

The Corporation of the City of Kawartha Lakes

Additional 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.

		Pages
10.	Presentations and Deputations	
*10.1	CC2018-15.10.1 Licensing Agreement for Boathouse at 22 Walnut Street, Fenelon Falls Report RS2018-021, Items 11.1.1 and 11.2.1 on the Agenda) Daniel Mellen Candice Millroy	8 - 15
*10.3	CC2018-15.10.3 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) John Dell	16 - 19
*10.4	CC2018-18.10.4 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) Donna Querengesser	
*10.5	CC2018-18.10.5 Building Permit Application 2015-1495, Lot 8, Walsh Road, Kawartha Lakes (Item 11.2.8 on the Agenda) Jeff Farquhar	
11.	Consent Matters	
11.2	Correspondence	
*11.2.8	CC2018-15.11.2.8 Building Permit Application 2015-1495, Lot 8, Walsh Road, Kawartha Lakes Jeff Farquhar	20 - 84

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

85 - 85

**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

86 - 86

**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

87 - 87

**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

88 - 88

**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

89 - 91

**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 92 - 104

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 CC2018-15.11.3.1.1 105 - 106

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.	Committee of the Whole and Planning Committee Minutes	
12.1	CC2018-15.12.1	
*12.1.1	CC2018-15.12.1.1	107 - 108
	<p>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) Sherry L. Rea, Development Planning Supervisor</p> <p>That the July 13, 2018 Memo from Sherry L. Rea, Development Planning Supervisor, to Planning Advisory Committee, regarding Sutcliffe Official Plan Amendment and Zoning By-law Amendment 804 Highway 7A, Geographic Township of Manvers, now City of Kawartha Lakes (Iron Horse Ranch), be received.</p>	
15.	By-Laws	
15.1	By-Laws by Consent	
*15.1.13	CC2018-15.15.1.13	109 - 110
	<p>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))</p>	

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.

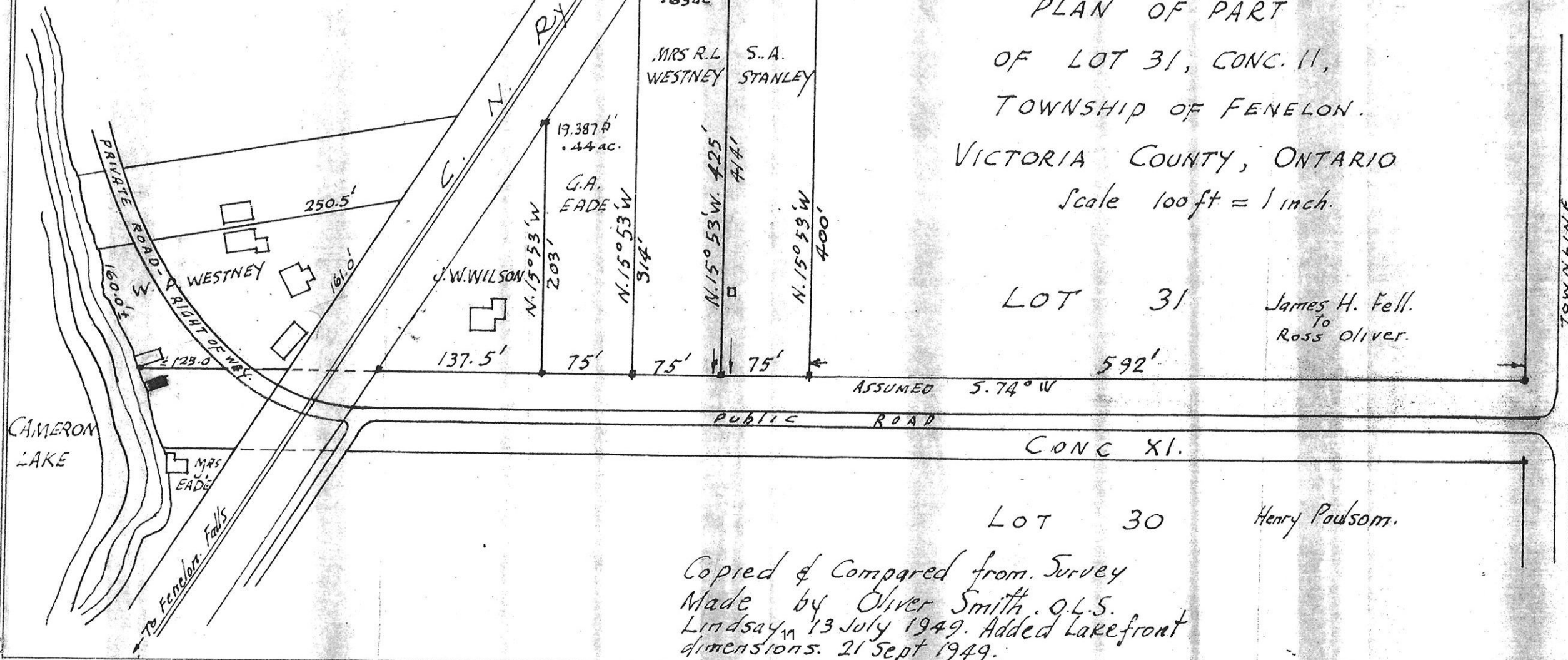
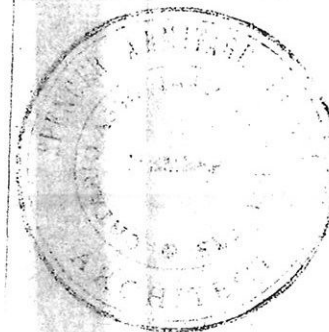
Should you not agree with this decision you are able to make a deputation directly to Council. Please note that deputations are scheduled through the Clerk's office and delegations are limited to a time period of not more than five (5) minutes inclusive of all speakers. The application form and additional 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,

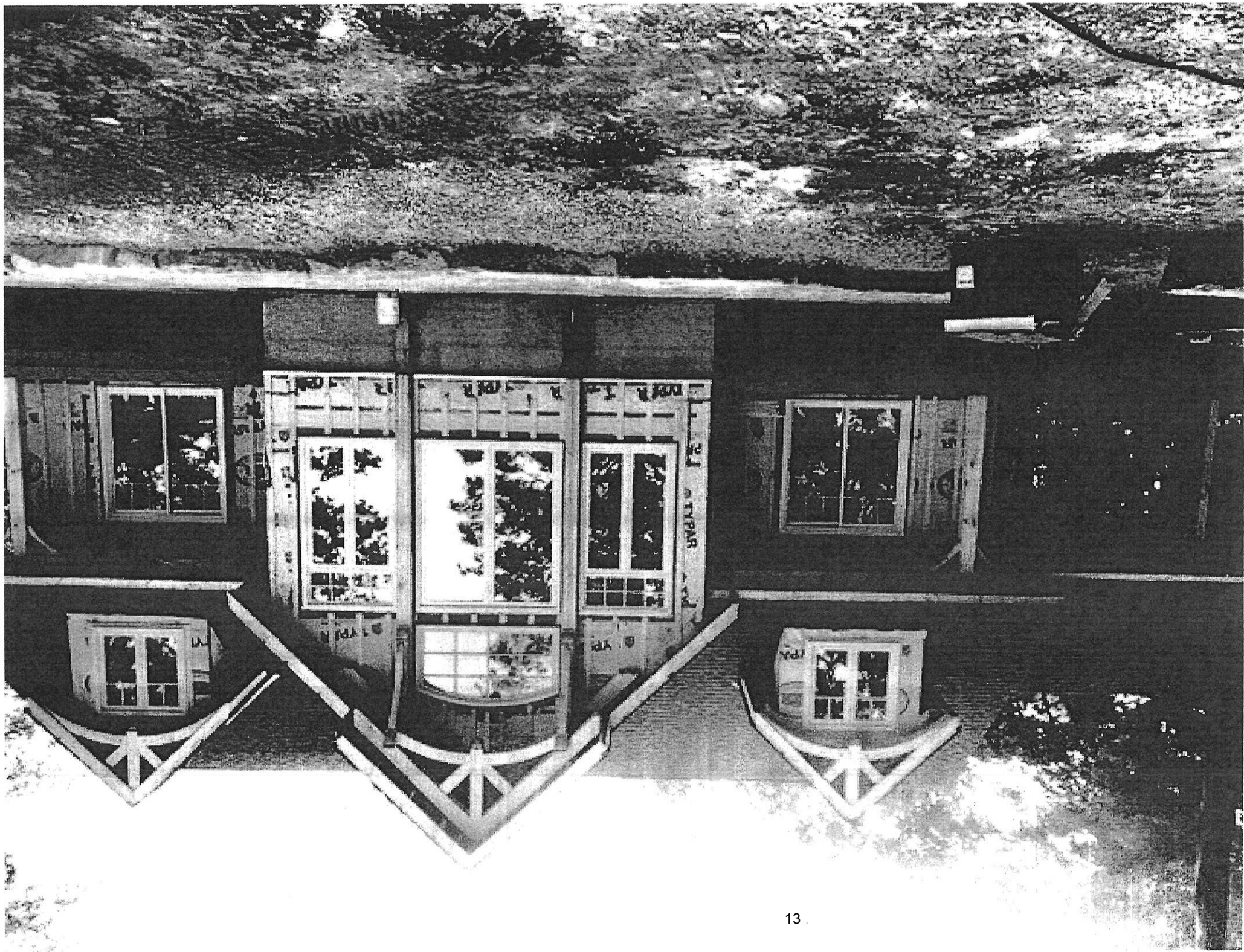
The Corporation of the City of Kawartha Lakes

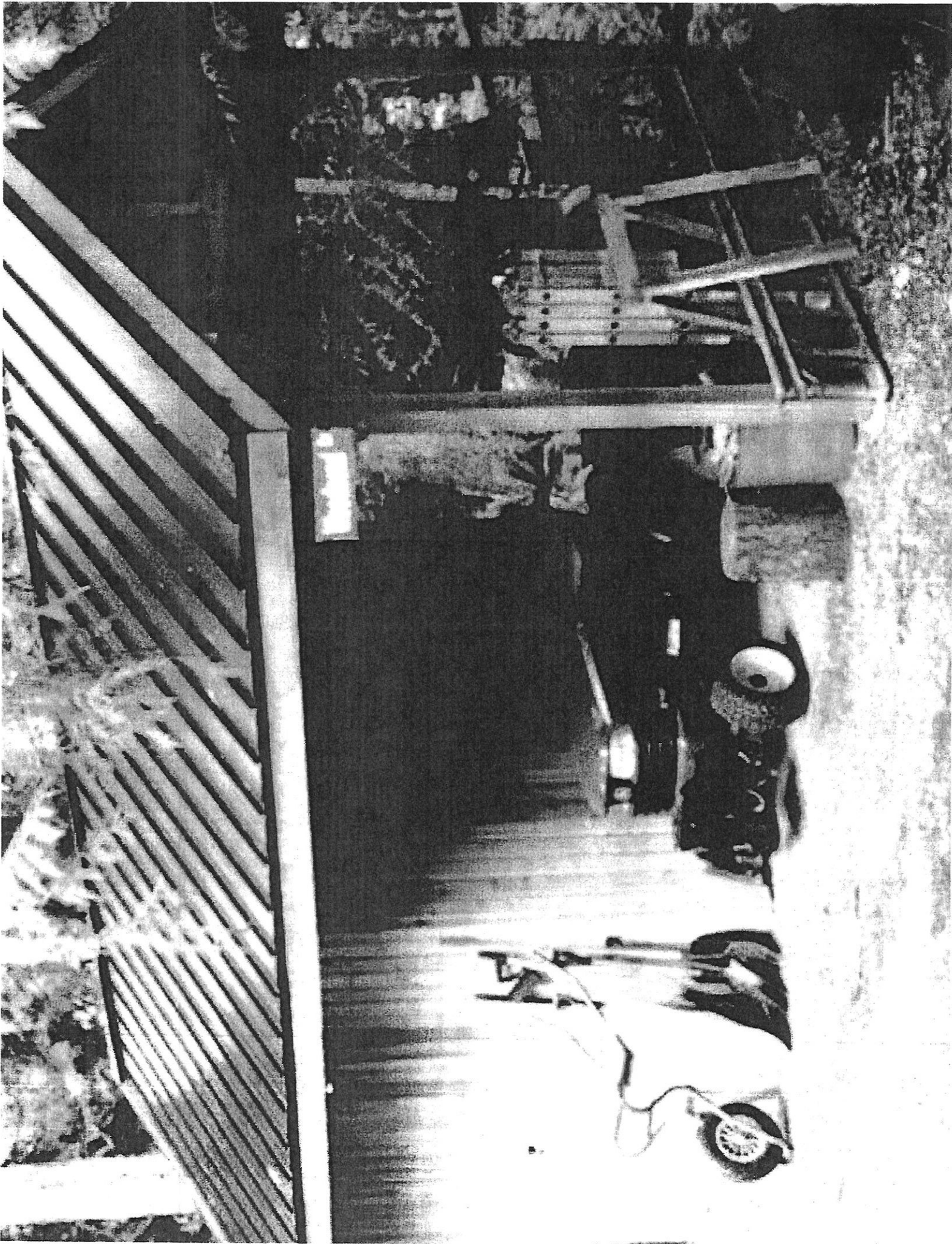
Christine Oliver
Law Clerk – Realty Services
CO

Please
return to me
S.A. Stanley









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

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 3rd 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 28th 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 3rd. The deadline for the July 4th committee meeting was 12 pm of the 3rd. 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 11th to my concerns. Clearly I could not prepare to meet the noon deadline for the second meeting.

Thank you, John and Kathy Dell

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 27th 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 6th 2018 that I could resubmit my application by April 23rd 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.

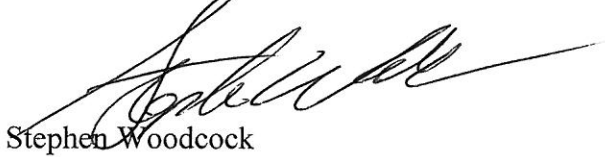
I believe that one of the central complaints of Mr. Farquhar is his belief that there was an inordinate delay on the part of Ms. Murchison, Chief Building Official, in specifying her position as to the technical requirement for the placement of dry hydrant on the site plan. There was an exchange of emails 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
website: 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

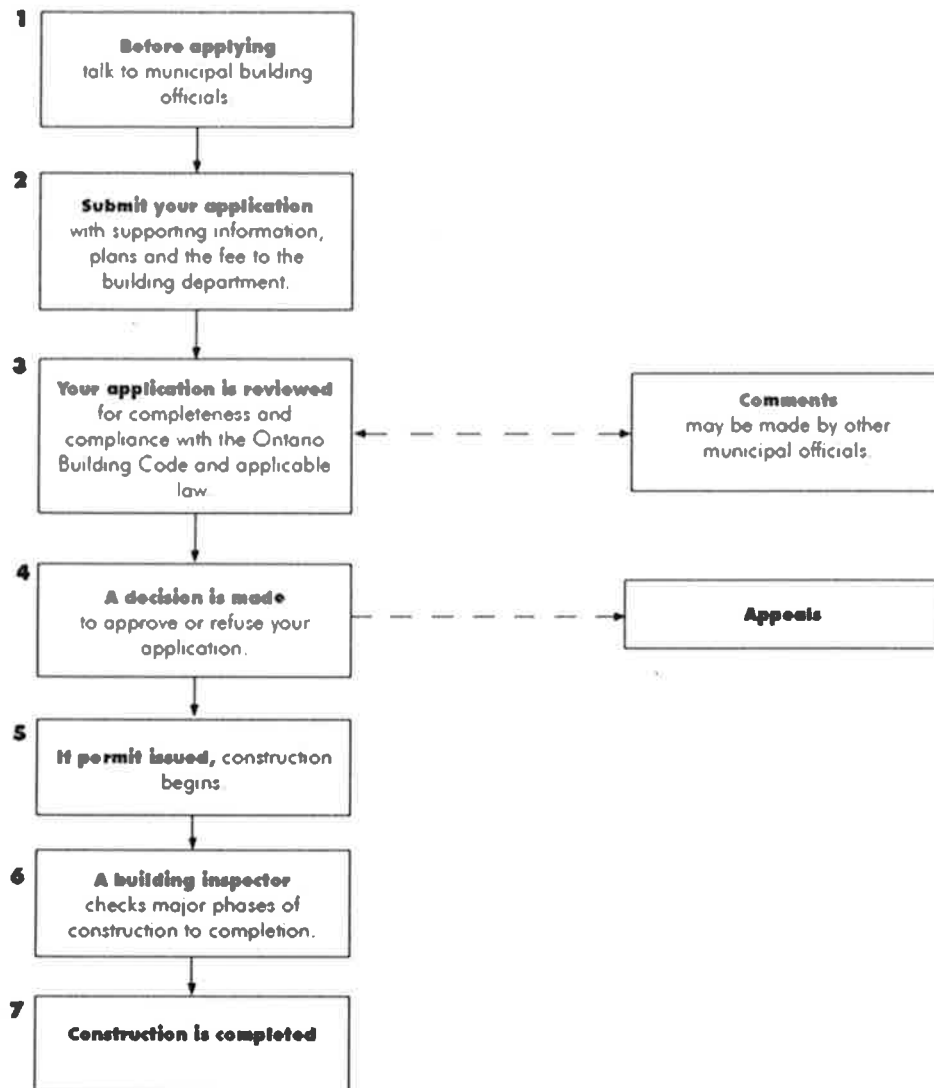
(2.3) If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14 (2).

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 23rd 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 ² 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 ² 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 ² 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>

Date: August 30, 2017 at 4:00:56 PM EDT

To: "Shaun Kelly" <SKelly@arencon.com>

Cc: Jeff Farquhar <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 27th my email address changed to:
smurchison@kawarthalakes.ca

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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

W: 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' <smurchison@kawarthalakes.ca>
Cc: Jeff Farquhar <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

W: 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' <smurchison@kawarthalakes.ca>

Cc: Jeff Farquhar <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

W: www.arencon.com

A MEMBER COMPANY OF

From: Susanne Murchison <smurchison@kawarthalakes.ca>

Date: October 6, 2017 at 1:22:23 PM EDT

To: "Jeff Farquhar" <jf_salvage@yahoo.ca>

Cc: Andy Letham <aletham@kawarthalakes.ca>, Ron Taylor <rtaylor@kawarthalakes.ca>, Isaac Breadner <ibreadner@kawarthalakes.ca>, Chris Marshall <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

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-----Original Message-----

From: Jeff Farquhar [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>
Date: November 1, 2017 at 2:12:14 PM EDT
To: "Jeff Farquhar" <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

-----Original Message-----

From: Jeff Farquhar [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 Tommorow and get it sent over

Thanks JEFF

From: Ron Taylor <rtaylor@kawarthalakes.ca>
Date: November 6, 2017 at 11:10:29 AM EST
To: "Jeff Farquhar" <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

From: Ron Taylor <rtaylor@kawarthalakes.ca>
Date: November 9, 2017 at 4:43:21 PM EST
To: "jf_salvage@yahoo.ca" <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

From: Ron Taylor <rtaylor@kawarthalakes.ca>

Date: November 22, 2017 at 4:27:39 PM EST

To: "jf_salvage@yahoo.ca" <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

From: Ron Taylor <rtaylor@kawarthalakes.ca>

Date: November 22, 2017 at 4:29:34 PM EST

To: "jf_salvage@yahoo.ca" <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>
Date: December 5, 2017 at 6:14:19 PM EST
To: "Jeff Farquhar" <jf_salvage@yahoo.ca>
Cc: Susanne Murchison <smurchison@kawarthalakes.ca>, Mark Pankhurst <mpankhurst@kawarthalakes.ca>, Chris Marshall <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]

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>

Date: December 18, 2017 at 5:15:27 PM EST

To: "Jeff Farquhar" <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]
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>
Date: January 9, 2018 at 1:44:47 PM EST
To: "Jeff Farquhar" <jf_salvage@yahoo.ca>
Cc: Ron Taylor <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]
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>

Date: December 20, 2017 at 2:57:44 PM EST

To: "Jeff Farquhar" <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

City of Kawartha Lakes

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From: Jeff Farquhar [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> 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:

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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.

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From: Jeff Farquhar [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.

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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.

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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.

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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>
Date: March 23, 2018 at 3:38:46 PM EDT
To: "Jeff Farquhar" <jf_salvage@yahoo.ca>
Cc: Isaac Breadner <ibreadner@kawarthalakes.ca>, Emmett Yeo <eyeo@kawarthalakes.ca>, Andy Letham <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

-----Original Message-----

From: Jeff Farquhar [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>

Date: March 29, 2018 at 4:48:11 PM EDT

To: "'Jeff Farquhar'" <jf_salvage@yahoo.ca>

Cc: Isaac Breadner <ibreadner@kawarthalakes.ca>, Emmett Yeo <eyeo@kawarthalakes.ca>, Andy Letham <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



From: Jeff Farquhar [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>
Date: March 29, 2018 at 5:10:44 PM EDT
To: "'jf_salvage@yahoo.ca'" <jf_salvage@yahoo.ca>
Cc: Isaac Breadner <ibreadner@kawarthalakes.ca>, Emmett Yeo <eyeo@kawarthalakes.ca>, Andy Letham <aletham@kawarthalakes.ca>, Ron Taylor <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

From: Susanne Murchison <smurchison@kawarthalakes.ca>
Date: April 6, 2018 at 1:29:00 PM EDT
To: "Jeff Farquhar" <jf_salvage@yahoo.ca>
Cc: Ron Taylor <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

-----Original Message-----

From: Jeff Farquhar [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>
Date: April 6, 2018 at 12:01:54 PM EDT
To: "Jeff Farquhar" <jf_salvage@yahoo.ca>
Cc: Ron Taylor <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 23rd 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



From: Jeff Farquhar [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> 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

From: Jeff Farquhar [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>

Date: November 22, 2017 at 4:27:39 PM EST

To: "jf_salvage@yahoo.ca" <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

From: Jeff Farquhar <jf_salvage@yahoo.ca>

Date: April 18, 2018 at 10:16:22 PM EDT

To: Ron Taylor <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> 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

-----Original Message-----

From: Jeff Farquhar [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>

Date: April 20, 2018 at 3:33:16 PM EDT

To: "Jeff Farquhar" <jf_salvage@yahoo.ca>

Cc: Ron Taylor <rtaylor@kawarthalakes.ca>, Mark Pankhurst <mpankhurst@kawarthalakes.ca>, Isaac Breadner <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



From: Jeff Farquhar [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 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> 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

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

From: Jeff Farquhar <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> 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

-----Original Message-----

From: Jeff Farquhar [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>
Date: April 24, 2018 at 5:01:29 PM EDT
To: "Jeff Farquhar" <jf_salvage@yahoo.ca>
Cc: Ron Taylor <rtaylor@kawarthalakes.ca>, Mark Pankhurst <mpankhurst@kawarthalakes.ca>, Isaac Breadner <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



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.

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Susanne Murchison, CBCO

Chief Building Official

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1200 www.kawarthalakes.ca



From: Jeff Farquhar [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> 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

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

From: Jeff Farquhar <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> 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

-----Original Message-----

From: Jeff Farquhar [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>

Date: April 25, 2018 at 5:30:11 PM EDT

To: "Jeff Farquhar" <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

-----Original Message-----

From: Jeff Farquhar [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>

Date: April 25, 2018 at 11:13:42 AM EDT

To: smurchison@kawarthalakes.ca

Cc: rtaylor@kawarthalakes.ca, aletham@kawarthalakes.ca,
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>

Date: April 25, 2018 at 9:50:24 PM EDT

To: Ron Taylor <rtaylor@kawarthlakes.ca>

Cc: mpankhurst@kawarthlakes.ca, ibreadner@kawarthlakes.ca, aletham@kawarthlakes.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@kawarthlakes.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

-----Original Message-----

From: Jeff Farquhar [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 within 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

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 countryside.

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 <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.

Origin: <https://www.kawarthalakes.ca/en/municipal-services/contact-a-council-member.aspx>

This email was sent to you by Rebecca Parker-[REDACTED] through <https://www.kawarthalakes.ca>.

Ann Rooth

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

Date: July 17, 2018
Time: 2:00 p.m.
Place: Victoria Room

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

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

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

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 2nd 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
website: 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

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:

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.



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

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.



Development Services – Planning Division
180 Kent Street West,
Lindsay, ON K9V 2Y6
Telephone: (705) 324-9411, ext. 1331
E-Mail: srea@kawarthalakes.ca
Fax: (705) 324-4027
Website: 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)

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 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.

Andy Letham, Mayor

Cathie Ritchie, City Clerk