads and collector roads.

*Collector Roads* – Roads whose purpose is to provide access to property and move traffic. They connect local roads to the arterial system. Collector roads place equal priority on these two functions. Minor Collectors provide service to a small number of local roadways, typically less than five. Major Collectors service larger numbers of roadways and hence carry higher volumes of traffic.

*Arterial Roads* – Roads whose function is primarily to move traffic. Property access is a secondary consideration and may be restricted to avoid interference with the flow of traffic.

**POLICY, PROCEDURE AND IMPLEMENTATION:**

**1.0 That the City adopt a policy on minimum right of ways.**

1.01 The City of Kawartha Lakes adopts the following minimum widths for public purposes:

<u>Road Classification</u>	<u>Urban</u>	<u>Rural</u>
Local	18.5 metres	20.0 metres
Minor Collector	20.0 metres	--
Major Collector	26.0 metres *	--
Arterial	30.0 metres *	26.0 metres*

\* Additional widths may be required if additional lanes are warranted as a result of a traffic management plan.

<u>Other Corridors</u>	
Drainage Corridors	4.5 to 6.0 metres
Utilities Corridors	4.5 to 6.0 metres
Pathways	3.0 to 4.5 metres

## CORPORATE POLICY AND PROCEDURES MANUAL

Policy No:

**123**

**EPW**

**009**

Policy Name:

**ROADWAY LEVEL OF SERVICE POLICY  
Maintenance Priority Classification System**

DEVELOPED BY:	<b>Kenneth D. Becking, P. Eng.</b>	DATE:	<b>November 2005</b>
	<b>Director of Public Works and Engineering</b>		
DEPARTMENT:	<b>Public Works</b>		
REVIEWED BY:	<b>Directors</b>	DATE:	
APPROVED BY:	<b>Council</b>	DATE:	<b>Nov. 29, 2005</b>
RESOLUTION NUMBER:	<b>CR2005-1294 DPW2005-409</b>	EFFECTIVE:	<b>Nov. 29, 2005</b>
CROSS-REFERENCE:		REVISIONS:	<b>July 17, 2018</b>

### **POLICY STATEMENT AND RATIONALE:**

The City of Kawartha Lakes adopts the methodology contained herein to objectively evaluate and define priority for roadway maintenance activities. The objective of the policy is to ensure consistency of service delivery to all roads in the City.

### **SCOPE:**

This policy applies to all roadways assumed and maintained as public roadways in the City of Kawartha Lakes.

### **DEFINITIONS:**

**AADT**...Average Annual Daily Traffic is a technical measurement of traffic volume on a road, in both directions. Conversion factors, which vary depending on time of year and week, extrapolate daily traffic counts into AADT. (See seasonal.)

**Class**...in the context of these standards refers to the criteria for classifying roadways developed in the preamble to the standards.

**Right Of Way**...(R.O.W.) describes the corridor of land reserved for roadway improvements and under the jurisdiction of the roadway authority. Certain rights of way infer a right of passage to the public. However, in the context of these standards, only rights of way with assumed public roadways are considered. Rights of way solely for non-vehicular traffic are not addressed in these standards (e.g. Pedestrian, equestrian, bicycle.)

**Road**...refers specifically to the traveled road surface on a roadway assumed by a roadway authority, but not including on-street parking or stopping zones.

**Roadside**...refers to all the features that make up the roadway, except for the road surface itself.

**Roadway**...in the context of these standards means any public assumed road right of way, intended for vehicular traffic. It refers not only to the traveled road surface, but to all services relevant to the road, within the right of way.

Roadway = road + roadside

**Roadway Authority**...indicates the public agency accountable for the status and condition of the roadway. This refers to the Corporation of the City of Kawartha Lakes and its designated officials or agents.

**Section**...refers to a portion of roadway with a distinct classification, and homogeneous character.

**Service**...in the context of these standards, “service” refers aspects of a roadway and their condition. Services are seen from the perspective of the user.

**Service Level Matrix**...the chart in the standard that specifically defines the service level according to class of roadway.

**Service Levels**...a range of values that quantify a particular service standard, by one or more parameters, across a range of roadway classifications. Service levels typically reflect a maximum, minimum or desirable.

**Speed**...in the context of this policy refers to the legal speed limit for the roadway. The speed limit need not be posted with a sign to be valid.

## **POLICY, PROCEDURE AND IMPLEMENTATION:**

### **1.0 MAINTENANCE PRIORITY CLASSES**

Priority for roadway maintenance services shall be according to roadway class as defined by Table 1 below. The road classification of roads in the City of Kawartha Lakes Road System shall be as specified in Appendix I attached hereto.

**Table 1 – Roadway Classes**

<b>Speed AADT</b>	<b>100</b>	<b>90</b>	<b>80</b>	<b>70</b>	<b>60</b>	<b>50</b>	<b>40</b>
15000 or more	1	1	1	2	2	2	2
12000 - 14999	1	1	1	2	2	3	3
10000 - 11999	1	1	2	2	3	3	3
8000 - 9999	1	1	2	3	3	3	3
6000 - 7999	1	2	2	3	3	3	3
5000 - 5999	1	2	2	3	3	3	3
4000 - 4999	1	2	3	3	3	3	4
3000 - 3999	1	2	3	3	3	4	4
2000 - 2999	1	2	3	3	4	4	4
1000 - 1999	1	3	3	3	4	4	5
500 - 999	1	3	4	4	4	4	5
200 - 499	1	3	4	4	5	5	5
50 - 199	1	3	4	4	5	5	5
0 - 49	1	3	6	6	6	6	6

Roads classifications shall be based on Table 1 utilizing the AADD volumes collected within the City's current roads need study.

The Director of Public Works and Engineering & Corporate Assets may increase the classification of a road or portion thereof by one level where terrain or other localized circumstances have a significant affect of driving conditions and in his or her opinion the classification as defined above does not result in a level of service for any maintenance activity that is adequate to satisfy the requirements for public safety.

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number ENG2018-013

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Site Plan Agreement Securities and Fees

**Description:** Request for Amendment

**Author and Title:** Juan Rojas, Director of Engineering and Corporate Assets

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### Recommendations:

**That** Report ENG2018-013, **Site Plan Agreement Securities**, be received;

**That** site plan securities for engineering related work on the private property not be required;

**That** the Development Application Approval Process User Fee be increased to 3.7%; and

**That** the Guide to the Site Plan Approval Process and the City's Fees and Charges By-law be amended to reflect these changes.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_



## **Background:**

Through the site plan review process by Engineering staff, the cost estimates are reviewed for accuracy for unit cost, quantities, and totals and to ensure the security held (at the 50% level for the engineering infrastructure) is sufficient. Securities are typically taken to ensure that the works approved through the site plan process are constructed in accordance with the approved drawings. They are also held to pay consultants or contractors in event that they have not been paid by the project developer.

Further to a legislative change, specifically the Construction Lien Act, now the Construction Act, this report provides for the implications for securities held for the site plan process.

In addition, the Development Application Approval Process (DAAP) User Fees for Engineering Activities (as per By-Law 2007-132 and Consolidated By-Law 2016-209), DAAP Fee, is currently at 0.65% of the constructed value of the project. This fee is required to be increased to 3.7% to reflect the level of effort and to partially recover for staff time.

## **Rationale:**

Further to changes to the Construction Lien Act, now the Construction Act, there are two major amendments related to payment:

1. The Lien Period after Substantial Performance has increased from a 45 day period to a 60 day period
2. A "prompt payment" procedure has been introduced between the owner and the vendor.

As a result, this minimizes the risk of non-payment for the contractor, suppliers and trades and provides for processes to ensure payment. They now have the responsibility and the mechanisms (e.g. adjudication process) to facilitate payment. Therefore, for site plans, the City is not required to hold additional protections for the payment of all trades for works on private property.

The cost of the site plan review through the DAAP fee is proposed to partially cover staff time. The review of the design, the various numbers of submissions, and the inspections of varying site plans takes time, and the current DAAP fee collections are in the range of \$500 to \$1000 total. The proposed increase in fee represents a fair and equitable fee for review in keeping with the reviews of other developments at 3.7% of the site works. The fee is a percentage of the total engineering works proposed, and therefore is a sliding scale to compensate for the size and complexity of a project.

As per the City's "A Guide for Site Plan Approval Process", any amendments to the Guide require review and approval by Council. The following recommendations are proposed as amendments to the Guide:

- Require 100% security for any and all works proposed in the City's Right-of-Way (this is the current practice and should be clearly outlined in the Guide)
- Require 0% security for any engineering related services on the private property (currently require 50% for engineering related services)
- Require 100% security for planning related services (fencing, landscaping, etc.) (this is the current practice and should be clearly outlined in the Guide)
- The latest cost estimate template for site plans is to be included as an appendix to the Guide (attached as Appendix B)

### **Other Alternatives Considered:**

Council could choose to continue with the status quo and maintain the site plan agreement security for on-site works related to engineering infrastructure at 50% and the DAAP fee at 0.65%.

### **Financial/Operation Impacts:**

The only financial implication of the proposed security reduction is to the Owner or Developer of the site plan. The security requirements will be reduced. The City will hold less security to ensure the work is completed. All current engineering activities will continue, including design review, cost estimate review (to ensure the costs are realistic and current), and inspection.

Based on the level of review and the unique review for each site plan, the proposed Development Application Approval Process User Fee of 3.7% of the constructed value of the site works is recommended to provide for revenue to partially recover for staff time and review. This value is equal to the DAAP fee for subdivisions and condominiums, so the rate is fair and equitable for the review and inspections required to support growth and development.

### **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

All development is intended to support all three goals of the Council Adopted Strategic Plan – a Vibrant and Growing Economy, an Exceptional Quality of Life, and a Healthy Environment. Site plans represent projects on private property by private owners creating private infrastructure connecting to existing municipal infrastructure (i.e. roads, sidewalks, sewers, etc.). The engineering review of site

plans supports the Strategic Objectives and Actions contained in the plan through review for a stronger and more diversified economy, improved walkability and accessibility, and protection and enhancement of water quality. The review ensures compliance for sustainable infrastructure, increased access, and development standards for connections to any municipal infrastructure and the community in which the project is proposed.

## **Review of Accessibility Implications of Any Development or Policy:**

Accessibility is reviewed with every site plan application.

## **Servicing Implications:**

As a result of the redistribution of workload through the departmental reorganizations of 2016, Development Engineering Staff review all municipal service connections and facilitate the review, requirements, and implementation of servicing connections for all applications, including site plans. This review includes the servicing capacity review.

## **Consultations:**

Development Services – Director/Chief Building Official/Manager of Planning

## **Attachments:**

Appendix A – Construction Act Presentation – 2018 Changes



Appendix A -  
Construction Act Pres

Appendix B – Cost Estimate Template



Cost Estimate  
Template for Site Plan

**Department Head E-Mail: [jrojas@kawarthalakes.ca](mailto:jrojas@kawarthalakes.ca)**

**Department Head: Juan Rojas**



WeirFoulds

Bill 142, *The  
Construction Lien  
Act Amendment  
Act, 2017*

Barrie Construction  
Association  
March 29, 2018

Glenn W. Ackerley & Sandra Astolfo

4100 - 66 Wellington Street West  
TD Bank Tower  
Toronto, ON M5K 1B7

416-947-5008 [gackerley@weirfoulds.com](mailto:gackerley@weirfoulds.com)  
416-947-5045 [sastolfo@weirfoulds.com](mailto:sastolfo@weirfoulds.com)

# Prompt Payment

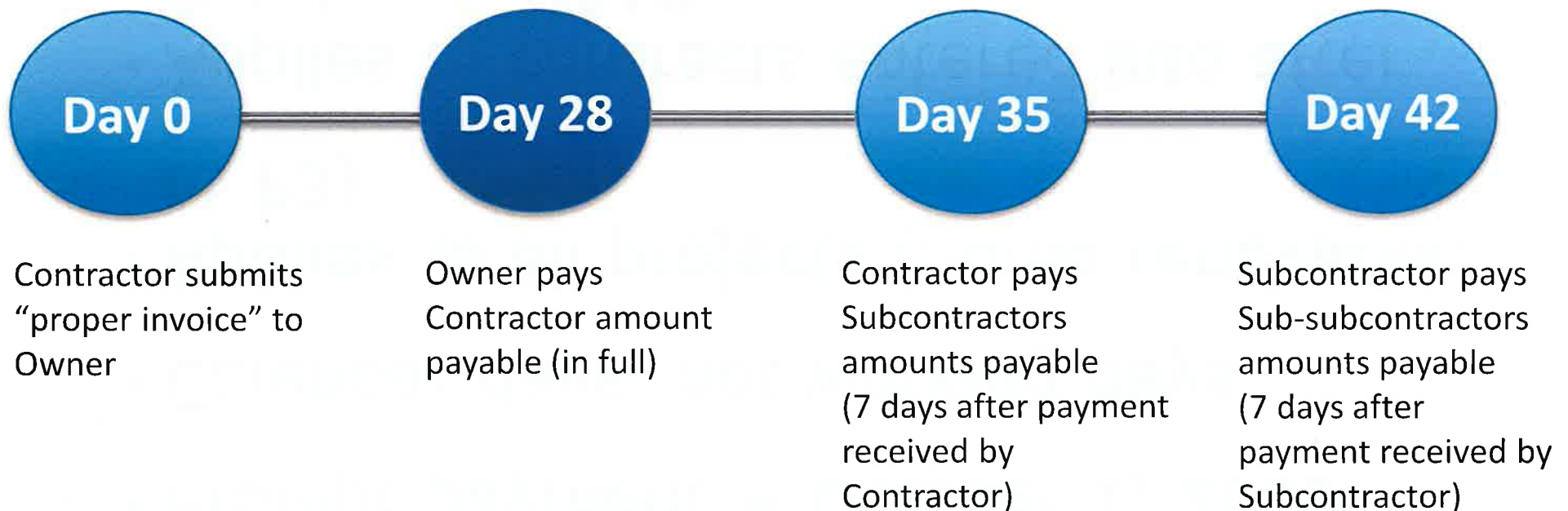
## Part I.1 – Prompt Payment

# Prompt Payment

- Prompt payment = October 1, 2019
- Calendar days, not working days
- Applies to all projects (home renovation to P3)
- Applies to contracts entered into after October 1, 2019
- Cannot contract out of prompt payment

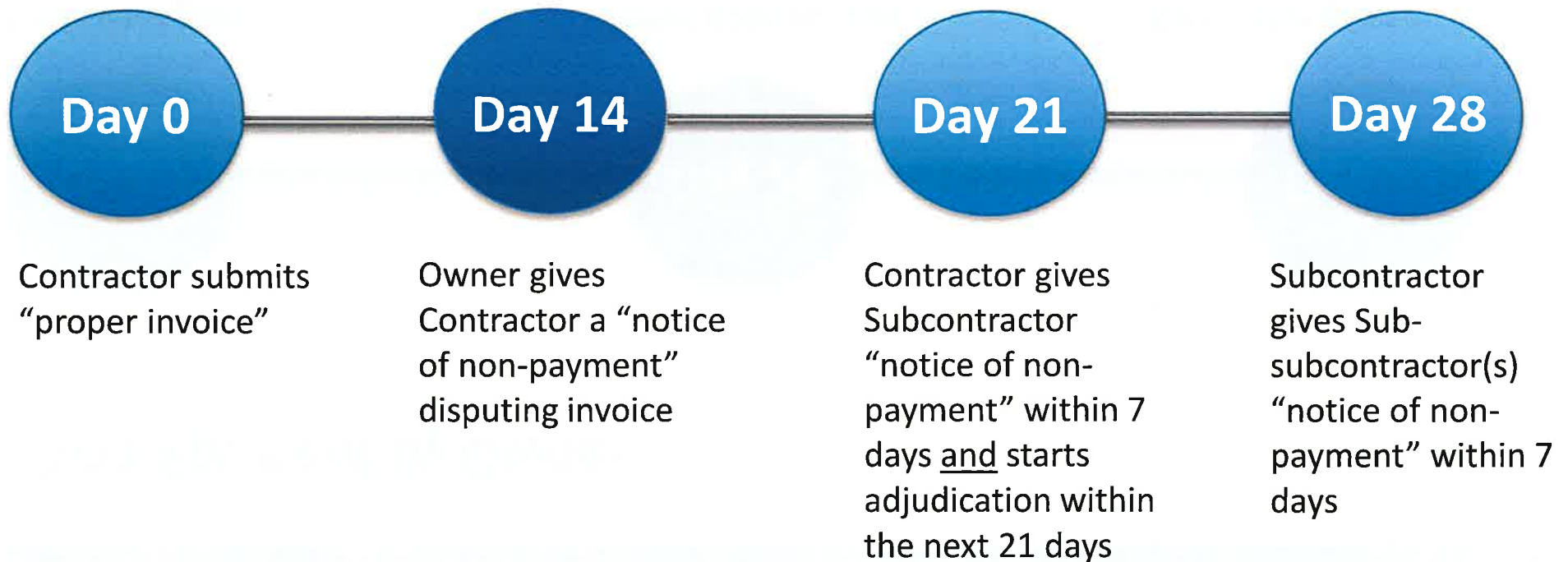
# Prompt Payment

## No Project Payment Issues



# Prompt Payment Issues – Scenario 1

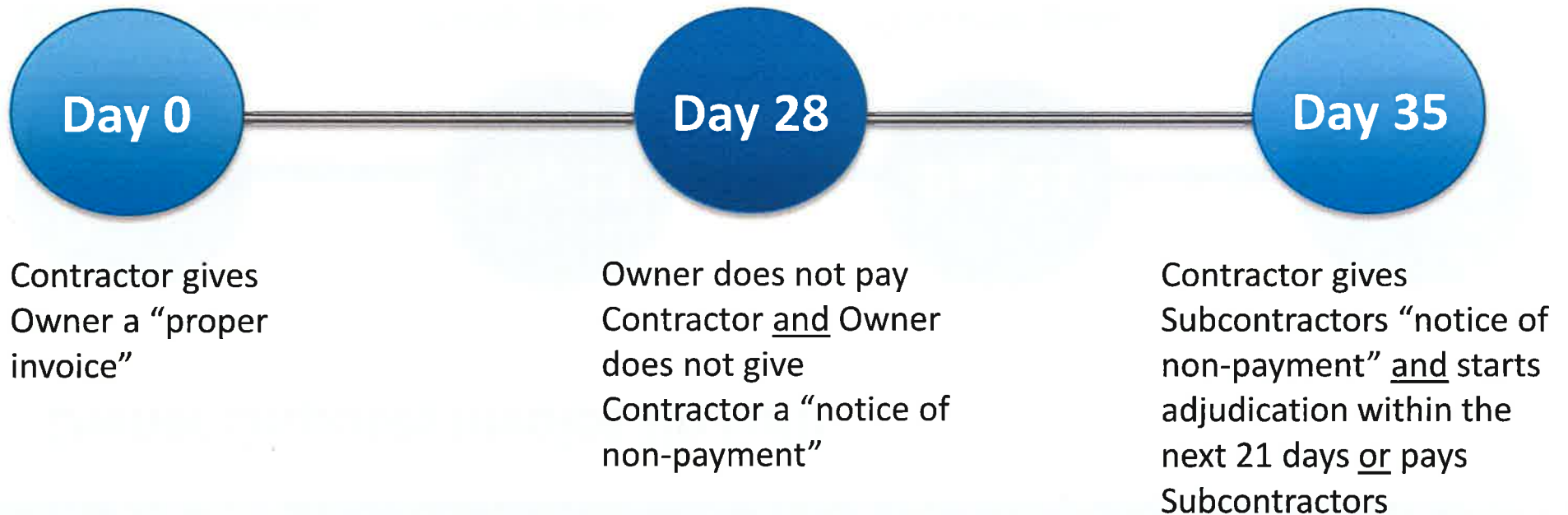
## Owner Disputes Invoice (In Full)





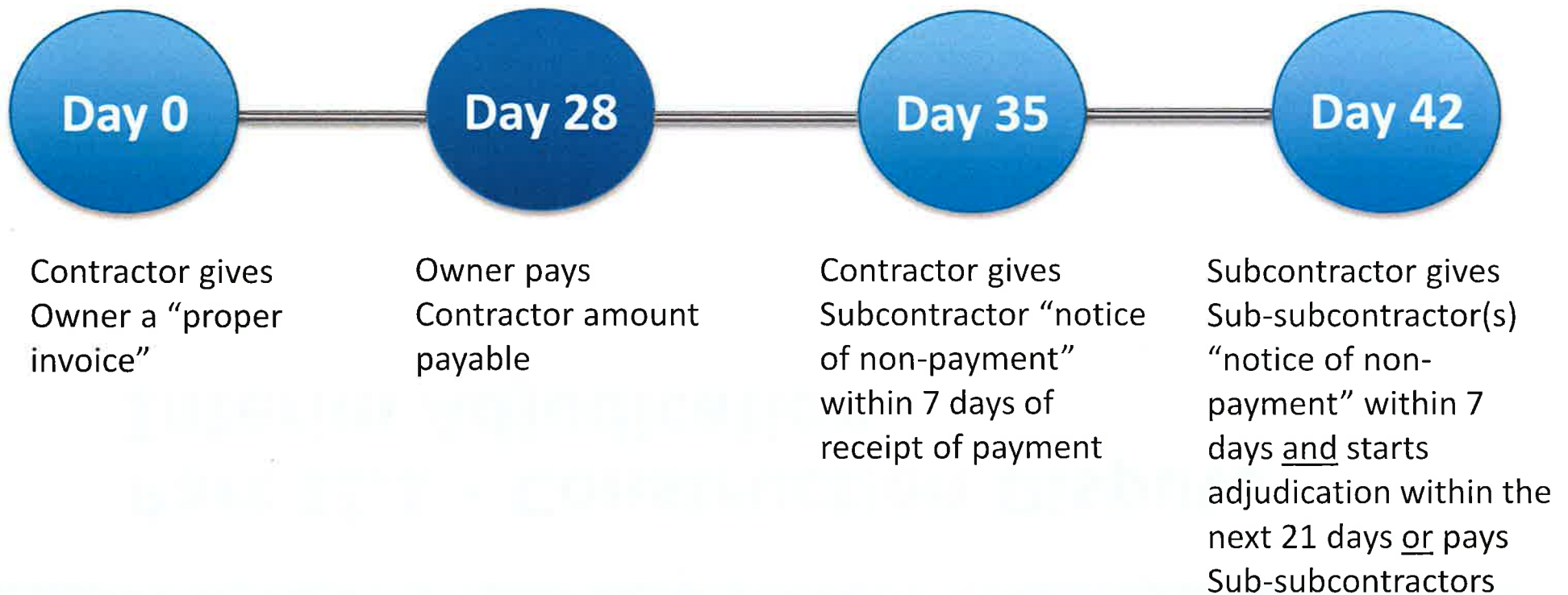
# Prompt Payment Issues – Scenario 2

## Non-Payment by Owner



# Prompt Payment Issues – Scenario 3

## Dispute between Contractor & Subcontractor



# Adjudication

## **Part II.1 - Construction Dispute Interim Adjudication**

# Highlights

- Completely new section
- Freedom to include adjudication “rules” in contract, but must comply with legislation
- Adjudicator can also set “ground rules”
- Cannot pre-select adjudicator in contract/ subcontract
- Cannot refer dispute to adjudication after contract/ subcontract complete

# Highlights

- Can adjudicate dispute even if dispute before court or arbitration, but adjudicate before decision made by court or arbitrator
- Any contracting party can refer dispute to adjudication (owner, contractor, subcontractor, sub-subcontractor)
- Adjudication is not mandatory
- Option to terminate adjudication, if notice of termination given before decision made
- Parties still have lien rights

# Highlights

- Adjudicator's determination is binding until:
  - a) dispute decided by court or arbitrator; or
  - b) written agreement between the parties regarding matter.



# Highlights

- Types of disputes to be adjudicated:
  - a) valuation of services
  - b) payment (including COs or proposed COs)
  - c) notice of non-payment under "Prompt Payment"
  - d) claims for set-off (against trust funds or against lien)
  - e) payment and non-payment of holdback
  - f) other disputes the parties agree to adjudicate

# Highlights

- General Rule: One dispute per adjudication
  - Contractor can elect to consolidate contract and subcontract adjudications
- General Rule: Adjudicator's fee paid equally
- General Rule: Parties pay own costs



# Who Are the Adjudicators? (*draft regulations*)

- Managed by Authorized Nominating Authority (government body)
- Must have certificate of qualification to adjudicate (can be renewed, cancelled, suspended)
- Need at least 7 years of relevant working experience in construction industry and may be an accountant, architect, engineer, quantity surveyor, project manager, lawyer, arbitrator

# Adjudicator's Powers

- Power comes from Construction Act and contract/ subcontract
- Adjudicator can:
  - a) issue directions regarding conduct of adjudication
  - b) ascertain relevant facts and law
  - c) draw inferences
  - d) on-site inspection
  - e) retain others – accountant, building contractor, architect, engineer (to be paid as determined by adjudicator)
  - f) make a determination (decision)

# Adjudicator's Powers

- If decision issued after 30 days from receipt of documents, decision not binding
- Decision must be in writing, with reasons

# How to Start Process – Notice of Adjudication

- Give written notice of adjudication
- No standard/ prescribed form
- Notice of adjudication must include:
  - a) Parties' names and addresses
  - b) nature and description of dispute (how and when arose)
  - c) relief sought
  - d) name of proposed adjudicator
- Adjudicator's fee negotiated
- General rule: adjudicator's fee paid equally

# Documents Given To Adjudicator

- Notice of adjudication
- Contract/ subcontract
- Any documents party will rely on

# Goals of Adjudication

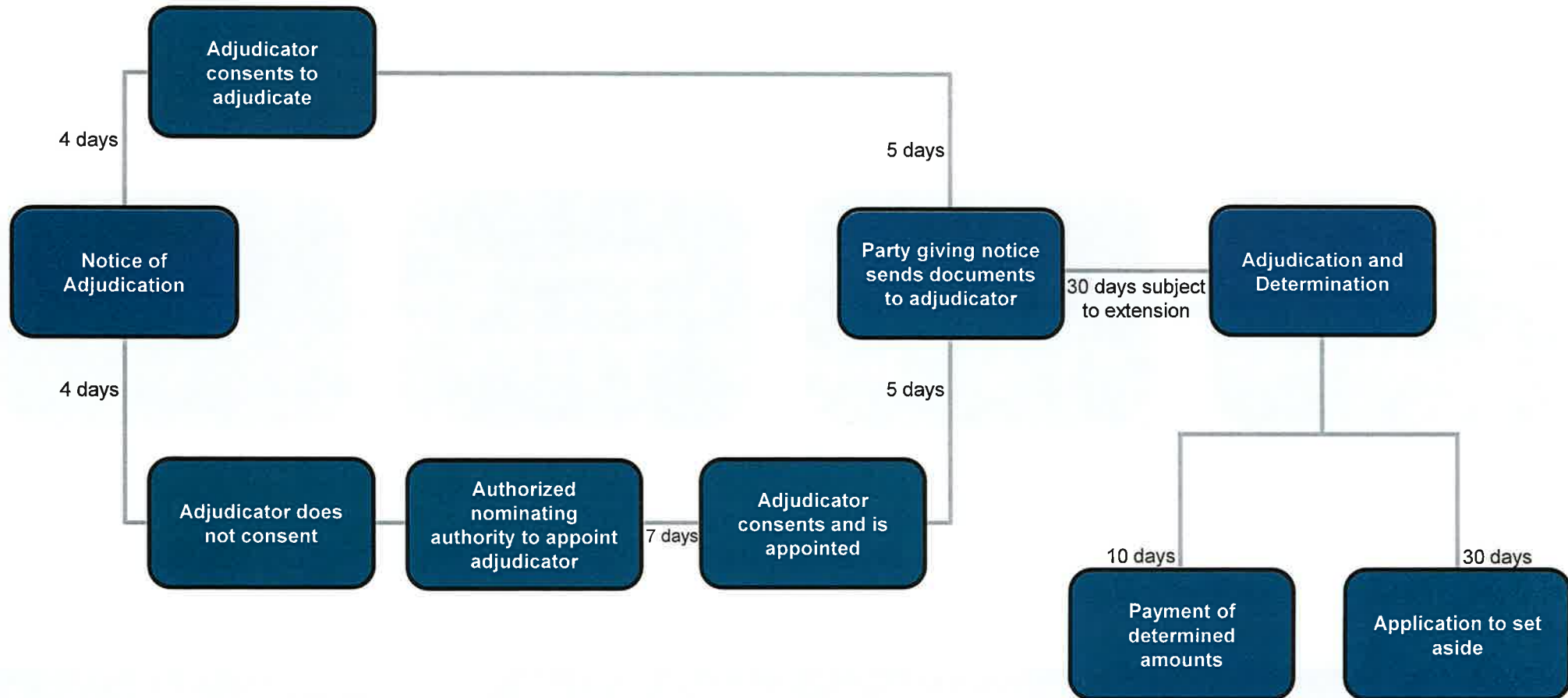
- Timely resolution of disputes
- Keep money flowing down construction pyramid
- Prevent accumulation of disputes from being dealt with at end of project
- Deal with disputes as project being constructed
- Quick way of dealing with stalemates
- Qualified adjudicator considers dispute and makes timely decision



# How To Achieve Goals

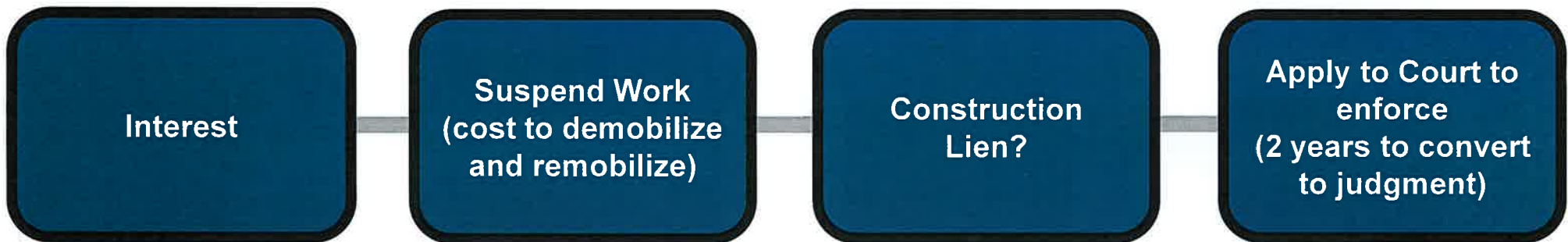
- Review and modify document management system
- Review or set up method of keeping track of issues and dates (limitation periods)
- Consider how to keep staff on site while also preparing for adjudication
- Consider how to simplify complex disputes
- List of adjudicators
- List of lawyers

# Adjudication Process

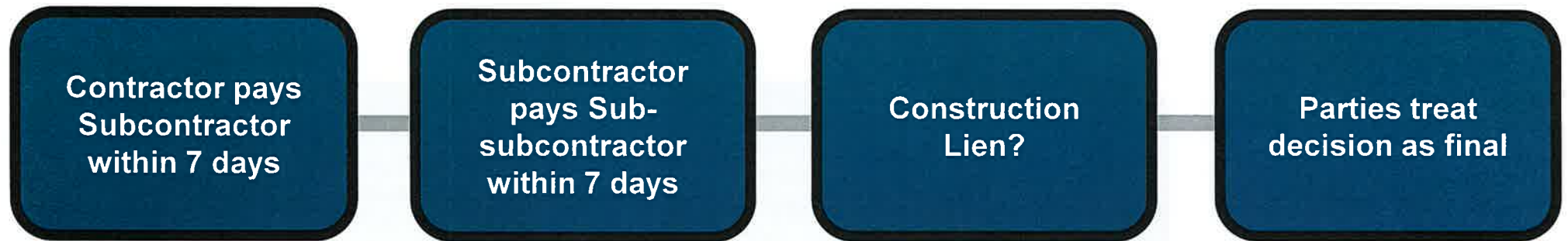




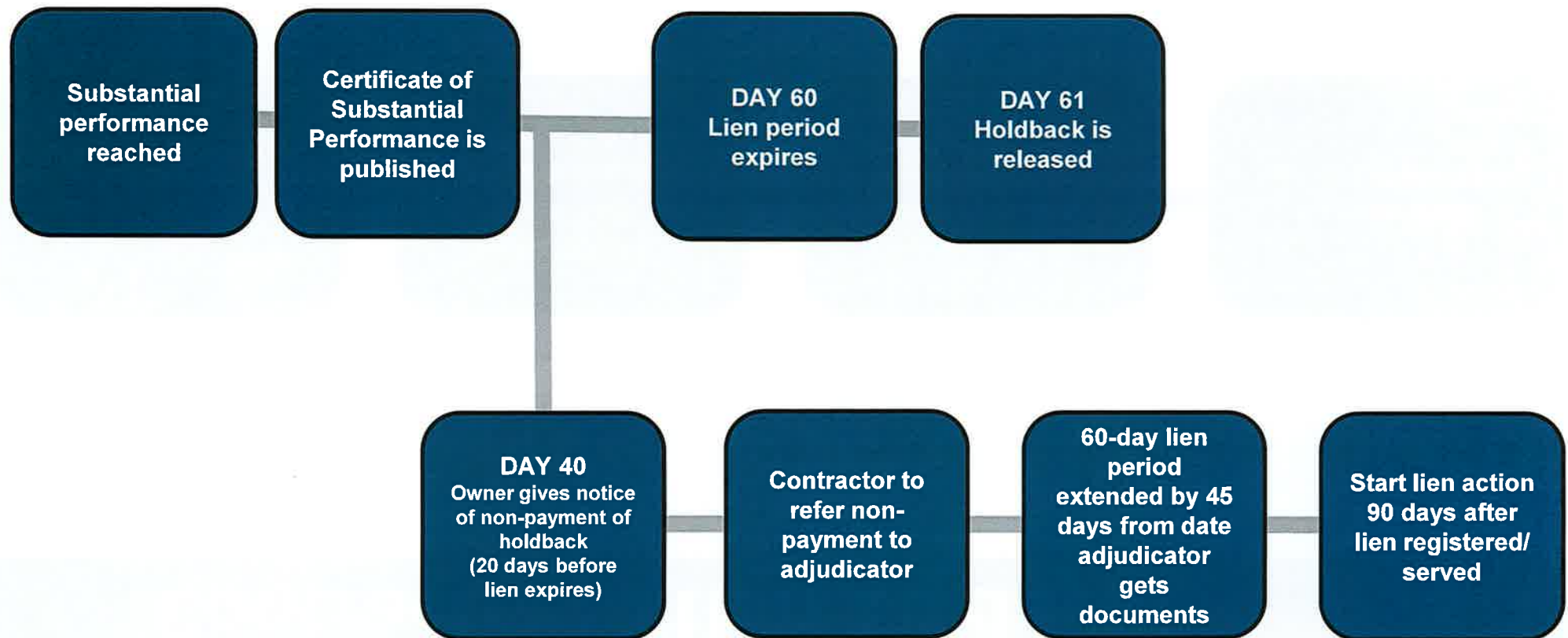
# Remedies for Non-Payment of Adjudicator's Determination within 10 days



# What Happens After Owner Pays Contractor within 10 days?



# Holdback & Construction Lien Periods



# Lien Modernization

**Lien Modernization comes into effect =  
July 1, 2018**

# Liens

## Preservation

- Deadline to register or serve lien increases from 45 days to 60 days

## Perfection

- Deadline to start lien action increases from 90 days to 150 days

# Holdback

## **Mandatory Release of Holdback**

- General Rule: Mandatory release of holdback
- Exception: Owner can retain holdback if it publishes a Notice within 40 days

## **Annual or Phased Release of Holdback**

- For certain projects, holdback may be released on an annual or phased basis

# Substantial Performance

Substantial Performance occurs when the improvement is ready for its intended use, and the cost is not more than:

- i. 3% of the first \$1,000,000 of the contract price;
- ii. 2% of the next \$1,000,000 of the contract price
- iii. 1% of the balance of the contract price



# Completion of Contract

## Deemed Completion of Contract

- Contract deemed completed and services/materials deemed to be last supplied when the price of completion, correction of known defect, or last supply is not more than lesser of:
  - i. 1% the contract price; and
  - ii. \$5,000



# QUESTIONS?

**CITY OF KAWARTHA LAKES - SITE PLAN COST ESTIMATE**

<b>Project Name:</b>						<b>Date:</b>	
		<b>Unit</b>	<b>Price (\$)</b>	<b>Quantity</b>	<b>Total Cost (\$)</b>	<b>100% Security (\$)</b>	<b>Reduced Value, max. 10% (\$)</b>
<b>1</b>	<b>Erosion &amp; Sediment Control</b>						
	Maintenance of Erosion & Sediment Controls	Time Basis			\$0.00	-	
	Light Duty Silt Fencing (219.110)	m			\$0.00	-	
	Heavy Duty Silt Fencing	m			\$0.00	-	
	Mud Mat	ea			\$0.00	-	
	Check Dams	ea			\$0.00	-	
	Straw Bale Flow Check	ea			\$0.00	-	
	R50 Rip Rap and Filter Cloth	m <sup>2</sup>			\$0.00	-	
	Swales	m			\$0.00	-	
	Filter Strip	m			\$0.00	-	
	<b>Subtotal: Erosion &amp; Sediment Control</b>				<b>\$0.00</b>		
<b>2</b>	<b>Site Preparation and Earthworks</b>						
	Clearing and Grubbing	LS			\$0.00	-	
	Topsoil Strip and Stockpile	m <sup>3</sup>			\$0.00	-	
	Earth Excavation and Grading	m <sup>3</sup>			\$0.00	-	
	Ditching	m			\$0.00	-	
	Cut to Fill	m <sup>3</sup>			\$0.00	-	
	Import Fill	m <sup>3</sup>			\$0.00	-	
	Disposal of Fill Material Off-Site	m <sup>3</sup>			\$0.00	-	
	<b>Subtotal: Earthworks</b>				<b>\$0.00</b>		
<b>3</b>	<b>Road - Internal Site Work</b>						
	Street, Stop and Parking Signs	LS			\$0.00	-	
	Granular 'B' 300mm Depth	m <sup>2</sup>			\$0.00	-	
	Granular 'A' 150mm Depth	m <sup>2</sup>			\$0.00	-	
	HL8 Asphalt Binder Course 50mm Depth	m <sup>2</sup>			\$0.00	-	
	HL4 Asphalt Surface course 40mm Depth	m <sup>2</sup>			\$0.00	-	
	HL3 Asphalt Driveway	m <sup>2</sup>			\$0.00	-	
	Storm 150 mm Dia Subdrain Road (OPSD216.021)	m			\$0.00	-	
	Barrier Curb and Gutter (muni-1350) (608.010/605.030/600.040)	m			\$0.00	-	
	2.0m wide Concrete Sidewalk	m <sup>2</sup>			\$0.00	-	
	1.8m wide Concrete Sidewalk	m <sup>2</sup>			\$0.00	-	
	1.5m wide Concrete Sidewalk	m <sup>2</sup>			\$0.00	-	
	Ditching	m			\$0.00	-	
	Topsoil, Seed & Mulch	m <sup>2</sup>			\$0.00	-	
	Concrete Mail Box Pad	ea			\$0.00	-	
	Line Painting	LS			\$0.00	-	
	Dead End Barrier (chain	ea			\$0.00	-	
	Parking Curb	ea			\$0.00	-	
	<b>Subtotal: Road Internal Site Work</b>				<b>\$0.00</b>		

**CITY OF KAWARTHA LAKES - SITE PLAN COST ESTIMATE**

Project Name:						Date:	
		Unit	Price (\$)	Quantity	Total Cost (\$)	100% Security (\$)	Reduced Value, max. 10% (\$)
<b>4</b>	<b>Road - External Site Work (100% Security)</b>						
	Street, Stop and Parking Signs	LS			\$0.00	\$0.00	
	Granular 'B' 300mm Depth	m <sup>2</sup>			\$0.00	\$0.00	
	Granular 'A' 150mm Depth	m <sup>2</sup>			\$0.00	\$0.00	
	HL8 Asphalt Binder Course 50mm Depth	m <sup>2</sup>			\$0.00	\$0.00	
	HL4 Asphalt Surface course 40mm Depth	m <sup>2</sup>			\$0.00	\$0.00	
	HL3 Asphalt Driveway	m <sup>2</sup>			\$0.00	\$0.00	
	Storm 150 mm Dia Subdrain Road (OPSD216.021)	m			\$0.00	\$0.00	
	Barrier Curb and Gutter (muni-1350) (608.010/605.030/600.040)	m			\$0.00	\$0.00	
	2.0m wide Concrete Sidewalk	m <sup>2</sup>			\$0.00	\$0.00	
	1.8m wide Concrete Sidewalk	m <sup>2</sup>			\$0.00	\$0.00	
	1.5m wide Concrete Sidewalk	m <sup>2</sup>			\$0.00	\$0.00	
	Ditching	m			\$0.00	\$0.00	
	Topsoil, Seed & Mulch	m <sup>2</sup>			\$0.00	\$0.00	
	Concrete Pad (i.e. mailbox, bus stop)	ea			\$0.00	\$0.00	
	Line Painting	LS			\$0.00	\$0.00	
	Dead End Barrier (barricade and checkerboard sign)	ea			\$0.00	\$0.00	
	Parking Curb	ea			\$0.00	\$0.00	
	<b>Subtotal: Road External Site Work</b>				<b>\$0.00</b>	<b>\$0.00</b>	
<b>5</b>	<b>Storm</b>						
	250mm ø P.V.C.	m			\$0.00	-	
	300mm ø P.V.C.	m			\$0.00	-	
	375mm ø P.V.C.	m			\$0.00	-	
	450mm ø P.V.C.	m			\$0.00	-	
	525mm ø Conc.	m			\$0.00	-	
	600mm ø Conc.	m			\$0.00	-	
	675mm ø Conc.	m			\$0.00	-	
	750mm ø Conc.	m			\$0.00	-	
	825mm ø Conc.	m			\$0.00	-	
	1050mm ø Conc.	m			\$0.00	-	
	450mm CSP Culvert	m			\$0.00	-	
	Oil Grit Separator	ea			\$0.00	-	
	1200mm ø (OPSD:701.010)	ea			\$0.00	-	
	1500mm ø (OPSD:701.011)	ea			\$0.00	-	
	1800mm ø (OPSD:701.012)	ea			\$0.00	-	
	2400mm ø (OPSD:701.013)	ea			\$0.00	-	
	600mm ø Catch Basin c/w Frame & Grate (OPSD:705.010/400.020)	ea			\$0.00	-	
	600mm ø Ditch Inlet Catch Basin c/w Frame & Grate (OPSD:705.030/403.010)	ea			\$0.00	-	
	150mm ø Long Storm Service	ea			\$0.00	-	
	150mm ø Short Storm Service	ea			\$0.00	-	
	Clean, Flush and Video Inspection of Storm Sewers	m			\$0.00	-	
	Pond				\$0.00	-	
	Swales				\$0.00	-	
	Soak Away Pit				\$0.00	-	
	Other (please list)				\$0.00	-	
	<b>Subtotal: Storm</b>				<b>\$0.00</b>		
<b>5a</b>	<b>External Storm Works to be completed by the City</b>	LS			<b>\$0.00</b>	-	

**CITY OF KAWARTHA LAKES - SITE PLAN COST ESTIMATE**

<b>Project Name:</b>						<b>Date:</b>	
		<b>Unit</b>	<b>Price (\$)</b>	<b>Quantity</b>	<b>Total Cost (\$)</b>	<b>100% Security (\$)</b>	<b>Reduced Value, max. 10% (\$)</b>
<b>6</b>	<b>Sanitary</b>						
	200mm ø P.V.C. 404.020	m			\$0.00	-	
	1200mm ø (701.010)	ea			\$0.00	-	
	Manhole Drop Structure 1003.01	ea			\$0.00	-	
	100mm ø Short Sanitary Service	ea			\$0.00	-	
	100mm ø Long Sanitary Service	ea			\$0.00	-	
	Clean, Flush and Video Inspection of Sewer	m			\$0.00	-	
	<b>Subtotal: Sanitary</b>				<b>\$0.00</b>		
<b>6a</b>	<b>External Sanitary Works to be Completed by the City</b>	LS			<b>\$0.00</b>	-	
<b>7</b>	<b>Watermain and Appurtenances</b>						
	150 mm P.V.C. watermain	m			\$0.00	-	
	50 mm Copper	m			\$0.00	-	
	150 mm Gate Valve	ea			\$0.00	-	
	Yard Hydrant	ea			\$0.00	-	
	Hydrant Set, Valve and Tee	ea			\$0.00	-	
	19 mm Short Water Service	ea			\$0.00	-	
	19 mm ø Long Water Service	ea			\$0.00	-	
	19mm Curbstop with rod & box	ea			\$0.00	-	
	300 mm P.V.C. watermain	m			\$0.00	-	
	300 mm Gate Valve	ea			\$0.00	-	
	Water, Disinfection and Pressure Testing	LS			\$0.00	-	
	<b>Subtotal: Watermain and Appurtenances</b>				<b>\$0.00</b>		
<b>7a</b>	<b>External Water Works to be completed by the City</b>	LS			<b>\$0.00</b>	-	
<b>8</b>	<b>Lighting</b>						
	Exterior Wall Lighting	ea			\$0.00	-	
	Light Standards	ea			\$0.00	-	
	<b>Subtotal: Lighting</b>				<b>\$0.00</b>		
<b>9</b>	<b>Landscaping (100% Security)</b>						
	Clearing & Grubbing	ea			\$0.00	\$0.00	
	Strip & Stockpile Topsoil	m <sup>3</sup>			\$0.00	\$0.00	
	Earth Excavation	m <sup>3</sup>			\$0.00	\$0.00	
	Topsoil, Seed & Mulch	m <sup>3</sup>			\$0.00	\$0.00	
	Supply & Instalation of Plants	ea			\$0.00	\$0.00	
	Construction of Berm	ea			\$0.00	\$0.00	
	Garbage Enclosure	ea			\$0.00	\$0.00	
	Gates	ea			\$0.00	\$0.00	
	Acoustical Fencing	m			\$0.00	\$0.00	
	Chain Link Fencing	m			\$0.00	\$0.00	
	Other (please list)				\$0.00	\$0.00	
	<b>Subtotal: Landscaping</b>				<b>\$0.00</b>	<b>\$0.00</b>	

# CITY OF KAWARTHA LAKES - SITE PLAN COST ESTIMATE

<b>Project Name:</b>					<b>Date:</b>		
		<b>Unit</b>	<b>Price (\$)</b>	<b>Quantity</b>	<b>Total Cost (\$)</b>	<b>100% Security (\$)</b>	<b>Reduced Value, max. 10% (\$)</b>
<b>*Subtotal Construction Costs</b>					<b>\$0.00</b>		
H.S.T - 13%					\$0.00		
<b>Total Construction Costs</b>					<b>\$0.00</b>		
<b>*DAAP Fee: 3.70% of Subtotal - Pre H.S.T.</b>					<b>\$0.00</b>		
<b>Total of Security (inclusive of HST)</b>					<b>\$0.00</b>		
I certify these engineering costs to be the current estimated costs for the works proposed within							
<b>Name</b>							
<b>Title</b>							
Note: Release of any security will require signoff from all other involved parties certifying all works are completed as per the site plan agreement (i.e.City of Kawartha Lakes Building Division, Parks Canada, Conservation Authority).							
Upon completion of the site works, the Engineering department will require as-built information, certification, a statutory declaration, and Details regarding the cleaning of the Oil/Grit Separator (OGS) as well as installation certification of the OGS prior to any inspection for security reduction.							

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number ENG2018-015**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Airport 2018 Capital Budget Update

**Description:** Capital Budget Update

**Author and Title:** Juan Rojas

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### **Recommendation(s):**

**That** Report ENG2018-015, Airport 2018 Capital Budget Update, be received;

**That** 2018 Capital Program AP1802 – Airport Facilities Program, be closed and \$10,000 allocated to this program be transferred to Capital Reserves and;

**That** 2018 Capital Program AP1801 – Airport Siteworks Program, be increased by \$10,000 for Minor Airside Improvements and be funded from Capital Reserve.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Airport Board Meeting of June 18, 2018, the Board adopted the following resolution:

**MOVED BY** Mark Wilson

**SECONDED BY** Councillor Veale

**THAT** AP1802, Airport Facilities Program, Airport Terminal HVAC be closed and a request be submitted to transfer the funds (\$10K) to AP1801, Airport Siteworks Program, for a new project for Minor Airside Improvements (tie-downs, signage and ramp painting).

**CARRIED**

The Airport Board passed the minutes via email on June 20, 2018 in order to expedite the adoption of the minutes to facilitate a report going to Council.

This report addresses that direction.

## **Rationale:**

During the start of the 2018 Capital Budget Process (Q2 2017), improvements to the HVAC system was identified as a possible concern. At this time, the rental space was vacant.

Upon additional review and inspection, the HVAC replacement is unnecessary because the area it would service is rented to a tenant who is responsible for his own hydro costs, who has not expressed any dissatisfaction with the status quo.

It would be a misuse of funds for Loomex / Airport Board to arbitrarily upgrade the system without any real necessity.

The airport does urgently require improvements to the ramp area, which would consist of new aircraft tie down anchors, repair of the ramp in various areas, and line painting to direct visiting aircraft to parking areas newly designated for their use.

The total cost of these items will not exceed the \$10,000 HVAC allocation, and the Board is requesting that the AP1802 allocation be transferred to a new project as described under AP1801.

## Other Alternatives Considered:

No other Alternatives should be considered, as this has a net zero financial impact.

## Financial/Operation Impacts:

Approved 2018 Capital Budget:

### AP1801 – Airport Site Works

JDE Identifier	Asset(s) / Project	Total Approved Budget
987180101	Runway 13-31 Partial Parallel Taxiway	\$163,500
987180102	Commercial / Hanger Service Road	\$38,000
Total		\$201,500

### AP1802 – Airport Facilities Program

JDE Identifier	Asset(s) / Project	Total Approved Budget
987180201	Airport Terminal HVAC	\$10,000
Total		\$10,000

Request is to closed AP1802 and add a new project within AP1801 with a value of \$10,000 for Minor Airside Improvements, thus the new revised value of:

- AP1801 would be \$211,500 and
- AP1802 would be \$0

Note: that proposed Minor Airside Improvements project and the approved HVAC project are not DC eligible.

## Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The Kawartha Lakes Municipal Airport aligns with Goal 1 – A Vibrant and Growing Economy and Goal 2 – An Exceptional Quality of Life.

It also aligns with the Strategic Enablers of “Efficient Infrastructure & Asset Management” and “Responsible Fiscal Resource Management”.



## **Review of Accessibility Implications of Any Development or Policy:**

There is no accessibility implications associated with the above noted recommendations.

## **Servicing Implications:**

There are no servicing implications.

## **Consultations:**

Kawartha Lakes Municipal Airport Board  
Loomex Group - City of Kawartha Lakes Airport Manager

## **Attachments:**

N/A

**Department Head E-Mail:** [jrojas@city.kawarthalakes.on.ca](mailto:jrojas@city.kawarthalakes.on.ca)

**Department Head:** Juan Rojas, Director of Engineering & Corporate Assets

**Department File:** Engineering

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number HS2018-002**

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**Date:** July 17, 2018

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Kawartha Lakes Health Care Initiative: Return of Service  
Incentive Repayment

**Author and Title:** Rod Sutherland, Director, Human Services

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### **Recommendation(s):**

**That** Report HS2018-002, **Kawartha Lakes Health Care Initiative: Return of Service Incentive Repayment**, be received; and

**That** Kawartha Lakes Health Care Initiative retain the repaid Doctor recruitment incentive for the sole purpose of supporting upcoming recruitment incentives prior to further Doctor Recruitment Reserve funding being requested from the City.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The City maintains the Doctor Recruitment Reserve to fund incentives negotiated by the Kawartha Lakes Health Care Initiative (KLHCI) to bring family physicians to Kawartha Lakes.

In 2014 KLHCI entered into an agreement with a medical student under their Tuition Support and Residency Support program. The incentives provided totaled \$20,000 and were issued to KLHCI from the Doctor Recruitment Reserve as part of the following Council resolution (CR2014-427) on April 22, 2014.

**RESOLVED THAT** the memorandum from Rod Sutherland, Acting Director of Health and Social Services, dated April 22, 2014, regarding the KLHCI request for Doctor Recruitment Reserve funds, be received; and

**THAT** payment of up to \$50,000.00 to Kawartha Lakes Health Care Initiative (KLHCI) be authorized from the Doctor Recruitment Reserve to support the two Return of Service Agreements executed by KLHCI in the second quarter of 2014.

## **Rationale:**

Due to personal commitments, the physician requested a termination of the Return of Service agreement and has repaid the full incentive amount, plus interest. They will continue to practice in Kawartha Lakes but cannot commit to a full-time practice at this time as required in the agreement.

The City's Doctor Recruitment Reserve has a current balance of \$104,500, including \$20,000 allocated in the 2018 City Operating Budget. With ongoing physician recruitment efforts, KLHCI may have additional Return of Service agreements in place later this year.

The KLHCI has requested that the incentive amount that was repaid, \$25,903.58 less legal and administrative costs of approximately \$1,000 relating to the legal review and termination of the agreement, be retained by KLHCI solely for the purpose of supporting future Return of Service incentives.

It is recommended that the total repaid incentive, approximately \$24,903.58, be retained by the KLHCI for the sole purpose of supporting continued doctor recruitment incentives consistent with the existing process. These funds will be allocated to the next Return of Service Agreement(s) prior to further Reserve funds being requested from Council.

## **Other Alternatives Considered:**

The City could request the return of the incentive funds. Future recruitments will require Council resolution to allocate funds from the Reserve.

## **Financial/Operation Impacts:**

Budget allocations to the Doctor Recruitment Reserve are done as part of the annual Operating Budget process. The Reserve is currently maintained for the sole purpose of supporting Doctor recruitment and retention efforts by KLHCI.

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The City's support of the KLHCI and Doctor recruitment and retention efforts relates directly to the Strategic Goal of An Exceptional Quality of Life, Enhancing access to Community and Human/Health Services.

## **Consultations:**

Kawartha Lakes Health Care Initiative

**Department Head E-Mail:** [rsutherland@kawarthalakes.ca](mailto:rsutherland@kawarthalakes.ca)

**Department Head:** Rod Sutherland

-----Original Message-----

From: Candice Milroy [REDACTED]  
Sent: Tuesday, June 05, 2018 10:56 AM  
To: Agenda Items  
Subject: Fwd: boathouse - letter

Hi. This is my written submission requesting an appeal of the decision regarding our boathouse at the end of Walnut Street, Fenelon Falls.

Below is the letter I wrote to Christine Oliver explaining our reasons for appealing the decision.

Please let me know what else I need to do.

Thank you, Candice Milroy and Daniel Mellen

----- Original Message -----

Hi Christine, I am writing with regard to a letter we received today about a boathouse we own. I have some questions and some more information regarding it.

Most importantly, we have been saving up and are prepared to completely repair the existing boathouse. We were waiting to move forward. We have already met with the building inspector regarding the boathouse renovation.

Secondly, we bought this boathouse from the land owners adjacent to it. It once belonged with our current home. Our home is 100 years old and the boathouse in question was part of this estate. The owners moved the house up the road a ways. The boathouse has been passed between land owners in our little area for many years. Most recently it came to be ours.

Seeing as the reason stated in the letter for not honouring our request is the disrepair of the boathouse we feel that it should be reconsidered. My husband is a builder and we have the resources and expertise to put the boathouse to rights within the 30 days given.

Lastly, we have the blessing of the landowners on either side of the boathouse, they would love to see our young family enjoying the water and improving the general look of the area.

Please let me know what my next step is regarding this boathouse. It is very important to our family.

Thank you, Candice Milroy  
(recent recipient of the Environmental Hero Award in the City of Kawartha Lakes)

Pasquale & Lucia Di Leo

July 5, 2018

### Details of Request

Re: To enter a License Agreement for an existing dock and boathouse belonging to **781 Kenstone Beach Road**, Bobcaygeon. (To be read in conjunction with Request for Deputation Application)

**Attn: Mr. Mayor and Council,**

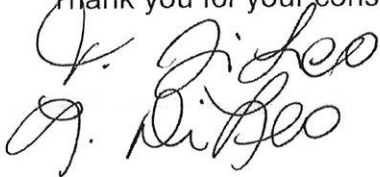
We are appealing the decision made by the Land Management Committee that we remove our boathouse. With repair and permits from Trent Severn Waterways, we will be able to enter a lease agreement with the City of Kawartha Lakes for our dock but not our boathouse.

This year has been particularly difficult to keep up with repairs due to health issues and extreme weather conditions. The major storm in April 2018 severely damaged both our dock and boathouse.

Since my husband is now retired, we will be able to spend longer periods of time at the cottage and make repairs when needed. We had already contacted a contractor (Aspin Windows and Doors and complete Home Renovations) to do the work.

One of the main reasons that we chose to buy this cottage was that it had access to the lake. We would appreciate being able to continue to enjoy sitting on our dock watching the view and enjoying the beautiful sunsets. Our cottage does not have a view of the lake (it is up the street) and therefore we use our boathouse to store chairs and peddle boat.

Thank you for your consideration in this matter.



Pasquale and Lucia Dileo



Office of the City Clerk  
P.O. Box 9000, 26 Francis St.  
Lindsay, ON K9V 5R8  
Telephone: (705) 324-9411, ext.1322  
E-Mail: [jwatts@kawarthalakes.ca](mailto:jwatts@kawarthalakes.ca)  
Fax: (705) 324-8110  
Website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## Memorandum

**To:** City Council  
**Date:** July 17, 2018  
**From:** Joel Watts, Deputy Clerk  
**Subject:** Fence-Viewer Resignation

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### Recommendation

**That** the July 17, 2018 memorandum from Joel Watts, Deputy Clerk, regarding Fence-Viewer Resignation, be received;

**That** the notice of resignation, dated June 29, 2018, of Fence-Viewer Charles Clarke, be received; and

**That** a by-law to amend by-law 2015-024 be presented to Council for adoption to reflect the resignation, effective the date of the by-law adoption.

### Background

A letter of resignation was received from Fence-Viewer Charles Clarke on June 29, 2018, (attached as Schedule A) with the expressed intention of allowing him to run for City Council. Fence-Viewers may be perceived as 'employees' of the municipality as they are appointed specifically by name with a by-law.

The Municipal Act states the following:

#### Ineligible

**258** (1) The following are not eligible to be elected as a member of a council or to hold office as a member of a council:

1. Except in accordance with section 30 of the *Municipal Elections Act, 1996*,
  - i. an employee of the municipality,
  - ii. a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar referred to in section 223.11 or an investigator referred to in subsection 239.2 (1) of the municipality, or



- iii. a person who is not an employee of the municipality but who holds any administrative position of the municipality.

The Municipal Elections Act states the following regarding employees running for Council:

### **Employee of municipality or local board**

**30** (1) An employee of a municipality or local board is eligible to be a candidate for and to be elected as a member of the council or local board that is the employer if he or she takes an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day. 1996, c. 32, Sched., s. 30 (1); 2002, c. 17, Sched. D, s. 9 (1).

### **Notice of leave**

(2) The employee shall give the council or local board written notice, in advance, of his or her intention to take unpaid leave under subsection (1). 1996, c. 32, Sched., s. 30 (2).

### **Right to unpaid leave**

(3) The employee is entitled, as of right, to take unpaid leave under subsection (1). 2002, c. 17, Sched. D, s. 9 (2).

The Clerk's Office has spoken with Mr. Clarke and confirmed his intentions to run for City Council, and has advised him of this memo and by-law amendment being presented to Council.

## **Considerations**

Mr. Clarke has opted to resign rather than take a leave of absence as Fence-Viewer. This provides clarity regarding his intentions, and no leave-of-absence will need to be authorized by Council. However, as a by-law was adopted to appoint him as a Fence-Viewer, Council is required to amend the by-law to clearly identify that Mr. Clarke is not perceived as an 'employee' of the municipality.

## **Conclusion**

The full resignation of Charles Clarke will become effective upon the successful adoption of an amending by-law to remove Mr. Clarke's name from by-law 2015-024. This will allow him to submit nomination papers for the 2018 Municipal Election with the Office of the City Clerk.



Schedule A to  
Memorandum of Fenc



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**To:** Joel Watts  
**Subject:** RE: resignation as a fence viewer effective june 29

-----Original Message-----

From: [noreply@kawarthalakes.ca](mailto:noreply@kawarthalakes.ca) [<mailto:noreply@kawarthalakes.ca>] On Behalf Of charles clarke  
Sent: Wednesday, June 27, 2018 9:24 PM  
To: Clerks  
Subject: resignation as a fence viewer effective june 29

To whom it may concern

I send you this email to submit my letter of resignation as a fence viewer effective June 29 2018. The reason I am doing this is to clear the way to run for city council.

yours truly

J Charles Clarke

-----  
Origin:

<https://www.kawarthalakes.ca/Modules/contact/search.aspx?s=24qmu7qSVdKxJjExD5IA5HOwgweQuAleQuAl>  
-----

This email was sent to you by charles clarke<  
<https://www.kawarthalakes.ca>.

· through

**From:** AMO Communications [<mailto:communicate@amo.on.ca>]  
**Sent:** Monday, June 25, 2018 3:29 PM  
**To:** Andy Letham  
**Subject:** Policy Update - AMO Stands with Canada and Ontario on NAFTA

June 25, 2018

## **AMO Stands with Canada and Ontario on NAFTA**

At its June 21<sup>st</sup> meeting AMO's Board of Directors passed a resolution in support of the Governments of Canada and Ontario successfully resolving the North American Free Trade Agreement (NAFTA) renegotiation. The Board calls on member municipalities to consider the resolution (below) to express local support.

Fair trade with the United States of America and Mexico has been the cornerstone of Canada's and Ontario's economy for many years. Since the Canada-US Free Trade Agreement (FTA) came into force in 1989 and NAFTA in 1993, Ontario's economy has become more integrated with the US and Mexico to the mutual benefit of residents and businesses. These relationships reinforce our prosperity and openness.

Changes to NAFTA could have major repercussions on the prosperity of Canada's local, regional and national economies. In passing this resolution AMO, and municipal governments across Ontario, are sending a strong message that municipal leaders stand with and support our provincial and federal governments in ensuring fairness and prosperity for Canadians.

Municipal Councils are encouraged to consider and pass this resolution copying Prime Minister Trudeau, Premier Designate Doug Ford, AMO and the Federation of Canadian Municipalities.

### **AMO Contact:**

Craig Reid, Senior Policy Advisor, [creid@amo.on.ca](mailto:creid@amo.on.ca), 416-971-9856 ext. 334.

### **NAFTA RESOLUTION**

That the AMO board approve the proposed NAFTA resolution to be shared with members, the Federal Government, the Provincial Government, and Federation of Canadian Municipalities (FCM).

WHEREAS, the North American Free Trade Agreement (NAFTA) governs nearly every aspect of Canada and the United States economic relationship including manufacturing, agriculture, resources industries, and services;

WHEREAS, about 80% of all of Ontario's exports go to the United States and Ontario is the top trading partner of half of all American States;

WHEREAS, even minor changes to the established trade relationship between Canada and the United States could have significant consequences for workers, consumers, and governments on both sides of the border;

WHEREAS, Canada's and Ontario's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current future trade agreements;

Therefore, be it:

resolved that Ontario municipal governments, represented by the Association of Municipalities of Ontario (AMO), stand together with the Federal and Ontario governments in their efforts to protect Canadian jobs and local economies;

RESOLVED that AMO will work with the Province of Ontario to support the interests of municipalities and communities affected by trade disputes and during ongoing trade agreement negotiations;

RESOLVED that AMO will work with the Federation of Canadian Municipalities to ensure that Canada understands the municipal impacts affected by trade disputes and during ongoing trade agreement negotiations; and be it further

RESOLVED that \_\_\_\_\_ supports AMO's resolution.

---

**DISCLAIMER:** Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

**OPT-OUT:** If you wish to opt-out of email communications from AMO, please click [here](#).



-----Original Message-----

From: [noreply@kawarthalakes.ca](mailto:noreply@kawarthalakes.ca) [mailto:[noreply@kawarthalakes.ca](mailto:noreply@kawarthalakes.ca)] On Behalf Of Alex Mitchell

Sent: Wednesday, June 20, 2018 10:22 AM

To: Clerks

Subject: Wedding noise bylaw exemption

Hello,

I am writing to inquire and apply for a noise bylaw exemption for my wedding on August 25th in Lindsay. The wedding will be taking place at 30 Regent street from 4pm to 1am Saturday August 25th 2018. My daytime contact numbers are [REDACTED]

and my home address is [REDACTED]

Thank you

Alex Mitchell

-----  
Origin: <https://www.kawarthalakes.ca/en/municipal-services/applications-licences-and-permits.aspx>  
-----

This email was sent to you by Alex Mitchell<[REDACTED]> through <https://www.kawarthalakes.ca>.

July 7, 2018

**REQUEST FOR EXEMPTION FROM NOISE BI-LAW**

Mayor Letham and Council Members,

We are kindly requesting a noise exemption for our long weekend wedding on Sunday, August 5, 2018.

The wedding is taking place at our family cottage on Shadow Lake Road #2, Cottage #44. The event begins at 3pm and will conclude by 1am on August 6, 2018. We are requesting an extension of the Noise Bi-Law to 1am.

We have notified many of our neighbours in surrounding cottages of our plans and have received their support, but we want to ensure we are also following all proper measures with the City.

Thank you in advance for your consideration.

Warmest regards,

Russell Willmot & Kaitlin Jubb

Kaitlin Jubb  


Russell Willmot  




JUN 26 2018

Ottawa, Canada K1A 0H3

RECEIVED

JUL 03 2018

Ms. Ann Rooth  
Deputy Clerk  
City of Kawartha Lakes  
26 Francis Street  
P.O. Box 9000  
Lindsay ON K9V 5R8

OFFICE OF THE CITY CLERK  
KAWARTHA LAKES

Dear Mr. Rooth:

Thank you for your correspondence of February 22, 2018, regarding the report of the Standing Committee on Environment and Sustainable Development, *Preserving Canada's Heritage: The Foundation for Tomorrow*.

The Government of Canada is committed to responding to the recommendations contained in the report as part of its ongoing commitment to protecting Canada's heritage places. The Committee's 17 recommendations are ambitious and go beyond conserving the heritage places administered by the federal government.

The report highlights a number of challenges and opportunities that will require a thorough review and engagement with provincial, territorial, and municipal governments, Indigenous partners, and heritage stakeholders. In the Government Response tabled on March 23, 2018, I committed to considering each of the report's recommendations carefully, and to providing the Committee with a recommendation by recommendation response in December 2018.

By taking a unified and collaborative approach, we can create a path forward to secure the future of Canada's heritage places for generations to come.

I appreciate you taking the time to write.

Sincerely,

The Honourable Catherine McKenna, P.C., M.P.



July 5,2017

Mayor and Council  
c/o Office of the City Clerk  
26 Francis Street  
P.O. Box 9000

Lindsay, ON K9V 5R8

Dear Members of Council

Please accept this letter as request for relief from the Chief Building officials cancelation of my Building permit application #2015-1495 as stated in the attached letter from the CBO to myself on March 29,2018 and again on April 23, 2018. I am requesting that Council overrule the CBO in this decision and pass a resolution instructing the CBO that the permit application is still currently active and to treat it as an active application as per the City of Kawartha Lakes building bylaw 2012-019. I also request that Council instruct through resolution that the CBO return building review fees paid based upon the revision to the application reducing the number of buildings for a permit being applied for. These requests are based upon the information below and the attached documents and correspondence with City staff.

Since the filing of my building permit in December of 2015 I have been actively pursuing my building permit application with the CBO and City staff. During this time I have challenged the CBO's technical interpretation of the Ontario Building code at the Ontario Building commission. Based upon the Ontario Building Code Commissions ruling in July of 2017 , I amended my design under the permit application #2015-1495 and resubmitted a design report to the City ( please see attached correspondence) I did not hear back so I had to pursue it through the Mayor and CAO who provided comments on the revised proposal that came from whom I can only assume was the building department. I questioned these comments and the relation to the building code in which they were made but did not get any answers. I once again revised my proposal and requested a meeting to review. The City elected to meet with me via the CAO and the Fire Chief on October 21,2017. At that point I had yet to receive any formal review or denial by my September 2017 proposal by the Building department which was in contravention of section 8(2.3) of the building code act. At the October 27<sup>th</sup> meeting with the CAO I explained my revised design proposal outlining how it intended to install a 28,000 litre water storage tank for fire suppression and how that meet the formula requirements under appendix A of the Ontario building code. This design proposal was bolstered by the statements made by the Fire Chief on how the City would be showing up in the event of a fire with transportable water in the amount of 6000 imperial gallons



and that the area wasn't lacking in sources of water, as there is a municipal fire hydrant 250 meters from the property on Walsh road. At the end of this meeting the CAO stated that staff wished to "put this to bed" and encouraged me to resubmit my revised design report from my consultant to the CBO and outline everything we spoke about at the meeting and that the City would keep my application open. I did this in November of 2017 as well in the letter submitted revised my application to 1 building instead of the original two buildings. I subsequently received a response back from the CBO via the CAO denying my proposal however once again I did not receive it from the CBO as per section 8(2.3) of the Ontario Building Code Act a formal , detailed response referencing the specific section of the code and why the proposal didn't meet the code.

In January of 2018 I had received a Freedom of information package I had requested from the City in September of 2017 looking for information on previously approved Self-Storage buildings by the City. This package contained information with regards to emails, drawings, permits and other correspondence. By reviewing this information I had found that the City and the current CBO had given building permits for self-storage buildings based on fewer requirements than what I had been proposing to the CBO. The latest one was issued in 2016 without the requirement for any onsite water for fire suppression. I requested a meeting through the CAO to talk to building department staff about the information I received from the FOI package and about the comments I received from my November submission however I was denied this meeting. Since then I have been adamantly pursuing my application through email correspondence with the City to no avail. I then received a letter via email from the CBO on March 29, 2018 officially addressing my September submission and not my November submission. The letter then continues to state my application has been denied and that no fees from my #2015-1495 permit application will be returned. In essence your application is cancelled and all of your \$8,180 in paid fees for the application are gone without being given a permit. I find this to be unacceptable and in contravention of the 2012-019 building by-law.

I challenged this grievance action by the CBO stating that this action was in contravention of the Building Code Act and City by-law as I have not abandoned my application or fees. The CBO then responded on April 6<sup>th</sup> 2018 that I could resubmit my application by April 23<sup>rd</sup> which I did (see attached correspondence). However the CBO rejected the revised submission and once again canceled my application, which I had previously pointed out to the CBO that she could not do because it subverts the Building Code Act by denying me my appeal rights under the act to challenge the CBO's technical requirements and interpretation of the Building Code at the proper forum which is the Ontario building Code commission. And it also violated the City's building by-law, as pointed out prior in this letter. The By-law only speaks to abonnement which I have not done. I have a legitimate dispute with the CBO on technical matters involving



the building code which I seek to settle at the Ontario Building code commission however without an active application the Commission doesn't have the jurisdiction to hear the issue. I would like to point out again that I have continually and actively pursued my application but find it hard now when staff will not meet with me now to discuss it. There is no language in the by-law for the cancellation of a building permit application it only speaks to abandonment in section 6.05 which I have not done. Even if the application was abandoned section 6.08 (e) states where no refund is available is where the application has been abandoned and the applicant has not been in contact with the City in a 12 month period. I have never be out of contact with the City for a period of greater than two months with regards to my building permit application, so I find the CBO to be knowingly in contravention of the by-law in this respect.

Based upon these facts and actions of City staff I feel compelled to make these reasonable requests of Council in order to keep my application active and to avoid losing over \$8000 without receiving a building permit.

I would like to respectfully request from Council that Council through a resolution, exercise its jurisdiction over the City's Building By-law 2012-019 and

1. Administratively reinstate my revised building application 2015-1495 to active status. (So that the Ontario building Code Commission can hear this technical matter, otherwise I will be forced to resubmit the same application under a new application and ultimately end up at the Ontario building code commission to hear these technical matters. By doing this I would lose all previously paid fees )
2. That since I had revised my building permit application to 1 building and the fact that I had never abandoned the application as per the By-Law 2012-019 that half of my original fees be returned and the balance continue to stay with the revised permit application.



Sincerely: Jeff Farquhar

# WOODCOCK & TOMLINSON

*Barristers, Solicitors, Notaries*  
Stephen O. Woodcock, B.A., LL.B.  
Ivan G. Tomlinson, B.A.Sc., LL.B. - Retired

## "New Address as of January 1, 2016"

189 Kent Street West  
Suite 219  
Lindsay, Ontario  
K9V 2Z6

Tel: (705) 324 8743  
Fax: (705) 324 0776

402 Simcoe Street  
Box 512  
Beaverton, Ontario  
LOK 1A0

Tel. (705) 426 7317  
Fax. (705) 426 5740

## DELIVERED BY EMAIL

## PLEASE RESPOND TO BEAVERTON OFFICE

June 29, 2018

City of Kawartha Lakes  
P.O. Box 9000  
12 Peel Street  
Lindsay, Ontario  
K9V 5R8

Attention: Robyn Carlson, City Solicitor

Dear Ms. Carlson:

Re: Farquhar - Building Permit Application 2015 - 1495  
Appeal to Building Code Commission B2018-14

The undersigned has been consulted by Mr. Jeff Farquhar with respect to the above noted matter. Although I do not see any record of your prior involvement in the file I thought it appropriate to address this email correspondence to you given the potential legal ramifications involved. I have had an opportunity to review the protracted email correspondence between Mr. Farquhar and City staff. As is often the case in these matters emotions have also arisen. The intent of this letter is to suggest a cooperative way forward so that the application for building permit (as revised in November 2017) can be addressed on its merits.

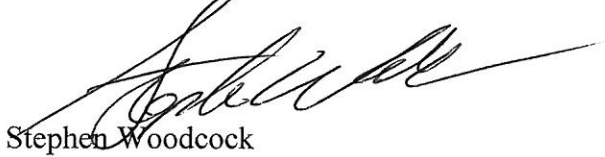
I believe that one of the central complaints of Mr. Farquhar is his belief that there was an inordinate delay on the part of Ms. Murchison, Chief Building Official, in specifying her position as to the technical requirement for the placement of dry hydrant on the site plan. There was an exchange of emails dated April 20, 2018 between Ms. Murchison and Mr. Farquhar pertaining to this. Two things are of note in such exchange. Firstly the position of Ms. Murchison was only expressed after the March 29, 2018 letter of denial/refusal of permit. Secondly, Mr. Farquhar indicated in his April 20, 2018 email that he intended to appeal to the Building Code Commission (which he has now done). It would appear that a refusal was issued on March 29, 2018 and the building application file was concurrently closed. It is acknowledged that there was a decision to hold the file open until April 23, 2018 for Mr. Farquhar to submit a further revised submission. The basis of such "set" date is unknown.

When an appeal to the Commission was launched it was opposed on jurisdictional grounds that there is no active application and that an application for an alternative solution was never filed pursuant to By-Law 2012-019. (It is submitted by Mr. Farquhar that such application was not required as the Permit Application (as revised) was/is Building Code Compliant). The response to the appeal was submitted notwithstanding that the permit application was refused with no apparent opportunity to appeal, that the basis of the refusal was only communicated on April 20, 2018 and that notice was provided by Mr. Farquhar prior to April 23, 2018 that an appeal to the Commission would be pursued. The Commission has expressed its limitations based upon jurisdiction over the appeal in question.

It is respectfully submitted that the appropriate course is to allow the Commission to proceed to a decision based upon the merits rather than the jurisdictional issue(s) which would only force the applicant/appellant to file a new application and file an appeal under the new application. Under the circumstances outlined above Mr. Farquhar should not be faced with forfeiture of the fees previously paid and then having to re-apply and pay additional fees. It is therefore respectfully requested that the jurisdictional response be withdrawn and a response on the merits of the appeal be submitted to allow the Commission to rule on this long standing dispute. It is acknowledged that this would entail a postponement in the hearing date which is acceptable to Mr. Farquhar.

It would be appreciated if you could kindly review and respond to the foregoing.

Yours truly,  
WOODCOCK & TOMLINSON



Stephen Woodcock

SW:jj

cc: Client - via email  
Ron Taylor - via email  
S. Murchison - via email



Development Services/ Building Division  
180 Kent Street West  
Lindsay ON K9V 2Y6  
Tel: 705-324-9411 Ext. 1200  
1-888-822-2225  
Fax: 705-324-5514  
e-mail: [smurchison@city.kawarthalakes.on.ca](mailto:smurchison@city.kawarthalakes.on.ca)  
website: [www.city.kawarthalakes.on.ca](http://www.city.kawarthalakes.on.ca)

March 29, 2018

Jeff Farquhar  
126 Sanderling Cres  
Lindsay ON  
K9V 5L2

Re: Building permit application file 2015-1495, lot 8, Walsh Road, Kawartha Lakes

---

Dear Mr. Farquhar,

This letter will act as notification, as per Section 8.(2.3) of the Building Code Act, that issuance of a building permit relating to the above noted application for construction has been refused for the following reasons:

Compliance with Building Code Act Section 8.(2)(a), specifically, the proposed construction will contravene the building code and applicable law. Reasons cited are failure to provide an adequate water supply for firefighting, failure to locate on-site hydrant to comply with maximum limit for the unobstructed path of travel from the fire department pumper vehicle to every opening in the building and all facilities and works related to the proposed development have not been shown on the registered site plan approved under Section 41 of the Planning Act.

Your permit application is therefore denied. Should you wish to proceed at a future date a complete application package will be required to be filed and no portion of the application file 2015-1495 will be transferred.

Sincerely,

Susanne Murchison, CBCO  
Chief Building Official

cc. Ron Taylor, CAO  
Mark Pankhurst, Fire Chief

Jeff,

I issued the letter of denial at your request (see your email Sent: Wednesday, March 28, 2018 1:04 PM To: Ron Taylor) in which you correctly quoted Section 8.(2.3) of the Act. What I believe you are misunderstanding is that this action effectively cancels your permit application. I cannot refuse to issue and have your permit application remained open, as these two actions are contradictory to one another.

I completely disagree with this opinion. The act of me requesting that you formally review a revised submission under permit #2015-1495 and respond to in a formal format does not constitute in any way a request for cancellation, I am not sure how you can infer that. The intent of quoting section 8.(2.3) as it reads

**Same, reasons for refusal**

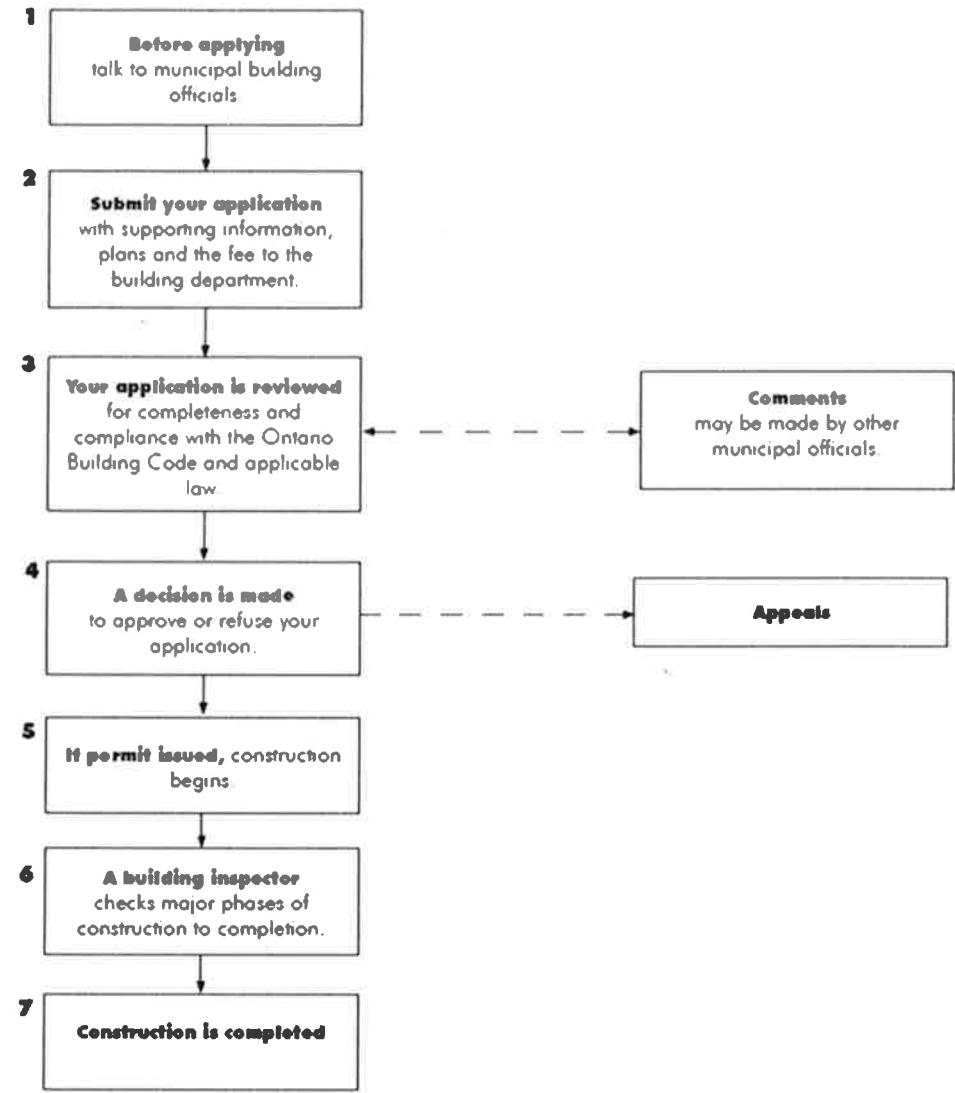
(2.3) If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14 (2).

Was to get a formal response from you based on the submission with reasons why you didn't agree with the proposal. It is not the intent of the Act to have the applicant request this section, it is the intent of the Act that the CBO automatically comply with this section and issues reasons why the CBO will not issue a permit based on the proposal submission. Once the applicant knows why you don't agree they could make decisions based on your response and opinion on how to proceed with the application dependant on the difference of opinion on technical issues. If it was in fact the case as you have explained it in your opinion, then the act of cancelling the permit at the same time that you render your decision with reasons would stripe me of any statutory appeal rights under the act of the technical differences we have. This is not the intention of this section of the Act.

To illustrate the proper process I have included a flow chart from the Ministry of Municipal Affairs and Housing , Building division to show you. It can be found at the link below

<http://www.mah.gov.on.ca/Page1753.aspx>

**The Building Permit Process**



If it is indeed your intention to submit a revised package, addressing all outstanding issues in a code compliant manner, then I will review another submission. I would further advise that due to my unavailability to address your file during the first three weeks of May, if you are interested in submitting a revised package I would need it by the 23<sup>rd</sup> of April to allow sufficient time to review and return comments to you. I would further advise that if a revised package is not received by that date that your application file will be closed permanently.

I will review your comments below and structure a response. I still have technical questions with regards your comments below as to how a user is directed to the location of the pumper truck , as section 3.10 does not state the location of the pumper truck has to be 3 m from the hydrant nor does it speak to pressurized systems.

I would also like to comment on the time line and ultimatum you seem to have given with regards to time frame for a revised submission as well as closing my application permanently. Firstly the timeline for approval or denial is dictated by the code and not your schedule, please chart below. Do not permits get approved and applications review when you are away or does all business stop?

Table 1 3 1 3  
Period Within Which Permit Shall be Issued or Refused  
Forming Part of Article 1 3 1 3

Item	Column 1 Class of Building	Column 2 Time Period
1.	(a) A detached house, semi-detached house, townhouse, or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i> (b) A detached structure that serves a building described in Clause (a) and does not exceed 55 m <sup>2</sup> in <i>building area</i> . (c) A tent to which Section 3.14. of Division B applies. (d) A sign to which Section 3.15. of Division B applies.	10 days
2.	(a) Buildings described in Clause 1 1 2 4 (1)(a), (b) or (c) of Division A, other than buildings described in Column 1 of any of Items 1 and 4 of this Table. (b) <i>Farm buildings</i> that do not exceed 600 m <sup>2</sup> in <i>building area</i> .	15 days
3.	(a) Buildings described in Clause 1 1 2 2 (1)(a) or (b) of Division A, other than buildings described in Column 1 of any of Items 1 and 4 of this Table. (b) <i>Farm buildings</i> exceeding 600 m <sup>2</sup> in <i>building area</i>	20 days
4.	(a) <i>Post-disaster buildings</i> (b) Buildings to which Subsection 3 2 6. of Division B or any provision in Articles 3 2 8 3. to 3 2 8 11 of Division B applies.	30 days

Secondly I will once again remind you that the 2012-019 Building by-law has no language in it with regards to the closing or cancelling of a permit application only abandonment and I have not abandoned the application only sought answers to technical questions . And if you do decide to close the file permanently as you have stated then you will be in contravention of the bylaw.

The items which remain outstanding:

1. Confirm which set of drawings for the structure, previously submitted, are now forming the basis for the permit application
2. Two full size hard copies of the site plan are required for plans review in association with the building permit and code requirements - with references to fire walls/fire breaks removed
3. Submission to Planning Division for amendment to site plan approval must be made at same time as revised building permit application package is filed, as this is applicable law to the building permit and will prevent issuance - with references to fire walls/fire breaks removed
4. Location of dry hydrant does not comply with respect to distance to all openings, as the fire department pumper truck must be located within 3m of the hydrant in order to draft from a dry hydrant - the OBC reference to 45m path from truck to hydrant is only relevant to pressurized systems
5. Site plan drawing does not indicate protective traffic barrier support block, as required by CKL design requirements
6. Revised tank design required to reflect required minimum size of 54,000 litres
7. Building code data matrix still required
8. Outstanding Development Charge payment at 2018 rate – required at time of issuance

I respectfully request your confirmation within the next few days regarding whether you will be submitting a revised package by April 23, 2018. Thanks,



**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>

**Date:** August 30, 2017 at 4:00:56 PM EDT

**To:** "Shaun Kelly" <[SKelly@arencon.com](mailto:SKelly@arencon.com)>

**Cc:** Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject:** RE: 76 Walsh Rd. - Water Supply

Good afternoon Shawn,

I have been reviewing this request today and here are my thoughts.

The NFPA 1142 standard states in 4.1.2. *the methodology in this chapter shall be used to calculate the required minimum water supply necessary for structural fire-fighting purposes*. Therefore this standard in my opinion is not adequate for calculating OBC related quantities, as the intent under the OBC is for search and evacuation purposes. I have consulted with CKL Fire personnel to confirm the approximate flow rate generated by the vehicle, reported to be 1050 US gal/min, which based on your proposal would provide a mere three plus minutes of supply for search and evacuation. Clearly not adequate when the potential build out of this project would include twelve times the building volume you based your calculations on.

Further, it is my opinion that the intent of the OBC is to require a quantity of water calculated based on the cumulative volume of all buildings on the property, as reflected in the wording of 3.10.4.5.(5)...*"shall be provided for every building"*, not just the largest building on site.

Trusting this answers your enquiry. Thanks,

*Susanne Murchison, CBCO*

Chief Building Official

City of Kawartha Lakes

180 Kent Street West

Lindsay, ON

K9V 2Y6

(705)-324-9411 ext. 1200

fax (705)-324-5514

1-888-822-2225

**Please note effective July 27<sup>th</sup> my email address changed to:**  
[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this e-mail. If you have received this e-mail in error, please notify the sender immediately by telephone, fax, or e-mail and shred this confidential e-mail, including any attachments, without making a copy. Access to this e-mail by anyone else is unauthorized. Thank you.

**From:** Shaun Kelly [<mailto:SKelly@arencon.com>]  
**Sent:** Wednesday, August 30, 2017 2:45 PM  
**To:** Susanne Murchison  
**Cc:** Jeff Farquhar  
**Subject:** RE: 76 Walsh Rd. - Water Supply

Good Afternoon Susanne,

We understand you were away on vacation recently. Can you confirm when we can expect to receive a response to our email below in relation to the tank capacity?

Shaun Kelly, B.Sc Fire Technology

Associate Principal



1551 CATERPILLAR ROAD, SUITE 206

MISSISSAUGA, ON L4X 2Z6

P: 905 615 1774 EXT 232

F: 905 615 9351

E: [skelly@arencon.com](mailto:skelly@arencon.com)

W: [www.arencon.com](http://www.arencon.com)

A MEMBER COMPANY OF  
SAFFIRE SAFETY CONSULTANTS INC.

**From:** Shaun Kelly  
**Sent:** August-24-17 2:39 PM  
**To:** '[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)' <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>  
**Cc:** Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Subject:** RE: 76 Walsh Rd. - Water Supply [Filed 24 Aug 2017 14:38]

Good Afternoon Susanne,

Did you have a chance to review my email below and can you provide a response?

Regards,

Shaun Kelly, B.Sc Fire Technology

Associate Principal



1551 CATERPILLAR ROAD, SUITE 206

MISSISSAUGA, ON L4X 2Z6

P: 905 615 1774 EXT 232

F: 905 615 9351

E: [skelly@arencon.com](mailto:skelly@arencon.com)

W: [www.arencon.com](http://www.arencon.com)

A MEMBER COMPANY OF  
SAFFIRE SAFETY CONSULTANTS INC.

**From:** Shaun Kelly

**Sent:** August-10-17 4:39 PM

**To:** '[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)' <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>

**Cc:** Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject:** 76 Walsh Rd. - Water Supply [Filed 10 Aug 2017 16:38]

Susanne,

As requested on our call earlier, attached is a copy of the water supply calculations that were provided previously as an appendix to our report. Also attached is a drawing showing the subdivision of the building into three separate buildings using firewalls.

As discussed, Jeff Farquhar is requesting confirmation on whether or not the City of Kawartha Lakes will accept an on-site water supply tank with a capacity of 3,527 US gallons as providing an adequate water supply for firefighting. We look forward to your response.

Shaun Kelly, B.Sc Fire Technology

Associate Principal



1551 CATERPILLAR ROAD, SUITE 206

MISSISSAUGA, ON L4X 2Z6

P: 905 615 1774 EXT 232

F: 905 615 9351

E: [skelly@arencon.com](mailto:skelly@arencon.com)

W: [www.arencon.com](http://www.arencon.com)

A MEMBER COMPANY OF

**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>

**Date:** October 6, 2017 at 1:22:23 PM EDT

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Cc:** Andy Letham <[aletham@kawarthalakes.ca](mailto:aletham@kawarthalakes.ca)>, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>, Isaac Breadner <[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)>, Chris Marshall <[cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)>

**Subject: RE: 76 Walsh Rd**

Good afternoon Jeff,

Your recount of our telephone conversation contains many inaccuracies with respect to my responses, however I will not be forwarding revisions at this time. As I stated during that conversation we are not entertaining any more debate of the issues outstanding at this time. We have made our position clear that we are only going to entertain a final complete proposal submitted prior to October 31, 2017. I will await your submission.

Susanne Murchison, CBCO  
Chief Building Official  
City of Kawartha Lakes  
180 Kent Street West  
Lindsay, ON  
K9V 2Y6  
(705)-324-9411 ext. 1200  
fax (705)-324-5514  
1-888-822-2225

Please note effective July 27th my email address changed to:

[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this e-mail. If you have received this e-mail in error, please notify the sender immediately by telephone, fax, or e-mail and shred this confidential e-mail, including any attachments, without making a copy. Access to this e-mail by anyone else is unauthorized. Thank you.

-----Original Message-----

From: Jeff Farquhar [[mailto:if\\_salvage@yahoo.ca](mailto:if_salvage@yahoo.ca)]

Sent: Friday, October 06, 2017 12:24 PM

To: Susanne Murchison

Subject: 76 Walsh Rd

Good Afternoon Susanne

As per our phone conversation I would like to summarize some of the points we talked about

- The calculation you used to determine 72,500 litres of water came from the appendix A of the building code. Even tho you have told me that I cannot use appendix A , and that you have the authority to pick and choose what method you would like used.

- I noted that the BCC ruling stated that you cannot leave 3.10 of the building code so how can you use Appendix A of the code. You stated that is not how they ruled and that you can use what ever part of the code you would like on determining adequate water.

- you stated that fire walls in this instance would be useless as they would not impact the quantity of water needed, and it is your belief they don't do anything at all. I mentioned other buildings in the city using firewalls and you refused to comment other then they are not self storage.

- I asked about why the requirement for 72,500 litres x4 as we build out future buildings, and that the city's own water capacity plan does not even base their design on this. You stated that , that is not part of the building code and you are only following what the code states.

- I stated that me nor my consultant could come up with the number 72,500 litres using any calculations, you stated that we should submit ours and you would review it, to see if you have made a mistake.

If you have anything to add or anything I have forgotten please add on to this.

If you can send a quick response acknowledging this that would be great

Thanks JEFF

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>  
**Date:** November 1, 2017 at 2:12:14 PM EDT  
**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Subject:** RE: 76walsh rd

Thanks for the update.

Ron Taylor  
Chief Administrative Officer  
City of Kawartha Lakes  
P.O. Box 9000, 26 Francis St.  
Lindsay, ON K9V 5R8  
Telephone: (705) 324-9411, ext. 1296  
Toll Free: 1-888-822-2225  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
Sent: Wednesday, November 01, 2017 1:52 PM  
To: Ron Taylor  
Subject: 76walsh rd

Good afternoon Ron

I am just waiting on a site plan updated drawing showing onsite tank, I should have everything done Tommorrow and get it sent over

Thanks JEFF

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** November 6, 2017 at 11:10:29 AM EST

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject: RE: 76 Walsh Rd**

Acknowledging receipt of your revised submission and forwarded to appropriate staff for review and response. Will follow up after that review. Thanks.

Ron Taylor  
Chief Administrative Officer  
City of Kawartha Lakes  
P.O. Box 9000, 26 Francis St.  
Lindsay, ON K9V 5R8  
Telephone: (705) 324-9411, ext. 1296  
Toll Free: 1-888-822-2225  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** November 9, 2017 at 4:43:21 PM EST

**To:** "[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject: Permit Addendum Submission**

Jeff – staff is reviewing your recent submission. There is no site plan/drawing showing building siting, tank location, etc.. Is that forthcoming?

I understand that information will directly influence requirements. Thanks.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

P.O. Box 9000, 26 Francis St.

Lindsay, ON K9V 5R8

Telephone: (705) 324-9411, ext. 1296

Toll Free: 1-888-822-2225

[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** November 22, 2017 at 4:27:39 PM EST

**To:** "[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject: 76 Walsh Road Building Permit & Water Requirements**

Following our meeting on October 27, 2017, you provided me with additional information (dated November 3, 2017) for City Staff (Chief Building Official and Fire Chief) to review/consider, as well as the supporting revised site grading plan on November 9, 2017. This information was provided to supplement your active building permit for storage units at 76 Walsh Road, Lindsay. The following is in response to your submissions:

- Staff acknowledges change to application to reflect a single self-storage building, no longer two buildings
- Staff acknowledges that Building By-law permit fees will not be indexed and the original 2015 fees remitted are being honoured
- Staff acknowledges that any fees collected for the second building will be refunded/transferred to DC's, following the applicable language in the Building By-law (refunds are reduced as per the by-law language depending upon the stage at which the application file resides at time of refund request)
- DC's will be charged at the 2017 rate, if paid before the end of this calendar year, or the applicable yearly rate at the time of permit issuance. As stated previously, the DC Act prevents collection of a rate other than that which is in effect at time of permit issuance, unless an agreement has been entered into as per the Act
- Staff acknowledges the building subject to the outstanding application on file is for the most northerly building shown on the revised site plan, as per the Arencon report
- Staff acknowledges change to reflect fire walls no longer part of design
- Staff acknowledges receipt of digital copy of site plan (grading plan)
- "City's Fire Department commercial tanker program", referenced in the letter and consultant's report, is not an accepted alternative to OBC requirements for water for firefighting
- The water supply calculation and review will be addressed by the Building Division for the single building (as amended in your letter) to which this permit applies and any future permit applications will be reviewed based on future supporting documentation and Plans



- "Water Waste Water capacity review" has no relevance to the OBC topic of water for firefighting
- Staff acknowledges the calculation of required volume is correct for a single building as applied for, however minimum size of storage tank is required to be 54,000 litres as per the required minimum flow rate listed in Table 2 of A-3.2.5.7.(3) - see A-3.2.5.7.(3)(b) and (c)
- Your consultant calculated a single building out to 22,542 litres. This would allow for a second building of the same size to be constructed and serviced by the 54,000 litre minimum tank size.
- At the time of the third building, additional water tank(s) equivalent to the difference between 54,000 litres and 67,626 litres (3x22,542) would be required (and then with the fourth building, an additional 22,542 litres again)
- The requirement for the distance to the hydrants will require multiple hydrants to be placed throughout the site (and this has been a challenge for other sites due to drafting issues)

Other items which require further information or clarification in order to proceed with the permit issuance:

- Confirm which set of drawings, previously submitted, are now forming the basis for the permit application
- Two full size hard copies of the site plan is required for plans review in association with the building permit and code requirements - with references to fire walls/fire breaks removed
- Submission to Planning Division for amendment to site plan approval must be made immediately, as this is applicable law to the building permit and will prevent issuance - with references to fire walls/fire breaks removed
- Location of dry hydrant does not comply with respect to distance to all openings, as the fire department pumper truck must be located within 3m of the hydrant in order to draft from a dry hydrant - the OBC reference to 45m path from truck to hydrant is only relevant to pressurized systems
- Site plan drawing does not indicate protective traffic barrier support block, as required by CKL design requirements - see attached (to be sent under separate email)
- Revised tank design required to reflect required minimum size of 54,000 litres

- Building code data matrix still required to be submitted

Please review and advise of your planned next steps. I will send under separate emails 2 supplementary information sheets (file size is large). Thanks.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

P.O. Box 9000, 26 Francis St.

Lindsay, ON K9V 5R8

Telephone: (705) 324-9411, ext. 1296

Toll Free: 1-888-822-2225

[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** November 22, 2017 at 4:29:34 PM EST

**To:** "[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject:** 76 Walsh - Email 3 of 3

Information attached.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

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**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>  
**Date:** December 5, 2017 at 6:14:19 PM EST  
**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Cc:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>, Mark Pankhurst <[mpankhurst@kawarthalakes.ca](mailto:mpankhurst@kawarthalakes.ca)>, Chris Marshall <[cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)>  
**Subject: RE: 76 Walsh Rd**

Further to my previous update to you, and your subsequent response (below):

- the comments provided to you Nov. 22/17 outlined the City's requirements to proceed with the development/permit issuance for your project.
- as stated at our meeting, we need to resolve this matter before year end – either proceeding with a permit(s) in keeping with City guidance provided, or closing the permit.
- to proceed with permit issuance, you will need to amend your approved site plan drawings with new development information. Planning would then coordinate with and advise the CBO of satisfactory amendments (this can be done quickly)
- a minimum tank size of 54,000 L is required to service any initial storage development on your site for the proposed use and to maintain minimal firefighting flow rates, however, that same tank size can service a second building with no additional tank requirements (see previous comments respecting cumulative development provided Nov.22/17)
- your permit cannot rely on or include in your calculation fire rescue service transported water supply or hydrant supply that is "200 metres away" and not at your property frontage.

Please clearly advise of your next steps no later than December 13, 2017 so that we can process and complete permit issuance before year end, if that is your intent.

If your position remains as outlined in previous correspondence, and not in adherence to the above (and previous guidance provided) then the City unfortunately will be required to refuse and deny your current permit application.

Thank you for your attention to this matter.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

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**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Wednesday, November 22, 2017 7:51 PM

**To:** Ron Taylor

**Subject:** 76 Walsh Rd

Hello Ron

- Staff acknowledges change to application to reflect a single self-storage building, no longer two buildings.

Correct. As per my last correspondence I have requested that my building permit application be amended to reflect a single 500sq meter building, being the furthest building on the north end of my approved site plan.

- Staff acknowledges that Building By-law permit fees will not be indexed and the original 2015 fees remitted are being honoured

Thank you.

- Staff acknowledges that any fees collected for the second building will be refunded/transferred to DC's, following the applicable language in the Building By-law (refunds are reduced as per the by-law language depending upon the stage at which the application file resides at time of refund request)

Please specify staff's interpreted stage of the permit application specific to crepitation of second building fees. I should not be penalized for exercising my statutory rights under the building code act for the time frame that we spent going to the BCC.

- DC's will be charged at the 2017 rate, if paid before the end of this calendar year, or the applicable yearly rate at the time of permit issuance. As stated previously, the DC Act prevents collection of a rate other than that which is in effect at time of permit issuance, unless an agreement has been entered into as per the Act

As per the by-law which I will review, and check , but I believe the by-law states “at the time of approved development”. I received site plan approval and a registered agreement as of Aug 2016. As a minimum my DC rate should be based on that date.

- Staff acknowledges the building subject to the outstanding application on file is for the most northerly building shown on the revised site plan, as per the Arencon report

Correct

- Staff acknowledges change to reflect fire walls no longer part of design

Yes, based on our meeting on Oct 27, where the Fire Chief, who was in attendance and from my transcripts of the meeting stated “ the fire department will respond with a minimum of 6000 rolling gallons” based on this I had proposed to remove the fire walls from the design and install a 28,000 liter tank. This satisfies the city’s request for on-site water. If we are now using Appendix A I could go back to my original proposal of fire walls and no on-site water, as the Fire Chief has acknowledged he can arrive with transportable water.

- Staff acknowledges receipt of digital copy of site plan (grading plan)

What I sent you is a site plan as required under the building code, showing locations of buildings, the building I am proposing to build first, fire access routes, and the location of the tank and dry hydrant in relation to the buildings and access routes.

- "City's Fire Department commercial tanker program", referenced in the letter and consultant's report, is not an accepted alternative to OBC requirements for water for firefighting

Incorrect. If we are now using Appendix A again, for which the BCC said is not applicable, but the CBO has decided to use now, and the fire chief has stated must be used I would like to reference paragraph 4 & of A.3.2.5.7 on page 31 of appendix A

Paragraph 4 – Sources of water supply for firefighting purposes may be natural or manmade. Natural sources may include ponds, lakes, rivers, streams, bays, creeks, springs, artesian wells and irrigation canals. Manmade sources may include above ground tanks, elevated gravity tanks, cisterns, swimming pools, wells, reservoirs, aqueducts, tankers, and hydrants served my public or private water systems.

Paragraph 6- Fire departments serving remote or rural areas often have to respond to a fire with Transportable water supply with sufficient water supply for approx. 5-10 minutes when using 1 or 2 38mm hose lines. This will provide minimal hose streams allowing immediate search and rescue operation in small buildings with simple lay outs but limited fire suppression capabilities.

After taking these paragraphs into consideration how does city staff not accept "City's fire department commercial tanker program" when it is considered a usable source in Appendix A.3.2.5.7 and the City's Fire Chief has confirmed based on my transcripts of the meeting.

- The water supply calculation and review will be addressed by the Building Division for the single building (as amended in your letter) to which this permit applies and any future permit applications will be reviewed based on future supporting documentation and Plans

Yes, but any future permit applications will include the current report outlining total required volume of water which will be 54000 liters. 28000 liters supplied onsite for the fire department and the balance being 6000 rolling gallons of transportable water supplied by the Fire department as stated by the Fire Chief at our October 27 meeting. This is also migrated by the municipal "green top" hydrant which is 200 meters from the entrance of the site for which the Fire Chief stated " the department would hook onto and pump water to the site"

- "Water Waste Water capacity review" has no relevance to the OBC topic of water for firefighting

This document was meant to give reference to how the City designs its own firefighting capabilities based on available water within its system and the largest building within the Town of Lindsay in relation to the CBO's interruption of the OBC that the water requirement is accumulative. This document is shows the City doesn't design for accumulative water requirements so why should I. And yes it is a relative document as it is an official city capacity study which is used to inform and the City's Master plans and planning documents under the planning act which are referenced as applicable law in appendix A-1.4.1.3.

- Staff acknowledges the calculation of required volume is correct for a single building as applied for, however minimum size of storage tank is required to be 54,000 litres as per the required minimum flow rate listed in Table 2 of A-3.2.5.7.(3) - see A-3.2.5.7.(3)(b) and (c)

As per our Oct 27 meeting I proposed to provide 28,000 liter NFPA approved tank and dry hydrant and the fire department would show up with 6000 rolling gallons which

achieves the requirement amount of 54,000 liters. Notwithstanding there is a municipal hydrant 200 meters to the south of my entrance for which the Fire Chief had stated the fire department would hook onto and pump water to my site in the event of a fire , which helps to mitigate this requirement.

- Your consultant calculated a single building out to 22,542 litres. This would allow for a second building of the same size to be constructed and serviced by the 54,000 litre minimum tank size.

I am confused to this statement as if it is to be true it contradicts your previous statement

- At the time of the third building, additional water tank(s) equivalent to the difference between 54,000 litres and 67,626 litres (3x22,542) would be required (and then with the fourth building, an additional 22,542 litres again)

Why does the first building require 54000 L and the next buildings require only 22,542 L. This statement doesn't make sense to me based on your previous statements.

- The requirement for the distance to the hydrants will require multiple hydrants to be placed throughout the site (and this has been a challenge for other sites due to drafting issues)

The exact requirement as per 3.10.3.4 of the OBC for the single building I am applying for only requires 1 hydrant . For the subsequent buildings only a total of 2 hydrants are required to meet the reference coverage in section 3.10.3.4 of the OBC. There is no distance requirement for drafting in the OBC, however based on the complete layout of the site and showing 2 hydrants within the access routes the furthest distance a truck would have to draft from the source would approximately 33 meters.

Other items which require further information or clarification in order to proceed with the permit issuance:

- Confirm which set of drawings, previously submitted, are now forming the basis for the permit application

We will confirm this next week.

- Two full size hard copies of the site plan is required for plans review in association with the building permit and code requirements - with references to fire walls/fire breaks removed

This will be removed from the site plan being submitted in support of the building permit application.

- Submission to Planning Division for amendment to site plan approval must be made immediately, as this is applicable law to the building permit and will prevent issuance - with references to fire walls/fire breaks removed

I have an approved site plan and registered agreement with the City for this development as required by the Planning act, the City's site plan by-law and in appendix A-1.4.1.3 of the OBC. You cannot deny me a permit based on the statement above. I have not received this requirement from the Director of Development Services only the CBO, who has no authority over any planning act processes of the City. The site plan agreement I have with the City states that any changes to the site will be red lined in the as built drawings as I am prepare to do and show once completed as per the City's agreement with me.

- Location of dry hydrant does not comply with respect to distance to all openings, as the fire department pumper truck must be located within 3m of the hydrant in order to draft from a dry hydrant - the OBC reference to 45m path from truck to hydrant is only relevant to pressurized systems

Where in section 3.10 is this stated?

Section 3.10.3.4.3 (b) states for a building that is not sprinklered, a fire department pumper vehicle can be located in the access route so that the unobstructed path of travel for the firefighter is not more than,

- (i) 45 m from the hydrant to the Vehicle, and
- (ii) 45 m from the vehicle to every opening in the building.

- Site plan drawing does not indicate protective traffic barrier support block, as required by CKL design requirements - see attached (to be sent under separate email)

The site plan submitted in support of the building permit can be revised to show a precast barrier block as specified in attached email

- Revised tank design required to reflect required minimum size of 54,000 litres

A revised tank design will not be submitted as the current design of 28,500 L plus the City's availability of the Fire department to show up with 6000 rolling gallons as stated by the Fire Chief in the Oct 27 meeting , exceeds the require 54,000 L in the OBC.

- Building code data matrix still required to be submitted

Is this a requirement of the Building Code?



**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** December 18, 2017 at 5:15:27 PM EST

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject:** RE: 76 Walsh Rd

I have tried to respond to your responses (below) after your questions. I have in good faith facilitated an updated review of your permit, with guidance from building and fire staff. My previous response remains that you cannot include external water supply and fire department pumper specs. in your firefighting calculations. If you are confirming that your most recent updated submission is for your revised building permit, then I will confirm this with the Chief Building Official. I suspect that will trigger your permit application being refused due to non-compliance with Building Code Act Section 8.(2)(a), specifically, the proposed construction will contravene the building code and applicable law. Reasons cited would include:

- failure to provide an adequate water supply for firefighting
- failure to locate on-site hydrant to comply with maximum limit for the unobstructed path of travel from the fire department pumper vehicle to every opening in the building
- all facilities and works related to the proposed development have not been shown on the registered site plan approved under Section 41 of the Planning Act.

Any fees would be reimbursed as per the Council approved building by-law and you can reapply at a future date with fees applicable at that time.

If you wish to proceed with your 2015 permit, with revisions, please submit required revised drawings to the Chief Building Official (and coordinate revision to your approved site plan). Thank you.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

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**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Thursday, December 07, 2017 11:52 AM

**To:** Ron Taylor

**Subject:** 76 Walsh Rd

Hi Ron thank you for your response

Can you clarify what you mean by development/ permit issuance ?

My current application before the city is for a building permit for one building as clarified in my last email.

Any changes to the development need to be reflected in the approved site plan (coordinated with the planning department). I understand that process would be scoped as minimal changes to the approved plan. The lands are subject to Council's site plan control by-law – that is "applicable law" under the building code which is why that amended approval is required first.

Ron you had stated that the City needed to deal with the financial aspect of my current permit by year end do to the City changing over financial tracking systems which has nothing to do the the City's bylaw or the Ontario building code or the ability of the City under its building code bylaw to close the process on my building permit application . In my last email I had given instruction that I wish to amend the application to 1 building based on the updated proposal I had submitted. I have also submitted via email a updated site plan for the purposes of the building permit application showing the location of the adequate supply of onsite water as well location of the dry hydrant and specifications . Based on this revised submission and according to the city's bylaw [2012-019](#) section 3.13 you can not abandon my permit application at the end of the year just because the City is changing over tracking systems. To do so would put the city in contravention of its bylaw. Further more you have not answered my previous question with regards to the amount to be refunded to myself for amount of the second building

permit fee I had previously applied for . The full amount should be refunded and I would like it applied against the DC fee.

The Building By-law sets out timelines for permits to be processed (or closed due to inactivity). In your case we maintained the 2015 permit open while you appealed to the Tribunal (on 2 occasions) and since then to try to resolve. Your latest submission continues to not comply so we would recommend closing the file (it has nothing to do with change to a new system but the length of time the permit has remained open). My comment of trying to resolve by year end is because this permit would remain open through three City fiscal cycles and fee structures.

Ron can you specify the meaning of quickly ? As it relates to the review of my site plan by the Development Services and if the intent is to re-register it?

I understand the registered plan could be “red-lined” and not re-registered (just replace those currently approved drawings/specs. with new information).

With regards to meeting applicable law as required by the the building code act and defined in Appendix A of the building code I have done so as I have a approved site plan and a registered agreement . As such I believe Development services has issued to the building department a letter stating as much.

I will also point out that the number of buildings have not changed nor have the location of the buildings changed from the approved site plan there is no reason to submit to development services . Please point out to me the legislation or bylaw that requires me to or allows the withholding of the building permit. As I had stated before once completed and as required I will submit as constructed drawings of the site

See comments above.

Ron I would like to point out that the city has elected to use Appendix A 3.2.5.7 in reviewing my application even after the Ontario building commission said it could not be used in the July 6 2017 ruling

Only as you applied it.

I have submitted a amend application showing an adequate supply of onsite water as outline by my consultants letter I had given you based on the formula in appendix A 3.2.5.7 which you have agreed is right. If we are now using Appendix A then we have to read all of it as it can not be "cherry picked ". Appendix A allows for a well equipped and trained fire department to show up with transportable water for which the City has and Can, as we both know based on the recorded minutes of our October 27 meeting where the Fire Chief states the fire department would show up with 6000 "rolling" gallons of transportable water to site as well as that the department would hook onto the municipal hydrant that is 200 meters south of my site and pump water to my site . Are you now saying these statements made by the Fire Chief are not true ?

I have not agreed to anything. My previous response remains that you cannot include external water supply and fire department pumper specs. in your firefighting calculations

Based on the proposed amount of water I have shown to go on site and the amount the fire department will show up with onsite with transportable water exceeds the recommended fire flow rates in table 2 of Appendix A 3.2.5.7 . Key word is recommend , as I have met the prescribed requirements of section [3:10](#) of the building code for providing adequate water as I have shown an onsite source of 28500 litres. Remember Appendix A is only a explanatory document and doesn't constitute a prescribed requirement of the building code as such I believe based on my proposal I have sufficiently met the requirements of adequate water under section [3:10](#) of the building.

If my first set of submitted building drawings showed fire walls then I will have them amended and resubmitted deleting fire Walls

See my comments above.

I don't think you would be in objection of this.

I would also like an update on the letter I had submitted to go to council

I'm not sure what update you are looking for. You submitted the letter after previous response from the Building Department (and concurrent with an FOI request you submitted). We agreed that I would coordinate a last review of your proposal. Again as I stated above, if you are confirming that your most recent updated submission is for your revised building permit, then I will confirm this with the Chief Building Official. I suspect that will trigger your permit application being refused due to non-compliance with the Building Code Act. If that is the case, then you can confirm your wish to have the past

correspondence (or updated letter) coordinated through our Clerks Dept. to be placed on a future Council agenda. You should make clear what you are asking Council to consider.

Thanks JEFF

**From:** Mark Pankhurst <[mpankhurst@kawarthalakes.ca](mailto:mpankhurst@kawarthalakes.ca)>  
**Date:** January 9, 2018 at 1:44:47 PM EST  
**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Cc:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>  
**Subject:** RE: Dec19 Email

Good afternoon Jeff,

CAO Taylor is the main contact on this file.

Thank you and regards,

Mark

Mark Pankhurst, CMM III, RSE  
Fire Chief  
Kawartha Lakes Fire Rescue Service

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
Sent: Tuesday, January 09, 2018 12:56 PM  
To: Mark Pankhurst  
Subject: Dec19 Email

Good afternoon Mark

I am following up on my email that I sent Dec 19 2017, regarding our Oct 27 meeting. If you have not received it please let me know and I will resend it. If you have received it, I will take it that my recount of our meeting as per my transcripts are correct and that the information you provided during this meetings is accurate and up to date .

Thanks JEFF

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** December 20, 2017 at 2:57:44 PM EST

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject:** RE: 76 Walsh Rd

I will not be available this week for a phone call to discuss this further. It is unfortunate that you are characterizing our ongoing review and responses as not timely and “skirting around” your questions and statements.

You need to determine and advise if you will be amending your permit application in alignment with the advice provided previously, or maintaining your current revised application and supporting documents as is.

The Chief Building Official can then determine if the permit application will be refused (due to lack of conformity to the OBC) or processed.

**Ron Taylor**

**Chief Administrative Officer**

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**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Monday, December 18, 2017 10:36 PM

**To:** Ron Taylor

**Subject:** Re: 76 Walsh Rd

Hello Ron

Can you please call me Tommorow at 705 878 2234 as I don't have time for week long or more responses that don't answer my questions or skirt around them.

Thanks JEFF

Sent from my iPhone

On Dec 18, 2017, at 5:15 PM, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)> wrote:

I have tried to respond to your responses (below) after your questions. I have in good faith facilitated an updated review of your permit, with guidance from building and fire staff. My previous response remains that you cannot include external water supply and fire department pumper specs. in your firefighting calculations. If you are confirming that your most recent updated submission is for your revised building permit, then I will confirm this with the Chief Building Official. I suspect that will trigger your permit application being refused due to non-compliance with Building Code Act Section 8.(2)(a), specifically, the proposed construction will contravene the building code and applicable law. Reasons cited would include:

- failure to provide an adequate water supply for firefighting
- failure to locate on-site hydrant to comply with maximum limit for the unobstructed path of travel from the fire department pumper vehicle to every opening in the building
- all facilities and works related to the proposed development have not been shown on the registered site plan approved under Section 41 of the Planning Act.

Any fees would be reimbursed as per the Council approved building by-law and you can reapply at a future date with fees applicable at that time.

If you wish to proceed with your 2015 permit, with revisions, please submit required revised drawings to the Chief Building Official (and coordinate revision to your approved site plan). Thank you.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

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**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Thursday, December 07, 2017 11:52 AM

**To:** Ron Taylor

**Subject:** 76 Walsh Rd

Hi Ron thank you for your response

Can you clarify what you mean by development/ permit issuance ?

My current application before the city is for a building permit for one building as clarified in my last email.

Any changes to the development need to be reflected in the approved site plan (coordinated with the planning department). I understand that process would be scoped as minimal changes to the approved plan. The lands are subject to Council's site plan control by-law – that is "applicable law" under the building code which is why that amended approval is required first.

Ron you had stated that the City needed to deal with the financial aspect of my current permit by year end do to the City changing over financial tracking systems which has nothing to do the the City's bylaw or the Ontario building code or the ability of the City under its building code bylaw to close the process on my building permit application . In my last email I had given instruction that I wish to amend the application to 1 building based on the updated proposal I had submitted. I have also submitted via email a updated site plan for the purposes of the building permit application showing the location of the adequate supply of onsite water as well location of the dry hydrant and specifications . Based on this revised submission and according to the city's bylaw [2012-019](#) section 3.13 you can not abandon my permit application at the end of the year just because the City is changing over tracking systems. To do so would put the city in contravention of its bylaw. Further more you have not answered my previous question with regards to the amount to be refunded to myself for amount of the second building



permit fee I had previously applied for . The full amount should be refunded and I would like it applied against the DC fee.

The Building By-law sets out timelines for permits to be processed (or closed due to inactivity). In your case we maintained the 2015 permit open while you appealed to the Tribunal (on 2 occasions) and since then to try to resolve. Your latest submission continues to not comply so we would recommend closing the file (it has nothing to do with change to a new system but the length of time the permit has remained open). My comment of trying to resolve by year end is because this permit would remain open through three City fiscal cycles and fee structures.

Ron can you specify the meaning of quickly ? As it relates to the review of my site plan by the Development Services and if the intent is to re-register it?

I understand the registered plan could be “red-lined” and not re-registered (just replace those currently approved drawings/specs. with new information).

With regards to meeting applicable law as required by the the building code act and defined in Appendix A of the building code I have done so as I have a approved site plan and a registered agreement . As such I believe Development services has issued to the building department a letter stating as much.

I will also point out that the number of buildings have not changed nor have the location of the buildings changed from the approved site plan there is no reason to submit to development services . Please point out to me the legislation or bylaw that requires me to or allows the withholding of the building permit. As I had stated before once completed and as required I will submit as constructed drawings of the site

See comments above.

Ron I would like to point out that the city has elected to use Appendix A 3.2.5.7 in reviewing my application even after the Ontario building commission said it could not be used in the July 6 2017 ruling

Only as you applied it.

I have submitted a amend application showing an adequate supply of onsite water as outline by my consultants letter I had given you based on the formula in appendix A 3.2.5.7 which you have agreed is right. If we are now using Appendix A then we have to read all of it as it can not be "cherry picked ". Appendix A allows for a well equipped and trained fire department to show up with transportable water for which the City has and Can, as we both know based on the recorded minutes of our October 27 meeting where the Fire Chief states the fire department would show up with 6000 "rolling" gallons of transportable water to site as well as that the department would hook onto the municipal hydrant that is 200 meters south of my site and pump water to my site . Are you now saying these statements made by the Fire Chief are not true ?

I have not agreed to anything. My previous response remains that you cannot include external water supply and fire department pumper specs. in your firefighting calculations

Based on the proposed amount of water I have shown to go on site and the amount the fire department will show up with onsite with transportable water exceeds the recommended fire flow rates in table 2 of Appendix A 3.2.5.7 . Key word is recommend , as I have met the prescribed requirements of section [3:10](#) of the building code for providing adequate water as I have shown an onsite source of 28500 litres. Remember Appendix A is only a explanatory document and doesn't constitute a prescribed requirement of the building code as such I believe based on my proposal I have sufficiently met the requirements of adequate water under section [3:10](#) of the building.

If my first set of submitted building drawings showed fire walls then I will have them amended and resubmitted deleting fire Walls

See my comments above.

I don't think you would be in objection of this.

I would also like an update on the letter I had submitted to go to council

I'm not sure what update you are looking for. You submitted the letter after previous response from the Building Department (and concurrent with an FOI request you submitted). We agreed that I would coordinate a last review of your proposal. Again as I stated above, if you are confirming that your most recent updated submission is for your revised building permit, then I will confirm this with the Chief Building Official. I suspect that will trigger your permit application being refused due to non-compliance with the Building Code Act. If that is the case, then you can confirm your wish to have the past correspondence (or updated letter) coordinated through our Clerks Dept. to be placed on a future Council agenda. You should make clear what you are asking Council to consider.

Thanks JEFF

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>  
**Date:** March 23, 2018 at 3:38:46 PM EDT  
**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Cc:** Isaac Breadner <[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)>, Emmett Yeo <[eyeo@kawarthalakes.ca](mailto:eyeo@kawarthalakes.ca)>, Andy Letham <[aletham@kawarthalakes.ca](mailto:aletham@kawarthalakes.ca)>  
**Subject:** RE: 76 Walsh rd

Jeff - the easiest and most cost-effective solution for you to get an approved building permit is to install an on-site water tank to the size and location specification staff has provided.

The current CBO and Fire Chief has remained consistent in interpretation and application of the code (and we cannot compromise or set precedent based on past approvals with unique circumstances and/or inadequate on-site water for firefighting purposes). The City has remained consistent not just with other storage unit developments, but developments on rural industrial lots. We are not asking more of you than other developments on Walsh or similar circumstances.

There is no value in us meeting again to discuss other developments. I have reviewed and responded to all of your questions. You need to confirm with the Chief Building Official how you will be providing on-site water supply for firefighting, and if not to the minimum specifications identified to you by staff, then your application will be cancelled.

I do not recommend that you commence any construction on the property (as noted in your message) until you have an approved building permit.

Ron Taylor

Chief Administrative Officer  
City of Kawartha Lakes  
(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
Sent: Wednesday, March 21, 2018 11:11 AM  
To: Ron Taylor  
Subject: 76 Walsh rd

Good morning Ron

It is my understanding that Issac has been trying to arrange a meeting with city staff on my behalf. To date as far as I know this has been unsuccessful. I am now writing you this email requesting a meeting. The 2018 building season is fast approaching and I have yet to have any of my questions answered directly. I was very enthusiastic about this situation after our oct 27 meeting with yourself and the fire chief. There was many positive acknowledgements and you your self said "let's put this to bed". I am not sure what had changed. Your response stated that the fire departments arriving water has no bearing on my onsite requirements, yet you have still not been able to show me where in the building code it says this. In fact I can actually produce the part of the code where it does state it can. It also clearly states this in the Ontario Fire Marshall's Guide lines ( some thing the fire chief stated was currently suspended, I phoned the fire Marshall's office, it is not and never has been suspended.....) I have also come to learn through my FOI documents, that there are at least 2 other storage units in the City, that have ran into the same issues as me, and proposed the same solutions as me, and have been issued building permits. Little Biggest Storage in Fenlon Falls has no onsite water, their site plan states the reasoning being that the buildings are no greater then 2150 sqft, which converts to 200 sq meters. Where have we heard this number before ? I would like to note also I have an approved site plan with no onsite water. Armstrong Storage also in Fenlon required greater onsite water capacity, but that was waived when it was determined unnecessary by the Fire Department due to its close proximity to a municipal hydrant (250m) again this sounds very familiar. Both these and other similar examples I have are both either inspected by or signed off by Susanne Murchison. The code states that an adequate water supply shall be provided, with these examples City staff have set a precedent of what they consider "adequate".

I would like to set up a meeting to discuss these new findings and information in person with my self, Isaac, and Emmet. If I have not heard back from you or have a scheduled meeting with in the next two weeks, I will be proceeding with the construction of my

buildings.

Sent from my iPhone

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this e-mail. If you have received this e-mail in error, please notify the sender immediately by telephone, fax, or e-mail and shred this confidential e-mail, including any attachments, without making a copy. Access to this e-mail by anyone else is unauthorized.

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** March 29, 2018 at 4:48:11 PM EDT

**To:** "'Jeff Farquhar'" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Cc:** Isaac Breadner <[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)>, Emmett Yeo <[eyeo@kawarthalakes.ca](mailto:eyeo@kawarthalakes.ca)>, Andy Letham <[aletham@kawarthalakes.ca](mailto:aletham@kawarthalakes.ca)>

**Subject:** RE: 76 Walsh rd

I have asked the Chief Building Official to formally issue the letter that you are citing below (responding to your revised proposal submitted in September 2017). That letter was withheld as we were working to respond to your questions and alternative considerations (and keep the permit application open).

I am not able to respond to your inquiry respecting City liability at other locations.

Compliance with the Building Code remains under the jurisdiction of the Chief Building Official, not the Fire Chief. I am happy to share with the Fire Chief your future list of questions, and would share with the Chief Building Official as well if questions related to building code compliance.

Thank you.

**Ron Taylor**

Chief Administrative Officer

City of Kawartha Lakes

(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
**Sent:** Wednesday, March 28, 2018 1:04 PM  
**To:** Ron Taylor  
**Cc:** Isaac Breadner; Emmett Yeo; Andy Letham  
**Subject:** 76 Walsh rd

Good afternoon Ron

I writing this email as a follow up to my last email sent on the weekend. As I have not formally received a denial of my proposal by either the CBO or the building department nor any detailed documentation as to why, the city is in contravention of the building code act 8(2.3). This states “ If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14 (2). I have to date not received anything from the CBO pertaining to my last submission.

I would also like to touch base on your comments referring to the issuance of past permits using the same proposals as mine. You state that the last approvals might be unique situations. I would like to ask how those situations were determined? Is it not possible that I fall under the same circumstances? If they are not unique circumstances and as you say “might have inadequate on-site water supply for fire fighting” is the city not open to legal liability in the event of a fire on those locations.

After reviewing the Building code again this weekend, I was able to reconfirm that OBC does allow the use of tanker trucks as an acceptable source of water. This can be found on page 31 of Appendix A paragraph 6 and 8. Also the Fire Marshall’s Fire protection Water Supply Guidelines for part 3 buildings clearly states that transportable water from the fire department is an acceptable source of water. In addition to both of these, the City’s own Fire Master Plan states on page 70 that water can be supplied by the Fire Departments tankers. I suggest you please review the 3 documents I have just listed.

I had a conversation today with the building code commission secretary. I have confirmed that I will be able to challenge the denial of my latest proposal at the BCC. With that being said I would like to have conformation on some facts made my the Fire Chief in our [Oct 27](#) meeting. You had stated that these facts are not accepted under the ontario building code, but this will be determined by the building code committee. I had tried to contact the fire chief through email to confirm them, but he said to contact you. I will follow up this email with a list of facts that I would like the fire chief to confirm.

Thanks JEFF

**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>  
**Date:** March 29, 2018 at 5:10:44 PM EDT  
**To:** "'[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)'" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Cc:** Isaac Breadner <[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)>, Emmett Yeo <[eyeo@kawarthalakes.ca](mailto:eyeo@kawarthalakes.ca)>, Andy Letham <[aletham@kawarthalakes.ca](mailto:aletham@kawarthalakes.ca)>, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>  
**Subject:** response to September application submission

Good afternoon Jeff,

Attached please find a copy of the outstanding requirements for completion of your building permit application, in the form of a letter of denial of permit issuance.

Also, please find attached a copy of the email previously sent to you October 5, 2017 by the Mayor which included the response to the September submission.

*Susanne Murchison, CBCO*

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>  
**Date:** April 6, 2018 at 1:29:00 PM EDT  
**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Cc:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>  
**Subject:** RE: 76 Walsh rd

Jeff,

Respectfully, I am not going to piecemeal review the remaining items outstanding. At this point I am looking only for a confirmation as to whether there will be another submission package and that package needs to address all items listed in my previous email today. If the below scenario is included in a future submission we can discuss at that time. Thanks,

Susanne Murchison, CBCO  
Chief Building Official  
Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
Sent: Friday, April 06, 2018 12:48 PM  
To: Susanne Murchison  
Cc: Ron Taylor; Isaac Breadner; Emmett Yeo; Andy Letham  
Subject: 76 Walsh rd

Good afternoon Susanne

I will draft up a full response this afternoon in regards to your previous email. Currently though I would like to address the hydrant location issue. Below is a screen shot of 3.10.3.4(3) which discusses hydrant locations for self storage. As I am a non sprinkled building I fall in to the 45m from hydrant to pumper and from pumper 45m to furthest opening. I currently meet this. I see no reference to 3m or pressurized systems, nor does it direct the user any where else . Can you please show me in the OBC where your getting your requirements from ?

Thanks Jeff



**From:** Susanne Murchison <[smurchison@kawarthlakes.ca](mailto:smurchison@kawarthlakes.ca)>

**Date:** April 6, 2018 at 12:01:54 PM EDT

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Cc:** Ron Taylor <[rtaylor@kawarthlakes.ca](mailto:rtaylor@kawarthlakes.ca)>

**Subject:** RE: 76 Walsh Road Building Permit & Water Requirements

Jeff,

I issued the letter of denial at your request (see your email Sent: Wednesday, March 28, 2018 1:04 PM To: Ron Taylor) in which you correctly quoted Section 8.(2.3) of the Act. What I believe you are misunderstanding is that this action effectively cancels your permit application. I cannot refuse to issue and have your permit application remained open, as these two actions are contradictory to one another.

If it is indeed your intention to submit a revised package, addressing all outstanding issues in a code compliant manner, then I will review another submission. I would further advise that due to my unavailability to address your file during the first three weeks of May, if you are interested in submitting a revised package I would need it by the 23<sup>rd</sup> of April to allow sufficient time to review and return comments to you. I would further advise that if a revised package is not received by that date that your application file will be closed permanently.

The items which remain outstanding:

1. Confirm which set of drawings for the structure, previously submitted, are now forming the basis for the permit application
2. Two full size hard copies of the site plan are required for plans review in association with the building permit and code requirements - with references to fire walls/fire breaks removed
3. Submission to Planning Division for amendment to site plan approval must be made at same time as revised building permit application package is filed, as this is applicable law to the building permit and will prevent issuance - with references to fire walls/fire breaks removed
4. Location of dry hydrant does not comply with respect to distance to all openings, as the fire department pumper truck must be located within 3m of the hydrant in order to draft from a dry hydrant - the OBC reference to 45m path from truck to hydrant is only relevant to pressurized systems
5. Site plan drawing does not indicate protective traffic barrier support block, as required by CKL design requirements

6. Revised tank design required to reflect required minimum size of 54,000 litres
7. Building code data matrix still required
8. Outstanding Development Charge payment at 2018 rate – required at time of issuance

I respectfully request your confirmation within the next few days regarding whether you will be submitting a revised package by April 23, 2018. Thanks,

*Susanne Murchison, CBCO*

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Tuesday, April 03, 2018 8:24 PM

**To:** Susanne Murchison

**Cc:** Ron Taylor; Isaac Breadner; Emmett Yeo; Andy Letham

**Subject:** Re: 76 Walsh Road Building Permit & Water Requirements

Good afternoon Susanne

I am confused as why there is not a permit before you anymore. As previously stated, I have not abandoned my permit application, and as per the consolidated building bylaw 2012-019 I am actively pursuing a permit. My last permit submission was Nov 3 thus not making it abandoned with in the byLaws specified time requirements. I consider your actions to be in contravention of the City's building bylaw, and that you are knowingly contravening it. I will be filling a letter to council bring their attention to this and asking for relief from this contravention as I have not abandoned my permit application .

Sent from my iPhone

On Apr 3, 2018, at 2:49 PM, Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)> wrote:

This will further confirm staff agreed to a minimum size storage tank of 54,000 litres to accommodate the first two structures. However, as there is no longer a valid application

before me, there will be no further review of the proposed project (please refer to the final paragraph of my letter dated March 29, 2018).

*Susanne Murchison, CBCO*

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Thursday, March 29, 2018 7:35 PM

**To:** Ron Taylor

**Cc:** Susanne Murchison; Isaac Breadner; Andy Letham; Emmett Yeo

**Subject:** Fwd: 76 Walsh Road Building Permit & Water Requirements

This is a further email corroborating your and Staff's acknowledgement of my NoV 3 submission. Also Susanne sent me a email today with a copy of the Mayors previous email. The mayors email stated I need 71,000 litres of onsite water per building , however this email (which is post the Mayors email) states I only need 54,000 liters for 2 ? I am confused as to which one you are requesting ? Susanne review should be based on the Nov submission.

Sent from my iPhone

Begin forwarded message:

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** November 22, 2017 at 4:27:39 PM EST

**To:** "[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject: 76 Walsh Road Building Permit & Water Requirements**

Following our meeting on October 27, 2017, you provided me with additional information (dated November 3, 2017) for City Staff (Chief Building Official and Fire Chief) to review/consider, as well as the supporting revised site grading plan on November 9, 2017. This information was provided to supplement your active building permit for storage units at 76 Walsh Road, Lindsay. The following is in response to your submissions:

- Staff acknowledges change to application to reflect a single self-storage building, no longer two buildings

- Staff acknowledges that Building By-law permit fees will not be indexed and the original 2015 fees remitted are being honoured
- Staff acknowledges that any fees collected for the second building will be refunded/transferred to DC's, following the applicable language in the Building By-law (refunds are reduced as per the by-law language depending upon the stage at which the application file resides at time of refund request)
- DC's will be charged at the 2017 rate, if paid before the end of this calendar year, or the applicable yearly rate at the time of permit issuance. As stated previously, the DC Act prevents collection of a rate other than that which is in effect at time of permit issuance, unless an agreement has been entered into as per the Act
- Staff acknowledges the building subject to the outstanding application on file is for the most northerly building shown on the revised site plan, as per the Arencon report
- Staff acknowledges change to reflect fire walls no longer part of design
- Staff acknowledges receipt of digital copy of site plan (grading plan)
- "City's Fire Department commercial tanker program", referenced in the letter and consultant's report, is not an accepted alternative to OBC requirements for water for firefighting
- The water supply calculation and review will be addressed by the Building Division for the single building (as amended in your letter) to which this permit applies and any future permit applications will be reviewed based on future supporting documentation and Plans
- "Water Waste Water capacity review" has no relevance to the OBC topic of water for firefighting
- Staff acknowledges the calculation of required volume is correct for a single building as applied for, however minimum size of storage tank is required to be 54,000 litres as per the required minimum flow rate listed in Table 2 of A-3.2.5.7.(3) - see A-3.2.5.7.(3)(b) and (c)
- Your consultant calculated a single building out to 22,542 litres. This would allow for a second building of the same size to be constructed and serviced by the 54,000 litre minimum tank size.

- At the time of the third building, additional water tank(s) equivalent to the difference between 54,000 litres and 67,626 litres (3x22,542) would be required (and then with the fourth building, an additional 22,542 litres again)
- The requirement for the distance to the hydrants will require multiple hydrants to be placed throughout the site (and this has been a challenge for other sites due to drafting issues)

Other items which require further information or clarification in order to proceed with the permit issuance:

- Confirm which set of drawings, previously submitted, are now forming the basis for the permit application
- Two full size hard copies of the site plan is required for plans review in association with the building permit and code requirements - with references to fire walls/fire breaks removed
- Submission to Planning Division for amendment to site plan approval must be made immediately, as this is applicable law to the building permit and will prevent issuance - with references to fire walls/fire breaks removed
- Location of dry hydrant does not comply with respect to distance to all openings, as the fire department pumper truck must be located within 3m of the hydrant in order to draft from a dry hydrant - the OBC reference to 45m path from truck to hydrant is only relevant to pressurized systems
- Site plan drawing does not indicate protective traffic barrier support block, as required by CKL design requirements - see attached (to be sent under separate email)
- Revised tank design required to reflect required minimum size of 54,000 litres
- Building code data matrix still required to be submitted

Please review and advise of your planned next steps. I will send under separate emails 2 supplementary information sheets (file size is large). Thanks.

**Ron Taylor**

**Chief Administrative Officer**

**City of Kawartha Lakes**

P.O. Box 9000, 26 Francis St.

Lindsay, ON K9V 5R8

Telephone: (705) 324-9411, ext. 1296

Toll Free: 1-888-822-2225

[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

**From:** Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Date:** April 18, 2018 at 10:16:22 PM EDT

**To:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Subject: Re: 76 Walsh rd**

Again, my questions are being ignored. I have shown where the code states that tanker trucks can be used as an acceptable source. I have also shown where in the OBC the requirements for locations of hydrants and that my site meets them. I do not know why you or the CBO still choose to ignore this. I advise you to re-read my previous email that lays out where to look up these facts. As stated in my last email if I am wrong please have the CBO quote specifically where in the code it states that water can not be brought by the fire department and where 3.10 specifically references pressurized hydrants .

Thanks JEFF

Sent from my iPhone

On Apr 18, 2018, at 7:39 PM, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)> wrote:

Jeff - my understanding is that the CBO wishes to proceed with review of a revised permit and is seeking confirmation of this from you. Either you will be amending your last application submission or what is currently in front of the CBO is your latest submission.

In my opinion the clarity required is with respect to on-site water provision for fire-fighting - the City has responded and advised you that your proposal to rely on on-site water tank and pumper truck water provision to meet minimum firefighting water volumes is not accepted. Our response was that minimum on-site water tank volume

provision was required (in lieu of a public hydrant extension), and that no water could be relied upon from the City's pumper truck. Your last response clearly proposes continued reliance on the City's water pumper.

I remain of the opinion that your best and most cost efficient solution to provide an accepted way forward is a 54000L tank on site (I am quoting this number top of mind so may not be completely accurate).

Hoping you are able to at least provide this clarity of your intentions moving forward before the April 23 deadline so the CBO can respond accordingly. Thanks.

Ron Taylor

Chief Administrative Officer

City of Kawartha Lakes

(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

Sent: Wednesday, April 11, 2018 10:29 AM

To: Susanne Murchison

Cc: Ron Taylor; Isaac Breadner; Emmett Yeo

Subject: 76 Walsh rd

Good morning Susanne

I have included a document for my response to your email last Friday. I would also like to touch on your comments about hydrant locations. I am not sure why asking for some clarification on where you are getting your requirements from is piecemealing.

I find it advantageous to discuss the problem before I redesign my site just to change it back again if we agree on something different. I would also like to discuss the water requirements. As you have now elected to use Appendix A, we must look at it as a whole. On page 31 of the Appendix, paragraph 6 & 8 confirm the use of fire Department tanker trucks as an acceptable water source. As per my Oct 27 meeting with Ron Taylor and Chief Pankhurst, Mr Pankhurst confirmed that they would be showing up initially with 6000 imperial gallons, plus be able to shuttle more. He also stated that he would hook on to the municipal hydrant located 250 meters down the street. I'd like to note that you have accepted a very similar situation for the storage units at 11 Wychwood in Fenelon Falls, where additional water was required and there was a municipal hydrant located in close proximity.

**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>

**Date:** April 20, 2018 at 3:33:16 PM EDT

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Cc:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>, Mark Pankhurst <[mpankhurst@kawarthalakes.ca](mailto:mpankhurst@kawarthalakes.ca)>, Isaac Breadner <[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)>

**Subject:** RE: 76 Walsh rd

Jeff,

You are making assumptions and generalizations. I am not discounting 3.10. of the OBC in favour of NFPA 1142.

It appears your present email indicates you are not intending to submit a revised design by April 23, 2018. Please confirm this is your intention. Thanks,

*Susanne Murchison, CBCO*

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)





**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
**Sent:** Friday, April 20, 2018 2:52 PM  
**To:** Susanne Murchison  
**Cc:** Ron Taylor; Mark Pankhurst; Isaac Breadner  
**Subject:** Re: 76 Walsh rd

Thank you Susanne for finally responding in detail with your opinion with regards to the questions I have been asking since last fall, specific to your non acceptance of the placement of my dry hydrant on the site plan under the requirements of section 3:10.4.5(3)(b) of the OBC and 3:10.4.5(5) for the provision of adequate water. And thank you for acknowledging that you are not using section 3:10.4.5(3)(b) to review my proposal and that it is NFPA 1142 standards that you are using.

I understand that the NFPA 1142 are North American accepted standards however they are not what was accepted and put into code in the Ontario building code regulation as the prescribed minimum requirements for self-storage buildings. The OBC user is not led to the requirements of 8.4.3 of the NFPA 1142 from section 3:10.5.5(3)(b) of the OBC. The requirements of NFPA 1142 cannot be imposed or used to review my building application. I would also point out that my proposal meets the requirements of the City of Kawartha Lakes Dry Hydrant specification as developed by the City's Fire department. These specifications were sent to me by Derryk Wolven of the City's building department.

With regards to your comments pertaining to section 3:10.4.5(5) , the City and yourself elected to use Appendix 3.2.5.7 to review my building permit application with respect to the supply of adequate water. Since you have chosen to use this document to review my proposal you must use all of the document in order to accurately and correctly interpret the meaning and intent of having an adequate water supply to meet the minimum requirements for firefighting purposes for section 3:10.4.5(5).

I will direct you to the fourth paragraph under appendix A 3.2.5.7 on Page 31 of appendix A which outlines the acceptable sources of water. It lists Tankers as one of those acceptable sources. I will also point out to you in the City's own Fire Master Plan on pg. 41 in the first paragraph that " water supplies can be provided by the Fire Department tanker shuttles" as well on pg. 42 it states "in locations where there are no fire hydrants or static water sources, fire department tanker shuttles must be used". In addition to this I will direct you to the Ontario Fire Marshalls OFM-TG-03-1999 fire protection water supply guidelines for Part 3 buildings. Section 9 of this document states transportable water by the fire department is an acceptable source. The user of the OBC is directed to this guideline document within Appendix A as seen on the first paragraph on pg. 35 of Appendix A.

I would like you to reconsider your opinion on my building permit application proposal based on the information I have provided above and approve it based on how I have explained how these technical requirements have been meet under the OBC. Failing to do so , I will be forced to make an application to the Ontario Building Code commission asking for a ruling on these technical questions and requirements.

Sent from my iPhone

On Apr 20, 2018, at 10:30 AM, Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)> wrote:

Jeff,

To clarify the hydrant issue, there isn't anything written in the code about the hydrant being pressurized or not. However, if the hydrant is a dry hydrant (non-pressurized) the fire truck becomes the pump required to draw the water out of the water source. In order to design as per the NFPA 1142 standard on Water Supplies for Suburban and Rural Fire Fighting (this is the document that outlines acceptable design for rural water source setups), section 8.4.3. states that the design allow for the fire department pump to connect to the hydrant using not more than 20ft (6m) of hard suction hose. We use a rule of thumb of 10ft to allow for a margin of error in the placement of the access route and hydrant interface. The truck carries 2 lengths of 10ft each, but as the standard indicates, they are "hard" lines and therefore the location is not overly flexible for the placement of the pumper truck. If you were to insist on the 45m hydrant to truck measurement scenario as outlined in the code, you would need to provide the pump adjacent to the hydrant, complete with power source, as the ability to draft with the fire truck from 45m away will no longer work. The NFPA standard is based on scientific and engineering principles.

With respect to the question regarding "where the code states that water cannot be brought by the fire department", I would challenge you to quote specifically where the regulation does state this option. I further remind you, the regulation is the code and the Appendix A Explanatory Material is NOT the regulation. As we have stated numerous times we are not accepting any/all of the required quantity of water to be provided via a source transportable to the site by the Fire Department. This decision reflects the past interpretations of the code requirements, made by both myself and the current Fire Chief.

Susanne Murchison, CBCO  
Chief Building Official

Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

From: Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

Sent: Wednesday, April 18, 2018 10:16 PM

To: Ron Taylor

Subject: Re: 76 Walsh rd

Again, my questions are being ignored. I have shown where the code states that tanker trucks can be used as an acceptable source. I have also shown where in the OBC the requirements for locations of hydrants and that my site meets them. I do not know why you or the CBO still choose to ignore this. I advise you to re-read my previous email that lays out where to look up these facts. As stated in my last email if I am wrong please have the CBO quote specifically where in the code it states that water can not be brought by the fire department and where 3.10 specifically references pressurized hydrants .

Thanks JEFF

Sent from my iPhone

On Apr 18, 2018, at 7:39 PM, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)> wrote:

Jeff - my understanding is that the CBO wishes to proceed with review of a revised permit and is seeking confirmation of this from you. Either you will be amending your last application submission or what is currently in front of the CBO is your latest submission.

In my opinion the clarity required is with respect to on-site water provision for fire-fighting - the City has responded and advised you that your proposal to rely on on-site water tank and pumper truck water provision to meet minimum firefighting water volumes is not accepted. Our response was that minimum on-site water tank volume provision was required (in lieu of a public hydrant extension), and that no water could be relied upon from the City's pumper truck. Your last response clearly proposes continued reliance on the City's water pumper.

I remain of the opinion that your best and most cost efficient solution to provide an accepted way forward is a 54000L tank on site (I am quoting this number top of mind so may not be completely accurate).

Hoping you are able to at least provide this clarity of your intentions moving forward before the April 23 deadline so the CBO can respond accordingly. Thanks.

Ron Taylor

Chief Administrative Officer

City of Kawartha Lakes

(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

Sent: Wednesday, April 11, 2018 10:29 AM

To: Susanne Murchison

Cc: Ron Taylor; Isaac Breadner; Emmett Yeo

Subject: 76 Walsh rd

Good morning Susanne

I have included a document for my response to your email last Friday. I would also like to touch on your comments about hydrant locations. I am not sure why asking for some clarification on where you are getting your requirements from is piecemealing.

I find it advantageous to discuss the problem before I redesign my site just to change it back again if we agree on something different. I would also like to discuss the water requirements. As you have now elected to use Appendix A, we must look at it as a whole. On page page 31 of the Appendix, paragraph 6 & 8 confirm the use of fire Department tanker trucks as an acceptable water source. As per my Oct 27 meeting with Ron Taylor and Chief Pankhurst, Mr Pankhurst confirmed that they would be showing up initially with 6000 imperial gallons, plus be able to shuttle more. He also stated that he would hook on to the municipal hydrant located 250 meters down the street. I'd like to note that you have accepted a very similar situation for the storage units at 11 wychwood in Fenelon Falls, where additional water was required and there was a municipal hydrant located in close proximity.

**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>  
**Date:** April 24, 2018 at 5:01:29 PM EDT  
**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>  
**Cc:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>, Mark Pankhurst <[mpankhurst@kawarthalakes.ca](mailto:mpankhurst@kawarthalakes.ca)>, Isaac Breadner <[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)>  
**Subject:** RE: 76 Walsh rd

Good afternoon Jeff,

This email will confirm receipt on April 23, 2018 of a partial submission of the outstanding items listed in my April 6, 2018 email. You failed to even acknowledge three of the items in the list of outstanding items.

This email will act as confirmation that your application has now been cancelled, as previously stated in my letter dated March 29, 2018 you will be required to file a complete new application package should you wish to proceed at a future date.

*Susanne Murchison, CBCO*

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**From:** Susanne Murchison  
**Sent:** Friday, April 20, 2018 3:33 PM  
**To:** 'Jeff Farquhar'  
**Cc:** Ron Taylor; Mark Pankhurst; Isaac Breadner  
**Subject:** RE: 76 Walsh rd

Jeff,

You are making assumptions and generalizations. I am not discounting 3.10. of the OBC in favour of NFPA 1142.

It appears your present email indicates you are not intending to submit a revised design by April 23, 2018. Please confirm this is your intention. Thanks,

*Susanne Murchison, CBCO*

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**From:** Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

**Sent:** Friday, April 20, 2018 2:52 PM

**To:** Susanne Murchison

**Cc:** Ron Taylor; Mark Pankhurst; Isaac Breadner

**Subject:** Re: 76 Walsh rd

Thank you Susanne for finally responding in detail with your opinion with regards to the questions I have been asking since last fall, specific to your non acceptance of the placement of my dry hydrant on the site plan under the requirements of section 3:10.4.5 (3)(b) of the OBC and 3:10.4.5(5) for the provision of adequate water. And thank you for acknowledging that you are not using section 3:10.4.5(3)(b) to review my proposal and that it is NFPA 1142 standards that you are using.

I understand that the NFPA 1142 are North American accepted standards however they are not what was accepted and put into code in the Ontario building code regulation as the prescribed minimum requirements for self-storage buildings. The OBC user is not led to the requirements of 8.4.3 of the NFPA 1142 from section 3:10.5.5(3)(b) of the OBC. The requirements of NFPA 1142 cannot be imposed or used to review my building application. I would also point out that my proposal meets the requirements of the City of Kawartha Lakes Dry Hydrant specification as developed by the City's Fire department. These specifications were sent to me by Derryk Woven of the City's building department.

With regards to your comments pertaining to section 3:10.4.5(5) , the City and yourself elected to use Appendix 3.2.5.7 to review my building permit application with respect to the supply of adequate water. Since you have chosen to use this document to review my proposal you must use all of the document in order to accurately and correctly interpret the meaning and intent of having an adequate water supply to meet the minimum requirements for firefighting purposes for section 3:10.4.5(5).

I will direct you to the fourth paragraph under appendix A 3.2.5.7 on Page 31 of appendix A which outlines the acceptable sources of water. It lists Tankers as one of those acceptable sources. I will also point out to you in the City's own Fire Master Plan on pg. 41 in the first paragraph that " water supplies can be provided by the Fire Department tanker shuttles" as well on pg. 42 it states "in locations where there are no fire hydrants or static water sources, fire department tanker shuttles must be used". In

addition to this I will direct you to the Ontario Fire Marshalls OFM-TG-03-1999 fire protection water supply guidelines for Part 3 buildings. Section 9 of this document states transportable water by the fire department is an acceptable source. The user of the OBC is directed to this guideline document within Appendix A as seen on the first paragraph on pg. 35 of Appendix A.

I would like you to reconsider your opinion on my building permit application proposal based on the information I have provided above and approve it based on how I have explained how these technical requirements have been met under the OBC. Failing to do so, I will be forced to make an application to the Ontario Building Code commission asking for a ruling on these technical questions and requirements.

Sent from my iPhone

On Apr 20, 2018, at 10:30 AM, Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)> wrote:

Jeff,

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With respect to the question regarding "where the code states that water cannot be brought by the fire department", I would challenge you to quote specifically where the regulation does state this option. I further remind you, the regulation is the code and the Appendix A Explanatory Material is NOT the regulation. As we have stated numerous times we are not accepting any/all of the required quantity of water to be provided via a source transportable to the site by the Fire Department. This decision reflects the past

interpretations of the code requirements, made by both myself and the current Fire Chief.

Susanne Murchison, CBCO  
Chief Building Official  
Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

From: Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

Sent: Wednesday, April 18, 2018 10:16 PM

To: Ron Taylor

Subject: Re: 76 Walsh rd

Again, my questions are being ignored. I have shown where the code states that tanker trucks can be used as an acceptable source. I have also shown where in the OBC the requirements for locations of hydrants and that my site meets them. I do not know why you or the CBO still choose to ignore this. I advise you to re-read my previous email that lays out where to look up these facts. As stated in my last email if I am wrong please have the CBO quote specifically where in the code it states that water can not be brought by the fire department and where 3.10 specifically references pressurized hydrants .

Thanks JEFF

Sent from my iPhone

On Apr 18, 2018, at 7:39 PM, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)> wrote:

Jeff - my understanding is that the CBO wishes to proceed with review of a revised permit and is seeking confirmation of this from you. Either you will be amending your last application submission or what is currently in front of the CBO is your latest submission.

In my opinion the clarity required is with respect to on-site water provision for fire-fighting - the City has responded and advised you that your proposal to rely on on-site



water tank and pumper truck water provision to meet minimum firefighting water volumes is not accepted. Our response was that minimum on-site water tank volume provision was required (in lieu of a public hydrant extension), and that no water could be relied upon from the City's pumper truck. Your last response clearly proposes continued reliance on the City's water pumper.

I remain of the opinion that your best and most cost efficient solution to provide an accepted way forward is a 54000L tank on site (I am quoting this number top of mind so may not be completely accurate).

Hoping you are able to at least provide this clarity of your intentions moving forward before the April 23 deadline so the CBO can respond accordingly. Thanks.

Ron Taylor

Chief Administrative Officer

City of Kawartha Lakes

(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

Sent: Wednesday, April 11, 2018 10:29 AM

To: Susanne Murchison

Cc: Ron Taylor; Isaac Breadner; Emmett Yeo

Subject: 76 Walsh rd

Good morning Susanne

I have included a document for my response to your email last Friday. I would also like to touch on your comments about hydrant locations. I am not sure why asking for some clarification on where you are getting your requirements from is piecemealing.

I find it advantageous to discuss the problem before I redesign my site just to change it back again if we agree on something different. I would also like to discuss the water requirements. As you have now elected to use Appendix A, we must look at it as a whole. On page 31 of the Appendix, paragraph 6 & 8 confirm the use of fire Department tanker trucks as an acceptable water source. As per my Oct 27 meeting with Ron Taylor and Chief Pankhurst, Mr Pankhurst confirmed that they would be showing up initially with 6000 imperial gallons, plus be able to shuttle more. He also

stated that he would hook on to the municipal hydrant located 250 meters down the street. I'd like to note that you have accepted a very similar situation for the storage units at 11 Wychwood in Fenelon Falls, where additional water was required and there was a municipal hydrant located in close proximity.

**From:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Date:** April 25, 2018 at 5:30:11 PM EDT

**To:** "Jeff Farquhar" <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Subject:** RE: 76 Walsh Rd

The following is in response to your inquiry below:

- The Chief's comments were provided in the meeting you attended based on your questions/opinions and in the context of providing an explanation to clarify how we respond
- The Chief clearly stated that regardless of the specific responses and clarifications provided, that Appendix A of the OBC Volume 2 and the Building Department have jurisdiction over this matter and that he could not and wouldn't make any changes to the minimum requirements as prescribed

I understand you recorded the meeting so I am not clear why additional confirmation is required. As I conveyed to you before, regardless of the fire program currently offered, you cannot include this in your on-site firefighting water volume calculations as the program could change.

Ron Taylor  
Chief Administrative Officer  
City of Kawartha Lakes  
(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]

Sent: Wednesday, April 18, 2018 10:30 PM

To: Ron Taylor

Subject: 76 Walsh Rd

Hello Ron

Can you please forward this on to Fire Chief Mark Pankhurst. As per one of your

previous emails, if I had any questions for him, you would forward them on. I would like to have some of the points we talked about in our Oct 27 meeting confirmed. I am not asking if this meets the OBC. I would just like confirmation that this is what the fire department would do in the event of a fire.

Mr Pankhurst confirmed that

-There is not a shortage of water around our site

-In the event of a fire, the fire department is showing up with 6000 imperial gallons of water.

-A tanker shuttle service will be established once arriving.

- The First run pumper will hook up to the hydrant (5500L/min) 250 meters from my site and pump to it .

-my site falls with in the range of the city's commercial certified tanker shuttle program.

Thanks Jeff

**From:** Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Date:** April 25, 2018 at 11:13:42 AM EDT

**To:** [smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)

**Cc:** [rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca), [aletham@kawarthalakes.ca](mailto:aletham@kawarthalakes.ca),  
[ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca)

**Subject:** 76 Walsh rd

Good morning Mrs Murchison

As stated in my response to your April 6 email (please see attached) you do not have the authority under the City of Kawartha Lakes building bylaw to cancel my building permit application 2015-1495 # just because you don't agree with the technical aspect of the proposal . Doing so you are intentionally trying to appropriate my building permit fees in the amount of \$8180 without providing a permit, once again you do not have the authority under the bylaw to do so. You are also intentionally trying to remove my statutory rights of appeal under the Ontario building code act by improperly canceling

my application. I had pointed this out to you in my April 6 email (see attachment) the Ministry makes it very clear where there is a dispute in the proposal in the application the applicant has the right to appeal. We are at this stage in the revised proposal for application #[2015-1495](#). By stating you are canceling my application you are subverting the process under the Ontario building code act as well as contravening the City building bylaw [2012-019](#). I believe you are knowingly in contravention of both the Act and the bylaw. By doing so I also believe you are not exercising your powers as the CBO in good faith and have breached your code of conduct. I will request the CAO to investigate this breach. I will also be sending a letter to Council bringing to their attention the contravention under bylaw [2012-019](#) as well as request relief from Council of this contravention. I was hoping we could have dealt with this matter in a civil manner as I had suggested in my last email, that we could deal with the disputed technical issues at the Building Code Commission which is the proper venue for it. However you seem to interpret this as a personal challenge to your authority and have acted out in a high handed manner towards me. I respectfully request that you properly follow the Act and the bylaw when interacting with me

**From:** Jeff Farquhar <[jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)>

**Date:** April 25, 2018 at 9:50:24 PM EDT

**To:** Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)>

**Cc:** [mpankhurst@kawarthalakes.ca](mailto:mpankhurst@kawarthalakes.ca), [ibreadner@kawarthalakes.ca](mailto:ibreadner@kawarthalakes.ca), [aletham@kawarthalakes.ca](mailto:aletham@kawarthalakes.ca)

**Subject:** Re: 76 Walsh Rd

Thank you Ron for responding to my previous request and thank you for your opinion. However I have only asked for the confirmation of the operational answers to the questions I had asked on how the fire department would respond to a fire at my site. The following statements had been made by the Fire Chief at the [October 27, 2018](#) meeting.

There is not a shortage of water around our site

-In the event of a fire, the fire department is showing up with 6000 imperial gallons of water.

-A tanker shuttle service will be established once arriving.

- The First run pumper will hook up to the hydrant (5500L/min) 250 meters from my site and pump to it.

-my site falls within the range of the city's commercial certified tanker shuttle program.

I will take it from your email response that these statements given to me by the fire chief at the [October 27, 2018](#) meeting are true and accurate statements as to how the fire department will respond to a fire at my site.

With regards to your inference that the Fire Chief doesn't have influence or input into the determination of whether a application meets requirements for adequate water supply requirements, I find this very strange and perplexing. This is because the CBO approved building permits for a self storage site at 11 wychwood in Fenelon Falls without requiring anymore onsite water . Based on the FOI information I had received this was based on the recommendation of the former fire chief telling the CBO that additional water isn't required because there was a public hydrant 250 meters down the street.

As to your statement that the program could change I find this to be a absurd argument because you don't make decisions under the OBC on what might happen in the future they are based on the conditions and services provided on the day of consideration. This is also how fire underwriters survey would make determinations with regard to the City's insurance rating based on the services provided today and not what could happen in any multiple versions of the future . And As you know development applications under the planning act are given the same consideration. Also to end any fire related programs or core services, it would take an act of Council and not staff to remove services

Sent from my iPhone

On Apr 25, 2018, at 5:30 PM, Ron Taylor <[rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)> wrote:

The following is in response to your inquiry below:

- The Chief's comments were provided in the meeting you attended based on your questions/opinions and in the context of providing an explanation to clarify how we respond
- The Chief clearly stated that regardless of the specific responses and clarifications provided, that Appendix A of the OBC Volume 2 and the Building Department have jurisdiction over this matter and that he could not and wouldn't make any changes to the minimum requirements as prescribed

I understand you recorded the meeting so I am not clear why additional confirmation is

required. As I conveyed to you before, regardless of the fire program currently offered, you cannot include this in your on-site firefighting water volume calculations as the program could change.

Ron Taylor  
Chief Administrative Officer  
City of Kawartha Lakes  
(705) 324-9411, ext. 1296 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

-----Original Message-----

From: Jeff Farquhar [[mailto:jf\\_salvage@yahoo.ca](mailto:jf_salvage@yahoo.ca)]  
Sent: Wednesday, April 18, 2018 10:30 PM  
To: Ron Taylor  
Subject: 76 Walsh Rd

Hello Ron

Can you please forward this on to Fire Chief Mark Pankhurst. As per one of your previous emails, if I had any questions for him, you would forward them on. I would like to have some of the points we talked about in our Oct 27 meeting confirmed. I am not asking if this meets the OBC. I would just like confirmation that this is what the fire department would do in the event of a fire.

Mr Pankhurst confirmed that

-There is not a shortage of water around our site

-In the event of a fire, the fire department is showing up with 6000 imperial gallons of water.

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- The First run pumper will hook up to the hydrant (5500L/min) 250 meters from my site and pump to it .

-my site falls with in the range of the city's commercial certified tanker shuttle program.

Thanks Jeff



To Whom it may concern:

My name is Jim Newton along with my wife Carol. We live on [REDACTED]

Our concern is related to the application by Mr. Sutcliffe to re-zone his agricultural farm land to commercial.

Our property is in the Oakridge Marine ~~where~~ they have allowed Industrial Turbines to be constructed. They also have taken our right away to sever a Retirement lot off my farm.

If Mr. Sutcliffe's application is excepted, and allowed, we see no reason that other Farm Properties could do the same.

My wife & I are not for the Re-zoning of Farm Land to Commercial. Farm land is Farm Land.

Thank you for Listening  
to our Concerns

Jim & Carol Newton  
[REDACTED]



## Ann Rooth

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**From:** Heather Stauble  
**Sent:** Saturday, July 14, 2018 12:02 PM  
**To:** Council; Agenda Items  
**Subject:** Fw: Iron Horse Ranch

Heather Stauble  
Councillor  
Ward 16  
City of Kawartha Lakes

---

**From:** Patricia Peace [REDACTED]  
**Sent:** July 14, 2018 11:50 AM  
**To:** Heather Stauble  
**Subject:** Iron Horse Ranch

Please advise Council that we oppose the application by Iron Horse Ranch to start up another wedding and corporate event facility near our home. Unfortunately, we already have South Pond on Gray Road that the City has been unable to control and do not want to set a precedent in our area. Over two hundred guests at a wedding will make a lot of noise at night and the noise cannot be controlled. We also do not need to turn prime agricultural land into a facility with numerous cabins for what reason? - How many cabins? How many people? Cabins on farms should be to house the workers. The owner of this property does not really farm but rents out the land to an actual working farmer. Please do not allow this type of disintegration of prime farm land to continue and also disturb our beautiful country side. Most of us residents moved out here to be away from traffic and noise and to enjoy the peacefulness of the countryside and we strongly object to having this destroyed.

Thank you  
Pat & Len Peace

## Ann Rooth

---

**From:** Heather Stauble  
**Sent:** Monday, July 16, 2018 9:28 AM  
**To:** Agenda Items; Sherry Rea  
**Subject:** Fw: Application by Shawn Sutcliffe

Heather Stauble  
Councillor  
Ward 16  
City of Kawartha Lakes

---

From: [noreply@kawarthalakes.ca](mailto:noreply@kawarthalakes.ca) <[noreply@kawarthalakes.ca](mailto:noreply@kawarthalakes.ca)> on behalf of Rebecca Parker  
<[REDACTED]>  
Sent: July 15, 2018 9:02 PM  
To: Heather Stauble  
Subject: Application by Shawn Sutcliffe

I want to reiterate my previous points regarding this application. Shawn has been having events at his property for the ten years we have lived here. The noise can be bothersome when I can hear the lyrics of the music at 11.30 or later inside my house, such as happened on Saturday July 7th, 2018 (I have video of this.) Shawn does not farm his land, he rents out the land to local farmers. The traffic can be hectic when an event ends. Additional buildings for people to stay in will add traffic and noise.

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Origin: <https://www.kawarthalakes.ca/en/municipal-services/contact-a-council-member.aspx>

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This email was sent to you by Rebecca Parker-[REDACTED] through <https://www.kawarthalakes.ca>.

## Ann Rooth

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**From:** sara miller [REDACTED]  
**Sent:** Monday, July 16, 2018 11:49 AM  
**To:** Heather Stauble; Agenda Items  
**Subject:** Rezoning and Official Plan Changes - Shawn Sutcliffe, 804 Hwy 7A, Manvers Township, City of Kawartha Lakes

City of Kawartha Lakes Counsel,

I am not someone who keeps up with what happens to the City's official plan. It does seem odd to me that a property owner can suggest what they would like to do with their property and the city tell them to have their consultant write it up and the city will change the Official Plan as per the property owners own paid consultant's report/recommendations. Does this not seem odd to anyone else?

More specifically I am concerned with this exact scenario for the Iron Horse Ranch at 804 Hwy 7A, Bethany, ON. If this recommendation from Shawn Sutcliffe's consultant is accepted by the city and the Official Plan is changed, will this open the doors for all/any properties to have the same rights as Shawn Sutcliffe?

I strongly object to this change to the Official Plan. Prime Agricultural land needs to have the highest level of protection. What has been proposed is in no way related to farming nor does it produce a farm product.

My husband and I and our family have been subjected for years to the loud music and large crowds of people - singing, screaming, fighting, chanting and yelling every weekend (May through October) at South Pond Farms. No one has yet been able to control this noise. Anyone can see that this is not what the quiet countryside and farmland was intended to host.

Thank you for your consideration in this matter.

Signed:

Dave and Sara Miller  
[REDACTED]  
[REDACTED]

City of Kawartha Lakes Planning Committee  
Sutcliffe Application File #Planning 2018-05—7

Attention City of Kawartha Lakes Council  
Meeting Tuesday July 17, 2018

Mayor Letham and Council,

I am Kathy Morton . As a farmer and business person in Bethany I wish to express my continued concerns on the the City of Kawartha Lakes Planning Department decision to rezone the Iron Horse property.

The following items need to be re-addressed

- a) added value on an agricultural piece of property
- b) agri-tourism use of farm property
- c) projected noise
- d) intended use of the property
- e) rezoning solutions

I address my concerns from my experience and solutions with zoning changes on my own property of 400 acres.

I wish to quote from the "Building Added Value Through Farm Diversification " by R. Gary Morton, Bev Connell consulting Ltd published in 2004 by the Canadian Farm Business Management Council.

2.5 page 15- "Value added agriculture involves the use of innovative techniques and ways to increase the consumer's perceived value for farm products or services.

The product has to offer added value from the present raw state creating new interest with the consumer or end use"

No where in this Canadian government policy does it mention non farm use. Oddly this non farm use seems to be the perceived view of the policy. I fail to see how weddings, cabins etc are part of a farming operation. Thus the intended zoning terminology does not fit this added value diversification. There needs to be another type of rezoning instead- preferably A1 S1 zoning as has been given some thirty years ago to part of my property. A1 S1 allows for agricultural activities but also for non agricultural related events with permitted use following a special events permit.

Iron Horse is not farmed by the landowner, thus it should not be considered for added value of farm activities.

The added value policy was introduced to allow farm operations to become financially sustainable using grown items to be developed into other foods.

To state that agricultural activities would not be interrupted by wedding, camping etc is naïve. As a farmer, urban non farmers are the first to complain about noise, dust, odour or spraying crops- all of which occur with cash cropping at Iron Horse.

The number of cabins was originally three and now is 10. Without adequate washrooms this will become a major issue.

This project seems tourist based, not value added. Thus the incorrect designation.

If the proposed zoning designation were to be adopted, this opens the uncontrolled opportunity for abuse of zoning and bylaws. It would set a dangerous precedent. Many uncontrolled activities could affect the well being of surrounding neighbours. We as citizens of this community expect nothing less to protect our rights and freedoms.

When my property of 5 acres was re-zoned, the stipulation was that I personally had to be actively involved in farming and when I ceased operation on the zoned parcel, the A1 S1 zoning would be rescinded- thus putting the 5 acres back as part of the farm.

The Special Event Permits allow me to conduct weddings and other events but the City by-laws are in place- fire, ambulance, and health department. This not

only protects the City but also me if an issue occurs- including noise. I have been part of the process for some 30 years and it has worked well.

My recommendation as a solution to this issue at Iron Horse would be to allow presently booked activities for 2018 to occur but in 2019 an A1 S1 zoning specific to Iron Horse be developed and NOT to alter the official plan . This would allow the City to keep control of specific events without opening the pandora's box of issues for bylaw and zoning.

Kathy Morton [REDACTED]

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-056**

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**Date:** July 17, 2018  
**Time:** 2:00 p.m.  
**Place:** Victoria Room

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**Ward Community Identifier: Ward 13 – Dunsford**

**Title:** Request for Municipal Council Support Resolution Confirmation

**Description:** Feed-In Tarrieff (FIT) 3.0 Municipal Council Support Resolution Confirmation – Ground Mount Solar Projects, 1674 County Road 36, Geographic Township of Verulam

**Author and Title:** Ian Walker, Planning Officer – Large Developments

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### **Recommendations:**

**That** Report PLAN2018-056, **Request for Municipal Council Support Resolution Confirmation**, be received;

**That** Council of the City of Kawartha Lakes supports the construction and operation of the Project on the Lands described as 1674 County Road 36, Geographic Township of Verulam. This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose;

**That** the Chief Administrative Officer and Director of Development Services be authorized to sign the required Independent Electricity System Operator (IESO) forms on behalf of Council for the ground mount solar project at 1674 County Road 36, Geographic Township of Verulam, which was previously endorsed; and

**That** this resolution shall expire 12 months after its adoption by Council.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

On January 15, 2013 Council adopted the following resolution:

### **CR2013-027**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Luff

**RESOLVED THAT** Council for the City of Kawartha Lakes supports the construction and operation of ground mount solar projects located at the following locations:

- 1) 38 Esker Drive, Township of Emily, City of Kawartha Lakes
- 2) 1674 County Road 36, Township of Verulam, City of Kawartha Lakes
- 3) 3269 County Road 36, Township of Verulam, City of Kawartha Lakes
- 4) 309 Northline Road, Township of Fenelon, City of Kawartha Lakes
- 5) 131 Northline Road, Township of Fenelon, City of Kawartha Lakes; and

**THAT** this resolution shall expire twelve (12) months after its adoption by Council.

The City has been notified that the Independent Electricity System Operator (IESO) requires the Council Resolution of Support to be submitted, and provide confirmation in the prescribed forms.

## **Rationale:**

Since that resolution, the project at 1674 County Road 36 has received a **Renewable Energy Approval (REA) from the Ministry of the Environment and Climate Change (MOECC), under the FIT 3.0 program**. The Independent Electricity System Operator (IESO) requires that successful applicants of the FIT 3.0 program must receive confirmation of the original Municipal Council Support Resolutions.

## **Planning Comments:**

The project seeking a Municipal Council Support Resolution Confirmation is a ground mount solar project. This ground mount project is located on land designated Rural in the City of Kawartha Lakes Official Plan (OP). The land area of this parcel is 32.2 hectares (79.7 acres), of which the footprint of the project is a maximum of 1.2 hectares (3.0 acres). Small scale solar installations are considered an accessory use to rural uses, and would not create a land use conflict with abutting uses.

## **Other Alternatives Considered:**

No other alternatives were considered.



## **Risks/Considerations**

The FIT Contract has commenced based on the January 15, 2013 Council Resolution No. CR2013-027, enabling the Supplier to achieve Notice to Proceed under its FIT Contract. As the contract has proceeded, a motion to reconsider or rescind the January 15, 2013 motion is not being recommended.

## **Financial/Operation Impacts:**

In March 2018, the City's Fee Schedule was updated to require a fee of \$425 per request for a Municipal Council Support Resolution. This fee offsets the cost for staff resources to screen each request for completeness of information, sign the IESO prescribed form/template, and prepare a package to the proponent. The package includes the resolution from Council.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

The Feed-In Tariff program does not directly impact or align with a specific Strategic Priority. One of the top 10 Strategic Priorities is to protect prime agricultural land. The project is not proposed on prime agricultural land.

## **Consultations:**

IESO Website

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Correspondence from Proponents



PLAN2018-056  
Appendix A.pdf

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D43-2018



1 Atlantic Ave., Suite 105  
Toronto, ON M6K 3E7

Office: (416) 532-4658  
Fax: (416) 532-0090  
Email: [aross@solarprovidergroup.com](mailto:aross@solarprovidergroup.com)

May 29, 2018

Hey Ian,

APPENDIX " A "  
to  
REPORT PLAN 2018-056  
FILE NO. 043-2018

Enclosed are 3 documents that I will summarize for you:

- 1) The first is the original Support Resolution that was provided for this project by the City of Kawartha Lakes on October 29, 2013.
- 2) The second is the new Municipal Support Resolution Confirmation document that we require for the Notice To Proceed process. It includes the instruction pages, but page #2 & #4 are the ones that are required to be completed on your end. Page #2 can be signed by you or a planning office representative, while page #4 is the one that requires a signature from an elected representative of the City of Kawartha Lakes.
- 3) The third document is the Limited Partnership Report, which documents the change in name of the Limited Partnership, currently known as "SOLAR PROVIDER CANADA ORIGINATION HEALTH LP", but previously known as "SUNEDISON CANADA ORIGINATION HEALTH LP" (as shown on the 2<sup>nd</sup> page, and highlighted).

Feel free to email or call me at any time if there is anything that you need clarification on. The cheque for \$425 + HST (total \$480.25) is in our system being processed, and I hope to get it to you by the end of next week. I will email you a scan of the cheque once it has been signed.

Thank you very much,

Andrew Ross

Project Developer

**Solar Provider Group**  
1 Atlantic Avenue, Suite 105  
Toronto, ON M6K 3E7

cell: [647-624-2468](tel:647-624-2468)  
office: [1-888-989-4677](tel:1-888-989-4677)

email: [aross@solarprovidergroup.com](mailto:aross@solarprovidergroup.com)  
website: [solarprovidergroup.com](http://solarprovidergroup.com)

**RECEIVED**

**JUN 01 2018**

City of Kawartha Lakes  
Development Services  
Planning Division

Solar Provider Group, 1 Atlantic Ave., Suite 105, Toronto, ON M6K 3E7

Phone: (416) 532-4658 | Toll Free: 1 (888) 989-4677 | Fax: 416-532-0090 | [www.solarprovidergroup.com](http://www.solarprovidergroup.com)

## PREScribed FORM: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION

(Sections 5.1(g) of the FIT Rules, Version 3.0)

OPARF 1-FIT 02211

The Prescribed Form may be completed and provided to the OPA by an Applicant that had received a FIT Rules, Version 2.1 Template: Municipal Council Support Resolution (that was not a blanket support resolution) that was issued by the Local Municipality prior to October 9, 2013 in relation to the Applicant and the Project. The Prescribed Form: Municipal Council Support Resolution Confirmation may not be used as a substitute for a Template: Municipal Council Support Resolution where no Template: Municipal Council Support Resolution was issued for the Project previously.

Capitalized terms not defined in this form have the meanings ascribed thereto in the FIT Rules, Version 3.0.

1. I am the/an: Director of Development Services of the  
City of Kawartha Lakes (the "Municipality"),  
and have the delegated authority to provide this confirmation on behalf of the Municipality and without personal liability.
2. SunEdison Canada Origination Health LP (the "Applicant")  
*(This must be the same Applicant (i.e. same name) as stated in the Municipal Council Support Resolution originally provided as attached)*  
proposes to construct and operate a ground mount solar  
*(This must be the same description as stated in the Municipal Council Support Resolution originally provided as attached)*  
(the "Project") on 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0  
*(This must be the same description as the Lands in the Municipal Council Support Resolution originally provided as attached)*  
(the "Lands") in the Municipality under the Provinces FIT Program.
3. The Council of the Municipality (the "Council") had previously provided the Municipal Council Support Resolution attached as Exhibit "A" for the Project indicating by resolution the Council's support for the construction and operation of the Project on the Property.
4. I have confirmed that the Project being proposed by the Applicant under the Province's FIT Program is the same Project on the same Lands as the Project that was the subject of the Municipal Council Support Resolution attached as Exhibit "A".
5. I confirm that the Municipal Council Support Resolution attached as Exhibit "A" is still in effect and that the Council has not rescinded, revoked or repealed such resolution and confirm that the Municipality supports the construction and operation of the Project on the Lands.

DATE: October 29, 2013

Signature: 

Signature: R. Taylor

Name: Ron Taylor

Title: Director of Development Services

FIT reference number: FIT-6431703

*(The reference number must be inserted by the Applicant in order for the resolution to comply with the FIT rules, even where Local Municipal letterhead is used. This is not to be inserted by the Local Municipality.)*

**PRESCRIBED FORM/TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION**

Section 6.1(d)(i) of the FIT Rules, Version 2.1

OPAMP/ FIT 03/14

Capitalized terms not defined herein have the meanings ascribed thereto in the FIT Rules, Version 2.1.

Resolution NO: CR2013-027Date: January 15, 2013

**WHEREAS** SunEdison Canada Origination Health LP (the "Applicant") proposes to construct and operate a  
ground mount solar project

(the "Project") on 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0 (the "Lands") in  
City of Kawartha Lakes under the Province's FIT Program;

**AND WHEREAS** the Applicant has requested that Council of City of Kawartha Lakes  
indicate by resolution Council's support for the construction and operation of the Project on the Property;

**AND WHEREAS**, pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts;

**NOW THEREFORE BE IT RESOLVED THAT:**

Council of the City of Kawartha Lakes supports the  
construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.



Ron Taylor, Director of Development Services

(Note: signature lines for councillors or other representatives, as appropriate.)

FIT reference number: FIT-64317C3  
(Note: Must be inserted by Applicant to complete Application)

## **INSTRUCTIONS: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION - NOTICE TO PROCEED**

(Sections 2.4(d)(vii) of the FIT Contract, Version 3.1)

Capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract.

### **INSTRUCTIONS SPECIFIC TO THE MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION (PROJECT-SPECIFIC) - NOTICE TO PROCEED (THE "PRESCRIBED FORM")**

1. Where a Prior Resolution (as defined in the Prescribed Form) was passed in respect of a Project and a Municipal Council Support Resolution is required as per the FIT Contract Cover Page, the Prescribed Form must be provided to the IESO for the purposes of achieving Notice to Proceed ("NTP") under Section 2.4(d)(vii) of the FIT Contract, Version 3.1.
2. The Supplier must submit a New Resolution (as defined in the Prescribed Form) that was issued by the Local Municipality.
3. The Template: Municipal Council Support Resolution (Project-Specific) must be completed and attached as Exhibit "A" to the Prescribed Form.
4. All information, including Project details, provided in the Prescribed Form must be consistent with the information contained in the New Resolution and the Prior Resolution.
5. The Prescribed Form may not be used as a substitute for a Municipal Council Support Resolution where no new Municipal Council Support Resolution was issued for the Project.
6. No Prior Resolution related to the Project will be accepted as Exhibit "A" for the purposes of achieving NTP.
7. The Prescribed Form must be completed by an authorized representative of the Local Municipality.
8. Apart from the completion of any blanks, no amendments may be made to the wording of the Prescribed Form or of the Municipal Council Support Resolution attached as Exhibit "A".
9. The original ink signature must be provided on the Prescribed Form and submitted as a hard copy along with the NTP Request.
10. This instruction page is not required to be submitted to the IESO.

### **INSTRUCTIONS SPECIFIC TO THE TEMPLATE: MUNICIPAL COUNCIL SUPPORTS RESOLUTION (PROJECT-SPECIFIC) (EXHIBIT "A")**

1. The Local Municipality named in the Municipal Council Support Resolution must be the Local Municipality in which the Project is located.
2. The Renewable Fuel type named in the Municipal Council Support Resolution must be the same as that contained on the FIT Contract Cover Page.
3. The Supplier's legal name and Lands (as defined in the Prescribed Form) must be the same as the information contained on the FIT Contract Cover Page.
4. Local municipal councils have the option of drafting the Exhibit "A" on the council or equivalent governing body letterhead.
5. Words in between square brackets (i.e. "[" and "]") are immaterial to the intent of Exhibit "A" and may be modified to follow standard procedure of the issuing body. Wording not contained within square brackets must not be changed in order for the New Resolution to be acceptable for the purposes of achieving NTP.

**PRESCRIBED FORM: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION (PROJECT-SPECIFIC)**  
**RE: NOTICE TO PROCEED**

**(Section 2.4(d)(vii) of the FIT Contract, Version 3.1)**

Capitalized terms not defined in this form have the meanings ascribed thereto in the FIT Contract, Version 3.1.

1. I am the/an: \_\_\_\_\_ of the  
\_\_\_\_\_  
City of Kawartha Lakes (the "Municipality"),  
and have the delegated authority to provide this confirmation on behalf of the Municipality and without personal liability.
2. \_\_\_\_\_ SOLAR PROVIDER CANADA ORIGINATION HEALTH LP (the "Supplier") has entered into  
a FIT Contract to construct and operate a \_\_\_\_\_ ground mount solar Facility  
(the "Project").
3. The Project is located on \_\_\_\_\_ 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0 (the "Lands").
4. The Council of the Municipality (the "Council") had previously provided a Municipal Council Support Resolution indicating the Council's support for the construction and operation of the Project on the Lands, which the Supplier obtained and submitted in its Application in accordance with the FIT Rules, Version 3.0 (the "Prior Resolution").
5. The Council has provided a new Municipal Council Support Resolution indicating by resolution Council's continued support for the construction and operation of the Project on the Lands (the "New Resolution"). The New Resolution is attached as Exhibit "A" hereto.
6. I have confirmed that the Project proposed by the Supplier and that is the subject of the New Resolution is the same Project on the same Lands as the Project that was the subject of the Prior Resolution.
7. I confirm that the New Resolution attached as Exhibit "A" is still in effect as of the date below and that the Council has not rescinded, revoked or repealed such resolution and confirm that the Municipality supports the construction and operation of the Project on the Lands.

DATE: \_\_\_\_\_

Signature: \_\_\_\_\_

FIT Contract ID #: F-006145-SPV-310-722

Name:

Title:

**PRESCRIBED FORM: MUNICIPAL COUNCIL SUPPORT RESOLUTION CONFIRMATION - NOTICE TO PROCEED**  
(Section 2.4(d)(vii) of the FIT Contract, Version 3.1)

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**Exhibit "A"**

**New Resolution**

*Attach the new Municipal Council Support Resolution. This can be provided on Council letterhead or in the  
Template: Municipal Council Support Resolution (Project-Specific) - Notice to Proceed*



**TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION (PROJECT-SPECIFIC) - NOTICE TO PROCEED**

**Section 2.4(d)(vii) of the FIT Contract, Version 3.1**

---

Resolution NO: \_\_\_\_\_

Date: \_\_\_\_\_

**[WHEREAS]** capitalized terms not defined herein have the meanings ascribed thereto in the FIT Contract, Version 3.1;

**[AND WHEREAS]** SOLAR PROVIDER CANADA ORINATION HEALTH LP (the "Supplier") has entered into a FIT Contract to construct and operate a ground mount solar Facility (the "Project") on 1674 County Road 36 Dunsford/Kawartha Lakes, Ontario, K0M 1L0 (the "Lands") in the City of Kawartha Lakes (the "Local Municipality") under the Province's FIT Program;

**[AND WHEREAS]** the Supplier previously requested that the Council of the Local Municipality ("Council") indicate by resolution Council's support for the construction and operation of the Project on the Lands or all Projects with the same Renewable Fuel anywhere in the Local Municipality, and Council did provide such support in a prior resolution.

**[AND WHEREAS]** the Supplier has requested that the Council indicate, by a resolution dated no earlier than June 10, 2015 (the "New Resolution"), Council's continued support for the construction and operation of the Project on the Lands;

**[AND WHEREAS]** where a New Resolution is received in respect of a Project, the Supplier will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in the Supplier being offered Notice to Proceed in accordance with the terms of the Supplier's FIT Contract;

**[NOW THEREFORE BE IT RESOLVED THAT]:**

Council of the City of Kawartha Lakes supports the construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose.

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Title:

*(signature lines for elected representatives.)*

FIT Contract ID #: F-006145-SPV-310-722
---



Request ID: 018943015  
Transaction ID: 61076988  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2016/05/11  
Time Report Produced: 10:41:28  
Page: 1

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

SOLAR PROVIDER CANADA ORIENTATION HEALTH  
LP

**Business Identification Number**

221277569

**Business Type**

LIMITED PARTNERSHIP

---

**Mailing Address**

1 ATLANTIC AVENUE

No. 105  
TORONTO  
ONTARIO  
CANADA, M6K 3E7

**Address of Principal Place of Business in Ontario**

1 ATLANTIC AVENUE

No. 105  
TORONTO  
ONTARIO  
CANADA, M6K 3E7

**General Nature of Business**

RENEWABLE ENERGY

**Jurisdiction of Formation**

ONTARIO

**Declaration Date**

2012/12/21

**Expiry Date**

2022/12/19

**Renewal Date**

2016/04/28

**Change Date(s)**

2016/05/03

**Last Document Filed**

CHANGE

**Dissolution/Withdrawal Date**

NOT APPLICABLE

**Last Document Filed Date**

2016/05/03

**Current Partnership Business Names Exist:**

NO

**Expired Partnership Business Names Exist:**

NO

Request ID: 018943015 Province of Ontario  
Transaction ID: 61076988 Ministry of Government Services  
Category ID: UN/E

Date Report Produced: 2016/05/11  
Time Report Produced: 10:41:28  
Page: 2

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

SOLAR PROVIDER CANADA ORIGINATION HEALTH  
LP

**Business Identification Number**

221277569

**Business Type**

LIMITED PARTNERSHIP

---

**Former Names**

SUNEDISON CANADA ORIGINATION HEALTH LP

**Date of Name Change**

2016/04/28

Request ID: 018943015 Province of Ontario  
Transaction ID: 61076988 Ministry of Government Services  
Category ID: UN/E

Date Report Produced: 2016/05/11  
Time Report Produced: 10:41:28  
Page: 3

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

SOLAR PROVIDER CANADA ORIGINATION HEALTH  
LP

**Business Identification Number**

221277569

**Business Type**

LIMITED PARTNERSHIP

---

**Information Regarding General Partner(s)**

**Name (Individual/Corporation/Other)**

SOLAR PROVIDER CANADA ORIGINATION HEALTH  
GP CORP.

Corporate Number: 2355101

**Address**

1 ATLANTIC AVENUE

No. 105  
TORONTO  
ONTARIO  
CANADA, M6K 3E7

**Name of Signatory**

SEYFARTH, SEBASTIAN

**Power of Attorney**

NO

Former Limited Partnership Names will only be displayed for Declarations registered on or after April 1, 1994.

This Report sets out the most recent information registered on or after April 1, 1994 and recorded in the Ontario Business Information System as of the last business day.

The issuance of this report in electronic form is authorized by the Ministry of Government Services.



Ian Walker  
Planning Officer – Large Developments  
180 Kent Street West,  
Lindsay, ON, Canada K9V 2Y6  
Phone: 705-324-9411 extension 1368  
E-Mail: [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)

## Council Memorandum

**To:** Council  
**Cc:** Ron Taylor, Chief Administrative Officer  
**Date:** July 17, 2018  
**From:** Ian Walker, Planning Officer – Large Developments  
**Subject:** Feed-In Tariff (FIT) Program – Prescribed Resolution of Support – Ground Mount Solar Project – 1674 CKL Road 36, Solar Provider Canada Origination Health LP (Kennedy)

---

### Revised Recommendations:

**Whereas** capitalized terms not defined herein have the meanings ascribed thereto in the FIT Contract, Version 3.1;

**And Whereas** Solar Provider Canada Origination Health LP (the "Supplier") has entered into a FIT Contract to construct and operate a ground mount solar Facility (the "Project") on 1674 CKL Road 36 (the "Lands") in the City of Kawartha Lakes (the "Local Municipality") under the Province's FIT Program;

**And Whereas** the Supplier previously requested that the Council of the Local Municipality ("Council") indicate by resolution Council's support for the construction and operation of the Project on the Lands and Council did provide such support in a prior resolution.

**And Whereas** the Supplier has requested that the Council indicate, by a resolution dated no earlier than June 10, 2015 (the "New Resolution"), Council's continued support for the construction and operation of the Project on the Lands;

**And Whereas** where a New Resolution is received in respect of a Project, the Supplier will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in the Supplier being offered Notice to Proceed in accordance with the terms of the Supplier's FIT Contract;

**Now Therefore Be It Resolved That** Council of the City of Kawartha Lakes supports the construction and operation of the Project on the Lands. This resolution's sole purpose is to enable the Supplier to achieve Notice to Proceed under its FIT Contract and may not be used for the purpose of any other form of municipal approval in relation to the FIT Contract or Project or for any other purpose.

## **Background:**

On January 15, 2013 Council adopted the following resolution:

### **CR2013-027**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Luff

**RESOLVED THAT** Council for the City of Kawartha Lakes supports the construction and operation of ground mount solar projects located at the following locations:

- 1) 38 Esker Drive, Township of Emily, City of Kawartha Lakes
- 2) 1674 County Road 36, Township of Verulam, City of Kawartha Lakes
- 3) 3269 County Road 36, Township of Verulam, City of Kawartha Lakes
- 4) 309 Northline Road, Township of Fenelon, City of Kawartha Lakes
- 5) 131 Northline Road, Township of Fenelon, City of Kawartha Lakes; and

**THAT** this resolution shall expire twelve (12) months after its adoption by Council.

The City has been notified by the applicant that the Independent Electricity System Operator (IESO) requires the Council Resolution of Support to be submitted, and provide confirmation in the prescribed forms.

## **Risks/Considerations**

The FIT Contract has commenced based on the January 15, 2013 Council Resolution No. CR2013-027 enabling the Supplier to achieve “Notice to Proceed” under its FIT Contract.

As the contract has proceeded, a motion to reconsider or rescind the January 15, 2013 motion is not being recommended.

## **Conclusion:**

The prescribed resolution will meet the requirements of the Independent Electricity System Operator.

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Planning Advisory Committee Meeting**

**PC2018-07**  
**Wednesday, July 4, 2018**  
**1:00 P.M.**  
**Victoria Room**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Brian Junkin**  
**Councillor Rob Macklem**  
**Councillor Gord Miller**  
**Councillor Patrick O'Reilly**  
**Councillor Heather Stauble**  
**Councillor Andrew Veale**  
**Mike Barkwell**  
**Debbie Girard**

**Accessible formats and communication supports are available upon request.**

**1. Call to Order and Adoption of Agenda**

Chair O'Reilly called the meeting to order at 1:01 p.m. Mayor A. Letham, Councillors B. Junkin, R. Macklem, G. Miller, H. Stauble and A. Veale and M. Barkwell and D. Girard were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Supervisor of Development Planning S. Rea, Supervisor of Policy Planning L. Barrie, Planning Officer - Large Developments I. Walker, Economic Development Officer L. Newton and Planners II A. Kalnina and D. Harding were also in attendance.

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present, and noted that as Council Chambers was under construction, that the Victoria Room would be used for future meetings until renovations are complete.

**Moved By** Councillor Miller

**Seconded By** Councillor Veale

**That** the agenda for the Wednesday, July 4, 2018 Planning Advisory Committee Meeting be adopted as circulated.

**2. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

**3. Public Meeting**

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

**3.1 PLAN2018-051**

Community Improvement Plan

Leah Barrie, Policy Planning Supervisor

The Chair requested staff to advise on the manner of giving notice for the proposed Community Improvement Plan (CIP). He also asked staff to briefly describe the proposal.

Ms. Barrie and Ms. Kalnina presented an overview of the draft Community Improvement Plan (CIP). They stated that their recommendation is to receive their report and draft CIP in today's meeting, and that a further version

incorporating the public comments received during the public meeting would be presented to the committee in August. Their overview included a summary of the background and legal context, information about the proposed CIP, the application process, administration requirements, and the next steps for the program. Ms. Barrie responded to questions from the members of the committee.

The Chair inquired if anyone wished to speak to the application.

Chris Appleton spoke as a member of the Fenelon Falls Downtown Revitalization group. He encouraged the committee to support the plan, and ensure it was well funded so that it wouldn't become a shelf-program. He also expressed concern about the timing of how the various funding options might be rolled out to ensure fairness to potential applicants. He noted that some derelict building owners might have difficulty securing loans, so some consideration should be given to them.

William Bateman, spoke as the Chairperson of the Kawartha Lakes Municipal Heritage Committee. He sought clarity on the matter if the CIP funding programs would be made available to only properties with a Heritage designation, or also properties within Heritage Conservation Districts.

John Kintare spoke on behalf of the Peterborough and Kawarthas Home Builders Association. He stated that many of their member companies are facing long timelines and heavy workloads, and are booking work 8 and 12 months in advance, and as such, reputable builders may have difficulty committing to quick timelines of the CIP. He also questioned on whether staff had set a targeted timeline for the intake and approval of applications. Finally, he asked that provisions be put in place to ensure that the CIP work is being done by reputable, licenced, and tax-paying contractors with appropriate insurance, and safety certifications.

Paul Reeds, spoke as the Chairperson of the Kawartha Lakes Community Futures Development Corporation, and stated that they are pleased to bring \$500,000.00 to the community. He stated that there were a number of efforts to make the funding as simple as possible so that they can assist where they can.

Ron Cork, presented questions regarding the sources for the funding options, and securities for the loans.

Melissa McFarland, spoke on behalf of the Lindsay Downtown Business Improvement Area. She stated that many members have been waiting on the



CIP to start projects, such as renovating 3rd floor spaces into residential units. She stated that they would like to see a streamlined process for building permits, and minor variance applications to ensure a smooth process.

No other persons spoke to the application.

The committee recessed at 2:14 p.m. and reconvened at 2:21 p.m.

### 3.2 PLAN2018-060

An application to amend the Township of Ops Zoning By-law 93-30 to prohibit the following on the proposed retained agricultural land: (1) residential use and (2) livestock within any of the existing buildings at 417 Fieldside Road (Walker) David Harding, Planner II

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act: letters were circulated to each owner of land within 500 meters of the subject property, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to (as per the provisional consent) sever an approximately 0.98 hectare (2.4 acre) residential lot containing a single detached dwelling and garage, and retain approximately 41.72 hectares (102.6 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land belonging to the same farm operation. The dwelling on the land to be severed is considered surplus to the agricultural operation as a result a consolidation of farm land. The agricultural land to be retained is to be rezoned to prohibit residential use and to prohibit the existing barn from being used to house livestock. The application conforms to the 2017 Growth Plan and the City of Kawartha Lakes Official Plan and is consistent with the 2014 Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the Chippewas of Rama First Nation with no concerns. Staff are recommending that the application be referred to Council for approval. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application, however the applicant was not available.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

The Public Meeting concluded at 2:28 p.m.

**4. Business Arising from Public Meeting**

**4.1 Item 3.1**

**PAC2018-032**

**Moved By** Councillor Macklem

**Seconded By** Councillor Miller

**Recommend that** Report PLAN2018-051, Community Improvement Plan, be received; and,

**That** the draft CIP be referred back to Staff pending the outcome of the public consultation component, and that any revisions to the draft CIP be brought back to a subsequent Planning Advisory Committee meeting.

**Carried**

**4.2 Item 3.2**

**PAC2018-033**

**Moved By** Councillor Veale

**Seconded By** D. Girard

**Recommend that** Report PLAN2018-060, respecting East Half of Lot 22, Concession 7, geographic Township of Ops, and identified as 417 Fieldside Road – Application D06-2018-018, be received;

**That** a Zoning By-law Amendment respecting application D06-2018-018, substantially in the form attached as Appendix D to Report PLAN2018-060, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Carried**

**5. Deputations**

**5.1 PC2018-07.5.1**

Stephen Bedford

Relating to Report PLAN2018-057, Item 7.1 on the Agenda

Mr. Bedford spoke on behalf of the applicant for Report PLAN2018-057, and stated that they have reviewed the report, and are pleased with the recommendation. He provided an overview of the current land uses, and noted the plans that support the initiatives of the application. He noted that they would proceed with the commercial entrance as per the MTO requirements, and that the application would have minimal impact on surrounding farms in the areas of high water usage, light pollution and noise. He stated that they would implement the recommendations of the noise consultant. Overall he stated that the application represents good planning, and he recommended the applications be forwarded to Council for approval. He responded to questions from the members of the Committee.

**Moved By** Councillor Veale

**Seconded By** Councillor Miller

**That** the deputation of Stephen Bedford, regarding Report PLAN2018-057 (Item 7.1 on the Agenda), be received.

**6. Correspondence**

**7. City of Kawartha Lakes Reports**

**7.1 PLAN2018-057**

Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land identified as 804 Highway 7A (Sutcliffe)

Sherry L. Rea, Development Planning Supervisor

Ms. Rea confirmed that a Public Meeting on this matter was held on April 11, 2018 in accordance with the Planning Act. She summarized the application, explaining that it proposes to recognize the occurring value-added uses, on-farm diversified uses and agri-tourism uses on the farm. The area of the agricultural parcel is 39 ha. She stated that these applications propose to amend the Prime Agricultural designation in the City of Kawartha Lakes Official Plan to include a Special Provision to permit on-farm diversified uses and to change the zone category from the Rural General (A1) Zone to the Rural General Exception Thirty-Seven (A1-S37) Zone. She noted that staff reviewed the Planning Justification Report prepared by Stephen Bedford Consulting in support of the official plan and zoning by-law amendments and generally accepts the planning rationale with respect to conformity with the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and consistency with the 2014 Provincial Policy

Statement (PPS). Ms. Rea summarized the comments received to date, as detailed in her report, noting that subsequent to the writing of the report additional comments were received past the deadline for the amended agenda from John Dell, and Kathy Morton (as circulated to the members of the committee). Mr. Dell noted in his correspondence ongoing concerns regarding consistency with the PPS, noise, municipal law enforcement, proposed additional cabins, and removal of land for development. Ms. Morton noted in her correspondence issues regarding value-added uses of an agricultural property, agri-tourism uses, projected noise, intended uses, and possible rezoning solutions similar to her property. Staff are recommending that the applications be forwarded to Council for approval. Ms. Rea and Mr. Marshall responded to questions from Committee members.

**PAC2018-034****Moved By** Mayor Letham**Seconded By** Councillor Miller

**Recommend that** Report PLAN2018-057, respecting Part of Lot 13, Concession 7, geographic Township of Manvers and identified as 804 Highway 7A, Application Nos. D01-2018-004 and D06-2018-013 be received;

**That** a By-law to adopt Official Plan Amendment Application D01-2018-004 respecting Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes, substantially in the form attached as Appendix D to Report PLAN2018-057, be approved and adopted by Council;

**That** a Zoning By-law Amendment Application D06-2018-013 respecting Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes, substantially in the form attached as Appendix E to Report PLAN2018-057, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Carried****8. Adjournment****Moved By** D. Girard**Seconded By** Councillor Macklem

**That** the Planning Advisory Committee Meeting adjourn at 3:26 p.m.

**Recommendations made at the July 4, 2018 Planning Advisory Committee Meeting:**

**PAC2018-032**

**Moved By** Councillor Macklem

**Seconded By** Councillor Miller

**Recommend that** Report PLAN2018-051, Community Improvement Plan, be received; and,

**That** the draft CIP be referred back to Staff pending the outcome of the public consultation component, and that any revisions to the draft CIP be brought back to a subsequent Planning Advisory Committee meeting.

**PAC2018-033**

**Moved By** Councillor Veale

**Seconded By** D. Girard

**Recommend that** Report PLAN2018-060, respecting East Half of Lot 22, Concession 7, geographic Township of Ops, and identified as 417 Fieldside Road – Application D06-2018-018, be received;

**That** a Zoning By-law Amendment respecting application D06-2018-018, substantially in the form attached as Appendix D to Report PLAN2018-060, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**PAC2018-034**

**Moved By** Mayor Letham

**Seconded By** Councillor Miller

**Recommend that** Report PLAN2018-057, respecting Part of Lot 13, Concession 7, geographic Township of Manvers and identified as 804 Highway 7A, Application Nos. D01-2018-004 and D06-2018-013 be received;

**That** a By-law to adopt Official Plan Amendment Application D01-2018-004 respecting Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes, substantially in the form attached as Appendix D to Report PLAN2018-057, be approved and adopted by Council;

**That** a Zoning By-law Amendment Application D06-2018-013 respecting Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes, substantially in the form attached as Appendix E to Report PLAN2018-057, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.



Development Services – Planning Division  
180 Kent Street West,  
Lindsay, ON K9V 2Y6  
Telephone: (705) 324-9411, ext. 1331  
E-Mail: [srea@kawarthalakes.ca](mailto:srea@kawarthalakes.ca)  
Fax: (705) 324-4027  
Website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## Memorandum

**To:** Planning Advisory Committee  
**Date:** July 13, 2018  
**From:** Sherry L. Rea, Development Planning Supervisor  
**Subject:** Sutcliffe Official Plan Amendment and Zoning By-law Amendment,  
804 Highway 7A, geographic Township of Manvers, now City of Kawartha  
Lakes (Iron Horse Ranch)

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At the July 4, 2018 meeting of the Planning Advisory Committee, the Committee considered development applications filed by Stephen Bedford on behalf of Shawn Sutcliffe for property located at 804 Highway 7A and known as Iron Horse Ranch. These applications propose to permit value-added uses, on-farm diversified uses and agri-tourism uses on the farm. Without limiting the uses permitted they generally include: social events such as farm based educational programs, workshops on farm operations, gallery space, displays of farm equipment in a museum setting, dances, musical and artistic performances, weddings, private parties, charitable fund raisers, farm to table dinners, corporate functions, and accommodations in un-serviced pioneer cabins and the bed and breakfast. All permitted uses are permitted to obtain liquor licenses.

Further to direction received at the meeting, staff was requested to obtain additional information and this memorandum addresses that direction:

### **Temporary Use Zoning By-laws to permit On-Farm Diversified Uses**

OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas speaks to Temporary Use By-laws under Sections 2.3.1(2) PPS Criteria for On-Farm Diversified Uses which are secondary to the principal agricultural use of the property and Section 2.5.2 Zoning By-laws. The first Section states that even temporary uses must meet all the criteria for on-farm diversified uses. Acceptable uses must be compatible with and able to coexist with surrounding agricultural uses and maintain conformity with a specified list of criteria. In addition, this Section acknowledges that if all criteria are met, events may be accommodated through a temporary use zoning by-law under the Planning Act. The second Section states that temporary use zoning by-laws permit the temporary use of land, buildings or structures for up to 3-year periods, as provided for in the Planning Act, 1990. Temporary use zoning by-laws are also an effective way to deal with event-type uses such as concerts, rodeos and farm shows. As a general rule, avoid using on-farm locations if these temporary uses can be accommodated in existing facilities nearby that are designed for such uses (e.g. fairgrounds, parks and band shells).

Staff is not in support of a Temporary Use By-law to regulate the requests of the proponent as the development applications are seeking a variety of permanent On-Farm Diversified Uses in existing buildings and structures on the farm. The applicant has submitted a planning report and supporting documentation which staff is accepting of and has prepared an Official Plan Amendment and implementing Zoning By-law that will govern the use on the property. In addition, staff is recommending a Holding (H) provision that the owner enter into a site plan agreement with the City that will ensure appropriate development on the property. Staff is confident that measures are being put in place to regulate the activity and operation of the events.

### **Concerns with Environmental Noise Feasibility Study**

A concern was raised with respect to Scenario 3 – Wedding Reception/Banquet and the matter that during the events, the doors on the north side of the barn would typically remain open while all other doors would be closed. Staff contacted Valcoustics Canada Ltd. and identified the concern. Valcoustics re-attended the site and undertook additional measurements to address the concern. Valcoustics confirms that they have updated their modelling to include sound (music) radiated from open doors on the lower floor. (This is in addition to the sound radiated from the open north door and through the walls that were included in their report). The overall results are the same – The requirements outlined in their noise report are valid if the smaller doors are open as well.

Staff is continuing to recommend that the Holding (H) provision be applied to the zoning amendment to ensure that the owner enters into a site plan agreement with the City that will deal with the details of development and include the recommendations contained in the noise study with respect to the use of appropriate sound level restrictions such as the utilization of a sound level feedback system.

Respectfully submitted,



Sherry L. Rea,  
Development Planning Supervisor



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-law to Delegate Authority for Decisions to the Chief Administrative Officer for Restricted Acts after Nomination Day in the City of Kawartha Lakes**

#### **Recitals**

1. Section 275 of the Municipal Act, 2001, as amended, limits the authority of a council during an election year should it be determined that the new council will include less than three-quarters of the members of the outgoing council.
2. Section 275(6) of the Municipal Act, 2001, as amended, allows a council to delegate such authority to a person prior to the nomination day for a new council.
3. This by-law addresses that delegated authority.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“Chief Administrative Officer”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

##### **1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

##### **1.03 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Delegated Authority**

- 2.01 **Delegation to Chief Administrative Officer:** The following authority, beyond the current delegated authority, is delegated by Council to the Chief Administrative Officer in the event that the municipality finds itself subject to Section 275 of the Municipal Act, 2001, as amended, regarding “Restricted Acts after Nomination Day”:
- a) The appointment or removal from office of any officer of the municipality including an Integrity Commissioner;
  - b) The hiring or dismissal of any employee of the municipality;
  - c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of disposal; and
  - d) Making any expenditure or incurring any other liability which exceeds \$50,000.00.
- 2.02 Nothing in this by-law prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day of the election of the new council.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 17<sup>th</sup> day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-law to Provide Tax Relief To Certain City of Kawartha Lakes Property Owners Who Are Low Income Elderly Persons, Low Income Persons Between The Ages Of 55 And 64, Low Income Disabled Persons Or Ontario Disability Support Program Recipients For The Year 2018.**

#### **Recitals**

1. Section 319 of the *Municipal Act*, 2001, S.O. 2001, c.25, provides that for purposes of relieving financial hardship, a municipality may pass a by-law providing for deferrals or cancellation of, or other relief in respect of all or part of a tax increase for 1998 and subsequent years on property in the residential property class for persons assessed as owners who are, or whose spouses are, (a) low-income seniors as defined in the by-law; or (b) low-income persons with disabilities as defined in the by-law.
2. Section 365 of the *Municipal Act*, 2001, S.O. 2001, c.25, provides that the council of a local municipality may, in any year, pass a by-law to provide for the cancellation, reduction or refund of taxes levied for local municipal and school purposes in the year by the council in respect of an eligible property of any person who makes an application in that year to the municipality for that relief whose taxes are considered by the council to be unduly burdensome, as defined in the by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act*, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“Corporate Services Manager, Revenue and Taxation”** means the person within the administration of the City which fulfills the function of the Tax Collector or his or her delegate(s), as required by the *Municipal Act*, 2001 or, in the event of organizational changes, another person designated by Council.

**“Assessment Related Property Tax Increase”** is the increase in property taxes attributed directly to an increase in the assessed value of the eligible property

**“Low-income Senior”** means:

- i) a person who attained the age of 65 years as of December 31st of the previous year and is in receipt of benefits paid under the Guaranteed Income Supplement (GIS) program, as established under *The Old Age Security Act (Canada)*;
- ii) a person aged 55 to 64 years of age as of December 31st of the previous year whose taxable income, as reported on Line 260 of the **2017** Income Tax Notice of Assessment, is less than \$27,993.

**“Low-income person with disabilities”** means a person who is in receipt of benefits paid under the Ontario Disability Support Program Act, 1997; or a disability amount paid under the Family Benefits Act (Ontario); or a Canada Pension Plan Disabilities Pension, and be eligible to claim a disability amount as defined under the Income Tax Act (Canada).

**“Eligible person”** means a “low-income senior” or a “low-income person with disabilities” or the spouse of such eligible person whose name also appears as a registered owner of the property.

**“Eligible property”** means residential property located in the City of Kawartha Lakes that is utilized as a principle residence and must be solely owned (with their spouse, if applicable) and occupied by the eligible person(s) as of January 1st of the year for which a tax credit is being applied.

**“Owner”** means a person assessed as the owner of residential real property, and includes an owner within the meaning of the *Condominium Act*.

**“Tax increase”** means the difference between current year tax on assessment and the previous year tax on assessment – excluding tax increases resulting from an assessment increase from new construction and/or improvements to a property.

**“Eligible amount”** means for

- (i) Low Income Senior as defined in section 1.01 (c) (i) and Low income person with disabilities, a combined amount totaling \$175 that first addresses the assessment related increase for the eligible property, and if the assessment related increase is less than \$175, the balance of the \$175 is related to taxes considered to be unduly burdensome.
- (ii) Low Income Senior as defined in section 1.01 (c) (i) and Low income person with disabilities, where the taxes have decreased from 2014, an amount equivalent to the difference between the \$175 and the amount of the total property tax reduction.

- (iii) Low Income Senior aged from 55 to 64 the amount of the property tax increase assessment related property tax increase to a maximum of \$175 per year, with a minimum rebate of \$25, if there is an increase in property taxes from the previous year.

The tax relief applies only to increases in tax based upon assessment values and does not apply to any additional charges that may be levied against the property, including but not restricted to local improvement charges, or any other miscellaneous types of charges added to the Tax Roll for collection purposes.

The tax relief amount shall be prorated from the date of ownership to December 31st, if the applicant subsequent to January 1st of the year for which the relief is sought purchases the property.

**1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

**1.03 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**1.04 Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**Section 2.00: Tax Relief Provisions**

**2.01** Tax relief granted pursuant to this by-law shall be in the form of an outright cancellation of the annual eligible amount, provided that:

(a) the Owner, or the spouse of such Owner, or both, occupies or occupy the property in respect of which real property taxes are imposed, as his, her or their principle residence;

(b) the Owner, or the spouse of such Owner, or both, have been or has been the assessed owner of the residential real property in the City on or before January 1st of the year for which they are applying for the credit

**2.02** No tax relief granted pursuant to this by-law shall be allowed to an Owner in respect of more than one (1) single family dwelling unit in any year and the residence must be solely classified in the Residential tax classification.

**2.03** Tax relief shall be granted, pursuant to this by-law, to only one eligible person per household.

- 2.04 Applications for the property tax rebate must be in writing on a form prepared by the City for this purpose and must be submitted to the City of Kawartha Lakes on or before June 30 of each taxation year for which the property tax rebate is sought.
- 2.05 The application must be submitted to:
- Corporate Services Manager,  
Revenue & Taxation  
P.O. Box 696  
26 Francis St.  
Lindsay ON K9V 4W9
- 2.06 Applications must include documentation in supporting the applicant is an eligible person and that the property with respect to which the application is made is an eligible property.
- 2.07 Successful applications will result in a credit applied to the eligible property tax account to be deducted from the final tax installment for the year.
- 2.08 Credits will not be refunded but will be applied to future property taxes.

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Corporate Services Manager, Revenue and Taxation is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

### **Section 4.00: Repeals**

- 4.01 **Repeal:** By-law 2017-036 is repealed.

By-law read a first, second and third time, and finally passed, this 17 day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-law to Provide Water Rate Relief To Certain City of Kawartha Lakes Property Owners Who Are Low Income Elderly Persons, Low Income Persons Between The Ages Of 55 And 64, Low Income Disabled Persons Of Ontario Disability Support Program Recipients.**

#### **Recitals**

1. Section 10 of the *Municipal Act*, 2001, S.O. 2001, c.25, provides a municipality may provide any service or thing that the municipality considers necessary or desirable for the public.
2. Section 391 of the *Municipal Act*, 2001, S.O. 2001, c.25, provides that the council of a local municipality may impose fees and charges that include administration charges.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

**1.01 Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act*, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“Dependant”** means a child if:

- i. he/she is under 18;
- ii. he/she resides in the same home with his/her parent(s);
- iii. the parent(s) is an ODSP applicant/recipient or his/her spouse; and

The applicant/recipient receives the Canada Child Tax Benefit on behalf of the child or if that does not apply, has been determined to be the child's primary caregiver.

In addition, if the child is of school age, the child must be attending school. If the child is over 16 years of age, the child must be making satisfactory progress in school. The child is exempt from the school requirement, if the child is unable to attend school due to a physical or mental disability, or for reasons outside his/her control.

**“Eligible person”** means a “low-income senior” or a “low-income person with disabilities” or the spouse of such eligible person whose name also appears as a registered owner of the property who meets the qualifications set out in this By-law.

**“Eligible property”** means

- i. a property classified as residential real property on the annual assessment roll for the City of Kawartha Lakes, or
- ii. a portion of real properties classified as residential real property that is utilized as a principle residence and must be solely owned (with their spouse, if applicable) and occupied by the eligible person(s).

**“Household income”** means the combined gross income of all eligible persons occupying the eligible property in respect of which the application for a water bill rebate is made.

**“Low-income person with disabilities”** means:

- i. Who has owned and occupied, as the principal residence, the eligible property for a period of not less than one year immediately preceding the date of application for the rebate;
- ii. Who is in receipt of one or more of the following: benefits paid under the Ontario Disability Support Program Act, 1997; or a disability amount paid under the Family Benefits Act (Ontario); or a Canada Pension Plan Disabilities Pension.

**“Low-income Senior”** means:

- i. Who has owned and occupied, as the principal residence, the eligible property for a period of not less than one year immediately preceding the date of application for the rebate;
- ii. a person who attained the age of 65 years as of December 31st of the previous year and is in receipt of benefits paid under the Guaranteed Income Supplement (GIS) program, as established under The Old Age Security Act (Canada);
- iii. a person between the ages of 55 to 64 years of age as of December 31st of the previous year whose combined taxable income, with their spouse (if applicable), as reported on Line 260 of the 2017 Income Tax Notice of Assessment, is less than \$27,993.

**“Manager of Revenue and Taxation”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“Owner”** means a person assessed as the owner of the eligible property, and includes the owner within the meaning of the Condominium Act.

**“Treasurer”** means the Director of Finance and Treasurer for the City of Kawartha Lakes or their designate.



## 1.02 **Interpretation Rules:**

- i. The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- ii. The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Water bill rebate for eligible low income disabled persons and low income seniors**

2.01 The City shall, where an eligible person has made a successful application in relation to an eligible property under this portion of this By-law relating to the water bill rebate, provide a rebate in accordance with the provisions set out in Sections 2 to 5 of this By-law, inclusive.

2.02 The water bill rebate shall be set at a rate representing a twenty-percent reduction from the water rate, as set out in the City of Kawartha Lakes By-law 218-039, A By-Law To Regulate Water and Wastewater Services in The City Of Kawartha Lakes, or at such other rate as determined by City Council from time to time.

## **Section 3.00: Eligibility to receive a water bill rebate.**

3.01 A person is eligible to receive a water bill rebate if:

- i. The person is an eligible low-income disabled person or low-income senior;
- ii. The person occupies the eligible property, which is the subject of the rebate application, as his or her personal principal residence;
- iii. The person has made an application for the water bill rebate program in accordance with the provisions of Section 4.00 of this By-law.
- iv. The application for a water bill rebate is in respect of only the water bill for the year in which the application is made;

3.02 The person agrees to notify the Treasurer of any change in circumstances which would alter his or her status as an eligible person, or the amount of the water bill rebate to which they are entitled;

3.03 The person is an owner who has occupied the eligible property, which is the subject of the rebate application, for a period of not less than one year immediately preceding the date of application for the rebate;

- 3.04 Where title to the eligible property, which is the subject of the rebate application, is held by an eligible person and his or her spouse or same sex spouse and no other owner, one of the joint owners must qualify as an eligible person, but where title to the eligible property is held jointly by an eligible person and a person or persons who are not his or her spouse or same sex spouse, all of the joint owners must qualify as an eligible person;
- 3.05 Payment to the City for all taxes payable for all previous years and water and wastewater bill charges payable for the current year related to the eligible property, which is the subject of the rebate application, have been made in full.
- 3.06 The water consumption for the eligible property, which is the subject of the rebate application, must be
- i. 175 cubic metres or less of water per calendar year for a qualifying low income Senior; or
  - ii. 175 cubic metres or less for a low-income disabled person with up to 2 permanent residents; or
  - iii. 300 cubic metres or less for a low-income disabled person with more than 2 permanent residents residing at the property and residents of the property who are not registered owners of the property are dependants of the property owner(s).
- 3.07 The eligible property, which is the subject of the rebate application, must be metered and the applicant must provide to the City an actual meter reading in or around December 31 or the last quarter of the year, and/or provide access to City staff to obtain an actual reading; or
- 3.08 If the eligible property is one that is on the flat-rate billing system, the applicant must have made a request to the City of Kawartha Lakes, Utility Billing Section for the installation of a water meter and made a reasonable effort to provide the City access to install the new meter, in which case, the water bill rebate shall be calculated to a maximum rebate that an eligible metered customer would be entitled to receive for a consumption of 175 cubic metres, for accounts paid on or before the due date for the year in which the rebate is being sought.

#### **Section 4.00: Administration and Effective Date**

- 4.01 Applications for the water bill rebate must be in writing on a form prepared by the City for this purpose and must be submitted to the City of Kawartha Lakes on or before September 30 of the year for which the water bill rebate is sought.
- 4.02 An application must include documentation in support thereof in a form satisfactory to the Manager of Revenue and Taxation, to establish that the applicant or, in the case of property held jointly in accordance with Section 3.04, the applicant's spouse, is an eligible person, that the eligible property with respect to which the application is made is eligible for such water bill rebate and to establish the amount of water bill rebate to which the eligible person is entitled.

## **Section 5.00: Credit to water bill account**

The following provisions shall apply to the water bill rebate program:

- 5.01 The rebate for eligible low-income seniors and low-income disabled persons shall be in the form of a credit applied to the eligible person's water bill for the eligible property which is the subject of the rebate application;
- 5.02 If all eligibility requirements are met, the credit shall be applied to the eligible person's first water bill of the following year;
- 5.03 If an eligible person sells their eligible property during the year, and provided that a final read was forwarded to the City prior to the change in ownership, a rebate will be credited to the final bill for the portion of the year the eligible property was owned by the eligible person and shall be issued based on the consumption used up to the change of ownership date calculated on a pro-rated basis; and
- 5.04 In any year, or eligible portion thereof, the water bill rebate or credit rate shall be calculated by multiplying the water per cubic metre rate by 20%, and such rates being based on 'paid on or before the due date', applicable for the year or portion thereof in which the rebate is being applied for.

## **Section 6.00: Administration and Effective Date**

- 6.01 **Administration of the By-law:** The Manager of Revenue and Taxation is responsible for the administration of this by-law.
- 6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 17 day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-XXX**

### **A By-law to Amend By-law 2015-024, being A By-law to Appoint Fence-Viewers for the City of Kawartha Lakes**

#### **Recitals**

1. The *Line Fences Act*, R.S.O. 1990, c. L.17, s.2 requires that every local municipality shall by by-law appoint such number of fence viewers as are required to carry out the provisions of this Act.
2. A Notice of Resignation from a Fence-Viewer has been received

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX**

#### **Section 1.00: Definitions and Interpretation**

##### **Definitions:**

All defined terms in the amending By-law take their meaning from By-law 2015-024 of the City of Kawartha Lakes.

#### **Section 2.00: Amendment Details**

- 2.01 **Amendment:** The name “Charles Clarke” in Section 2.01 to By-law 2015-024 is deleted in its entirety.

#### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 17<sup>th</sup> day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-\_\_\_\_**

### **A By-law to Designate 15 Cluxton Street, Kinmount, City of Kawartha Lakes as being of Cultural Heritage Value and Interest**

#### **Recitals**

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.
2. Notice of Intention to Designate 15 Cluxton Street, Kinmount, City of Kawartha Lakes, described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Reasons for Designation are set forth in Schedule A.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“Director of Development Services”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**"Property"** means property as set out in Section 2.01.

##### **1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Designation**

- 2.01 15 Cluxton Street, Kinmount, City of Kawartha Lakes, otherwise known as the Kinmount United Church, is designated as being of historic interest and value, described further in Schedule A. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Municipal Heritage Committee.
- 2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.
- 2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

## **Section 3.00: Enforcement, Offence and Penalties**

- 3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act and to any other applicable penalty.

## **Section 4.00: Administration and Effective Date**

- 4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

By-law read a first, second and third time, and finally passed, this 17 day of July, 2018.

## **Schedule A to By-law 2018 –**

Being a By-law to designate 15 Cluxton Street, Kinmount, City of Kawartha Lakes, as being of cultural heritage value and interest.

### **Description of Property**

15 Cluxton Street, Kinmount, City of Kawartha Lakes

Legal Description:

PT LT 3 N/S CLUXTON ST PL 105 PT 2, 57R8981; KAWARTHA LAKES

PIN: 63120-0484 (LT)

### **REASON FOR DESIGNATION**

Architectural Design or Physical Value:

The building was constructed by volunteers using a balloon framing technique with materials from the local sawmill. The stone foundation was laid in place in 1866 and the beam and wood flooring were installed in 1867. The bell tower and church bell were donated by Mr. John Hunter (considered to be the founder of Kinmount) in 1907 and the stained glass windows were donated circa 1923. The interior wall finishing includes unique wainscoting and the metal ceiling is reportedly preserved under the current acoustic-tile drop ceiling. Original pendant globe light fixtures are still in place.

Historical Significance:

The building was constructed as a Presbyterian Church of Scotland (circa 1867). Prior to construction of the church, religious services were held in private homes. Until the early 1880's the Anglicans, Methodists and Baptists also made use of the church for their services. In addition the church served as the first school in Kinmount. Over the years the church was also used for concerts, political debates, community meetings and council meetings. The building is the oldest publicly used building and the first place of worship in the community. The church continues to operate as an important place of religious practice and community participation in Kinmount.

Contextual Value:

The building is located at the top of East Hill and is considered a landmark to many in the community.

Attributes To Be Conserved:

- The building structure and façade including pitched roof structure, bell tower and front entrance
- Original stone foundations and foundation walls
- Original supporting beam
- Some interior components including the original wood floors, wainscoting, stained glass windows, and original metal ceiling.

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018 -**

### **A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN 63269-0299 (Lt) And PIN 63269-0300 (LT), Described As Lot 3 and Lot 4, 57M- 734, Geographic Township Of Manvers, Now City Of Kawartha Lakes**

File D30-2018-010, Report PLAN2018-059, respecting 13 and 17 Sandbourne Drive – 1590839 Ontario Inc.

#### **Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63269-0299 (LT) and PIN 63269-0300 (LT). The Property affected by this By-law is described as Lot 3 and Lot 4, 57M-734, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

#### **Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.



By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-Law to Amend The City of Kawartha Lakes Official Plan to Add a Special Provision to Land within The City Of Kawartha Lakes**

[File D06-2018-013, Report PLAN2018-057, respecting Part Lot 13, Concession 7, geographic Township of Manvers, identified as 804 Highway 7A – Sutcliffe]

#### **Recitals:**

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the City of Kawartha Lakes Official Plan to amend the Prime Agricultural designation to include a Special Provision to permit on-farm diversified uses and agri-tourism uses on the land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 30.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\*\*\*.

#### **Article 1:00 Official Plan Amendment Details**

- 1.01 **Property Affected:** The Property affected by this By-law is identified as Part of Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes.
- 1.02 **Amendment:** Amendment No. 30 to the City of Kawartha Lakes Official Plan, attached hereto as Schedule A and forming a part of this By-law is hereby adopted.

#### **Article 2:00 Effective Date**

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

**Amendment No. 30 to the Official Plan  
for the City of Kawartha Lakes**

Part A - The Preamble

**A. Purpose**

The purpose of the Official Plan Amendment is to add a Special Provision to the Prime Agricultural designation on Schedule 'A-1' of the City of Kawartha Lakes Official Plan. The land is also subject to an application for Zoning By-law Amendment.

The effect of the change is to permit on-farm diversified uses and agri-tourism uses on the property.

**B. Location**

The subject site has an area of approximately 39 hectares and is located on the south side of Highway 7A, just west of the Village of Bethany, in the geographic Township of Manvers, now City of Kawartha Lakes. The land is legally described as Part of Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes.

**C. Basis**

Council has enacted this official plan amendment in response to an application submitted by Stephen Bedford Consulting on behalf of Shawn Sutcliffe to permit on-farm diversified uses on the property. It is intended that a special policy be incorporated into the amendment to permit on-farm diversified uses and agri-tourism uses on the property. The property is developed with a single detached dwelling which includes a bed and breakfast with 34 parking spaces, a barn which includes 90 parking spaces to accommodate activities in the barn and several small unserviced cabins. The balance of land is cropped and forested on the south side of the farm. Farming activities also include an apiary, an apple orchard with meadow and a goat shed. The owner currently operates Iron Horse Ranch which in addition to being an operating farm, includes a bed and breakfast facility and events that occur in the barn on a seasonal basis with the storing of straw, hay and farm implements during the fall, winter and spring seasons.

The land is designated Prime Agricultural and Environmental Protection on Schedule “A-1” of the City of Kawartha Lakes Official Plan. The land is also subject to an application for Zoning By-law Amendment.

The development and amendment to the City of Kawartha Lakes Official Plan are justified and represent good planning for the following reasons:

1. The development conforms to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the 2014 Provincial Policy Statement.
2. The development conforms to the goals and objectives of the Prime Agricultural designation as set out in the City of Kawartha Lakes Official Plan.
3. The development maintains the guideline criteria as set out in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2015).
4. The development maintains the Minimum Distance Separations (MDS) from surrounding vacant and occupied barns.
5. The development conforms to the goals and objectives of the Environmental Protection designation as set out in the City of Kawartha Lakes Official Plan.
6. The site concept is compatible and integrates well with the surrounding area.
7. The applicant has submitted the selected background reports as set out in the Official Plan to demonstrate the appropriateness of the development with respect to servicing, traffic, agricultural impact and the environment.
8. The developed area of the property will be subject to Site Plan Control through the implementing Zoning By-law Amendment.

## Part B - The Amendment

### **D. Introductory Statement**

All of this part of the document entitled Part B - The Amendment, consisting of the following Map ‘A’ and text constitutes Amendment No. 30 to the Official Plan for the City of Kawartha Lakes.

### **E. Details of the Amendment**

1. The Official Plan for the City of Kawartha Lakes is amended to add the following subsection.

- 15.4.3** On land designated Prime Agricultural and described as Part of Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lake and identified as 804 Highway 7A, on-farm diversified uses and agri-tourism uses are permitted.

Without limiting the uses permitted, they generally include:

social events such as farm based educational programs, workshops on farming operations, gallery space, displays of farm equipment in a museum setting, dances, musical and artistic performances, weddings, private parties, charitable fund raisers, farm to table dinners, corporate functions, and accommodation in a limited number of un-serviced pioneer cabins and a bed and breakfast in the existing dwelling on the property as of the date of adoption of the By-law. All permitted uses are permitted to obtain liquor licenses.

Specific provisions and development standards related to the uses shall be outlined in the implementing Zoning By-law.

2. Schedule 'A-1' of the City of Kawartha Lakes Official Plan is hereby amended by inserting the note that the property is subject to Special Provision 15.4.3 of the Official Plan, as shown on Map 'A' as 'Subject Land'.

## **F. Implementation and Interpretation**

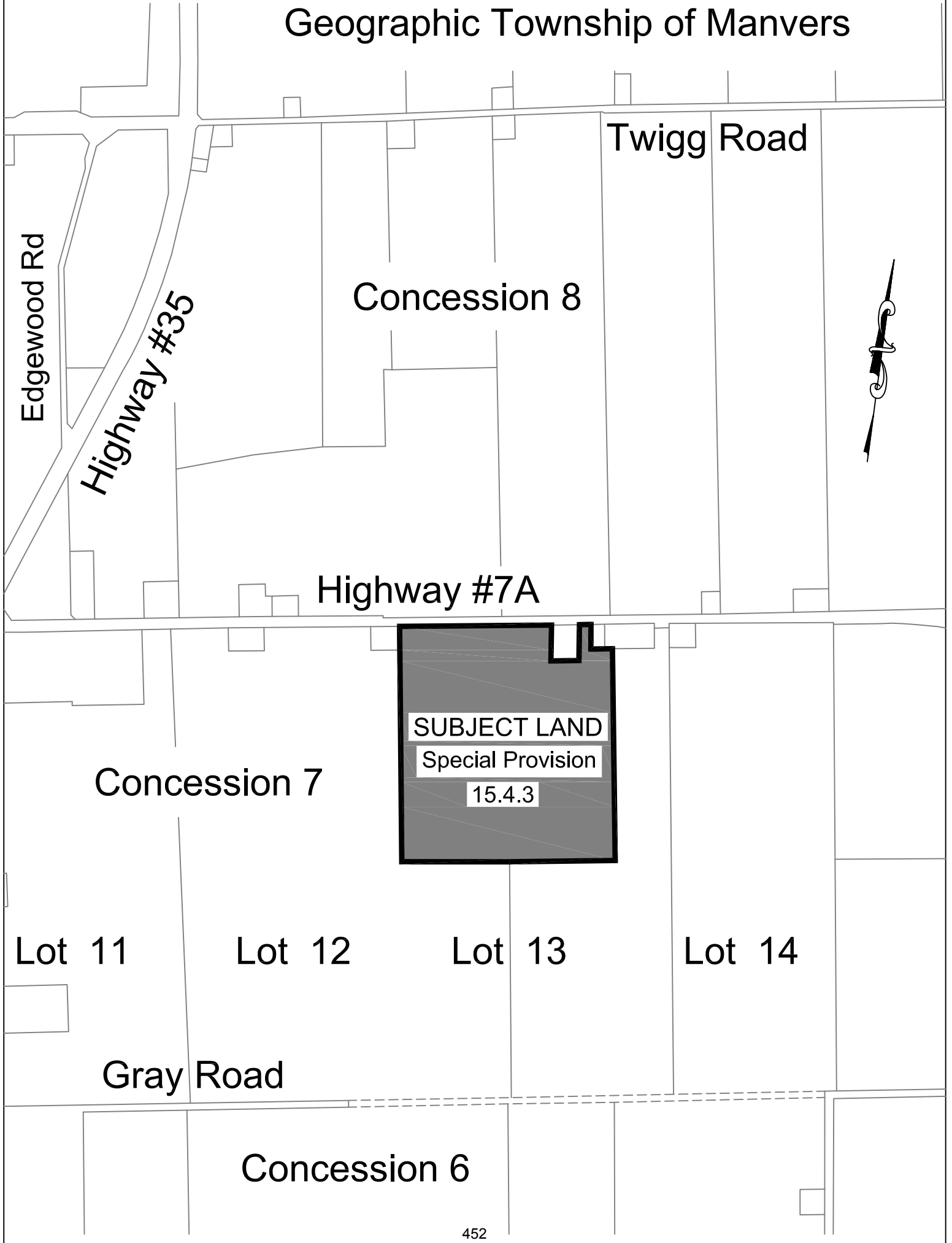
The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

Map 'A' to Amendment No. 30  
to the City of Kawartha Lakes Official Plan

Geographic Township of Manvers



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-Law to Amend the Township of Manvers Zoning By-Law No. 87-06 to Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-013, Reports PLAN2018-036 and PLAN2018-057, respecting Part Lot 13, Concession 7, geographic Township of Manvers, identified as 804 Highway 7A – Sutcliffe]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a variety of on-farm diversified uses and agri-tourism uses on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_\_\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 13, Concession 7, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:

- kk Notwithstanding the permitted uses and zone requirements for the A1 Zone, on land zoned A1-S37(H), the following shall apply:

In addition to the permitted uses in Subsection 10.1 land zoned A1-S37 may also be used for on-farm diversified uses and agri-tourism uses as defined herein:

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural products.

Agri-tourism uses: means those farm related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Generally, and without limiting the permitted uses, on land zoned A1-S37, on-farm diversified uses and agri-tourism uses shall include; social events such as farm based educational programs, workshops on farming operations, gallery space, displays of farm equipment in a museum setting, dances, musical and artistic performances, weddings, private parties, charitable fund raisers, farm to table dinners, corporate functions, and accommodation in a limited number of un-serviced pioneer cabins and a bed and breakfast in the existing dwelling on the property as of the date of adoption of the By-law. All permitted uses are permitted to obtain liquor licenses.

For the purposes of on-farm diversified uses and agri-tourism uses, Un-serviced pioneer cabins: means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to an on-farm diversified use or agri-tourism use. Un-serviced pioneer cabins are limited to 10 per property.

Notwithstanding the permitted uses and zone requirements for the A1 Zone, on land zoned A1-S37(H), the following environmental standards shall also apply:

- a) A 120 metre radius of the last known location of the Eastern Meadowlark shall be maintained to represent adjacent lands significant habitat.
- b) A 15 metre natural setback shall be maintained between the unnamed watercourse at the southwest portion of the site and any proposed development.
- c) A 30 metre natural setback shall be maintained from the watercourse where groundwater base flow is prevalent, located about 40 metres downstream of the pond weir.

On land zoned A1-S37(H), the removal of the (H) Holding Symbol shall be in accordance with the following:

- The Owner shall enter into a Site Plan Agreement with the City.
- The Owner shall upgrade the existing entrance to the satisfaction of the Ministry of Transportation.

- 1.03 **Schedule Amendment:** Schedule A to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone to the Rural General Exception Thirty-Seven Holding (A1-S37)(H) Zone for the land referred to as A1-S37(H), as shown on Schedule A attached to this By-law.



## **Section 2:00      Effective Date**

2.01    **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

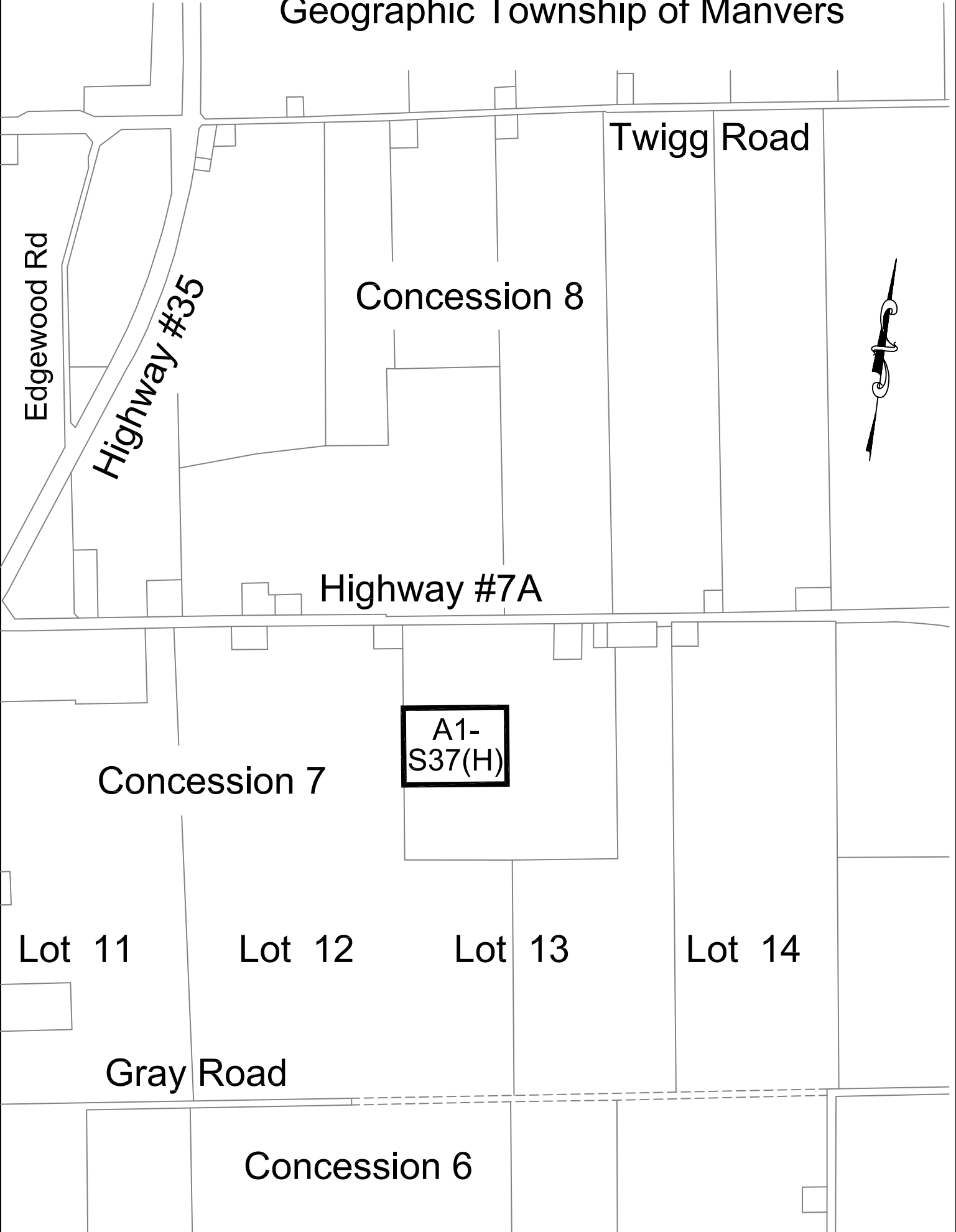
THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## Geographic Township of Manvers



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018 -**

### **A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2018-001, Report PLAN2018-060, respecting East Half of Lot 22, Concession 57, geographic Township of Ops, identified as 417 Fieldside Road

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:
  - (a) prohibit residential use on the subject land, and
  - (b) prohibit existing agricultural buildings from housing livestock, in order to fulfill a condition of provisional consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as East Half of Lot 22, Concession 7, geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended by adding the following section to Section 16.3:

“16.3.19      Agricultural Exception Nineteen (A-19) Zone

Notwithstanding the uses permitted in Section 16.1.1 and 16.1.2, in the A-19 Zone residential use is not permitted and buildings existing on the date of passing of this by-law may not be used to house livestock.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the Property from “Agricultural (A) Zone” to “Agricultural Exception Nineteen (A-19) Zone” for the land referred to as ‘A-19’, as shown on Schedule ‘A’ attached to this By-law.

## **Section 2:00      Effective Date**

2.01    **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

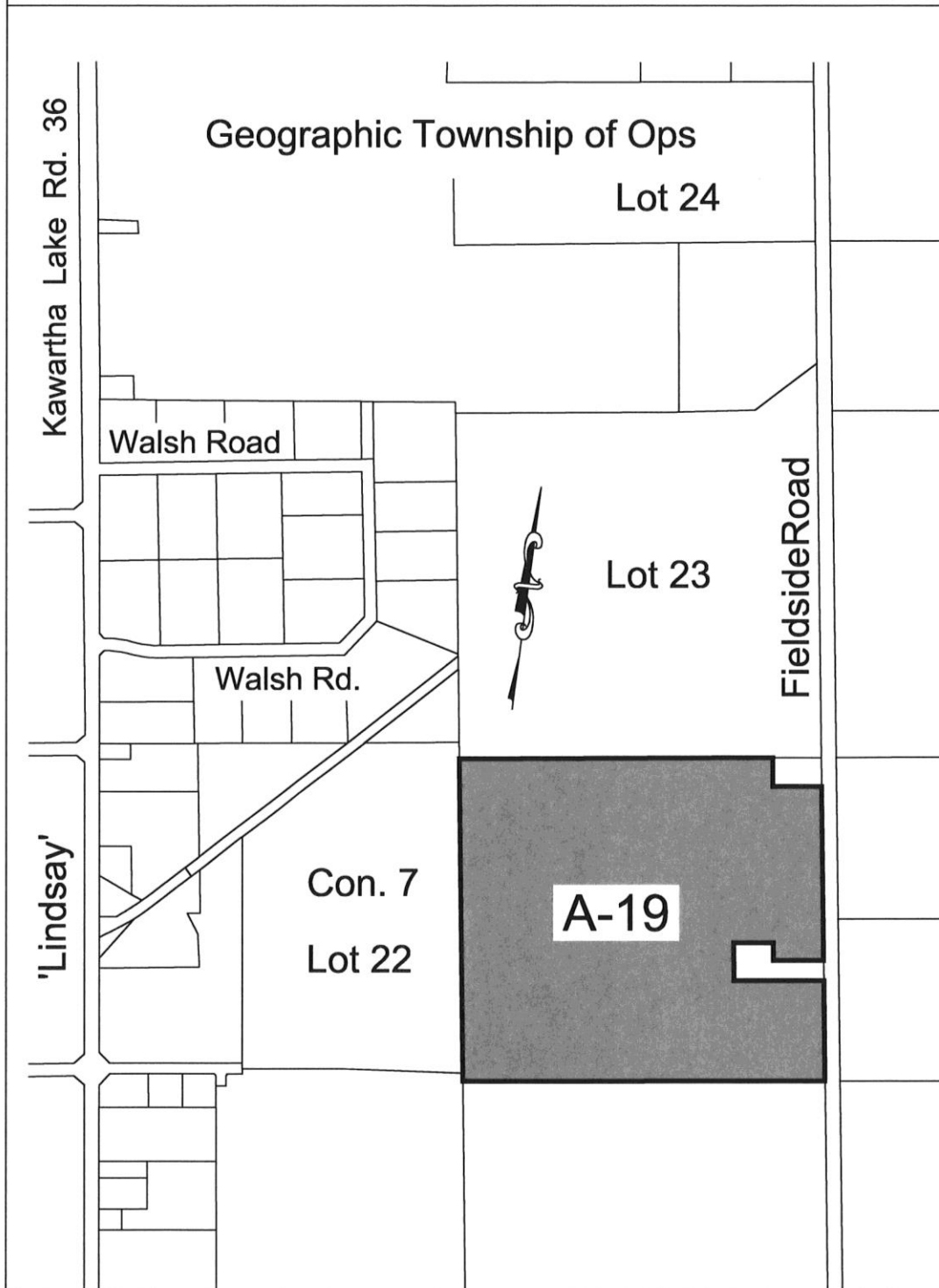
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-XXX**

### **A By-law to Repeal By-law 2011-260, (as amended), being a By-Law to Govern Water and Wastewater Services**

#### **Recitals**

1. Council adopted By-law 2011-260 on December 13, 2011 to govern water and wastewater services in the City of Kawartha Lakes.
2. By-law 2018-039 replaces 2011-260.
3. This by-law repeals the original by-law as it has been replaced.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1.00: Definitions and Interpretation**

1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**Council**” or “**City Council**” means the municipal council for the City.

#### **Section 2.00: Repeals**

2.01 **Repeal:** By-law 2011-260, 2012-125, 2013-074, 2014-130, 2014-224, 2015-057, 2015-232, 2017-003, 2017-075 are repealed.

#### **Section 3.00: Administration and Effective Date**

3.01 **Administration of this By-law:** The Director of Public Works is responsible for the administration of this By-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 17th day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-**

### **A By-law to Set the Remuneration Level to be Paid to the Municipal Council in the City of Kawartha Lakes**

#### **Recitals**

1. The Municipal Act, 2001 requires the passage of by-laws when dealing with Council remuneration.
2. Council, at the April 24, 2018 Council meeting, approved that Council salaries be adjusted to gap loss in total remuneration from the elimination of the tax exempt status as outlined in Report CAO2018-004
3. This by-law is therefore required to implement Council's decisions under the legislation.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes.

**“Council” or “City Council”** means the municipal council for the City.

**“Member of Council”** means an individual, other than the Mayor, elected as part of the Council.

**“Mayor”** means the individual elected to hold the position of head of Council (as contemplated by the Municipal Act).

**“Treasurer”** means the person within the administration of the City which fulfils the function of the City Treasurer as required by the Municipal Act.

##### **1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Remuneration of the Mayor**

- 2.01 **Salary:** The Mayor shall be paid a salary of One-hundred and eleven thousand, seven hundred and ninety (\$111,790) dollars commencing the effective date of this by-law. Annually, the salary is to increase in accordance with table below.

<b>Mayor Salary</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
	\$115,177	\$114,037	\$112,908	\$111,790

- 2.02 **Other Stipends Received:** The salary set out in Section 2.01 of this By-law is total compensation for all duties required to be fulfilled by the Mayor. No per diems or other stipend shall be paid for serving as a representative on a committee, board or agency on behalf of the City of Kawartha Lakes.
- 2.03 **Benefits & Pension:** The Mayor may purchase, at his/her sole option, health and other benefits to which he/she may be eligible and to which staff may be entitled (ie. Fitness) through the City. Participation in the Ontario Municipal Employees Retirement program may be a requirement subject to current legislation.
- 2.04 **Mileage:** The Mayor shall receive compensation for mileage for business travel at the rate set in the City's Council Expense Policy.
- 2.06 **Expenses:** The Mayor shall be reimbursed for actual, out-of-pocket expenses as defined through the City's Council Expense Policy. The Mayor shall also be provided with an upset limit of \$10,000 per annum for Conference, Training and Meeting expenses including partner's programs subject to budget approval.

## **Section 3.00: Remuneration of the Deputy Mayor**

- 3.01 **Salary:** Deputy Mayor shall appointed for a one year term and will be paid a salary of fifty thousand, nine hundred, and seventy (\$50,970) dollars per annum commencing the effective the start of each term. Annually, the salary is to increase in accordance with table below.

<b>Deputy Mayor</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
	\$52,515	\$51,995	\$51,480	\$50,970



- 3.02 **Other Stipends Received:** The salary set out in Section 3.01 of this By-law is total compensation for all duties required to be fulfilled by the Deputy Mayor. No per diems or other stipend shall be paid for serving as a representative on a committee, board or agency on behalf of the City of Kawartha Lakes.
- 3.03 **Benefits & Pension:** The Deputy Mayor may each purchase, at his or her sole option, health and other benefits to which he or she may be eligible for and to which staff may be entitled through the City. Participation in the Ontario Municipal Employees Retirement program may be a requirement subject to current legislation.
- 3.05 **Mileage:** The Deputy Mayor shall receive compensation for mileage for business travel at the rate set in the City's Council Expense Policy
- 3.06 **Expenses:** The Deputy Mayor shall be reimbursed for actual, out-of-pocket expenses as defined through the City's Council Expense Policy. The Deputy Mayor shall also be provided with an upset limit of \$5,000 per annum for Conference, Training and Meeting expenses including partner's programs, subject to budget approval.

#### **Section 4.00: Remuneration of the other Members of Council**

- 4.01 **Salary:** Members of Council shall be paid a salary of forty-eight thousand, and fifty (\$48,050) dollars per annum commencing the effective date of this by-law. Annually, the salary is to increase in accordance with table below.

<b>Council Salary</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
	\$49,506	\$49,016	\$48,531	\$48,050

- 4.02 **Other Stipends Received:** The salary set out in Section 3.01 of this By-law is total compensation for all duties required to be fulfilled by the Members of Council. No per diems or other stipend shall be paid for serving as a representative on a committee, board or agency on behalf of the City of Kawartha Lakes.
- 4.03 **Benefits & Pension:** The Members of Council may each purchase, at his or her sole option, health and other benefits to which he or she may be eligible for and to which staff may be entitled through the City. Participation in the Ontario Municipal Employees Retirement program may be a requirement subject to current legislation.
- 4.05 **Mileage:** Members of Council shall receive compensation for mileage for business travel at the rate set in the City's Council Expense Policy.
- 4.06 **Expenses:** Each Member of Council shall be reimbursed for actual, out-of-pocket expenses as defined through the City's Council Expense Policy. Each Member of Council shall also be provided with an upset limit of \$5,000 per annum for Conference, Training and Meeting expenses including partner's programs, subject to budget approval.

## **Section 5.00: Effective Date**

5.01 **Effective Date:** This By-law shall come into force with the inauguration of the new term of Council on December 3, 2018.

By-law read a first, second and third time, and finally passed, this 17 day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2018-\_\_\_\_\_**

### **A By-law to Authorize An Application for Approval to Expropriate Land**

#### **Recitals**

1. The Corporation of the City of Kawartha Lakes requires a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property municipally referenced as 51 Needham Street, Lindsay and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes, for the purposes of facilitating the construction of a new pumping station to replace or upgrade the existing Colborne Street Pumping Station, including the construction of a new forcemain along St. David Street, and any works ancillary thereto ("Project");
2. The Corporation of the City of Kawartha Lakes has been unable to purchase the lands required and therefore must expropriate the said lands;
3. The making of the application to expropriate the required land was approved by City Council on July 17, 2018 by Council Resolution arising out of Report RS2018-020;
4. Pursuant to Section 6(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (hereinafter referred to as the "*Municipal Act, 2001*"), the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (hereinafter referred to as the "*Expropriations Act*");
5. Pursuant to Section 5(3) of the *Municipal Act, 2001*, a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;
6. Pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, the Corporation of the City of Kawartha Lakes, shall not expropriate land without the approval of the approving authority, in this case, the Council of the Corporation of the City of Kawartha Lakes;
7. Ontario Regulation 363, R.R.O., 1990 to the *Expropriations Act*, as amended, directs that an Application for Approval to Expropriate Land shall be in "Form 1", appended hereto as Schedule "A" and a Notice of Application for Approval to Expropriate Land shall be in "Form 2", appended hereto as Schedule "B";
8. The Corporation of the City of Kawartha Lakes shall conduct the expropriation in accordance with the *Expropriations Act*.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_\_\_\_.**

#### **Section 1.00: Definitions and Interpretation**

- 1.01 **Definitions:** In this by-law,

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**“City Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

**“Council” or “City Council”** means the municipal council for the City;

**“Realty Services Manager, or City Solicitor”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

**1.03 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**1.04 Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Expropriation of Land**

- 2.01** The Council of the Corporation of the City of Kawartha Lakes hereby authorizes the making of an application for approval to expropriate land by the Corporation of the City of Kawartha Lakes, in the form attached hereto as Schedule “A”, in respect of the portion of the property municipally referenced as 51 Needham Street, Lindsay, that has been identified as being necessary for the purposes of the Project.
- 2.02** The City Solicitor is hereby authorized to execute, on behalf of the Corporation of the City of Kawartha Lakes, the Application for Approval to Expropriate Land in Form 1 attached as Schedule “A”.
- 2.03** The City Solicitor is hereby authorized to execute on behalf of the Corporation of the City of Kawartha Lakes, the Notice of Application for Approval to Expropriate Land in the form attached hereto as Schedule “B”. It will be served and published in accordance with the *Expropriations Act*.
- 2.04** In the event an owner or registered owner requests a hearing of necessity, and a report of the inquiry officer is issued, the report of the inquiry officer shall come before Council of the Corporation of the City of Kawartha Lakes for consideration.
- 2.05** The Officers and authorized agents of the Corporation of the City of Kawartha Lakes are hereby authorized and directed to do all things required arising from the authorizations provided for by this By-law.

- 2.06 Council hereby receives the City's Application for Approval to Expropriate Land, appended hereto as Schedule "A".

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of the by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

**SCHEDULE "A" TO CITY OF KAWARTHA LAKES  
BY-LAW NUMBER 2018-\_\_\_\_\_  
PASSED THIS 17<sup>TH</sup> DAY OF JULY, 2018**

**FORM 1**

**APPLICATION FOR APPROVAL TO EXPROPRIATE LAND**

*Expropriations Act*

To:

The Council of the Corporation of the City of Kawartha Lakes

26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8

IN THE MATTER OF the proposed expropriation of a portion of land by the Corporation of the City of Kawartha Lakes from the property municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes, for the purpose of Colborne St. sewage pumping station upgrade.

APPLICATION IS HEREBY MADE for approval to expropriate the land described as follows:

A fee simple interest in a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property (running along St. David Street) municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes.

Dated at Lindsay, this \_\_\_\_\_ day of July, 2018.

The Corporation of the City of Kawartha Lakes  
Robyn Carlson, City Solicitor

**SCHEDULE "B" TO CITY OF KAWARTHA LAKES  
BY-LAW NUMBER 2018-\_\_\_\_\_  
PASSED THIS 17<sup>TH</sup> DAY OF JULY, 2018**

**NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND**

*Expropriations Act*

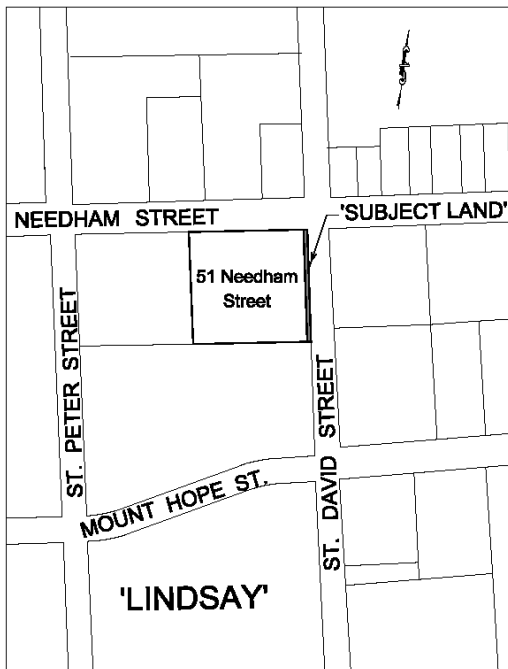
IN THE MATTER OF an application by

the Corporation of the City of Kawartha Lakes

For approval to expropriate a fee simple interest in those lands marked on the key map below, more particularly being a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property (running along St. David Street) municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes, for the purpose of facilitating the construction of a new pumping station to replace or upgrade the existing Colbourn Street Pumping Station, including the construction of a new forcemain along St. David Street, and any works ancillary thereto

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land or interests in land more particularly described above.

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall notify the approving authority in writing,



(a) in the case of a registered owner, served personally or by registered mail within thirty (30) days after the registered owner is served with notice, or, when the registered owner is served by publication, within thirty (30) days after the first publication of the notice;

(b) in the case of an owner who is not a registered owner, within thirty (30) days after the first publication of the notice.

**The approving authority is:**

The Council of the Corporation of the City of Kawartha Lakes  
26 Francis Street, P.O. Box 9000,  
Lindsay, ON K9V 5R8

**The expropriating authority is:**

The Corporation of the City of Kawartha Lakes  
c/o Robyn Carlson  
26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8  
Phone: 705-324-9411 ext. 1298 Fax: 705-324-2982

This notice first published on the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

The Corporation of the City of Kawartha Lakes  
Robyn Carlson, City Solicitor



# **The Corporation of the City Of Kawartha Lakes**

## **By-Law 2018 -**

### **A By-Law To Amend The Township of Fenelon Zoning By-Law 12-95 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2018-019, Report PLAN2018-064, respecting Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon – Tow-All Inc. (Lucas Lowell)

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the City of Kawartha Lakes enacted By-law No. 12-95, which contained a Holding (H) symbol relating to the use of the property, which was modified by By-law 2017-051 to require an executed Site Plan Agreement.
3. Council has received a request to remove the Holding (H) symbol from the Highway Commercial Exception Six Holding “C2-6 (H)” Zone.
4. The conditions imposed by Council and shown in By-law 2017-051 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule ‘A’ to By-law No. 12-95 of the Township of Fenelon is further amended to remove the Holding (H) symbol from the “Highway Commercial Exception Six - Holding [C2-6(H)] Zone” for the land referred to as ‘C2-6’, as shown on Schedule ‘A’ attached to this By-law.

#### **Section 2:00      General Terms**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of The City of Kawartha Lakes**

## **By-Law 2018-XXX**

### **A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, July 17, 2018**

#### **Recitals**

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.
2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.
3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.**

#### **Section 1.00: Confirmation**

- 1.01 The actions of the Council at the following meeting:

**Tuesday, July 17, 2018 Regular Council Meeting** and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

- 1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

#### **Section 2.00: General**

- 2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 17<sup>th</sup> day of July, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk