

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

## **Amended Agenda**

### **Special Council Meeting**

**CC2018-20**

**Tuesday, November 13, 2018**

**Open Session Commencing immediately following Council Meeting CC2018-19**

**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 Patrick O'Reilly**  
**Councillor John Pollard**  
**Councillor Kathleen Seymour-Fagan**  
**Councillor Heather Stauble**  
**Councillor Stephen Strangway**  
**Councillor Andrew Veale**  
**Councillor Emmett Yeo**

Accessible formats and communication supports are available upon request.

1. **Call to Order**
2. **Adoption of Agenda**
3. **Disclosure of Pecuniary Interest**
4. **Minutes**
  - 4.1 CC2018-20.4.1 11 - 61  
**Regular Council Meeting Minutes of September 25, 2018**  
**That** the Minutes of the September 25, 2018 Regular Council Meeting be received and adopted.
  - 4.2 CC2018-20.4.2 62 - 67  
**Planning Advisory Committee Meeting Minutes of November 7, 2018**  
**That** the Minutes of the November 7, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted.
  - 4.3 *CC2018-20.4.3*  
**Closed Session Minutes, Regular Council Meeting of September 25, 2018**  
**Municipal Act, 2001 s.239(2)(b)**  
**That** the Closed Session Minutes of the September 25, 2018 Regular Council Meeting, be received.
5. **Presentations and Deputations**
  - 5.1 *CC2018-20.5.1*  
Liquidation Sales Task Force Recommendations  
DEV2018-005, Agenda Item 6.4  
Jim Garbutt
6. **Reports**  
**That** all of the proposed resolutions shown in Section 6.0 of the Agenda , namely: Items 6.1 to and including 6.9 be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

**Acquisition of Land for Trail Purposes - Mason Homes Rail Corridor Lands, Lindsay**

Laura Carnochan, Law Clerk

**That** Report RS2018-029, **Acquisition of Land for Trail Purposes – Mason Homes Rail Corridor Lands, Lindsay**, be received;

**That** the acquisition of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT) for trail purposes be approved;

**That** staff be directed to commence the process of obtaining ownership of the required land, for the price of \$43,500.00, with all related costs of the transaction to be at the City's expense.

**That** all costs associated with the transfer (estimated at \$46,000.00 including the survey, purchase price, Land Transfer Tax and the City's and the vendor's legal fees), to a maximum of \$48,000.00 be drawn from the Property Development Reserve;

**That** if all costs of the transaction exceed \$48,000.00, the matter be referred back to Council in 2019 for consideration;

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision; and

**That** the By-law attached as Appendix E, required to authorize the acquisition of the subject land, be adopted by Council and executed by the Mayor and Clerk.

**Closure of Outstanding Bobcaygeon Legacy C.H.E.S.T. Fund Projects**

Lisa Peimann, Executive Assistant, Community Services

**That** Report CS2018-015, **Closure of Outstanding Bobcaygeon Legacy C.H.E.S.T. Fund Projects**, be received;  
**That** projects 330120, 330122, 330123, 330124, 330125, 330127 and 330128, be closed due to completion;  
**That** project 330119, Boyd Heritage Museum, in the amount of \$203.00, be closed with a surplus and be placed back into the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve Account 3.24320 to be made available for distribution in future grant funding years; and  
**That** project 330126, Kawartha Settlers Village, in the amount of \$350.00, be closed with a surplus and be placed back into the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve Account 3.24320 to be made available for distribution in future grant funding years.

6.3

PRC2018-008

82 - 85

**Forbert Memorial Pool Parking Lot Update**

Craig Shanks, Director of Community Services

**That** Report PRC2018-008, **Forbert Memorial Pool Parking Lot Update**, be received for information.

6.4

DEV2018-005

86 - 114

**Liquidation Sales Task Force Recommendations**

Chris Marshall, Director of Development Services

**That** Report DEV2018-005, **Liquidation Sales Task Force Recommendations**, be received;

**That** staff be instructed to incorporate an appropriate definition for the regulation of Liquidation Sales into the City's Zoning By-laws to regulate the location of these uses;

**That** staff be instructed to limit the number and duration of liquidation sales events through an amendment to Bylaw 2016-210, a Bylaw to License, Regulate and Govern Transient Trader Businesses in Kawartha Lakes;

**That** the Liquidation Sales Task Force be dissolved, as the mandate to make recommendations regarding regulation of Liquidation Sales in accordance with the executed Minutes of Settlement has been fulfilled; and

**That** the members of the Liquidation Sales Task Force be thanked for their service.



**A By-law to Deem Lot 4, Registered Plan 5, 1473 Highway 7A,  
Geographic Township of Manvers (2341209 Ontario Inc.) – Planning File  
D30-2018-014**

David Harding, Planner II

**RESOLVED THAT** Report PLAN2018-072, respecting Lot 4, Registered Plan 5, Geographic Township of Manvers, **2341209 Ontario Inc. – Application D30-2018-014**, be received;

**THAT** a Deeming By-law respecting Lot 4, Registered Plan 5, substantially in the form attached as Appendix D to Report PLAN2018-072, be approved and adopted by Council; and

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

**A By-law to Deem Lot 11, Registered Plan 256, 71 Homewood Park  
Road, Geographic Township of Bexley (Brianka) – Planning file D30-  
2018-012**

Anna Kalnina, Planner II

**Resolved That** Report PLAN2018-077, respecting Lot 11, Registered Plan 256, Geographic Township of Bexley, **Brianka – Application D30-2018-012**, be received;

**That** a Deeming By-law respecting Lot 11, Registered Plan 256, substantially in the form attached as Appendix D to Report PLAN2018-077, be approved and adopted by Council; and

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

**A By-law to Deem Lot 10, Registered Plan 256, 65 Homewood Park  
Road, Geographic Township of Bexley (Murray) – Planning file D30-  
2018-013**

Anna Kalnina, Planner II

**Resolved That** Report PLAN2018-078, respecting Lot 10, Registered Plan 256, Geographic Township of Bexley, **Murray – Application D30-2018-013**, be received;

**That** a Deeming By-law respecting Lot 10, Registered Plan 256, substantially in the form attached as Appendix D to Report PLAN2018-078, be approved and adopted by Council; and

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

6.8

PLAN2018-079

141 - 147

**A By-law to Deem Lots 10 and 11, Registered Plan 56, 26 Long Beach Road, Geographic Township of Fenelon (Beers) – Planning File D30-2018-016**

Quadri Adebayo, Planner II

**RESOLVED THAT** Report PLAN2018-079, respecting Lots 10 and 11, Registered Plan 56, Geographic Township of Fenelon, **Beers – Application D30-2018-016**, be received;

**THAT** a Deeming By-law respecting Lots 10 and 11, Registered Plan 56, substantially in the form attached as Appendix D to Report PLAN2018-079, be approved and adopted by Council; and

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

6.9

PLAN2018-080

148 - 157

**A By-law to Deem Lots 35 to 37, Registered Plan 185, Geographic Township of Bexley, being 83 Ridge Drive (Willoughby)**

Mark LaHay, Planner II

**That** Report PLAN2018-080 respecting Lots 35 to 37, Registered Plan 185, Geographic Township of Bexley, **Willoughby – Application D30-2018-015** be received;

**That** a Deeming By-law respecting Lots 35 to 37, Registered Plan 185, substantially in the form attached as Appendix “C” to Report PLAN2018-080 be approved and adopted by Council; and

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

7.	<b>Petitions</b>	
7.1	CC2018-20.7.1	158 - 160
	<b>Petition Re Request for Speed Reduction on Marina Drive, Bobcaygeon</b> Jean Hollamby Suzanne Thompson  <b>That</b> the petition received from Jean Hollamby and Suzanne Thompson regarding <b>Request for Speed Reduction on Marina Drive, Bobcaygeon</b> , be received and referred to staff for report to Council.	
7.2	CC2018-20.7.2	161 - 174
	<b>Petition Re Resurfacing of Sandy Point Road and Gray Road</b> Greg Mills, President, Hickory Beach Association  <b>That</b> the petition received from Greg Mills, President of the Hickory Beach Association regarding <b>Resurfacing of Sandy Point Road and Gray Road</b> , be received and referred to staff for report to Council.	
8.	<b>Closed Session</b>	
9.	<b>Matters from Closed Session</b>	
10.	<b>By-laws by Consent</b>	
	<b>That</b> the By-Laws shown in Section 10 of the Agenda, namely: Items 10.1 to and including 10.11 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.	
10.1	CC2018-20.10.1	175 - 202
	<b>By-law to Authorize Borrowing of Serial Debentures \$951,077.57</b>	
10.2	CC2018-20.10.2	203 - 232
	<b>By-law to Authorize Borrowing of Serial Debentures \$4,761,049.39</b>	
10.3	CC2018-20.10.3	233 - 266
	<b>A By-law to Authorize the Execution of an Agreement between CHUMS Financing Corporation and The Corporation and Local Authority Services of the City of Kawartha Lakes to act as Agent and Eligible Investors with respect to 'The One Investment Program'</b>	

10.4	CC2018-20.10.4	267 - 268
	<b>A By-law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes (Hewlett B)</b>	
10.5	CC2018-20.10.5	269 - 270
	<b>A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Baragar C)</b>	
10.6	CC2018-20.10.6	271 - 272
	<b>A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Williams R)</b>	
10.7	CC2018-20.10.7	273 - 274
	<b>A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Johnstone R)</b>	
10.8	CC2018-20.10.8	275 - 276
	<b>A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, <i>Not</i> To Be A Registered Plan Of Subdivision In Accordance With The Planning Act, PIN 63116-0230 (LT), Described As Lot 11, Plan 256, Geographic Township Of Bexley, Now City Of Kawartha Lakes</b> (File D30-2018-012, Report PLAN2018-077, respecting 71 Homewood Park Road – Brianka)	
10.9	CC2018-20.10.9	277 - 278
	<b>A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, <i>Not</i> To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN 63116-0231 (LT), Described As Lot 10, Plan 256, Geographic Township Of Bexley, Now City Of Kawartha Lakes</b> (File D30-2018-013, Report PLAN2018-078, respecting 65 Homewood Park Road – Murray)	

10.10	CC2018-20.10.10	279 - 281
	<p><b>A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, <u>Not</u> To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN 63265-0346 (LT), Described as Lot 4 N/S King Street, Registered Plan 5; Part Lot 5 N/S King Street, Registered Plan 5, Geographic Township Of Manvers, Now City Of Kawartha Lakes</b></p> <p>(File D30-2018-014, Report PLAN2018-072, – 2341209 Ontario Inc.)</p>	
10.11	CC2018-20.10.11	282 - 283
	<p><b>A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, <u>Not</u> To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN 63163-0523 (LT) And PIN 63163-0409 (LT), Described As Lot 10 and Lot 11, Registered Plan 56, Geographic Township Of Fenelon, Now City Of Kawartha Lakes</b></p> <p>(File D30-2018-016, Report PLAN2018-079, respecting 26 Long Beach Road - Beers)</p>	
10.12	CC2018-20.10.12	284 - 285
	<p><b>A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, <u>Not</u> To Be A Registered Plan Of Subdivision In Accordance With The Planning Act Pin # 63116-0084 (R), Described As Lots 35 to 37, Plan 185, Geographic Township Of Bexley, Now City Of Kawartha Lakes</b></p> <p>File D30-2018-015, Report PLAN2018-080, respecting 83 Ridge Drive – Willoughby</p>	
10.13	CC2018-20.10.13	286 - 288
	<p><b>A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes</b></p> <p>(40 Janetville Road, Kevin Kerr - Planning File D06-2018-023)</p>	

10.14	CC2018-20.10.14	289 - 290
	<p><b>A By-law to Authorize the Acquisition of Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT)</b></p> <p>(Acquisition of Land for Trail Purposes - Mason Homes Rail Corridor Lands)</p>	
10.15	CC2018-20.10.15	291 - 294
	<p><b>A By-law to Approve the Expropriation of Land at 51 Needham Street, Lindsay</b></p> <p>(Facilitating the construction of a new pumping station to replace or upgrade the existing Colborne Street Pumping Station)</p>	
11.	<b>Confirming By-Law</b>	
11.1	CC2018-20.11.1	295 - 295
	<p><b>A By-law to Confirm the Proceedings of a Special Meeting of Council, Tuesday, November 13, 2018 (Meeting CC2018-20)</b></p>	
12.	<b>Adjournment</b>	

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

## **Minutes**

### **Regular Council Meeting**

**CC2018-18**

**Tuesday, September 25, 2018**

**Closed Session Commencing at 1:30 p.m. Open Session Commencing at 2:00 p.m.**

**Victoria Room**

**City Hall**

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

#### **Members:**

**Mayor Andy Letham**

**Councillor Isaac Breadner**

**Councillor Pat Dunn**

**Councillor Doug Elmslie**

**Councillor Gord James**

**Councillor Gerard Jilesen**

**Councillor Brian S. Junkin**

**Councillor Rob Macklem**

**Councillor Mary Ann Martin**

**Councillor Gord Miller**

**Councillor Patrick O'Reilly**

**Councillor John Pollard**

**Councillor Kathleen Seymour-Fagan**

**Councillor Heather Stauble**

**Councillor Stephen Strangway**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

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

**1. Call to Order**

Mayor Letham called the Meeting to order at 1:30 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk A. Rooth, City Solicitor R. Carlson and Directors C. Marshall, B. Robinson, C. Shanks and R. Sutherland were also in attendance.

**2. Adoption of Closed Session Agenda**

**CR2018-533**

**Moved By** Councillor Strangway

**Seconded By** Councillor Miller

**That** the Closed Session agenda be adopted as circulated.

**Carried**

**3. Disclosure of Pecuniary Interest in Closed Session Items**

There were no declarations of pecuniary interest noted.

**4. Closed Session**

**CR2018-534**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Pollard

**That** Council convene into closed session at 1:30 p.m. in order to consider matters on the Tuesday, September 25, 2018 Closed Session Agenda and that are permitted to be discussed in a session closed to the public pursuant to Section 239(2) of the Municipal Act, S.O. 2001. S.25.

**Carried**

**5. Opening Ceremonies**

**5.1 Call Open Session to Order**

Mayor Letham called the Open Session of the Meeting to order at 2:00 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R.



Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

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

5.2 O Canada

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

5.3 Moment of Silent Reflection

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

5.4 Adoption of Open Session Agenda

Mayor Letham asked for Council concurrence to waive the Procedural By-law to allow four (4) additional deputations to be added to the Agenda.

**CR2018-539**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Strangway

**That** the Agenda for the Open Session of the Regular Council Meeting of Tuesday, September 25, 2018, be adopted as circulated and with the following amendments:

**Additions - Deputations**

Item 10.8

**Removal of Soil, Placement of Fill, Alteration of Grade By-Law**

(Report MLE2018-007, Items 11.1.4 and 15.1.73 on the Agenda)

Ron Reid, Couchiching Conservancy;

Items 10.9, 10.10 and 10.11 regarding **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, (Items 12.1 and 15.1.71 on the Agenda)

Terry and Dianne Becking

Penny Knapp

Suzanne Alden and Scott Sommerville

**Additions - Consent Correspondence**

Items 11.2.8, 11.2.9 and 11.2.10 relating to **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, (Items 12.1 and 15.1.71 on the Agenda)

Terry and Dianne Becking

Penny Knapp

Suzanne Alden and Scott Sommerville

### **By-laws by Consent**

15.1.58 - The by-law attached as Item 15.1.58 on the Agenda has been replaced with a revised version.

**Carried**

## **6. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

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

### **7.1 Council**

Councillor Elmslie:

- The refurbishment of the Fenelon Falls Marquee sign is complete and will be lit at 7:30 p.m. on September 29th by the locks in Fenelon Falls.

Councillor Strangway :

- Thanks to residents for the honour and privilege of representing them over the past 12 years as Ward 5 Councillor and to staff and Councils both past and present with whom he had the privileged of working.

Councillor Yeo:

- Coby Oktoberfest is September 29th from 7:00 to 11:00 p.m. at the Coboconk Lions Hall with live music from The Recycled Teenagers.
- The Norland and District Horticultural Society is holding their Fall Seminar at the Royal Canadian Legion in Coboconk on October 27<sup>th</sup>. Mrs. Rotha Bryant, past Secretary/Treasurer of the Norland and District Horticultural Society, will be recognized for her many years of service.

Councillor Miller:

- Thanks to all residents, Council and staff as he reflects on this term of Council.

Councillor Martin:

- The Omemee Legion is hosting their annual Flea Market on September 29th.

Councillor O'Reilly:

- 16th Annual Kawartha Farmfest is September 29th.
- The official opening of the accessible viewing platform and Ken Reid Conservation Area is September 29th with ribbon cutting at 9:30 a.m.
- The official opening of the Flynn Gardens Addition is on October 3rd at 11:00 a.m. at 48 Saint Paul Street, Lindsay.
- The 7th Annual Care Gala raised over \$30,000 for Community Care programs and services.
- The 2018 Lindsay Fair had a near record turnout.

Councillor Seymour-Fagan:

- The 160th Bobcaygeon Fall Fair takes place September 27th to 29th.

7.2 Staff

**8. Matters from Closed Session**

8.1 Item 4.2

**CR2018-540**

**Moved By** Councillor Miller

**Seconded By** Councillor O'Reilly

**That** staff be directed by Council to pursue the revisions relating to the Fenelon Falls Secondary Plan identified in Report PLAN2018-039 through the LPAT proceedings.

**Carried**

8.2 Item 4.3

**CR2018-541**

**Moved By** Councillor Yeo

**Seconded By** Councillor Veale

**That** the following individuals be appointed to the Compliance Audit Committee for the Term of 2018-2022:

1. Patricia Wakelin
2. Greer Thornbury
3. James Ayres
4. Robert Stewart
5. June Widdis; and

**That** a by-law be brought forward prior to October 1<sup>st</sup>, 2018 adopting the Terms of Reference and authorizing the Committee Members' appointments to the Compliance Audit Committee.

**Carried**

**9. Minutes**

9.1 CC2018-18.9.1

**Regular Council Meeting Minutes of August 14, 2018**

**Special Council Information Meeting Minutes of September 18, 2018**

**CR2018-542**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Martin

**That** the Minutes of the August 14, 2018 Regular and September 18, 2018 Special Council Information Meetings, be received and adopted.

**Carried**

**10. Presentations and Deputations**

10.1 CC2018-18.10.1

Sovereign's Medal for Volunteers Presentation

Andy Letham, Mayor, on behalf of the Office of the Governor General

Mayor Letham, on behalf of the Office of the Governor General, presented the Sovereign's Medal for Volunteers to the following individuals to recognize exceptional volunteer contributions and achievements:

**Verna Humphries** was awarded the medal for her dedication to improving the lives of people with intellectual disabilities. Not only does she provide a sense of

empowerment to those she works with, but her passion for education has resulted in an enhancement of their quality of life.

**Henry McCabe** was awarded the medal in recognition for his time and efforts to volunteer in organizations across Ontario. McCabe has mentored through the Canadian Forces, the Army Cadet League of Canada and through his work with York University's Mentorship Council, has helped individuals with learning disabilities.

Congratulations were extended to the recipients.

10.2 CC2018-18.10.2

**Drainage Task Force Recommendations**

(Report ENG2018-018, Item 11.1.21 on the Agenda)

Paul Brown

Paul Brown, Chair of the recent City of Kawartha Lakes Drainage Task Force and member of the City's Agricultural Development Advisory Board (ADAB) attended Council to request that they approve the recommendations made by the task force. He advised that ADAB was in support of all 11 of the recommendations and encouraged Council to implement all of the recommendations brought forward, noting that there is significant opportunity to improve municipal drain processes in the City.

**CR2018-543**

**Moved By** Councillor Veale

**Seconded By** Councillor James

**That** the deputation of Paul Brown, regarding **Drainage Task Force Recommendations**, (Report ENG2018-018, Item 11.1.21 on the Agenda), be received.

**Carried**

10.3 CC2018-18.10.3

**Petition Re By-law to Regulate the Discharge of Firearms**

(Item 13.1 on the Agenda)

Richard Weston

Richard Weston, President of Kinmount Park Estates Association, attended Council to present a petition on behalf of the residents of Crego Lake requesting amendments to the Discharge of Firearms By-law. He expressed concerns regarding safety in the area and requested that the by-law be amended

to include these waterfront properties as a designated area where only law enforcement can discharge a firearm.

**CR2018-544**

**Moved By** Councillor Dunn

**Seconded By** Councillor Miller

**That** the deputation of Richard Weston, regarding the **Petition Re By-law to Regulate the Discharge of Firearms**, (Item 13.1 on the Agenda), be received.

**Carried**

10.4 CC2018-18.10.4

**Appeal of Land Management Committee Decision - Plan 100, Lot 6, North Louisa Street, Fenelon Falls**

(Item 11.2.4 on the Agenda)

Morley Bradburn

Morley Bradburn advised that work done by the City on a bridge has blocked access to his property at Plan 100, Lot 6, North Louisa street in Fenelon Falls through the removal of two culverts and installation of a guardrail. He noted that the City has offered to modify the guardrail and reinstate one of his previous entrances. Mr. Bradburn requested that Council alternatively accept his offer to donate the land to City and provide him with a tax receipt for the assessed value.

**CR2018-545**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Stauble

**That** the deputation of Morley Bradburn, regarding **Appeal of Land Management Committee Decision - Plan 100, Lot 6, North Louisa Street, Fenelon Falls**, (Item 11.2.4 on the Agenda), be received.

**Carried**

10.5 Item 10.5 was moved down on the Agenda to be dealt with after Item 10.8.

10.6 CC2018-18.10.6

**Full Road Closure and Request for Noise By-law Exemption**

(Item 11.2.5 on the Agenda)

Ken Smith, D.M. Wills Associates Limited

Ken Smith of D.M. Wills Associates Limited, on behalf of Ministry of Transportation, attended Council to provide information on a culvert replacement project on Highway 35 and to request that Council approve their request for a Noise By-law Exemption.

**CR2018-546**

**Moved By** Councillor Yeo

**Seconded By** Councillor Macklem

**That** the deputation of Ken Smith of D.M. Wills Associates Limited, regarding **Full Road Closure and Request for Noise By-law Exemption**, (Item 11.2.5 on the Agenda), be received.

**Carried**

10.7 CC2018-18.10.7

**Downtown Revitalization Update Presentation and 2017 OMAFRA  
Downtown Revitalization Report Cards**

(Report ED2018-011, Item 11.1.13 on the Agenda)

Leisha Newton, Economic Development Officer

Leisha Newton, Economic Development Officer, presented the Downtown Revitalization Update and 2017 OMAFRA Downtown Revitalization Report Cards to Council.

**CR2018-547**

**Moved By** Councillor Martin

**Seconded By** Councillor Elmslie

**That** the presentation by Leisha Newton, Economic Development Officer, regarding **Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards**, (Report ED2018-011, Item 11.1.13 on the Agenda), be received.

**Carried**

10.8 CC2018-18.10.8

**Removal of Soil, Placement of Fill, Alteration of Grade By-Law**

(Report MLE2018-007, Items 11.1.4 and 15.1.73 on the Agenda)

Ron Reid, Couchiching Conservancy

Ron Reid expressed concern with the exemption to application in Schedule A relating to the wording of Item 3.1 which allows for a broad agricultural exemption on the placement of fill on agricultural land potentially opening the door to widespread abuse. He requested that Council remove this exemption from the proposed by-law.

**CR2018-548**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Macklem

**That** the deputation of Ron Reid of Couchiching Conservancy regarding **Removal of Soil, Placement of Fill, Alteration of Grade By-Law**, Report MLE2018-007, Items 11.1.4 and 15.1.73 on the Agenda), be received.

**Carried**

10.5 CC2018-18.10.5

**PAC Recommendation PAC2018-038**

**Zoning By-law Amendment Application D06-2018-022**

(Items 12.1 and 15.1.71 on the Agenda)

James and Mary Ellen Blair

James Blair expressed concerns regarding safety, structural integrity, liability and privacy issues, and contradiction to osprey nesting habits relating to the observation tower. He requested that the application be denied.

**CR2018-549**

**Moved By** Councillor Pollard

**Seconded By** Councillor Strangway

**That** the deputation of James Blair, regarding **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, (Items 12.1 and 15.1.71 on the Agenda), be received.

**Carried**

10.9 CC2018-18.10.9

**PAC Recommendation PAC2018-038**

**Zoning By-law Amendment Application D06-2018-022**

(Items 12.1 and 15.1.71 on the Agenda)

Terry and Diane Becking



Diane Becking expressed concerns regarding the lack of a building permit prior to construction, lack of privacy, noise and varied use of the observation tower. She requested that the application be denied and that the structure be required to be removed.

**CR2018-550**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Yeo

**That** the deputation of Diane Becking regarding **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, (Items 12.1 and 15.1.71 on the Agenda), be received.

**Carried**

10.10 CC2018-18.10.10

**PAC Recommendation PAC2018-038**

**Zoning By-law Amendment Application D06-2018-022**

(Items 12.1 and 15.1.71 on the Agenda)

Penny Knapp

Penny Knapp spoke in support of the Zoning By-law Amendment application, noting that the applicant is a proponent of the environment and that the observation tower is intended primarily for observing the Osprey without disturbing them. She stated that she is confident that any safety issues identified would be addressed and that she does not feel the structure imposes on her privacy as a nearby neighbor.

**CR2018-551**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Dunn

**That** the deputation of Penny Knapp regarding **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, (Items 12.1 and 15.1.71 on the Agenda), be received.

**Carried**

10.11 CC2018-18.10.11

**PAC Recommendation PAC2018-038**

**Zoning By-law Amendment Application D06-2018-022**

(Items 12.1 and 15.1.71 on the Agenda)  
Suzanne Alden and Scott Sommerville

Suzanne Alden requested that Council approve the Zoning By-law Application and allow her to move forward with her building permit application for the observation tower. She responded to various concerns identified by neighbours and confirmed that the primary purpose is for viewing of the Osprey, but that the tower is also used for viewing the lake in August and September, after the Osprey have fledged, and is rarely used in the winter.

**CR2018-552**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Strangway

**That** the deputation of Suzanne Alden regarding **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, (Items 12.1 and 15.1.71 on the Agenda), be received.

**Carried**

Item 12. was moved forward on the Agenda to be dealt with next.

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

**12.1 CC2018-18.12.1**

**Planning Advisory Committee Meeting Minutes of September 12, 2018**

Recommendation PAC2018-038 was extracted.

**CR2018-553**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Miller

**That** the Minutes of the September 12, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted, save and except Recommendation PAC2018-038.

**Carried**

**Recommendation PAC2018-038**

**Moved By** Councillor Yeo

**Seconded By** Councillor O'Reilly

**That** Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

**That** Zoning By-law Amendment application D06-2018-022, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville and proposing to add an observation tower as a permitted use and amend the development standards for the observation tower, be referred back to the October 3, 2018 Planning Advisory Committee Meeting.

A recorded vote was requested by Councillor Stauble.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Councillor Breadner	X		
Councillor Dunn	X		
Councillor Elmslie	X		
Councillor James		X	
Councillor Jilesen	X		
Councillor Junkin		X	
Councillor Macklem		X	
Councillor Martin		X	
Councillor Miller		X	
Councillor O'Reilly	X		
Councillor Pollard		X	
Councillor Seymour-Fagan		X	
Councillor Stauble		X	
Councillor Strangway	X		
Councillor Veale		X	
Councillor Yeo	X		
<b>Results</b>	<b>8</b>	<b>9</b>	<b>0</b>

**Motion Failed**

**CR2018-554**

**Moved By** Councillor Stauble

**Seconded By** Councillor Pollard

**Recommend that** Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

**That** Zoning By-law Amendment application D06-2018-022, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville and proposing to add an observation tower as a permitted use and amend the development standards for the observation tower, be denied.

A recorded vote was requested by Councillor Stauble.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham		X	
Councillor Breadner	X		
Councillor Dunn	X		
Councillor Elmslie		X	
Councillor James	X		
Councillor Jilesen	X		
Councillor Junkin	X		
Councillor Macklem	X		
Councillor Martin	X		
Councillor Miller		X	
Councillor O'Reilly		X	
Councillor Pollard	X		
Councillor Seymour-Fagan	X		
Councillor Stauble	X		

Councillor Strangway		X	
Councillor Veale	X		
Councillor Yeo	X		
<b>Results</b>	<b>12</b>	<b>5</b>	<b>0</b>

**Carried**

## 11. Consent Matters

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

Item 11.1.2 - Councillor Breadner

Item 11.1.4 - Councillor Stauble

Item 11.1.9 - Councillor Junkin

Item 11.1.26 - Councillor James

Item 11.2.2 - Councillor Strangway

**Moved By** Councillor Strangway

**Seconded By** Councillor Seymour-Fagan

**That** all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered, save and except Items 11.1.2, 11.1.4, 11.1.9, 11.1.26 and Item 11.2.2.

**Carried**

### 11.1 Reports

#### 11.1.1 CLK2018-009

#### **2019 Council, Committee of the Whole and Planning Advisory Committee Meeting Schedule**

Ann Rooth, Deputy Clerk

#### **CR2018-555**

**That** Report CLK2018-009, **2019 Council, Committee of the Whole and Planning Advisory Committee Meeting Schedule**, be received; and

**That** the schedule for Council, Committee of the Whole and Planning Advisory Committee Meetings for 2019, as outlined in Appendix A to Report CLK2018-009, be approved.

**Carried**

11.1.3 LIC2018-006

**Canine Day Boarding and Kennel By-Law Amendments**

Alix Scarr, Senior Licensing Officer

**CR2018-556**

**That** Report LIC2018-006, **Canine Day Boarding and Kennel By-Law Amendments**, be received;

**That** the necessary By-Law 2014-141, a By-Law to Licence, Regulate and Govern Kennels in Kawartha Lakes, be repealed; and

**That** a by-law to Licence, Regulate and Govern Kennels in Kawartha Lakes attached as Schedule A to this Report LIC2018-006 be forwarded to Council for adoption.

**Carried**

11.1.5 RS2018-025

**Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655**

Laura Carnochan, Law Clerk, Realty Services

**CR2018-557**

**That** Report RS2018-025, **Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase in the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655**, be received;

**That** the subject property, being the Road Allowance between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes,

designated as Part 1 on Plan 57R-10655, be declared surplus to municipal needs;

**That** Council support the closure of the road allowance and release the City's right to re-purchase the subject property in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001;

**That** the by-law attached as Schedule E to close the road and release the City's right to re-purchase the subject property shall be passed; and

**That** the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and releasing the City's right to re-purchase the subject property.

**Carried**

11.1.6 RS2018-026

**Proposed Lease Agreement between the City of Kawartha Lakes and Ontario Clean Water Agency, Bobcaygeon Service Centre – 123 East St., Bobcaygeon**

Christine Oliver, Law Clerk

**CR2018-558**

**That** Report RS2018-026, **Proposed Lease Agreement between the City of Kawartha Lakes and Ontario Clean Water Agency, Bobcaygeon Service Centre – 123 East St., Bobcaygeon**, be received; and

**That** the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix A on behalf of the City of Kawartha Lakes, being a Lease Agreement with Ontario Clean Water Agency for the purpose of leasing space for the district administration office for a one year term.

**Carried**

11.1.7 RS2018-027

**Proposed Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)**

Laura Carnochan, Law Clerk, Realty Services

**CR2018-559**

**That** Report RS2018-027, **Proposed Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)**, be received; and

**That** the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix B on behalf of the Corporation of the City of Kawartha Lakes, being a Lease Agreement with Dunsford Community Centre Inc. for the purpose of leasing space for the Dunsford Library for a one year term.

**Carried**

11.1.8 CS2018-014

**Release of Powerlinks Funds to the Fenelon Falls Chamber of Commerce for Wayfinding Directional Signs**

Lisa Peimann, Executive Assistant, Community Services

**CR2018-560**

**That** Report CS2018-014, **Release of Powerlinks Funds to the Fenelon Falls Chamber of Commerce for Wayfinding Directional Signs**, be received; and

**That** the Fenelon Falls Chamber of Commerce be approved for funding in the amount of \$14,350.00 with the allocation to come from the Powerlinks Reserve (1.32065).

**Carried**

11.1.10 PUR2018-034

**Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand**

Marielle van Engelen, Buyer

Richard Monaghan, Senior Engineering Technician

**CR2018-561**

**That** Report PUR2018-034, **Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand**, be received;

**That** Kawartha Capital Corp of Peterborough, ON be selected for the award of Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand for the Manvers Depot for the quoted price of \$99,000.00 plus HST;

**That** Robert E. Young Construction of Selwyn, ON be selected for the award of Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter



Sand for all other depot locations for a total quoted price of \$901,417.00 plus HST;

**That** Council approve the four (4) – one (1) year renewal periods included in the quotation, with a unit price increase according to the Canadian Consumer Price Index percentage change, pending successful vendor performance review and annual budget approval;

**That** subject to receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreements to award Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand; and

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

**Carried**

11.1.11 PUR2018-035

**Request for Quotation 2018-85 CQ Refurbishment of One Landfill Compactor**

Marielle van Engelen, Buyer

Todd Bryant, Manager of Fleet and Transit Services

**CR2018-562**

**That** Report PUR2018-035, **Request for Quotation 2018-85-CQ Refurbishment of One Landfill Compactor**, be received;

**That** Iron Equipment Ltd. of Pontypool, Ontario, be selected for the award of Quotation 2018-85-CQ Refurbishment of One Landfill Compactor for the total quoted price of \$101,300.00 not including HST; and

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

**Carried**

11.1.12 PUR2018-036

**2018-86-CQ Gravel Road Rehabilitation**

Linda Lee, Buyer

Mike Farquhar, Supervisor, Technical Services

**CR2018-563**

**That** Report PUR2018-036, **2018-86-CQ Gravel Road Rehabilitation**, be received;

**That** Four Brothers Construction Corporation be selected for the award of 2018-86-CQ Gravel Road Rehabilitation for the total amount of \$1,078,077.50 plus HST;

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

**That** the Financial Services Division be authorized to issue a purchase order.

**Carried**

11.1.13 ED2018-011

**Downtown Revitalization Update Presentation and 2017 OMAFRA  
Downtown Revitalization Report Cards**

Leisha Newton, Economic Development Officer - Downtown

**CR2018-564**

**That** Report ED2018-011, **Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards**, be received.

**Carried**

11.1.14 ED2018-012

**Proposed Heritage Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls**

Debra Soule Economic Development Officer - Arts Culture and Heritage

**CR2018-565**

**That** Report ED2018-012, **Proposed Heritage Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls**, be received;

**That** the Council endorse the Municipal Heritage Committee's recommendation to designate Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls under Part IV of the *Ontario Heritage Act* as being of cultural heritage value and interest;

**That** staff be authorized to proceed with the process to designate the subject property under Part IV of the *Ontario Heritage Act*, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

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

**Carried**

11.1.15 ED2018-013

**Proposed Designation of 910 Hartley Road, Woodville (Palestine Community Centre)**

Debra Soule Economic Development Officer - Arts Culture and Heritage

**CR2018-566**

**That** Report ED2018-013, **Proposed Designation of 910 Hartley Road, Woodville**, be received;

**That** the Council endorse the Municipal Heritage Committee's recommendation to designate 910 Hartley Road, in Woodville under Part IV of the *Ontario Heritage Act* as being of cultural heritage value and interest;

**That** staff be authorized to proceed with the process to designate the subject property under Part IV of the *Ontario Heritage Act*, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

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

**Carried**

11.1.16 ED2018-014

**Community Improvement Plan Implementation Overview**

Rebecca Mustard, Manager of Economic Development

**CR2018-567**

**That** Report ED2018-014, **Community Improvement Plan Implementation Overview**, be received.

**Carried**

11.1.17 PLAN2018-058

**Application for Condominium Description Exemption for a 38 unit apartment building on property identified as 58 Glenelg Street West, Lindsay (Wilson Developments (Lindsay) Inc.)**

Sherry L. Rea, Development Planning Supervisor

**CR2018-568**

**That** Report PLAN2018-058, respecting Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, Application No. D04-2018-001, be received;

**That** the Application for Condominium Description Exemption filed by Jack Keat of Coe Fisher Cameron, Land Surveyors, on behalf of Wilson Developments (Lindsay) Inc. for a 38 unit apartment building being Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, be approved and adopted by Council; and

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

**Carried**

11.1.18 PLAN2018-074

**An application for Part-Lot Control Exemption (D05-18-003) under Section 50(5) of the Planning Act for Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, 110-120 Mary Street West, former Town of Lindsay, now the City of Kawartha Lakes, Grimesway Construction Ltd.**

Anna Kalnina, Planner II

**CR2018-569**

**That** Report PLAN 2018-074, entitled “Grimesway Construction Ltd. – D05-18-003” be received for information;

**That** a By-law to exempt Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, 110-120 Mary Street West, former Town of Lindsay from Part-Lot Control, substantially in the form attached as Appendix C to Report PLAN2018-074, be approved and adopted by Council; and

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

**Carried**

11.1.19 PLAN2018-075

**An application to amend the Township of Fenelon Zoning By-law 12-95 to remove the Holding (H) symbol to also permit an indoor car storage facility on Part of Lot 6, Concession 5, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 3922 Highway 35 (Schleifer)**  
Mark LaHay, Planner II

**CR2018-570**

**That** Report PLAN2018-075, respecting Part of Lot 6, Concession 5, geographic Township of Fenelon, **Schleifer – Application D06-2018-024**, be received;

**That** Zoning By-Law Amendment application D06-2018-024 identified as 3922 Highway 35, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2018-075, be approved and adopted by Council; and

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

**Carried**

11.1.20 ENG2018-017

**Wechsel Petition for Drainage**

Juan Rojas, Director of Engineering and Corporate Assets

**CR2018-571**

**That** Report ENG2018-017 Wechsel Petition for Drainage be received by Council.

**That** Council proceeds with the petition submitted by Ella Wechsel for drainage works and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

**That** Council appoints R.D Dobbin as Engineer of record for this project; and

**That** Council instructs R.D Dobbin to combine the Webster petition and Ella Wechsel petition into one report as per section 8(4) of the Ontario Drainage Act.

**Carried**

11.1.21 ENG2018-018

**Drainage Task Force Recommendations**

Juan Rojas, Director of Engineering and Corporate Assets

**CR2018-572**

**That** Report ENG2018-018, **Drainage Task Force Recommendations**, be received; and

**That** the recommendations contained in Report ENG 2018-018 be presented to the new Council through consideration of the revised terms of reference and appointments for the City's Drainage Board.

**Carried**

11.1.22 ENG2018-019

**Request for Traffic Control - Oakwood**

Joseph Kelly, Senior Engineering Technician

**CR2018-573**

**That** Report ENG2018-019 **Request for Traffic Control - Oakwood** be received;

**That** a stop sign be installed on the south leg of Grant Drive intersecting Brenda Boulevard;

**That** a stop sign be installed on Brenda Boulevard intersecting the north leg of Grant Drive;

**That** a stop sign be installed on Albert St (Oakwood) intersecting Grant Drive;

**That** the necessary By-laws for the above recommendations be forwarded to council for adoption;

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

**Carried**

11.1.23 ENG2018-020

**Request for Traffic Control - Thurstonia**

Joseph Kelly, Senior Engineering Tech

**CR2018-574**

**That** Report ENG2018-020, **Request for Traffic Control – Thurstonia**, be received;

**That** a stop sign be installed on the north approach at the intersection of First Street and Hotel Road;

**That** a stop sign be installed on the north approach at the intersection of Second Street and Hotel Road;

**That** a stop sign be installed on the north approach at the intersection of Third Street and Hotel Road;

**That** a stop sign be installed on the north approach at the intersection of Clipper Street and Pavillion Road;

**That** a stop sign be installed on the north approach at the intersection of Second Street and Pavillion Road;

**That** a stop sign be installed on the north approach at the intersection of Third Street and Pavillion Road;

**That** stop signs be installed on the east and west approaches of Thornton Street at Silver Birch Street;

**That** a stop sign be installed on the west approach at the intersection of Alfred Street and Silver Birch Street;

**That** a stop sign be installed on the north approach at the intersection of McLernon Street and Birchcliff Avenue;

**That** a stop sign be installed on the north approach at the intersection of Hollyville Boulevard and Birchcliff Avenue;

**That** a stop sign be installed on the north approach where Birchcliff Avenue intersects itself;

**That** the necessary By-laws for the above recommendations be forwarded to council for adoption; and

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

**Carried**

11.1.24 HS2018-003

**Grant Program for Medical Services**

Rod Sutherland, Director of Human Services

**CR2018-575**

**That** Report HS2018-001, **Grant Program for Medical Services**, be received;  
and

**That** the a Decision Unit be included in the 2019 Operating Budget for an increase of \$36,000 to the Kawartha Lakes Health Care Initiative to develop and deliver a Family Physician Professional Development program.

**Carried**

11.1.25 WM2018-010

**Residential Clear Bag and Leaf and Yard Waste Drop off Pilot Project (2018) - Interim Review**

David Kerr, Manager Environmental Services

**CR2018-576**

**That** Report WM2018-010, **Residential Clear Bag and Leaf and Yard Waste Drop off Pilot Project (2018) - Interim review**, be received; and

**That** Staff report back to Council by the end of December 2018 on the results of the second event (fall 2018) of the pilot project with recommendations regarding continuation or not of a similar program.

**Carried**

11.2 Correspondence

11.2.1 CC2018-18.11.2.1

**Repaving of Carlton Crescent, Omemee**

Clive A. Robertson

**CR2018-577**

**That** the September 5, 2018 e-mail correspondence from Clive A. Robertson, regarding **Repaving of Carlton Crescent, Omemee**, be received.

**Carried**

11.2.3 CC2018-18.11.2.3



**Spawning Bed Repairs and Water Level Management to Support Walleye Population in Sturgeon and Pigeon Lakes**

Andy Letham, Mayor

**CR2018-578**

**Whereas** the walleye population has declined since the 1960s when hydraulic dams were installed along the Trent-Severn Waterway; and

**Whereas** water levels in winter have experienced a higher (ecologically-damaging) draw-down in the last several decades; and

**Whereas** the river spawning areas in Bobcaygeon and Lindsay are too high, too smooth, and in need of repair to facilitate successful walleye spawning in the spring; and

**Whereas** the Trent-Severn Waterway is working with MP Jamie Schmale's Save the Walleye committee to make suggested repairs to walleye spawning grounds below the dams; and

**Whereas** These improvements have the potential to improve water quality and the ecological health of Sturgeon and Pigeon Lakes; and

**Whereas** These improvements could increase the revenues in the recreation and fishing tourism economy to the strong levels once enjoyed in this area; and

**Whereas** These pilot projects align with the objectives of Kawartha Conservation/Council's lake enhancement objectives; and

**Whereas** the goals of the Save the Walleye committee are supported by MP Jamie Schmale, MPP Laurie Scott, Kawartha Conservation, Parks Canada/Trent-Severn Waterway, and Bobcaygeon Chamber of Commerce;

**Now Therefore be it Resolved That** the City of Kawartha Lakes Council supports the proposed spawning bed repairs at the Lindsay and Bobcaygeon dams as well as water level management that respects aquatic life, especially the walleye population that has dropped to baseline numbers in Sturgeon and Pigeon Lakes; and

**That** this resolution be circulated to the Minister of Natural Resources, MPP Laurie Scott, Lindsay Bassmasters, Bobcaygeon and Area Chamber of Commerce, Lindsay and District Chamber of Commerce, Ontario Federation of Anglers and Hunters and the Trent-Severn Waterway.

**Carried**

11.2.4 CC2018-18.11.2.4

**Appeal of Land Management Committee Decision – Plan 100, Lot 6, North Louisa Street, Fenelon Falls**

Morley Bradburn

**CR2018-579**

**That** the September 11, 2018 correspondence from Morley Bradburn, regarding **An Appeal of the Land Management Committee Decision - Plan 100, Lot 6, North Louisa Street, Fenelon Falls**, be received.

**Carried**

11.2.5 CC2018-18.11.2.5

**Full Road Closure and Request for Noise By-law Exemption**

Ken Smith, D.M. Wills Associates Limited

**CR2018-580**

**That** the September 17, 2018 correspondence from Ken Smith, D.M. Wills Associates Ltd., regarding **Full Road Closure and Request for Noise By-law Exemption**, be received;

**That** the exemption from the City's Noise By-law 2005-025, as amended, to undertake the work required for the replacement/rehabilitation of three (3) non-structural culverts on the Highway 35 corridor, as detailed in the correspondence letter provided by D.M. Wills Associates Limited dated September 17, 2018, to be completed between January 2, 2019 and December 31, 2019, be approved; and

**That** the contractor be required to provide written notice, to all property owners within 500 meters and the City, of the construction schedule a minimum of 14 days prior to commencement of work.

**Carried**

11.2.6 CC2018-18.11.2.6

**PAC Recommendation PAC2018-038**

**Zoning By-law Amendment Application D06-2018-022**

(Items 12.1 and 15.1.71 on the Agenda)

Idele and Rod Hynes

**CR2018-581**

**That** the September 18, 2018 correspondence from Idele and Rod Hynes, regarding PAC Recommendation PAC2018-038 - Zoning By-law Amendment Application D06-2018-022, be received.

**Carried**

11.2.7 CC2018-18.11.2.7

**PAC Recommendation PAC2018-038  
Zoning By-law Amendment Application D06-2018-022**  
(Items 12.1 and 15.1.71 on the Agenda)  
Maria Civello

**CR2018-582**

**That** the September 17, 2018 correspondence from Maria Civello, regarding **PAC Recommendation PAC2018-038 - Zoning By-law Amendment Application D06-2018-022**, be received.

**Carried**

11.2.8 CC2018-18.11.2.8

**PAC Recommendation PAC2018-038  
Zoning By-law Amendment Application D06-2018-022**  
(Items 12.1 and 15.1.71 on the Agenda)  
Terry and Dianne Becking

**CR2018-583**

**That** the September 17, 2018 correspondence from Terry and Dianne Becking regarding **PAC Recommendation PAC2018-038 - Zoning By-law Amendment Application D06-2018-022**, be received.

**Carried**

11.2.9 CC2018-18.11.2.9

**PAC Recommendation PAC2018-038  
Zoning By-law Amendment Application D06-2018-022**  
(Items 12.1 and 15.1.71 on the Agenda)  
Penny Knapp

**CR2018-584**

**That** the correspondence from Penny Knapp, regarding **PAC Recommendation PAC2018-038, Zoning By-law Amendment Application D06-2018-022**, be received.

**Carried**

11.2.10 CC2018-18.11.2.10

**PAC Recommendation PAC2018-038  
Zoning By-law Amendment Application D06-2018-022**  
(Items 12.1 and 15.1.71 on the Agenda)  
Suzanne Alden and Scott Sommerville

**CR2018-585**

**That** the September 24, 2018 correspondence from Suzanne Alden and Scott Sommerville, regarding **PAC Recommendation PAC2018-038 Zoning By-law Amendment Application D06-2018-022**, be received.

**Carried**

11.3 Items Extracted from Consent

11.1.2 CLK2018-010

**Repeal of Tag Day By-law**  
Ann Rooth, Deputy Clerk

**Moved By** Councillor Breadner  
**Seconded By** Councillor James

**That** Report CLK2018-010, **Repeal of Tag Day By-law**, be received;

**That** staff be directed to bring forward a by-law to repeal and replace By-law 2001-53, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work that will be include additional requirements to mitigate risk as identified in Report CLK2018-010.

**Motion Failed**

**CR2018-586**

**Moved By** Councillor Miller  
**Seconded By** Councillor Macklem

**That** Report CLK2018-010, **Repeal of Tag Day By-law**, be received;

**That** the solicitation of monetary contributions, known as Tagging, be prohibited at City Parks and Facilities; and

**That** a by-law to repeal By-law 2001-53, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work, be brought forward for adoption.

**Carried**

11.1.4 MLE2018-007

**Removal of Soil, Placement of Fill, Alteration of Grade By-Law**

Aaron Sloan, Manager, Municipal Law Enforcement and Licensing

**CR2018-587**

**Moved By** Councillor Stauble

**Seconded By** Councillor Macklem

**That** Report MLE2018-007, **Removal of Soil, Placement of Fill, Alteration of Grade By-Law**, be received;

**That** a by-law Regulating the Removal of Soil, Placement of Fill, Alteration of Grade attached as Schedule B to this Report MLE2018-007, be forwarded to Council for adoption with the following amendments to Sections 3.1 and 3.3:

3.1 The provisions of this By-law do not apply to the removal of Soil, as an incidental part of a Normal Agricultural Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended, on Agricultural Lands as part of an Agricultural Operation;

3.3. The removal of Topsoil on Agricultural Lands incidental to a Normal Agricultural Practice including but not limited to removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products or other agricultural activities as per the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended. This exception does not include the removal of Topsoil for sale, exchange or other disposition;

And;

**That** By-law 2012-200 a By-law Regulating the Removal of Topsoil, Placement of Fill and the Alteration of Grades be repealed.

A recorded vote was requested by Councillor Stauble.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Councillor Breadner	X		
Councillor Dunn	X		
Councillor Elmslie	X		
Councillor James	X		
Councillor Jilesen	X		
Councillor Junkin	X		
Councillor Macklem	X		
Councillor Martin	X		
Councillor Miller	X		
Councillor O'Reilly	X		
Councillor Pollard	X		
Councillor Seymour-Fagan	X		
Councillor Stauble	X		
Councillor Strangway	X		
Councillor Veale	X		
Councillor Yeo	X		
<b>Results</b>	<b>17</b>	<b>0</b>	<b>0</b>

**Carried**

**CR2018-588**

**Moved By** Councillor Junkin

**Seconded By** Councillor Elmslie

**That** the revised by-law Regulating the Removal of Soil, Placement of Fill, Alteration of Grade attached as Schedule B to this Report MLE2018-007, as

amended, be referred to the Agricultural Development Advisory Board for comment with a report back to Council in Q1 2019.

**Carried**

11.1.9 CORP2018-015

**Council Computer Systems Policy**

Kari Kleven, Manager Information Technology

Justin Chevrier, Supervisor Network and Client Systems

**CR2018-589**

**Moved By** Councillor Junkin

**Seconded By** Councillor Elmslie

**That** Report CORP2018-015, **Council Computer Systems Policy**, be received.

**Carried**

**CR2018-590**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Dunn

**That** the policy entitled Council Computer Systems, attached as Appendix A to Report CORP2018-015, be adopted and numbered for inclusion in the City's Policy Manual, replacing all predecessor versions.

**Carried**

11.1.26 WWW2018-008

**Water Wastewater Service Connection Strategy**

David Kerr, Manager, Environmental Services

**CR2018-591**

**Moved By** Councillor James

**Seconded By** Councillor Yeo

**That** Report **WWW2018-008, Water Wastewater Service Connection Strategy**, be received; and

**That** staff be directed to prepare the necessary amendments to By-Law 2014-255, A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes, to require property owners who meet requirements of

mandatory connection process to connect to available municipal water and/or wastewater services upon failure of their private infrastructure.

**Carried**

**CR2018-592**

**Moved By** Councillor James

**Seconded By** Councillor Veale

**That** a revised Terms of Reference for the High Water Bills Appeal Committee, to include Mandatory Connection Appeals, be brought forward to Council by end of Q1 2019.

**Carried**

11.2.2 CC20.18-18.11.2.2

**Kawartha Lakes Municipal Airport - Governance Review**

Douglas Erlandson, Chair, Kawartha Lakes Municipal Airport Board

**CR2018-593**

**Moved By** Councillor Strangway

**Seconded By** Councillor Veale

**That** the August 27, 2018 correspondence from Douglas Erlandson, Chair, Kawartha Lakes Municipal Airport Board, regarding **Kawartha Lakes Municipal Airport – Governance Review**, be received; and

**That** the recommendations made in the Kawartha Lakes Municipal Airport Governance Review Report, attached to the August 27, 2018 correspondence from Chair Douglas Erlandson, be presented to the new Council through consideration of the revised terms of reference and appointments for the Kawartha Lakes Municipal Airport Board.

**Carried**

11.3.1 CLK2018-011

**Procedural By-law Amendments Update**

Cathie Ritchie, City Clerk

Ann Rooth, Deputy Clerk

**CR2018-594**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Miller



**That** Report 2018-011, **Procedural By-law Amendments Update**, be received;

**That** the updates to the Procedural By-law identified in Appendix A to Report CLK2018-011, be approved; and

**That** the necessary by-law to repeal and replace By-law 2014-266 be brought forward for adoption.

**Carried by 2/3 Vote**

11.3.2 RS2018-028

**Parkland and Greenspace Surplus Property Update**

Robyn Carlson, City Solicitor and Acting Manager of Realty Services

**CR2018-595**

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** Report RS2018-028, **Parkland and Greenspace Surplus Property Update**, be received; and

**That** Resolution CR2013-848 be amended to remove the property legally described as BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES, being PIN: 63119-0568 (LT) (Roll Number: 1651 310 020 42400) from the list of properties in Appendix B to Report LM2013-009.

**Carried by 2/3 Vote**

**CR2018-596**

**Moved By** Councillor Yeo

**Seconded By** Councillor Macklem

**That** Resolution CR2014-101 be amended to remove the following properties from the list of properties to be sold:

- LT 33 PL 282 S/T VT91877; KAWARTHA LAKES  
PIN: 63171-0144 (LT)  
Roll Number: 1651 160 050 32900
- LT 21 PL 333; KAWARTHA LAKES  
PIN: 63171-0379 (LT)  
Roll Number: 1651 160 050 38000

- LT 31 PL 333; KAWARTHA LAKES  
PIN: 63171-0390 (LT)  
Roll Number: 1651 160 050 39000
- LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES  
PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)  
Roll Number: 1651 160 050 73600
- LT 10 PL 317; KAWARTHA LAKES  
PIN: 63169-0328 (LT)  
Roll Number: 1651 160 050 75800
- LT 19 PL 317; KAWARTHA LAKES  
Part of PIN: 63169-0319 (LT)  
Roll Number: 1651 160 050 76700
- LT 20 PL 317; KAWARTHA LAKES  
Part of PIN: 63169-0319 (LT)  
Roll Number: 1651 160 050 76800
- BLK A PL 322 S/T A12547; KAWARTHA LAKES  
PIN: 63169-0380 (LT)  
Roll Number: 1651 160 050 81400
- BLK B PL 322 S/T A12547; KAWARTHA LAKES  
PIN: 63169-0372 (LT)  
Roll Number: 1651 160 050 82200
- BLK A, B PL 523; KAWARTHA LAKES  
PIN: 63146-0359 (LT)  
Roll Number: 1651 210 030 58204
- PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES  
PIN: 63160-0413 (LT)  
Roll Number: 1651 210 040 67801.

**Carried by 2/3 Vote**

**CR2018-597**

**Moved By** Councillor Macklem

**Seconded By** Councillor Breadner

**That** Resolution CR2015-1164 be amended to remove the property legally described as LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557; KAWARTHA LAKES, being PIN: 63273-0108 (LT) (Roll Number: 1651 420 002 22300) from the list of properties to be sold.

**Carried by 2/3 Vote**

**CR2018-598**

**Moved By** Councillor Stauble

**Seconded By** Councillor Junkin

**That** Resolution CR2016-755 be amended to remove the property legally described as Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN MVB14168; KAWARTHA LAKES, being Part of PIN: 63269-0356 (LT) (Part of Roll Number: 1651 008 010 09701) from the list of properties to be sold.

**Carried by 2/3 Vote**

**CR2018-599**

**Moved By** Councillor Yeo

**Seconded By** Councillor Breadner

**That** the surplus declaration of the following properties be rescinded:

- BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES  
PIN: 63119-0568 (LT)  
Roll Number: 1651 310 020 42400
- LT 33 PL 282 S/T VT91877; KAWARTHA LAKES  
PIN: 63171-0144 (LT)  
Roll Number: 1651 160 050 32900
- LT 21 PL 333; KAWARTHA LAKES  
PIN: 63171-0379 (LT)  
Roll Number: 1651 160 050 38000
- LT 31 PL 333; KAWARTHA LAKES  
PIN: 63171-0390 (LT)  
Roll Number: 1651 160 050 39000
- LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES  
PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)  
Roll Number: 1651 160 050 73600
- LT 10 PL 317; KAWARTHA LAKES  
PIN: 63169-0328 (LT)  
Roll Number: 1651 160 050 75800

- LT 19 PL 317; KAWARTHA LAKES  
Part of PIN: 63169-0319 (LT)  
Roll Number: 1651 160 050 76700
- LT 20 PL 317; KAWARTHA LAKES  
Part of PIN: 63169-0319 (LT)  
Roll Number: 1651 160 050 76800
- BLK A PL 322 S/T A12547; KAWARTHA LAKES  
PIN: 63169-0380 (LT)  
Roll Number: 1651 160 050 81400
- BLK B PL 322 S/T A12547; KAWARTHA LAKES  
PIN: 63169-0372 (LT)  
Roll Number: 1651 160 050 82200
- BLK A, B PL 523; KAWARTHA LAKES  
PIN: 63146-0359 (LT)  
Roll Number: 1651 210 030 58204
- PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES  
PIN: 63160-0413 (LT)  
Roll Number: 1651 210 040 67801
- LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT  
OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557;  
KAWARTHA LAKES  
PIN: 63273-0108 (LT)  
Roll Number: 1651 420 002 22300
- Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN  
MVB14168; KAWARTHA LAKES  
Part of PIN: 63269-0356 (LT)  
Part of Roll Number: 1651 008 010 09701.

**Carried by 2/3 Vote**

**12.** Item 12. was moved forward on the Agenda to be dealt with after Item 10.11.

**13. Petitions**

**13.1** CC2018-18.13.1

**Petition Re By-law to Regulate the Discharge of Firearms**

Richard Weston, President, Kinmount Park Estates Association

**CR2018-600**

**Moved By** Councillor Yeo

**Seconded By** Councillor Macklem

**That** the petition received from Richard Weston, regarding **By-law 2005-329 A By-law to Regulate the Discharge of Firearms**, be received and referred to Municipal Law Enforcement staff for a report back to Council by end of Q1 2019.

**Carried**

**14. Other or New Business**

**15. By-Laws**

Items 15.1.71 and 15.1.73 were extracted from By-laws by Consent due to Council decisions on related items.

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

**CR2018-601**

**Moved By** Councillor James

**Seconded By** Councillor Veale

**That** the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.73 be read a first, second and third time, passed, numbered, signed and the corporate seal attached, save and except Items 15.1.71 and 15.1.73.

**Carried**

**15.1 By-Laws by Consent**

**15.1.1 By-law 2018-141**

**A By-law to Repeal and Replace By-law 1984-26, Being a By-law to Designate 17 Sussex Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

**15.1.2 By-law 2018-142**

**A By-law to Repeal and Replace By-law 1992-12, Being a By-law to Designate 37 Colborne Street, Fenelon Falls in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest**

**15.1.3 By-law 018-143**

**A By-law to Repeal and Replace By-law 2001-172 Being a By-law to Designate 15 Lindsay Street, Fenelon Falls in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.4 By-law 2018-144

**A By-law to Repeal and Replace By-law 2010-090, Being a By-law to Designate 746 Janetville Road, Janetville in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.5 By-law 2018-145

**A By-law to Repeal and Replace By-law 1990-71, Being a By-law to Designate 23 Adelaide Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.6 By-law 2018-146

**A By-law to Repeal and Replace By-law 1985-15, Being a By-law to Designate 55 Albert Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.7 By-law 2018-147

**A By-law to Repeal and Replace By-law 1990-10, Being a By-law to Designate 28 Albert Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.8 By-law 2018-148

**A By-law to Repeal and Replace By-law 1991-24, Being a By-law to Designate 40 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.9 By-law 2018-149

**A By-law to Repeal and Replace By-law 1985-42, Being a By-law to Designate 46 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.10 By-law 2018-150

**A By-law to Repeal and Replace By-law 1987-48, Being a By-law to Designate 54 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.11 By-law 2018-151

**A By-law to Repeal and Replace By-law 1994-055, Being a By-law to Designate 60 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.12 By-law 2018-152

**A By-law to Repeal and Replace By-law 1991-25, Being a By-law to Designate 78 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.13 By-law 2018-153

**A By-law to Repeal and Replace By-law 1988-86, Being a By-law to Designate 31 Cambridge Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.14 By-law 2018-154

**A By-law to Repeal and Replace By-law 1994-017, Being a By-law to Designate 51 Cambridge Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.15 By-law 2018-155

**A By-law to Repeal and Replace By-law 1988-87, Being a By-law to Designate 58 Cambridge Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.16 By-law 2018-156

**A By-law to Repeal and Replace By-law 2012-221, Being a By-law to Designate 4 Colborne Street East, City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.17 By-law 2018-157

**A By-law to Repeal and Replace By-law 1994-097, Being a By-law to Designate 22 Elgin Street, Lindsay in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.18 By-law 2018-158

**A By-law to Repeal and Replace By-law 1989-01, Being a By-law to Designate 19 Francis Street, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.19 By-law 2018-159

**A By-law to Repeal and Replace By-law 1989-19, Being a By-law to Designate 21 Francis Street, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.20 By-law 2018-160

**A By-law to Repeal and Replace By-law 1985-23, Being a By-law to Designate 9 Glenelg Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.21 By-law 2018-161

**A By-law to Repeal and Replace By-law 1990-11 Being a By-law to Designate 2 Kent Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.22 By-law 2018-162

**A By-law to Repeal and Replace By-law 1988-48 Being a By-law to Designate 3 Kent Street West, Lindsay in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.23 By-law 2018-163

**A By-law to Repeal and Replace By-law 1980-02 Being a By-law to Designate 2 Lindsay Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.24 By-law 2018-164

**A By-law to Repeal and Replace By-law 1992-76 Being a By-law to Designate 29 Regent Street, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.25 By-law 2018-165

**A By-law to Repeal and Replace By-law 2013-102, Being a By-law to Designate 46 Regent Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.26 By-law 2018-166

**A By-law to Repeal and Replace By-law 1983-09, Being a By-law to Designate 63 Regent Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.27 By-law 2018-167

**A By-law to Repeal and Replace By-law 1981-46, Being a By-law to Designate 45 Russell Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**



15.1.28 By-law 2018-168

**A By-law to Repeal and Replace By-law 1986-05 Being a By-law to Designate 10 Russell Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.29 By-law 2018-169

**A By-law to Repeal and Replace By-law 1987-06, Being a By-law to Designate 12 Russell Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.30 By-law 2018-170

**A By-law to Repeal and Replace By-law 1984-34, Being a By-law to Designate 29 Russell Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.31 By-law 2018-171

**A By-law to Repeal and Replace By-law 1988-85, Being a By-law to Designate 45 Victoria Avenue North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.32 By-law 2018-172

**A By-law to Repeal and Replace By-law 1993-01, Being a By-law to Designate 37 William Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.33 By-law 2018-173

**A By-law to Repeal and Replace By-law 1992-38, Being a By-law to Designate 73 William Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.34 By-law 2018-174

**A By-law to Repeal and Replace By-law 1988-84, Being a By-law to Designate 8, 10, & 12 William Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.35 By-law 2018-175

**A By-law to Repeal and Replace By-law 2005-154, Being a By-law to Designate 704 Fingerboard Road, Little Britain, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.36 By-law 2018-176

**A By-law to Repeal and Replace By-law 1997-10 Being a By-law to Designate 166 Ramsey Road, Little Britain, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.37 By-law 2018-177

**A By-law to Repeal and Replace By-law 1995-26 Being a By-law to Designate 1201 Salem Road, Little Britain, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.38 By-law 2018-178

**A By-law to Repeal and Replace By-law 1996-36, Being a By-law to Designate 17025 Simcoe Street, Manilla, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.39 By-law 2018-179

**A By-law to Repeal and Replace By-law 1992-04 Being a By-law to Designate 977 Eldon Road, Oakwood, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.40 By-law 2018-180

**A By-law to Repeal and Replace By-law 1993-19, Being a By-law to Designate 949 Highway 7, Oakwood, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.41 By-law 2018-181

**A By-law to Repeal and Replace By-law 1993-19, Being a By-law to Designate 430 Taylor's Road, Oakwood, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.42 By-law 2018-182

**A By-law to Repeal and Replace By-law 2007-124, Being a By-law to Designate 1185 Ballyduff Road, Pontypool, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.43 By-law 2018-183

**A By-law to Repeal and Replace By-law 1993-12, Being a By-law to Designate 119 Irene Avenue, Sturgeon Point, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.44 By-law 2018-184

**A By-law to Repeal and Replace By-law 2007-006, Being a By-law to Designate Sturgeon Point Rain Shelter, Sturgeon Point, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest**

15.1.45 By-law 2018-185

**A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Ben Poliquin)**

15.1.46 By-law 2018-186

**A By-law to Repeal By-law 2001-053, being A By-law to Fix Days for Solicitation of Monetary Contributions by Person or Organizations in Charitable or Patriotic Work**

15.1.47 By-law 2018-187

**A By-law to Appoint a Drainage Superintendent for the City of Kawartha Lakes and to Repeal By-law 2010-014 (M. Farquhar and J. Rojas)**

15.1.48 By-law 2018-188

**A By-law to Authorize the Acquisition of Part of Lot 25, Concession 3, in the Geographic Township of Manvers, City of Kawartha Lakes, Designated as Part 1 on Plan 57R-10670, being Part of PIN: 63269-0541 (LT)**

15.1.49 By-law 2018-189

**A By-law to Stop Up and Close Part of the Road Allowance Legally Described as Part of Blocks A and B, on Registered Plan No. 175, in the Geographic Township of Bexley, in the City of Kawartha Lakes, Described as Parts 3, 4, and 5 on Plan 57R-10646**

15.1.50 By-law 2018-190

**A By-law to Authorize the Acquisition of Part of Lot 18, Concession B, in the Geographic Township of Mariposa, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10688 being part of PIN 63196-0102 (LT)**

15.1.51 By-law 2018-191

**A By-law to Amend By-law 2016-206, being the Consolidated Fees By-law in the City of Kawartha Lakes (Amendment No. 10)**

15.1.52 By-law 2018-192

**A By-law to Repeal By-law 2018-090, being A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes (C. Neamtz)**

15.1.53 By-law 2018-193

**A By-law to Repeal By-law 2018-091, being A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes (C. Neamtz)**

15.1.54 By-law 2018-194

**A By-law to Repeal By-law 2018-088, being A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes (T. Stewart)**

15.1.55 By-law 2018-195

**A By-law to Repeal By-law 2018-089, being A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes (T. Stewart)**

15.1.56 By-law 2018-196

**A By-law to Amend By-law 2012-173, being A By-law to Regulate Parking (Amendment No. 17)**

15.1.57 By-law 2018-197

**A By-law to Amend By-law 2007-236, being A By-Law Respecting the Sale and the Setting Off of Fireworks within the City of Kawartha Lakes**

15.1.58 By-law 2018-198

**A By-law to Amend By-law 2005-025, being A By-Law to Regulate Noise in the City Of Kawartha Lakes**

15.1.59 By-law 2018-199

**A By-law to Amend By-law 2016-110, being A By-Law to Regulate Times During Which Fires May Be Set in the Open Air, the Precautions to be Observed by Persons Setting Fires and for the Setting of Fees for Fire Permits in the City of Kawartha Lakes**

15.1.60 By-law 2018-200

**A By-law to Amend By-law 2017-039, being A By-Law to Regulate Animals in the City of Kawartha Lakes**

15.1.61 By-law 2018-201

**A By-law to Amend By-law 2014-026, being A By-law to Require the Owners of Yards within Kawartha Lakes to Clean and Clear Them**

15.1.62 By-law 2018-202

**A By-Law to authorize the submission of an application to Ontario Infrastructure and Land Corporation (OILC) for financing certain ongoing capital works of The Corporation of the City of Kawartha Lakes (the Municipality); to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long term borrowing for such works through the issue of debentures to OILC**

15.1.63 By-law 2018-203

**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 (3922 Highway 35 – Schleifer)**

15.1.64 By-law 2018-204

**A By-law to Stop Up and Close Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R), and to Release the City's Right to Re-Purchase the Land**

15.1.65 By-law 2018-205

**A By-Law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot 32, Concession 5, in the Geographic Township of Dalton, City of Kawartha Lakes, Designated as Parts 4 and 5 on Reference Plan 57R-10686, and to Authorize the Sale of the Land to the Abutting Owners**

15.1.66 By-law 2018-206

**A Bylaw to Temporarily Suspend the Application of Subsection 50(5) of the Planning Act for a certain property within Kawartha Lakes PIN # 63236-0114 (LT)(Grimesway Construction Ltd.)**

15.1.67 By-law 2018-207

**A By-law to Provide for the Erection of Stop Signs in the City of Kawartha Lakes (various intersection Thurstonia and Oakwood) in the City of Kawartha Lakes**

15.1.68 By-law 2018-208

**A By-Law To Amend The City of Kawartha Lakes Official Plan To Re-Designate Land Within The City Of Kawartha Lakes (408 and 422 Ranch Road)**

15.1.69 By-law 2018-209

**A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes (408 and 422 Ranch Road)**

15.1.70 By-law 2018-210

**A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes (791 and 795 Cottingham Road)**

15.1.72 By-law 2018-211

**A By-Law to Replace By-law 2014-141, Being a By-law to Licence, Regulate and Govern Kennels in Kawartha Lakes**

15.2 By-Laws Extracted from Consent

15.2.1 By-law 2018-212

**A By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2014-266**  
(A two-thirds majority vote is required to pass this by-law)

**CR2018-602**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Yeo

**That a By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2014-266** be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried by 2/3 Vote**

15.2.2 By-law 2018-213

**A By-law to Appoint Members to and Adopt Terms of Reference for the City of Kawartha Lakes Municipal Election Compliance Audit Committee**

**Moved By** Councillor Junkin

**Seconded By** Councillor Elmslie

**That a By-law to Appoint Members to and Adopt Terms of Reference for the City of Kawartha Lakes Municipal Election Compliance Audit Committee, be read a first and second time.**

**Carried**

**Moved By** Councillor Pollard  
**Seconded By** Councillor Stauble

**That** the following names be added to Section 2.01 of the by-law as appointees to the City of Kawartha Lakes Municipal Election Compliance Audit Committee for the Term of 2018-2022:

1. Patricia Wakelin
2. Greer Thornbury
3. James Ayres
4. Robert Stewart
5. June Widdis

**Carried**

**CR2018-603**

**Moved By** Councillor Stauble  
**Seconded By** Councillor Seymour-Fagan

**That a By-law to Appoint Members to and Adopt Terms of Reference for the City of Kawartha Lakes Municipal Election Compliance Audit Committee, as amended, be read a third time, passed, numbered, signed and the corporate seal attached.**

**Carried**

15.1.71 CC2018-18.15.1.71

**A By-law to Amend the Township of Mariposa Zoning By-law No. 94-07 to Rezone Land within the City Of Kawartha Lakes (132 Oakdene Crescent – Alden and Sommerville)**

No action was taken on this item due to the action taken on Item 12.1 relating to Planning Advisory Committee Recommendation PAC2018-038.

15.1.73 By-law 2018-214

**A By-law to Repeal and Replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Elmslie

**That a By-law to Repeal and Replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades,** be read a first and second time.

**Carried**

**Moved By** Councillor Stauble

**Seconded By** Councillor Strangway

**That** Schedule A to the by-law be amended by removing section 3.1 in its entirety and replacing it with:

3.1 The provisions of this By-law do not apply to the removal of Soil, as an incidental part of a Normal Agricultural Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended, on Agricultural Lands as part of an Agricultural Operation;

And;

**That** Schedule A to the by-law be amended by removing section 3.3 in its entirety and replacing it with:

3.3. The removal of Topsoil on Agricultural Lands incidental to a Normal Agricultural Practice including but not limited to removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products or other agricultural activities as per the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended. This exception does not include the removal of Topsoil for sale, exchange or other disposition.

**Carried**

**CR2018-604**

**Moved By** Councillor Elmslie

**Seconded By** Councillor Stauble

**That a By-law to Repeal and Replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of**



**Grades, as a amended,** be read a third time, passed, numbered, signed and the corporate seal attached.

**Carried**

**16. Notice of Motion**

**17. Closed Session (If Not Completed Prior to Open Session)**

**18. Matters from Closed Session**

**19. Confirming By-Law**

**19.1 By-law 2018-215**

**A By-law to Confirm the Proceedings of a Regular Meeting of Council,  
Tuesday, September 25, 2018**

**CR2018-605**

**Moved By** Councillor Jilesen

**Seconded By** Councillor Elmslie

**That** a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, September 25, 2018 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried**

**20. Adjournment**

**CR2018-606**

**Moved By** Councillor Stauble

**Seconded By** Councillor Pollard

**That** the Council Meeting adjourn at 5:18 p.m.

**Carried**

**Read and adopted this 11th day of December, 2018.**

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Andy Letham, Mayor

---

Cathie Ritchie, City Clerk

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Planning Advisory Committee Meeting**

**PC2018-010**  
**Wednesday, November 7, 2018**  
**1:00 P.M.**  
**Victoria Room**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Brian Junkin**  
**Councillor Rob Macklem**  
**Councillor Patrick O'Reilly**  
**Councillor Heather Stauble**  
**Councillor Andrew Veale**  
**Mike Barkwell**  
**Debbie Girard**  
**Councillor Doug Elmslie**

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

**1. Call to Order and Adoption of Agenda**

Chair O'Reilly called the meeting to order at 1:00 p.m. Councillors D. Elmslie (alternate), B. Junkin, R. Macklem, H. Stauble and A. Veale and M. Barkwell and D. Girard were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, and Planners II Q. Adebayo and D. Harding were also in attendance.

Absent: Mayor A. Letham

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present. He also expressed a note of thanks to alternate member Councillor Elmslie for attending the meeting in place of Councillor Miller who recently passed away, and noted that an expression of appreciation to Councillor Miller's service to the community would be presented at the November 13, 2018 Special Council Meeting.

**Moved By** D. Girard

**Seconded By** Councillor Macklem

**That** the agenda for the Wednesday, November 7, 2018 Planning Advisory Committee Meeting, as amended, be adopted as circulated.

**Carried**

**2. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

**3. Public Meeting**

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

**3.1 PLAN2018-076**

Quadri Adebayo, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the retained part of the property from a Rural General (A1) Zone to prohibit residential use, and to amend General Provision requirements for two zones on one (1) lot on the

proposed retained portion on land described as Part of Lot 6, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 40 Janetville Road - Kerr

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Adebayo confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to fulfill a zoning condition of a provisional consent (granted on February 26, 2018) to sever approximately 0.49ha piece of land containing a single detached dwelling and retain 39.51ha of agricultural lands (to be consolidated with non-abutting agricultural lands). The zoning amendment will prohibit residential use on the retained agricultural lands. The application conforms to the Growth Plan, and the City of Kawartha Lakes Official Plan and is consistent with the Provincial Policy Statement. Mr. Adebayo summarized the comments received to date, as detailed in his report, noting that no comments were received from the public, and that no concerns were brought forward from any agencies or City departments. Staff are recommending that the application be forwarded to Council for approval. Mr. Adebayo and Mr. Marshall responded to questions from committee members.

The Chair inquired if the applicant wished to speak to the application.

The applicant was not in attendance, but the applicant's mother stated that she would speak for her son if there were any questions.

The Chair inquired if anyone wished to speak to the application.

Cathy Dexter of 101 Janetville Road, presented questions to the committee including what does the change of zoning mean for her property, what is a rural exception zone, and if the zoning change will permit the forest and marshes on the property to be removed. Mr. Adebayo provided clarification to Mrs. Dexters's questions. Mrs. Dexter responded to questions from committee members.

No other persons spoke to the application.

The public meeting concluded at 1:24pm.

#### **4. Business Arising from Public Meeting**

4.1 Item 3.1

**PAC2018-042**

**Moved By** Councillor Veale

**Seconded By** Councillor Junkin

**Recommend that** Report PLAN2018-076, respecting Part of Lot 6, Concession 8, geographic Township of Manvers, and identified as 40 Janetville Road; Application No. D06-2018-023 (Kerr), be received;

**That** a Zoning By-law Amendment respecting application D06-2018-023, substantially in the form attached as Appendix D to Report PLAN2018-076, be approved and adopted by Council; and

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

**Carried**

**5. Deputations**

5.1 PC2018-010.5.1

Harry Groeger

Relating to Report PLAN2018-081 (Item 7.1 on the Agenda)

Mr. Groeger stated that the reason they are here is because they had to ask for a second minor variance for the extension of their shed roof. He stated that the Committee of Adjustment granted the variance as an addition of the original variance, and that they felt that the application fee for the second minor variance should be refunded. He responded to question from Committee members.

**Moved By** Councillor Junkin

**Seconded By** Councillor Stauble

**That** the deputation of Harry Groeger, regarding Report PLAN 2018-081, be received.

**Carried**

**6. Correspondence**

**7. City of Kawartha Lakes Reports**

7.1 PLAN2018-081

David Harding, Planner II

A Request to Refund Minor Variance Application Fees for applications D20-2017-002 and D20-2018-041 respecting 76 Chadwin Drive - Groeger

Mr. Harding started by noting that this is a non-standard request to the Committee, and presented an overview of the request, as detailed in his report. He noted that the Groegers have requested consideration for a refund from one of their two minor variance application fees. He provided a brief history of their minor variance applications and identified why a second variance application was required. He stated that because variances are so specific, a second variance application and Committee of Adjustment decision was required for the extension of the partially enclosed sunroom. He stated that staff are respectfully recommending that the fees outlined in the Consolidated Fees By-law be upheld for both applications. Mrs. Groeger was requested to clarify their position by the chair. Mr. Harding and Mr. Marshall responded to questions from Committee members.

**PAC2018-043**

**Moved By** Councillor Elmslie

**Seconded By** D. Girard

**That** Report PLAN2018-081, respecting the request to refund minor variance application fees pertaining to 76 Chadwin Drive, geographic Township of Lindsay, be received; and

**That** the request to refund the minor variance application fees be approved in the amount of \$750.00.

**Carried**

**8. Adjournment**

As this was the last scheduled Planning Advisory Committee Meeting of this term of Council, Chair O'Reilly thanked all the committee members for their service to the City of Kawartha Lakes.

**Moved By** Councillor Stauble

**Seconded By** Councillor Junkin

**That** the Planning Advisory Committee Meeting adjourn at 1:49 p.m.

**Carried**

**Recommendations made at the November 7, 2018 Planning Advisory Committee Meeting:**

**PAC2018-042**

**Moved By** Councillor Veale

**Seconded By** Councillor Junkin

**Recommend that** Report PLAN2018-076, respecting Part of Lot 6, Concession 8, geographic Township of Manvers, and identified as 40 Janetville Road; Application No. D06-2018-023 (Kerr), be received;

**That** a Zoning By-law Amendment respecting application D06-2018-023, substantially in the form attached as Appendix D to Report PLAN2018-076, be approved and adopted by Council; and

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

**PAC2018-042**

**Moved By** Councillor Veale

**Seconded By** Councillor Junkin

**Recommend that** Report PLAN2018-076, respecting Part of Lot 6, Concession 8, geographic Township of Manvers, and identified as 40 Janetville Road; Application No. D06-2018-023 (Kerr), be received;

**That** a Zoning By-law Amendment respecting application D06-2018-023, substantially in the form attached as Appendix D to Report PLAN2018-076, be approved and adopted by Council; and

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

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number RS2018-029

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**Date:** November 13, 2018

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

**Place:** Council Chambers

---

**Ward Community Identifier:** 11

**Title:** Acquisition of Land for Trail Purposes – Mason Homes Rail Corridor Lands, Lindsay

**Author and Title:** Laura Carnochan, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2018-029, **Acquisition of Land for Trail Purposes – Mason Homes Rail Corridor Lands, Lindsay**, be received;

**That** the acquisition of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT) for trail purposes be approved;

**That** staff be directed to commence the process of obtaining ownership of the required land, for the price of \$43,500.00, with all related costs of the transaction to be at the City's expense.

**That** all costs associated with the transfer (estimated at \$46,000.00 including the survey, purchase price, Land Transfer Tax and the City's and the vendor's legal fees), to a maximum of \$48,000.00 be drawn from the Property Development Reserve;

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

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

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



**That** if all costs of the transaction exceed \$48,000.00, the matter be referred back to Council in 2019 for consideration;

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision; and

**That** the By-law attached as Appendix E, required to authorize the acquisition of the subject land, be adopted by Council and executed by the Mayor and Clerk.

## **Background:**

In August 2018, the registered owner of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT), contacted the City of Kawartha Lakes to offer to sell the subject land in order to complete the City's public walking trail.

The registered owner advised that they would be willing to accept \$43,500.00 as consideration for the subject land.

The offer was reviewed by the Land Management Committee at their meeting on September 10, 2018. The Committee felt that acquisition of the subject land is appropriate from a connectivity perspective, as the land will provide a connection from Angeline Street to Moose Road, as well as access to the mall.

Appendix A is a general location map, Appendix B is an aerial photo, and Appendix C is a map of the subject property.

The purpose of this report is to advise Council that the Land Management Committee recommends that the City proceed with acquiring title to the subject land.

## **Rationale:**

Policy C-205-CAO-044: Real Property Acquisition Policy, requires that all real property acquisitions be supported with a current market value appraisal. Accordingly, an appraisal report was completed by McLean, Simon & Associates Inc. for the City on September 19, 2018.

The appraisal report provided a current market value in excess of the proposed purchase price.

The Land Management Committee, a committee established by the Land Management Committee Policy CP2018-007 and including the Director of Community Services, met on September 10, 2018 to consider the potential acquisition of this land. The Land Management Committee on that date recommended acquiring this property at or below fair market value, with costs of the transfer to be paid by the City, in order to enhance the City's trail system

within the South West portion of Lindsay. The lands are currently used by the public as a trail. Acquisition of this property would allow for continued use of this property. Attached as Appendix D is the Proposed Trails Map for the Town of Lindsay, which includes the subject trail lands. This map will be advanced to Council for consideration by Community Services in the first quarter of 2019. This map is intended to form part of a connectivity plan for the City of Kawartha Lakes. The original of this map was completed by the Green Trail Alliance and Fleming College.

Section 275 of the *Municipal Act, 2001* provides that Council cannot make any expenditure greater than \$50,000.00 when it is “lame duck” (as it currently is). The only exception to this is where the funds have been approved in the Budget, which is not the case here. As the total costs of this transfer are estimated at a maximum of \$46,000.00, and capped at \$48,000.00, this acquisition will not offend the *Municipal Act, 2001* restrictions on Council during this “lame duck” period.

### **Other Alternatives Considered:**

Council may decide not to proceed with acquiring title to the subject land. This option is not recommended, as the Director of Community Services is of the opinion that the lands provide a necessary connection/extension to the City’s trail system.

### **Financial Impacts:**

The land will be conveyed to the City for a cost of \$43,500.00. The City will be responsible for any and all costs associated with the transaction, including, but not limited to, the cost of the survey, City’s legal fees, and vendor’s legal fees. The total cost of acquiring the property is estimated at \$46,000.00. These funds will be drawn from the Property Development Reserve.

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

The recommendations set out in this Report directly support Goal 3 of the Strategic Plan, being: “A Healthy Environment”.

The recommendations set out in this Report align with the following Strategic Enabler contained in the Plan: Responsible Fiscal Resource Management.

### **Consultations:**

Land Management Committee (including the Director of Community Services)

## Attachments:

### Appendix A – General Location Map



Appendix A - General  
Location Map.pdf

### Appendix B – Aerial Photo



Appendix B - Aerial  
Photo.pdf

### Appendix C – Map



Appendix C -  
Map.pdf

### Appendix D – Proposed Trails Map for the Town of Lindsay



### Appendix E – By-law Authorizing Acquisition of Subject Property

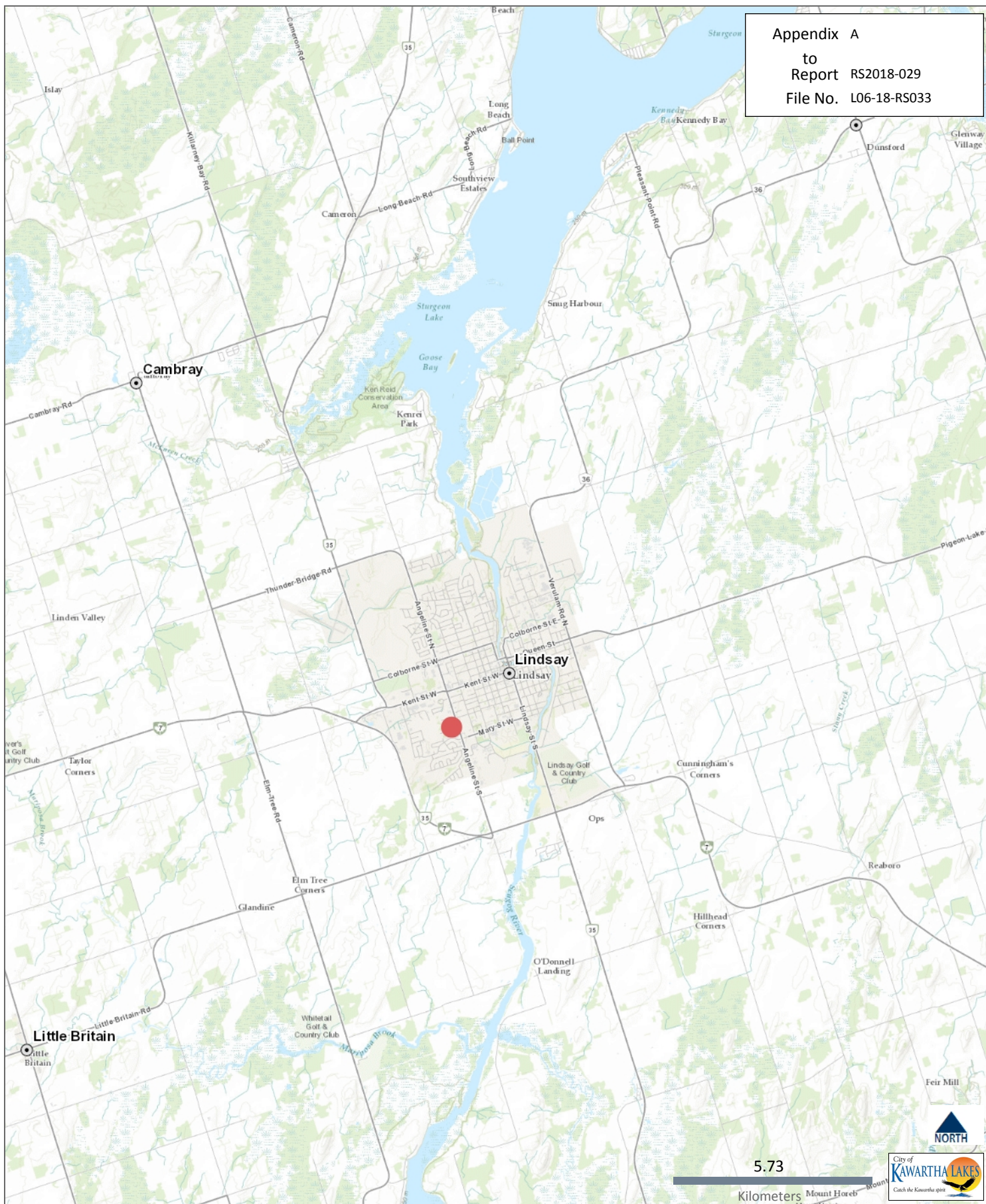


Appendix E - By-law  
Authorizing Acquisitio

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

**Department Head:** Robyn Carlson

**Department File:** L06-18-RS033

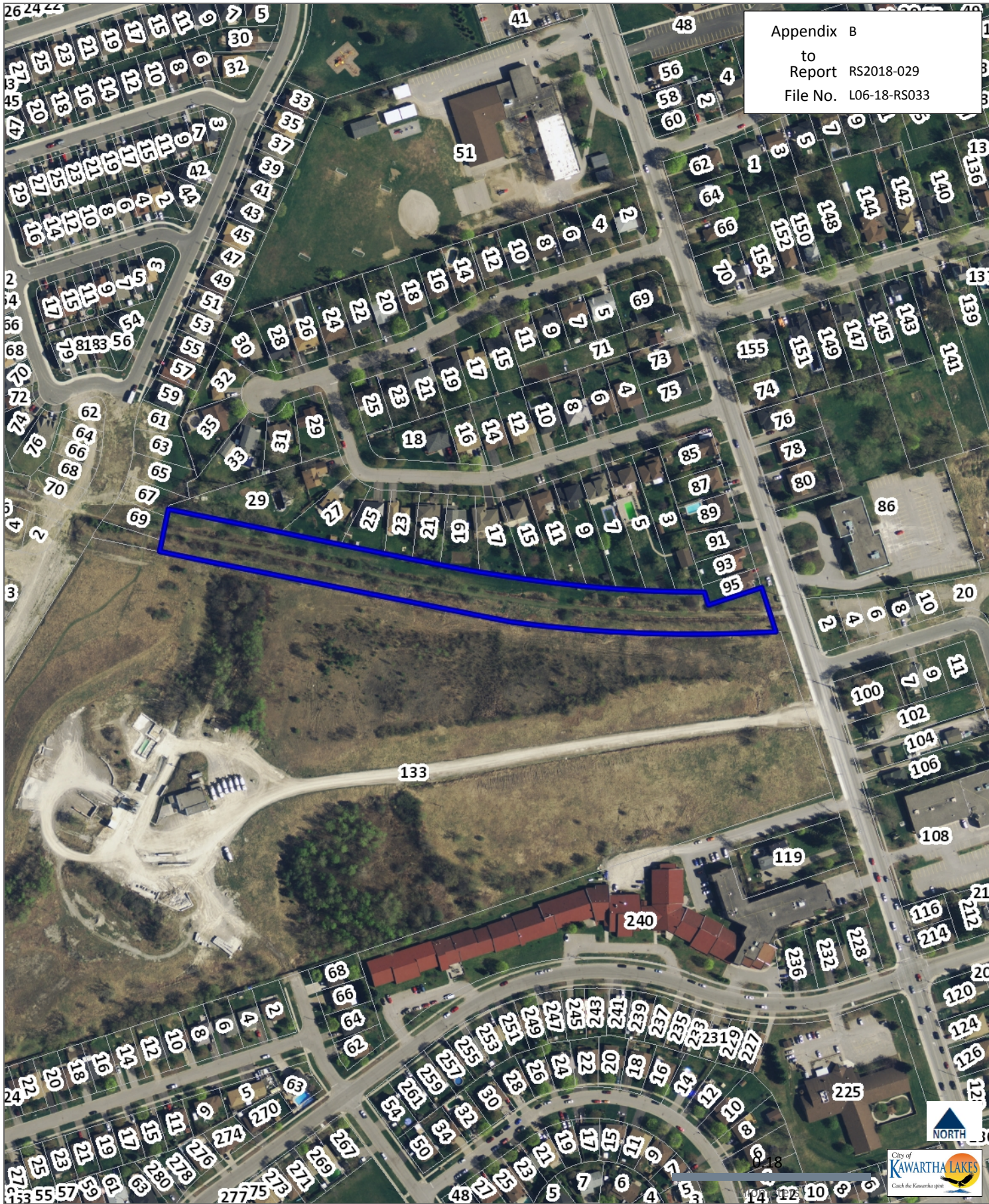


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Date:





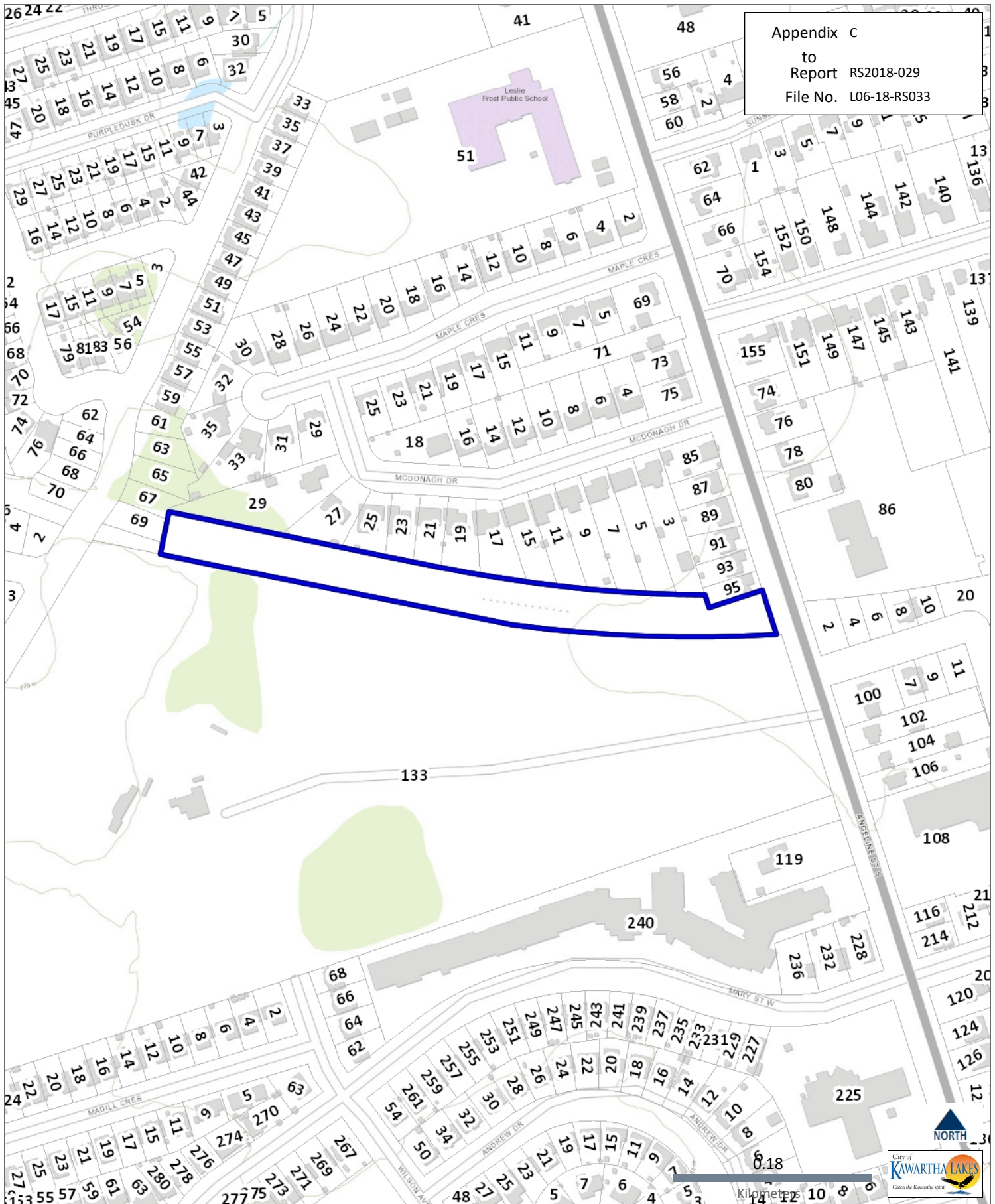
Appendix B  
to  
Report RS2018-029  
File No. L06-18-RS033

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Date:





CITY OF KAWARTHA LAKES TRAIL  
CONNECTIVITY PLAN  
Original Map completed by Green  
Trail Alliance and Fleming College

# Lindsay Parks & Trails





# The Corporation of the City of Kawartha Lakes

## By-Law 2018-

**A By-law to Authorize the Acquisition of Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT)**

### Recitals

1. The acquisition of Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT), was approved by City Council on the 13<sup>th</sup> day of November, 2018 by CR2018-\*\*\*.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .**

### **Section 1.00: Definitions and Interpretation**

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

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

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

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

#### **1.02 Interpretation Rules:**

- (a) Any Schedules attached to this by-law form part of the by-law, and are enforceable as such.
  - (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Acquisition of Land**

- 2.01 **Acquisition:** The parcel of land, more particularly described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT), is to be acquired by the Corporation of the City of Kawartha Lakes for \$43,500.00, plus all costs associated with the transaction.

## **Section 3.00: Effective Date**

- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **Council Report**

**Report Number CS2018-015**

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**Date:** November 13, 2018

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

**Place:** Council Chambers

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**Ward Community Identifier:** Bobcaygeon

**Subject:** Closure of Outstanding Bobcaygeon Legacy C.H.E.S.T. Fund Projects

**Author Name and Title:** Lisa Peimann, Executive Assistant, Community Services

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

**RESOLVED THAT** Report CS2018-015, **Closure of Outstanding Bobcaygeon Legacy C.H.E.S.T. Fund Projects**, be received; and

**THAT** projects 330120, 330122, 330123, 330124, 330125, 330127 and 330128, be closed due to completion; and,

**THAT** project 330119, Boyd Heritage Museum, in the amount of \$203.00, be closed with a surplus and be placed back into the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve Account 3.24320 to be made available for distribution in future grant funding years; and,

**THAT** project 330126, Kawartha Settlers Village, in the amount of \$350.00, be closed with a surplus and be placed back into the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve Account 3.24320 to be made available for distribution in future grant funding years; and,

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

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

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

## **Background:**

This report is provided to Council, as a reconciliation and status statement on the outstanding approved Bobcaygeon Legacy C.H.E.S.T. Fund projects grants for the year 2017.

## **Rationale:**

The purpose of this report is to close projects that are complete as reconciled by the grant recipient and to recommend disposition of any surplus amounts. When projects are closed with a surplus, the surplus is transferred back to the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve account for allocation to future projects.

There were a total of 9 projects approved in 2017. All of the projects are now complete and can be closed. All grant recipients utilized the funds awarded with the exception of two where there was a return of \$553.00.

## **Other Alternatives Considered:**

N/A

## **Financial/Operation Impacts:**

This report recommends the closure of all 2017 grant allocations for the Bobcaygeon Legacy C.H.E.S.T. Fund. As a result of the final reconciliations this report recommends that \$553.00 of unused funds be transferred back to the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve account 3.24320 for allocation to future year's projects.

Detail on the status and disposition of each project is included in the table.

<b>Applicant</b>	<b>Project</b>	<b>Granted</b>	<b>Spending</b>	<b>Surplus</b>	<b>Status</b>
Boyd Heritage Museum	330119	\$1,508.00	\$1,305.00	\$203.00	Complete and close
Bobcaygeon Skating Club	330120	\$2,190.83	\$2,190.83	\$0.00	Complete and close
Ontario Open Fiddle and Step Dance Contest	330122	\$3,538.00	\$3,538.00	\$0.00	Complete and close
Bobcaygeon Music Council	330123	\$16,000.00	\$16,000.00	\$0.00	Complete and close
Royal Canadian Legion Branch 239 (sponsored application for the Bobcaygeon Canada Day Committee)	330124	\$15,000.00	\$15,000.00	\$0.00	Complete and close

<b>Applicant</b>	<b>Project</b>	<b>Granted</b>	<b>Spending</b>	<b>Surplus</b>	<b>Status</b>
Kawartha Works Community Co-operative Inc. (sponsored application for Impact 32)	330125	\$10,700.00	\$10,700.00	\$0.00	Complete and close
Kawartha Settlers Village	330126	\$3,850.00	\$3,500.00	\$350.00	Complete and close
Environmental Action	330127	\$7,650.00	\$7,650.00	\$0.00	Complete and close
Kawartha Works Community Co-operative Inc. (sponsored application for Impact 32)	330128	\$9,000.00	\$9,000.00	\$0.00	Complete and close

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The recommendations within this report directly align with all Strategic Goals through our Value of Collaboration, namely:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An exceptional Quality of Life
- Goal 3 – A Healthy Environment

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

N/A

### **Servicing Implications:**

N/A

### **Consultations:**

N/A

### **Attachments:**

N/A

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

**Department Head:** Craig Shanks

**Department File:**

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

## **Council Report**

**Report Number PRC2018-008**

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**Date:** November 13, 2018

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

**Place:** Council Chambers

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**Ward Community Identifier:** 7 & 13

**Title:** Forbert Memorial Pool Parking Lot Update

**Description:** Update on Parking Lot Costs

**Author and Title:** Craig Shanks, Director of Community Services

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

**That** Report PRC2018-008, **Forbert Memorial Pool Parking Lot Update**, be received for information.

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

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

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

## **Background:**

At the Council Meeting of May 8, 2018, Council adopted the following resolution:

### **CR2018-289**

**That the petition received from Bob Peters regarding the Forbert Memorial Pool Parking Lot, be received; and**

**That the matter be referred to staff for a short term maintenance solution with a report back to Council on a long term plan for the Forbert Memorial Pool building and parking lot.**

**Carried**

This report addresses that direction.

## **Rationale:**

The Forbert Memorial Pool parking lot is a 3,400 square metre gravel lot. It currently receives annual surface treatment; including grading, calcium application, etc approximately 5-6 times/year. This maintenance takes place throughout the year on an as needed basis. The cost for this maintenance is approximately \$5,000 - \$10,000/year. The Spring surface treatment and grading was provided approximately 4 weeks after this deputation based on the weather and the availability to provide. As well the Forbert Memorial Pool parking lot receives regular winter maintenance for snow removal and sanding.

The petition from the public at the May 8, 2018 Council meeting suggested paving the apron of the parking lot at a cost of approximately \$40,000. Staff have requested and received a quote from a local paving company to pave the entire parking lot (as part of the City's Asset Management Plan) at a cost of \$175,918.60. This action would provide operational efficiencies in the areas of snow removal, improved access for deliveries, reduced maintenance and would provide improved accessibility to the facility and clean up the site greatly. The actual costs are shown later in the report and a budget item of \$200,000 is currently located in the Council Decision Unit portion of the 2019 City Budget for deliberation.

## Other Alternatives Considered:

Staff have included a Capital Budget Item in the Business Decision Unit portion of the 2019 City Budget for Council to deliberate and consider.

## Financial/Operation Impacts:

The budget included below is provided to Council in the 2019 City Budget for deliberation and would be funded 100% by Tax Levy.

<b>Cost Estimate Resurface The Forbert Pool (Bobcaygeon) Parking Lot &amp; Entrance with Asphalt</b>					
<b>Price Schedule</b>				<b>LRC Paving #'s Rosedale Paving</b>	
<b>Scope Of Work A</b>					
<b>NO.</b>	<b>Description</b>	<b>Unit</b>	<b>QTY</b>	<b>Unit Price</b>	<b>Total</b>
<b>NA</b>	Bonding & Insurance	LS	1	<b>\$3,300.00</b>	<b>\$3,300.00</b>
<b>101</b>	Mobilization	LS	1	<b>\$1,100.00</b>	<b>\$1,100.00</b>
<b>SUBTOTAL</b>					<b>\$4,400.00</b>
<b>Parking &amp; Driveway Area B</b>					
<b>209</b>	Removals	LS	1	<b>\$14,700.00</b>	<b>\$14,700.00</b>
<b>604</b>	Granular "A"	m <sup>2</sup>	3400	<b>\$5.04</b>	<b>\$17,136.00</b>
<b>607</b>	Asphalt (50mm HL8 & 40mm HL3)	m <sup>2</sup>	3400	<b>\$29.85</b>	<b>\$101,490.00</b>
<b>SUBTOTAL</b>					<b>\$133,326.00</b>
<b>Provisional Items C</b>					
<b>803</b>	Parking Lot Line Painting	LS	1	<b>\$2,200.00</b>	<b>\$2,200.00</b>
<b>NA</b>	Additional Site Work- Removal & Relocation of Rocks, Additional Grading	LS	1	<b>\$20,000.00</b>	<b>\$20,000.00</b>
<b>SUBTOTAL</b>					<b>\$22,200.00</b>
<b>TOTAL COST (A+B+C)</b>					<b>\$159,926.00</b>
<b>Contingency 10%</b>					<b>\$15,992.60</b>
<b>Grand Total</b>					<b>\$175,918.60</b>



## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

This report meets with the City's Strategic Plan by enhancing services and facilities provided by the City;

- Goal 2 – An Exceptional Quality of Life

<http://links/corpdocs/Corporate/2016%20Strategic%20Plan%20-%20City%20of%20Kawartha%20Lakes.pdf?Web=1>

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

This action would greatly improve the accessibility for all patrons of the Forbert Memorial Pool by enhancing the winter maintenance of the parking lot. It would create a safer and easier access for all users.

## **Consultations:**

Manager of Parks Recreation and Culture  
Supervisor of Capital and Special Projects

## **Attachments:**

N/A

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

**Department Head:** Craig Shanks, Director of Community Services

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

## **Council Report**

**Report Number DEV2018-005**

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**Date:** November 13, 2018

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

**Place:** Victoria Room

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**Ward Community Identifier: All**

**Title:** Liquidation Sales Task Force Recommendations

**Author and Title:** Chris Marshall, Director

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### **Recommendations:**

**That** Report DEV2018-005, **Liquidation Sales Task Force Recommendations**, be received;

**That staff be instructed to** incorporate an appropriate definition for the regulation of Liquidation Sales into the City's Zoning By-laws to regulate the location of these uses;

**That** staff be instructed to limit the number and duration of liquidation sales events through an amendment to Bylaw 2016-210, a Bylaw to License, Regulate and Govern Transient Trader Businesses in Kawartha Lakes;

**That** the Liquidation Sales Task Force be dissolved, as the mandate to make recommendations regarding regulation of Liquidation Sales in accordance with the executed Minutes of Settlement has been fulfilled; and

**That** the members of the Liquidation Sales Task Force be thanked for their service.

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

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

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

## **Background:**

In 2010, local businesses appealed to the Ontario Municipal Board to remove “Liquidation Sales” as a permitted use at the Lindsay Agricultural Society property, arguing that the use was not consistent with the zoning of the property. On October 5, 2016, the OMB issued a written decision stating “Liquidation Sales at the Lindsay Agricultural Society would be limited to 3 events per year that are no more than 3 consecutive days each.” Also, that the City of Kawartha Lakes agrees to establish a Task Force to review the Transient Traders Licensing By-law in accordance with direction previously received from Council on March 5, 2013.

At the Council Meeting of November 22, 2016, Council adopted the following resolution:

**RESOLVED THAT** Report LIC2016-004, **Licensing of Transient Traders, Liquidation Sales, and Door-to-Door Sales**, be received;  
**THAT** the Transient Trader By-law attached to Report LIC2016-004 be approved and forwarded for adoption, exclusive of the portions regarding Liquidation Sales; and  
**THAT** the establishment of a Task Force to review the regulation of Liquidation Sales in accordance with the executed Minutes of Settlement, be assigned to the Director of Development Services.

**CARRIED**

At the June 27, 2017 Council meeting, the following resolution was adopted:

### **CR2017-563**

**RESOLVED THAT** Report PLAN2017-043, **Recommended Terms of Reference for City of Kawartha Lakes Liquidation Sales Task Force**, be received;  
**THAT** the Terms of Reference for the City of Kawartha Lakes Liquidation Sales Task Force in the form attached as Appendix A to Report PLAN2017-043, be approved and adopted by Council; and  
**THAT** Councillor Dunn be appointed to the City of Kawartha Lakes Liquidation Sales Task Force.

**CARRIED**

The Liquidation Sales Task Force Terms of Reference is attached to this report as Appendix A.

In 2018, the Liquidation Sales Task Force members were appointed by Council and there were four meetings held to review the regulation of Liquidation Sales. The Task Force completed the following tasks on the amendments to the Transient Trader Businesses By-law pertaining to the Liquidation Sales:

- Definitions were amended
- The consensus of the Task Force is the City cannot prohibit the Liquidation Sales but the municipality can regulate them.

The Transient Trader Businesses By-law pertaining to the Liquidation Sales is attached to this report as Appendix B.

The Task Force agreed the recommendation to Council would provide three options to consider:

- 1) Status quo
- 2) Prohibit the Liquidation Sales; or
- 3) Regulate Liquidation Sales

The Task Force agreed to have a draft recommendation and advertise in the local newspapers to hold two public open houses prior to forwarding a report to Council. There was a public meeting held at the Lindsay Public Library on October 24, 2018 and in the Fenelon Falls Community Centre on October 25, 2018. The members agreed to include a number of options for Council to consider.

This report addresses that direction.

## **Rationale:**

The Liquidation Sales Task Force met four times in 2018 and invited relevant stakeholders to take part in the discussion. The members of the Task Force are of the opinion that these Liquidation Sales Events are not good for the City's economy as the holders of these events do not pay any taxes in the community, do not have a permanent location in the City and other than a small rental fee for the venue they hold the Liquidation Sales Event in, do not contribute to the economy of the City. These events pull large amounts of money out of the community by bringing in large volumes of household goods selling them and taking the money out of the community. This is in direct competition with local businesses that sell the same goods in established stores in the City.

### **Option 1 Status Quo**

The first option that the Task Force considered was status quo which would mean that liquidation sales events could take place in any business that permits public assembly such as hotels and golf courses. It was argued that there was a place for this kind of retail use as it provides residents with another retail option.

Although this form of retail does provide people with a cheap option for purchasing various household items and sports equipment, it was agreed that the negative impact on existing City of Kawartha Lakes businesses outweighed any benefits they provide to residents. As a result the status quo option is not being recommended.

### Option 2 Prohibit Liquidation Sales

Due to the negative impact Liquidation Sales has on local businesses, the Task Force members were anxious to prohibit this use in the City. After much discussion this option was not put forward as staff explained that the City cannot outright prohibit uses. Even if the City were to change the zoning to ensure that Liquidation Sales events were not permitted in the City, the businesses such as the Admiral Inn and the Lindsay Exhibition would still be able to hold these events as they would be considered non-conforming uses.

### Option 3 Regulate Liquidation Sales

The recommended option is to regulate Liquidation Sales Events by adding this use to the definition sections of the Zoning Bylaws but not include this use in any zone. In this way, the Liquidation Sales Event would be clearly defined as a use but if it is not included as a permitted use in any zone then it is not permitted in the City. If a business wanted to include this use in their zoning, they could go through a zoning amendment application to have this use added to their zone. As part of the zoning amendment process, the public would be given the opportunity to provide input on the application.

In this option, businesses that are already holding Liquidation Sales Events would be able to continue to do so as they would be considered non-conforming after the Zoning Bylaws were amended. In order to regulate the number of duration of the Liquidation Sales Events (which the zoning cannot do), staff are recommending that Bylaw 2016-210, a Bylaw to License, Regulate and Govern Transient Trader Businesses in Kawartha Lakes be amended to include a definition of Liquidation Sales Events and a section be added that limits the number of Liquidation Sales Events to 3 per year per property and each of these events be restricted to one day per event.

The net result of this recommendation is that Liquidation Sales Events would not be permitted anywhere in Lindsay other than the Admiral Inn and the Lindsay Exhibition grounds. The only way that a Liquidation Sales Event could be held anywhere else in the City of Kawartha Lakes would be if a property owner rezoned their property to add this use to their zone and this would include a public process at which local businesses could provide input on the application through a public hearing.

## **Other Alternatives Considered:**

Three options were considered

## **Financial/Operation Impacts:**

This Task Force does not have an allocated budget and all members are volunteers. Regulating these events will protect existing retail businesses in the community from this kind of sales event.

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

The City's Corporate Strategy Plan outlines Council's vision of a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment. This report aligns with the vision of a Vibrant and Growing Economy.

## **Consultations:**

City Solicitor  
City Manager of Planning  
Steve Podolsky, Vice President of the BIA  
Harry Stoddard, Manager of the Lindsay Exhibition

## **Attachments:**

Appendix A – Liquidation Sales Task Force Terms of Reference



Appendix A - Report  
DEV2018-005.pdf

Appendix B – By-law 2016-210 Transient Trader Businesses – amended definitions



Appendix B - Report  
DEV2018-005.pdf

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

**Department Head:** Ron Taylor, CAO

**Department File:** D00-99-022

## Terms of Reference

**Name:** City of Kawartha Lakes (CKL) Liquidation Sales Task Force

**Mission:**

The CKL Liquidation Sales Task Force is a volunteer task force appointed by City Council. The Liquidation Sales Task Force will provide advice and recommendations to Staff on the issues surrounding Liquidation Sales and when and where this type of retail sales is appropriate in the City of Kawartha Lakes.

**Objectives:**

The objectives of the Task Force are:

- Identify who can hold these kinds of large retail events;
- Identify how often liquidation sales can be held
- Identify where liquidation sales events can be held; and
- Develop an amendment to the Transient Traders Bylaw to regulate Liquidation Sales

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

**Roles and Responsibilities:**

Roles and responsibilities of this Task Force include:

1. Compliance with the Municipal Act including the Accountability and Transparency Section;
2. Provide advice and recommendations to Staff respecting when and where liquidation sales events can be held in the City; and
3. Follow the by-laws and policies established by Council.

**ACTIVITIES:** The following are the activities and responsibilities of the Task Force:

1. To review the history of liquidation sales in the City of Kawartha Lakes and the reports and bylaws put in place to regulate Liquidation Sales
2. Review how other municipalities regulate liquidation sales events;
3. To facilitate a public forum in which staff, Council and local stakeholders are able to discuss the issues surrounding liquidation sales.

### Composition:

The Task Force shall have a minimum of four (4) members comprised of stakeholders, BIA and Lindsay and District Chamber of Commerce Representation, members of the public, and Council. Of the appointed membership, there shall be a minimum of:

- one (1) member of City Council;
- one (1) member representing the Lindsay BIA;
- One member of the Lindsay and District Chamber of Commerce; and
- at least one (1) member of the community that holds liquidation sales events.

Task Force members will be appointed by Council in accordance with established policy. All appointed voting members may be represented at meetings by a designated alternate. A designated alternate must be formally designated by an appointed member in writing to the Task Force to represent them. Designated alternates must be approved by the Task Force and are subject to all of the requirements and criteria set out in the Terms of Reference.

It is acknowledged that there are no per diems for any Task Force positions and it is acknowledged that none of the above positions shall be paid for their services.

### Term of Appointment:

The Liquidation Sales Task Force is appointed to make final recommendations concerning the licensing and regulation of liquidation sales Licensing Bylaw. It is expected that this work will take approximately 3 months to complete from the date of the appointment of the Task Force Members

### Resources:

The Director of Development Services along with the Senior Licensing Officer will provide support in the form of advice, day-to-day liaison, information sharing, Task Force secretary role and meeting coordination.

### Timing of Meetings

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

### Administration:

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference at any time. Any changes proposed to these



Terms of Reference by the Task Force shall be recommended to Council via the Director of Development Services through a report to Council.

#### Appointment of Officers:

The Task Force shall appoint such executive positions as it deems necessary to ensure its operations, and shall as a minimum, at its first meeting, elect from the membership a chairperson and a vice-chairperson. Development Services staff shall serve as the Secretary as a resource to the Task Force.

#### Meetings:

The Task Force shall hold a minimum of 3 meetings within their term. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Task Force a minimum of five (5) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Task Force.

#### Procedures:

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

#### Closed Meetings:

Closed meetings will not be held by this Task Force.

#### Agendas and Minutes:

A copy of the Agenda shall be provided to the Clerk's office at the same time it is provided to Task Force Members. Minutes of all meetings of the Task Force shall be forwarded by the Development Services Department to the Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Development Services Department at that time. The Clerk's Office will electronically circulate the minutes to all members of Council for their information. The Clerk's Office will maintain a set of printed minutes on file for public review.

#### Reports:

Any recommendations of the Task Force requiring Council direction or approval will be forwarded to Council in a formal written report on the City report template. It will be the responsibility of the Task Force to identify those recommendations to the Development Services Department for final preparation of the report.

#### Conflicts of Interest:

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

#### Errors/Omissions:

The accidental omission to give notice of any meeting of the Task Force to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Task Force may at any time waive notice of any meeting.

#### Location of Meetings:

The location of the meetings will be set by the Task Force.

#### Purchasing Policy:

This Task Force has no purchasing or procurement responsibilities.

#### Budget:

This Task Force is not responsible for a budget.

#### Volunteer Positions:

Unless approved by Council, as part of the Terms of Reference or establishing by-law, all Task Force members are considered volunteer positions.

#### Insurance:

The Task Force shall follow any guidelines and/or recommendations required by the City's insurer.

#### Dissolution:

At the discretion of Council, the Task Force may be dissolved by resolution of Council, or dissolved upon the mandate of the Task Force being fulfilled.

#### Expulsion of Member:

The Committee may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Committee or other

legal issues. The process for expulsion of a member is outlined within Policy Number 028 Cao 002.

## THE CORPORATION OF THE CITY OF KAWARTHA LAKES

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## BY-LAW 2016-210

**A BY-LAW TO LICENCE, REGULATE AND GOVERN TRANSIENT TRADER  
BUSINESSES IN KAWARTHA LAKES****Recitals**

1. Section 150 – 153 of The *Municipal Act, 2001*, S.O. 2001 c.25, as amended, authorizes Council to licence, regulate and govern businesses and events.
2. This authority includes but is not limited to the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses, and to prevent the carrying on of such businesses without a licence.
3. Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is guilty of an offence.
4. Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-210.

**Section 1.00: Definitions and Interpretation****1.01 Definitions:** In this by-law:

**"agent, trustee"** means any person appointed or acting as an agent and/or trustee as defined by legislation or at common law who may represent the owner or the transient trader's business and includes but is not limited to an employee or operator of the business;

**"applicant"** includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension;

**"business"** means a trade that requires a licence pursuant to this by-law, whether or not a licence has been issued or maintained for that business;

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

**“charity”** is a corporation which is registered by the Canadian government as a charity for the purposes of the Federal Income Tax Act, as amended;

**“Chief Building Official”** means the person within the City's administration who fulfills the function of the chief building official as required by the *Building Code Act, 1992*, S.O. c.23, as amended or their delegate;

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

**“City Clerk”** means the person within the administration of the City who fulfils the function of the City Clerk as required by the *Municipal Act, 2001* S. O. 2001 c.25, as amended or their delegate;

**“City facility”** means any property owned by the City that is not a highway;

**“City Treasurer”** means the person who holds that position within the administration of the City and their delegate(s) or, in the event of organizational changes, another person designated by Council;

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

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

**“Door-to-Door Sales Person”** means a Transient Trader who conducts their trade by approaching individuals at a dwelling unit with the intent of selling a product or service without prior notice but does not include employees of the City of Kawartha Lakes, or individuals representing a charitable or religious organization;

**“Dwelling”** means a building or structure any part of which is or is intended to be used for the purpose of human habitation and includes a Building that would be used or intended to be used for such purposes;

**“Dwelling Unit”** means a suite or unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**"Fees By-Law"** means the City of Kawartha Lakes Fees By-Law as amended or any subsequent by-law known as the Consolidated Fees By-Law;

**"Fire Chief"** means the person within the City's administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act*, 1997 S. O. c.4, as amended or their delegate;

**"Health Unit"** means the Haliburton, Kawartha, Pine Ridge District Health Unit;

**"highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, as defined in the *Highway Traffic Act*, R.S.O. 1990, CHAPTER H.8 as amended;

**"licence"** means a licence to operate a trade issued pursuant to this by-law;

**"licensee"** means the owner of a licence;

**"Licensing Officer"** means the municipal licensing Officer for the City, responsible for the issuing, administration and approval of licences in accordance with provincial legislation and City policies and procedures, or their delegate;

"liquidation sale" includes an event where goods are brought in from outside the City by an applicant or Transient Trader who is not the owner or a representative of the owner of a business operating from a permanent location in the City, where goods, items, products and/or services are intended to be sold or auctioned.

"Liquidation Sale Event" means an event that does not exceed three (3) consecutive days where goods are brought in from outside of the City by an applicant or Transient Trader who is not the owner or a representative of a business operating from a permanent location in the City, where goods, items, products and/or services are to be sold or auctioned from a property that is zoned and regularly used to permit an auction establishment or a retail establishment;

**"Medical Officer of Health"** means the Medical Officer of Health of the Health Unit or their delegate;

**Comment [WE1]:** As mentioned, a limitation on the number of days for the sales and the zoning requirements can then go in the operative section of this By-law.

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**"Municipal Act"** means the *Municipal Act, 2001* S.O. 2001 c.25 as amended from time to time;

**"Municipal Law Enforcement Officer"** is a person duly appointed within the City's administration to enforce the by-laws of the City, and includes the Licensing Officer;

**"Non-Profit"** is an adjective used to describe a person who meets one or more of the following requirements:

- (a) it is registered in Ontario as a non-profit corporation by the applicable Provincial or Federal authority or Ministry;
- (b) it is certified by an Accountant (to the satisfaction of the Treasurer) as a person that makes no profit and intends to make no profit in its day to day business operations;
- (c) it files no income tax return as a commercial business;
- (d) it is a minor sports association or organization; or
- (e) it is a Community Betterment Organization or Group that returns 100% of its net proceeds to the community for the community's benefit;

**"Not-for-profit means any corporation duly incorporated as a not-for-profit corporation under Ontario or Federal Legislation."**

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**Comment [WE2]:** This said, some of the informal entities included in the current definition, may not be incorporated as not-for-profits e.g. minor sports club, organizations, etc. These entities can still be captured by including a definition of "organizations" or "groups" or something similar.

**"operator"** means a person who alone or with others operates, manages, supervises, runs or has care and control of a business at any given point in time. The terms "operate", "operation" and words of like import or intent have corresponding meanings;

**"owner"** means a person who alone or with others has legal title to real or personal property, the right to possess or occupy a business or actually does possess or occupy a business and includes a lessee of a business or of premises upon which a business is located. The terms "own", "ownership", and words of like import or intent have corresponding meanings;

**"person"** includes but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person;

**"Police"** means the Chief of Police or other designated officer in charge of a police service within the jurisdiction in the relevant geographic area of Kawartha Lakes, or their delegate;

**"pop-up shop"** means a retail business which leases or otherwise occupies commercial space on a temporary basis but does not include a

retail business that sets up on a temporary basis within a retail establishment that operates on a year-round basis within the City;

**“retail establishment”** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public;

**“schedule”** means a schedule to this by-law;

**“shopping centre”** means one or more buildings containing at least four individual business establishments, planned, developed, owned and managed as a unit with contiguous common parking and pedestrian uses and common off street parking. Single commercial/retail uses in stand-alone buildings on the same lot shall be permitted as ancillary to the predominant use as a Shopping Centre;

**“site plan”** means an accurate drawing of the property outlining the street address and street location where the fixed sales location will be, proximity to building and business;

**“Special Community Event”** means but is not limited to any cultural, recreational, or educational event of limited duration, including an exhibition, show, display, concert, festival, or race, competition, public entertainment, parade, and any other organized public amusement, whether free or for a fee, that is open to members of the public to attend and is expected to attract 350 or more people over the entirety of the event;

**“Special Community Event Organizer”** means a person who alone, or with others, is responsible for the planning and management of a Special Community Event;

**“Special Community Event Vendor”** is a transient trader as defined herein who operates within the City limits at Special Community Events for not more than three (3) consecutive days per event;

**“trade”** includes business, calling or occupation and “carrying on a trade” includes any act of:

- (a) selling any goods or services; or
- (b) soliciting business or offering or exposing goods or services for sale or hire;

**“transient trader”** is a person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or



merchandise that are to be delivered in the City afterwards. Without limiting the generality of the foregoing, the term "hawker" or "peddler" has an identical meaning. A person vending at a craft show or trade show is not a "transient trader" for the purposes of this by-law. A person vending fireworks is not a "transient trader" for the purposes of this by-law;

1.02 **Interpretation Rules:**

- (a) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable
- (c) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

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

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

<b>Section 2.00: Licensing Requirements</b>
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2.01 **Licence Requirement:** Every person carrying on the business of a Transient Trader shall obtain a licence from the City authorizing them to carry on that business. This section is subject to any exemption provided for within this by-law. No person shall, either directly or indirectly, carry on or continue to carry on a business, either for profit or not for profit, without first having obtained the required licence. Failure to comply with this section or any provisions of this by-law shall be an offence.

2.02 **Regulations:** A person who operates a Transient Trader business shall comply with the regulations set out in this by-law. Failure to comply with the regulations is an offence.

- 2.03 **Responsibility of Agents:** An agent, trustee or representative of Persons carrying on a Transient Trader Business in Kawartha Lakes shall also be personally liable for the compliance of his or her principal, beneficiary or persons they represent in connection with this by-law. The owner of the Transient Trader Business shall be liable for any action of their agent(s) that is in breach of any section of this by-law.
- 2.04 **Locational Requirement:** A licence shall be obtained for each location from which a Business is carried on. (A warehouse incidental to the conduct of a business and used only for that purpose is not considered a separate location of the business.) Failure to comply with this section shall be an offence.
- 2.05 **Liability Insurance:** No Person shall be granted or hold a licence for a Transient Trader Business unless the Applicant, upon application, or at the request of the Licensing Officer, provides proof of general commercial liability insurance in accordance with the provisions of this by-law. Failure to maintain insurance as required constitutes an offence.
- 2.06 **Criminal Charges and Convictions:** Any Persons that have pending criminal charges shall not be eligible for a Licence under this By-law until documented proof of an absolute or conditional discharge of such charges is provided to the Licensing Officer.
- 2.07 **Exemptions:** Notwithstanding Section 2.01, no such Licences shall be required for the following types of Transient Traders:
- a. persons peddling goods, wares, or merchandise to wholesale or retail dealers in similar goods, wares or merchandise;
  - b. growers, producers, or manufacturers (or their authorized agents or employees) who reside in Kawartha Lakes and are peddling goods, wares or merchandise which are grown, produced or manufactured in Ontario;
  - c. a resident in Ontario peddling only goods, wares, merchandise or produce from their own farms or gardens;
  - d. persons who lease or own realty within Kawartha Lakes upon which they operate a business selling the same wares that are proposed to be peddled;
  - e. persons who are agents or employees of non-profit or charitable organizations, who are vending for the benefit of the non-profit or charitable organization;
  - f. entertainers who are not covered by any other municipal by-law;
  - g. tag days;
  - h. persons who sell wares at "home parties" upon the invitation of the owner or occupant of the dwelling unit from which the sale will take place;
  - i. yard or garage sales held on residential properties;

- j. persons leasing space within a Shopping Centre;
- k. persons operating a transient trader at an event organized by a non-profit agricultural society or organization.

- 2.08 **Onus of Proof of Qualification for Exemption:** Any Transient Trader who claims an exemption under section 2.07 shall, at the request of the Licensing Officer, provide the appropriate evidence in support of the claim for the exemption. Similarly, in a prosecution for breach of this by-law, the onus of proving an exemption from requirement for a Transient Trader's licence shall be upon the person claiming the exemption.

### **Section 3.00: Licensing Procedures**

- 3.01 **Application:** An application for a Licence or renewal of a Licence required under this By-law may be obtained from the main administrative offices of the City, or at any of the City's municipal service centres, on the form prescribed by the Licensing Officer.
- 3.02 **Application Requirements and Documentation:** The application form shall require information to be provided, and other necessary papers to be completed or submitted by the applicant in conjunction with their application in support of the application as outlined in Sections 4.00, 5.00, and 6.00 and shall be accompanied by the appropriate licensing fee as outlined in the Fees By-Law.
- 3.03 **Photograph:** The Licensing Officer or designate shall take a photograph of every Applicant under Section 3.02, which shall be filed with the City and upon application for renewal of the Licence, the applicant shall attend for a new photograph if required to do so by the City.
- 3.04 **Additional Documents Required:** In addition to the requirements prescribed in Subsection 3.02, the applicant shall, at the request of the Licensing Officer, or when application is being made for a new or altered business, provide the following:
- a) a site plan drawing outlining the location of all roads or streets and their names, all buildings and their proximity to other buildings, on site and on abutting lots, and property lines;
  - b) documentation from the Development Services Department that the property upon which the Transient Trader will operate is appropriately zoned;
  - c) documentation from the City's Chief Building Official confirming that all buildings, structures and facilities, on site, or the plans for same, are or will be in compliance with the requirements of Property

Standards By-law and the *Building Code Act S. O. 1992, c.23*, as amended;

- d) a Police Criminal Records Check for each Applicant or Agent;
- e) documentation from the Fire Chief confirming that all buildings, structures and facilities, or the plan for same, are in compliance with applicable fire safety regulations; and
- f) documentation from the Medical Officer of Health that all health requirements have been met.

3.05 **Additional Criteria Considered:** The Licensing Officer may deny a licence or issue a licence with specific conditions based on, but not limited to the following criteria:

- a) the applicant's premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under the *Building Code Act S. O. 1992, c.23*, as amended;
- b) the applicant's premises (or use of such for the business requested) is not in compliance with the Zoning By-law or any parking requirements of the City;
- c) the applicant's premises requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
- d) the applicant's premises requires corrective action pursuant to an order of the Fire Chief;
- e) the applicant has been found to have discriminated against a member of the public contrary to *The Ontario Human Rights Code R. S. O. 1990 c.H.19*;
- f) the applicant has been convicted of an offence pursuant to the *Criminal Code of Canada*, R.S.C. 1985, c. C.46;
- g) the applicant was previously convicted of an offence pursuant to this or a predecessor by-law;
- h) the applicant is financially obligated to the City in some manner other than for current taxes; and
- i) the applicant is in breach of this or some other City by-law or law of Ontario or Canada.

3.06 **Inspection Requirement:** The Licensing Officer or designate may inspect any property where a Transient Trader is to operate prior to the issuance of any licence or at any time during the licence period.

3.07 **Licence Refusal:** The Licensing Officer has the right to deny the issuance of or revoke a Licence if any of the terms of this by-law are not met. If the application is denied, the Applicant has the right to appeal the decision in accordance with the procedures outlined in Section 10.03.

- 3.08 **Disclosure of Private Information:** It shall be a condition of every licence that an owner or operator shall consent to the disclosure of all records and personal information with respect to any licence application, approval refusal or revocation to any law enforcement agency, provincial ministry, federal department, agency, board or commission thereof or any other municipality, or to the Transient Trader, pursuant to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990,c.m.56,s.32., as amended.
- 3.09 **Time Limited:** Licences shall be issued for a maximum period of one year and shall come into effect on the date that they are issued, and expire no later than December 31 of that same year.

#### **Section 4.00: Annual Transient Trader Licence**

- 4.01 **Licence Requirement:** Any Transient Trader who travels from place to place within the City to carry on their trade for four (4) or more consecutive days in a calendar year, or who occupy a storefront for a period of one (1) to no more than thirty (30) days shall obtain an Annual Transient Trader Licence.
- 4.02 **Application Requirements and Documentation:** The application form shall require information to be provided, and other necessary papers to be completed or submitted by the applicant in conjunction with the application as outlined below:
- a. a fully completed application form as supplied by the City;
  - b. documentation, providing proof that he or she is the property owner of the land from which the Business will operate or, alternatively, that he or she has the authority of the property owner, property manager, or agent to operate from the site;
  - c. proof satisfactory to the Licensing Officer that the property from which they are proposing to operate the business is appropriately zoned, if applicable;
  - d. a copy of Ontario Master Business Licence or articles of incorporation;
  - e. proof of valid insurance in accordance with Section 9.00 of this by-law;
  - f. the appropriate licence fee in accordance with the Fees By-Law.
- 4.03 **Failure to Comply:** Failure to comply with any of the provisions of this section is an offence.

#### **Section 5.00: Special Community Event Transient Traders Licence**

- 5.01 **Licence Requirement:** Any organizer of a Special Community Event where Transient Traders will be operating shall obtain a Special Community Event Transient Traders Licence. Failure to comply with this section is an offence.
- 5.02 **Responsibility of Special Community Events Organizer:** It shall be the responsibility of the Special Community Events Organizer to submit a complete Special Community Event Transient Trader Application as supplied by the City and required documents as outlined in Section 5.03 of this by-law. A Special Community Event Transient Trader application and supplementary documents must be submitted to the Licensing Officer no later than 21 days prior to the date of the Special Community Event. Failure to comply with this section is an offence.

The Special Community Events Organizer is responsible for ensuring that Transient Traders at the Special Community Event are in compliance with the requirements of this by-law.

- 5.03 **Transient Traders at Special Community Events Application Requirements and Documentation:** The application form shall require information to be provided, and other necessary documents to be completed or submitted by the Special Community Events Organizer in conjunction with either application in support of the application as outlined below:
- a. a fully completed application form as supplied by the City;
  - b. information for each Transient Trader including:
    - i. Transient Trader business name;
    - ii. Transient Trader personal name(s);
    - iii. Transient Trader business address;
    - iv. Transient Trader personal address(es);
    - v. Transient Trader phone number;
    - vi. Transient Trader Drivers Licence number(s);
    - vii. Description of goods and/or services to be offered and/or sold.
  - c. proof of valid insurance coverage as outlined in Section 9.00 of this by-law;
  - d. the appropriate licence fee required in accordance with the Fees By-Law.

- 5.04 **Failure to Comply:** Failure to comply with any of the provisions of this Section is an offence.

## **Section 6.00: Door-to-Door Sales Transient Traders**

- 6.01 **Licence Requirement:** Any person working as a Door-to-Door Sales

Transient Trader shall obtain a Door-to-Door Sales Transient Traders Licence. Failure to comply with this section is an offence.

- 6.02 **Application Requirements and Documentation:** The application form shall require information to be provided, and other necessary papers to be completed or submitted by the applicant in conjunction with the application as outlined below:
- a. A fully completed application form as supplied by the City;
  - b. a copy of Ontario Master Business Licence or articles of incorporation;
  - c. proof of valid insurance in accordance with Section 9.00 of this by-law;
  - d. a police criminal records check;
  - e. the appropriate licence fee in accordance with the Fees By-Law.
- 6.03 **Door-to-Door Sales Transient Trader Requirements:** A Door-to-Door Sales Transient Trader licenced under this by-law shall:
- (a) carry at all times on their person any City issued identification;
  - (b) only conduct their trade from Monday to Saturday from 9:00am – 6:00pm;
  - (c) provide to the Licensing Officer a calendar outlining the dates, times, and locations at which they will be conducting their Trade;
  - (d) carry and provide when requested, written documentation and/or marketing materials outlining the goods and/or services being peddled;
  - (e) cease sales activities at the dwelling unit upon the first request of the person occupying the dwelling unit;
  - (f) not request entry or enter a dwelling unit without authorization from the occupant of the dwelling unit;
  - (g) not engage occupants of a dwelling unit where a sign indicating no solicitation is present on the property;
  - (h) not misrepresent themselves as employees or representatives of the City of Kawartha Lakes or utility providers already servicing the property.
- 6.04 **Failure to Comply:** Failure to comply with any of the provisions of this Section is an offence.

## **Section 7.00: General Licensing Provisions**

- 7.01 **Standards – Age Restriction:** No person under the age of 16 shall be employed as a Transient Trader under the provisions of this by-law.
- 7.02 **Location:** It is an offence for a Transient Trader who is licensed to sell from place to place, to establish a display with their wares in one location

and to vend from it under the auspices of that licence within 100 metres of an established business with the main product the same as that sold by the Transient Trader, unless they have written permission from the established business.

- 7.03 **Municipal Property:** No person shall operate a transient trader operation on municipal property without written authorization from the appropriate Director or a rental agreement with the appropriate City department.
- 7.04 **Duplicate Licence:** A duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of a fee, as set out in the Fees By-law.
- 7.05 **Posting & Production of Licences:** Where a licensee or an employee of a licensee, travels from place to place to perform their business, they shall carry their licence at all times when engaged in the business. Persons licensed under this by-law shall, when requested by the Licensing Officer, Municipal Law Enforcement Officer, or any person authorized by Council, produce the licence for inspection and shall exhibit the licence to any person to whom the licensee is offering goods or services for sale.
- 7.06 **Misuse of Place-to-Place Licence:** Any Transient Trader who is licensed under this by-law shall not establish a display with their wares in one location and to vend from it under the auspices of that licence. All goods, wares, merchandise, signs, and other paraphernalia of the Transient Trader must remain on the site which is licensed, and must not be situated, even temporarily, on abutting properties, including highways or on properties not identified on the licence. Failure to comply with this section is an offence.
- 7.07 **Partnerships and Corporations and Unincorporated Associations:**
- (a) A partnership, a corporation, an association or a combination of persons is considered as a single applicant for any one business.
  - (b) On any application by a partnership, the licence shall be issued in the name under which, business is carried on by the applicant. The names and addresses of all partners must be listed on the application form.
  - (c) Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.
  - (d) A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the Licensing Officer within five (5) business days of the change. Failure to comply with this section is an offence.



- 7.08 **Change of Address:** Every change of mailing address or telephone number of any licensee shall be reported to the Licensing Officer within five business days. Failure to comply with this section is an offence.
- 7.09 **No Transfer:** It is an offence to attempt to transfer or assign a licence issued under this by-law except in accordance with subsection 8.10.
- 7.10 **Licence Transfer:** Upon cessation or sale or other transfer of a business, the licensee of that business shall notify the Licensing Officer of the cessation or transfer. Where the business is being transferred, and subject to any restrictions in the applicable schedule, the new owner or operator shall be required to submit an application for the licence transfer, in the form prescribed by the Licensing Officer. The Licensing Officer may, depending upon the circumstances of the transfer, require the new owner or operator to submit any or all of the same documentation and/or information that would have been required for a new application for the licence in question. The requirements of this by-law apply to applications for licence transfer.
- 7.11 **No Vested Right:** No person enjoys a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension, all licences remain the property of the City.
- 7.12 **Licensees to Use Name on Licence:** It is an offence for a person licensed to carry on a business under this by-law to advertise or carry on that business under any other name than the one endorsed on their licence.
- 7.13 **Inspections:** The Licensing Officer, the Police, the Medical Officer of Health, the Fire Chief, a Municipal Law Enforcement Officer or any person acting under those persons, or any person authorized by Council, may at reasonable times or at anytime the business is operating, inspect:
- (a) any premises or place where a business subject to this by-law is carried on or where there are reasonable grounds to believe a business subject to this by-law is being carried on;
  - (b) any goods, or equipment, used or to be used by the applicant in connection with the business subject to this by-law.
- It is an offence to obstruct or permit the obstruction of an inspection.
- 7.14 **Failure to Comply:** Failure to comply with any of the provisions of this section is an offence.

## **Section 9.00: Insurance Requirements**

- 9.01 **Insurance Requirements:** Any person who obtains a Transient Trader licence shall provide, to the Licensing Officer, prior to the issuance of such licence and any renewals thereafter, a current and valid Certificate of Insurance evidencing General Liability Insurance including but not limited to bodily injury including death, personal injury and property damage including the loss of use thereof, contractual liability and contain a cross liability/severability interest clause. This insurance shall be with an insurance company authorized by law to underwrite such insurance in the province of Ontario. The amount of the insurance shall be not less than two million (\$2,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer.

The policy shall include a provision that the Licensing Officer shall be provided thirty (30) days written notice in advance by registered mail of any cancellation, expiration or variation in coverage provided by the policy. If for any reason such insurance is cancelled, expires, or for any other reason does not remain in effect or fails to meet the requirements of the Licensing Officer, the licence shall become void on the final date for which the insurance was valid.

Where the business is operating on City property the policy shall name the Corporation of the City of Kawartha Lakes as an additional insured.

- 9.02 **Special Community Event Insurance Requirements:** Any Special Community Event Organizer applying for a Special Community Event Transient Trader Licence shall provide, to the Licensing Officer, prior to the issuance of such licence and any renewals thereafter, a current and valid Certificate of Insurance evidencing Commercial General Liability Insurance including but not limited to bodily injury including death, personal injury and property damage including the loss of use thereof, contractual liability and contain a cross liability/severability interest clause, that names all vendors to be covered by the policy. This insurance shall be with an insurance company authorized by law to underwrite such insurance in the province of Ontario. The amount of the insurance shall be not less than five million (\$5,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer. The policy shall name the Corporation of the City of Kawartha Lakes as an additional insured.

The policy shall include a provision that the Licensing Officer shall be provided thirty (30) days written notice in advance of any cancellation, expiration or variation in coverage provided by the policy. If for any reason such insurance is cancelled, expires, or for any other reason does not remain in effect or fails to meet the requirements of the Licensing

Officer, the licence shall become void on the final date for which the insurance was valid.

Those vendors not covered by the policy obtained by the Special Community Event Organizer must comply with the insurance provisions outlined in Section 9.01 of this by-law in an amount not less than two million (\$2,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer. Where the business is operating on City property, the policy shall name the Corporation of the City of Kawartha Lakes as an additional insured.

- 9.03 **Failure to Comply:** Failure to comply with any of the provisions of this section is an offence.

#### **Section 10.00: Granting, Refusal And Revocation Of Licenses**

- 10.01 **Grant Licence:** The Licensing Officer shall issue a licence or licence renewal where the applicant is in full compliance with the terms of this By-law and all other applicable By-laws, Provincial and Federal legislation and regulations.

- 10.02 **Grant Licence With Conditions:** The Licensing Officer may, where the provisions of this By-law have been met, propose in writing to the Applicant to grant the Licence subject to conditions if appropriate. If within five (5) days following the written proposal to grant the Licence with conditions, the Applicant has not indicated an objection to the Licence with conditions, the Licence is deemed to have been issued on the day of the notice of the proposal to grant.

The Licensing Officer shall revoke a licence granted with conditions if the applicant has not met the imposed conditions within the stipulated time frame.

- 10.03 **Refuse Licence:** In the event that the Licensing Officer refuses for any reason to grant a Licence, or suspends or revokes a Licence, and the Applicant requests that the matter be considered by Council, the Licensing Officer shall prepare a report for the consideration of Council and the Applicant shall be provided with at least two (2) weeks written notice of the meeting of Council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address Council prior to Council making a decision.

- 10.04 **Council Discretion:** Council may in its sole discretion grant, grant with conditions, refuse to grant, or revoke or suspend a Licence.

In the exercise of its discretion under Section 10.03 such discretion shall be exercised,

- i. upon such grounds as are set out in this By-law, or
- ii. upon the grounds of the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents, affords reasonable grounds for belief that the Person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

- 10.05 **Consideration to Matters Raised:** Council may, in exercising its discretion pursuant to this By-law, consider any matter raised under Section 3.00 or any other matter that relates to the general welfare, health or safety of the public, the control of nuisances within Kawartha Lakes, or the protection of consumers.
- 10.06 **Surrender of Licence:** It shall be an offence for any person licenced under this by-law to fail to deliver or surrender to the Licensing Officer, a Licence issued by the City, upon suspension or revocation.

<b>Section 11.00: Enforcement and Penalties</b>
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- 11.01 **Enforcement:** Municipal Law Enforcement Officers, Licensing Officer, Police or any other Person designated by Council may enforce this By-law.
- 11.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 11.03 **Offence and Penalty:** Every Person who contravenes any of the provisions of this by-law is guilty of an offence pursuant to Section 429 of the *Municipal Act, 2001, S.O. 2001, c. 25* and all contraventions of this by-law are designated continuing offences.
- 11.04 **Offence by an Individual:** Every Person, excluding a corporation, who is convicted of an offence under this by-law, is liable to a fine as stipulated by the set fines as attached to this by-law or as stipulated by the *Provincial Offences Act R.S.O. 1990, CHAPTER P.33*.
- 11.05 **Offence by a Corporation:** Every corporation who is convicted of an offence under this by-law is liable to a maximum fine of Fifty Thousand Dollars (\$50,000) for the first offence and a maximum fine of One

Hundred Thousand Dollars (\$100,000) for any subsequent offence in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25 and *Provincial Offences Act R.S.O. 1990, CHAPTER P.33*.

- 11.06 **Multiple Offences:** The conviction of an offender for the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any subsequent or continued breach of any provision of this By-law.
- 11.07 **Court Order:** If this By-law is contravened and a conviction entered, the court in which the conviction is entered and any court that has jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or the repetition of the offence.

#### **Section 12.00: Administration and Effective Date**

- 12.01 **Administration of the By-law:** Unless otherwise indicated in this By-law, the administration of this By-law is assigned to the City Clerk whom may delegate the performance of any of the functions under this By-law from time to time as occasion requires.
- 12.02 **Effective Date:** This by-law shall come into force on January 1, 2017.

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

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

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

#### **Licence Fees**

Annual Transient Trader Licence Fee per year or part year	\$300.00
Special Community Event 1-5 Transient Trader	\$25.00 per Transient Trader

Special Community Event 5 or more Transient Trader	\$25 for first 5 vendors, \$15 per each additional Transient Trader
Door-to-Door Sales Transient Trader Licence	\$500.00
Licence Replacement	\$15.00

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-072

---

**Date:** November 13, 2018

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

**Place:** Council Chambers

---

**Ward Community Identifier:** Ward 16 - Manvers

**Subject:** A by-law to deem Lot 4, Registered Plan 5, 1473 Highway 7A, geographic Township of Manvers (2341209 Ontario Inc.) – Planning File D30-2018-014

**Author and Title:** David Harding, Planner II

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### Recommendation:

**RESOLVED THAT** Report PLAN2018-072, respecting Lot 4, Registered Plan 5, geographic Township of Manvers, **2341209 Ontario Inc. – Application D30-2018-014**, be received;

**THAT** a Deeming By-law respecting Lot 4, Registered Plan 5, substantially in the form attached as Appendix D to Report PLAN2018-072, be approved and adopted by Council; and

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

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

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

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

## **Background:**

Proposal:	To deem Lot 4, Registered Plan 5, not to be a lot within a registered plan of subdivision		
Owner:	2341209 Ontario Inc. c/o Ho Young Kwak		
Official Plan:	Hamlet Settlement Area – City of Kawartha Lakes Official Plan		
Zone:	General Commercial (C1) Zone – Township of Manvers Zoning By-law 87-06		
Site Servicing:	Two private individual wells and one holding tank		
Existing Use:	Residential, Commercial (Bethany General Store)		
Adjacent Uses:	North:	Community Facility (Bethany United Church), Residential	
	South:	Community Facility (Bethany Library), Commercial (Williams Design Studio)	
	East:	Commercial (TD Canada Trust), Residential	
	West:	Residential	

## **Rationale:**

The owner is proposing to construct an addition to the Bethany General Store. The addition will be a warehouse and receiving area, which will permit delivery trucks to park fully behind the front wall of the store when making their deliveries. The proposed addition straddles Lot 4 and Lot 5 of Registered Plan 5. The subject property owns all of Lot 4 but only a part of Lot 5, see Appendix B. Lot 4, as a whole of a lot on a registered plan of subdivision, is a separately conveyable lot. The proposal does not comply with the Zoning By-law as the boundary between Lots 4 and Part of Lot 5 is treated as a lot line. Lot 4 must be consolidated with Part of Lot 5 for the proposed development to proceed in compliance with the zoning by-law. Therefore, the owner has requested Council pass a Deeming By-law to deem Lot 4, Registered Plan 5, not to be a lot within a registered plan of subdivision.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lot 4, Plan 5, with Part of Lot 5, Plan 5 so that Lot 4 cannot be sold separately. The legal description will remain the same: Lot 4 N/S King Street, Part Lot 5 N/S King Street, Registered Plan 5.

## **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's lands.



## **Financial/Operation Impacts:**

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

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

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the vibrant and growing economy goal by facilitating an expansion to a commercial operation.

## **Conclusion:**

The consolidation will create one larger lot. The deeming by-law will facilitate the issuance of a building permit for the proposed commercial addition. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## **Attachments:**

### **Appendix A – Location Map**



Appendix A to  
PLAN2018-072.pdf

### **Appendix B – Applicant Sketch**



Appendix B to  
PLAN2018-072.pdf

### **Appendix C – Subdivision Plan Excerpt**



Appendix C to  
PLAN2018-072.pdf

### **Appendix D – Draft Deeming By-law**



Appendix D to  
PLAN2018-072.pdf

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

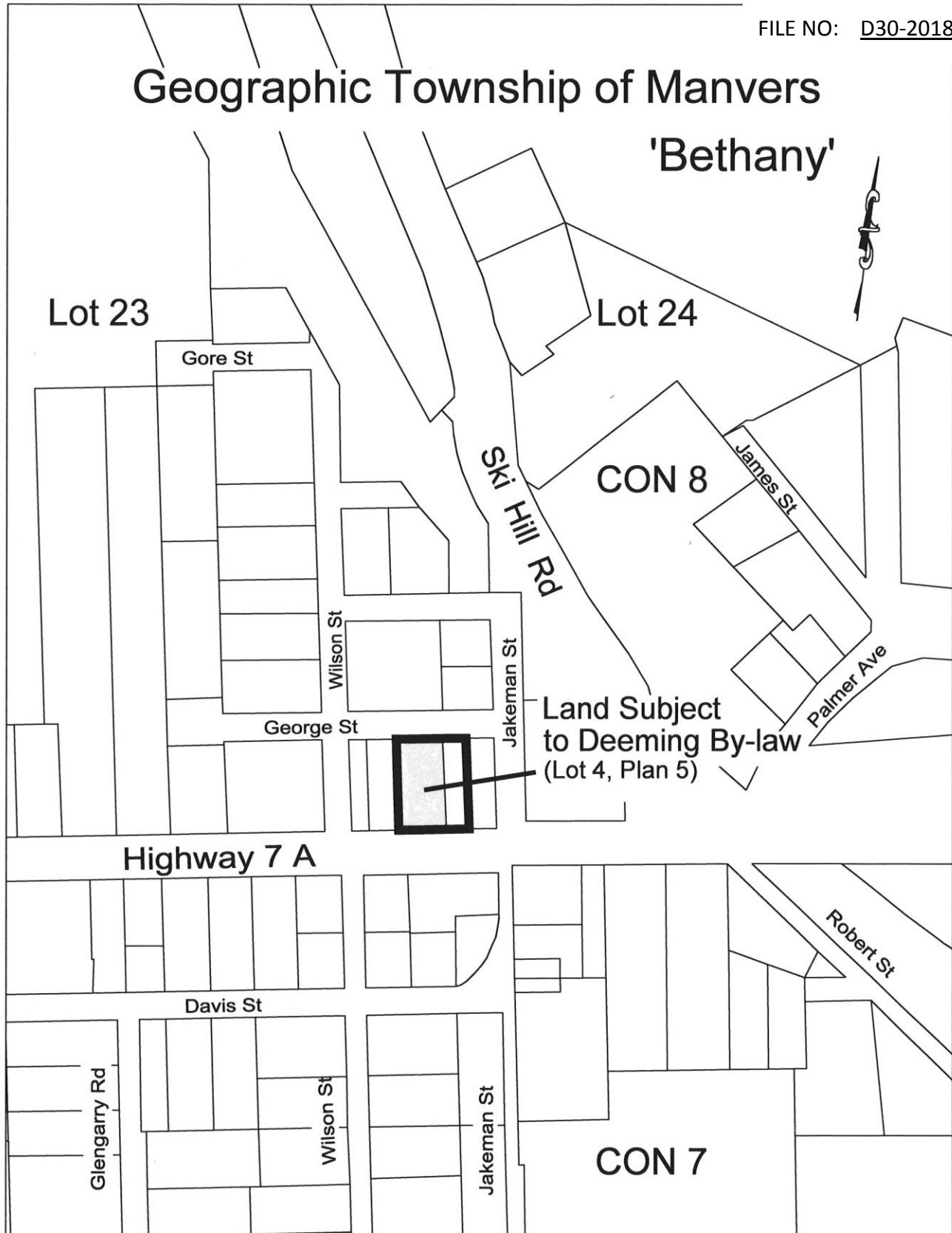
**Department Head:** Chris Marshall

**Department File:** D30-2018-014

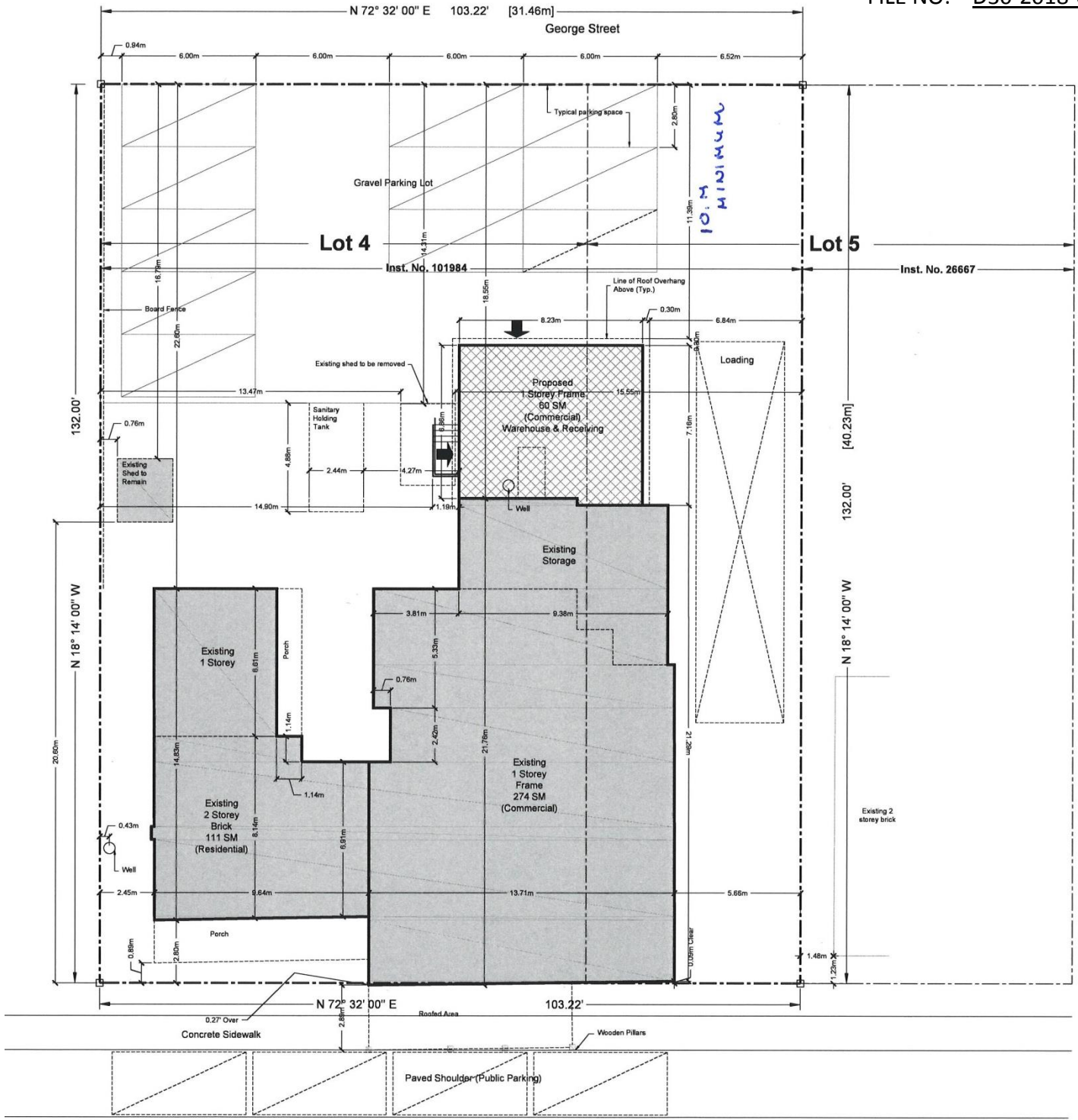
to

REPORT PLAN2018-072

FILE NO: D30-2018-014



to

REPORT PLAN2018-072FILE NO: D30-2018-014

King Street (Highway 7A)  
Road Allowance Between Concession 7 and 8, Geographic Township of Manvers, City of Kawartha Lakes

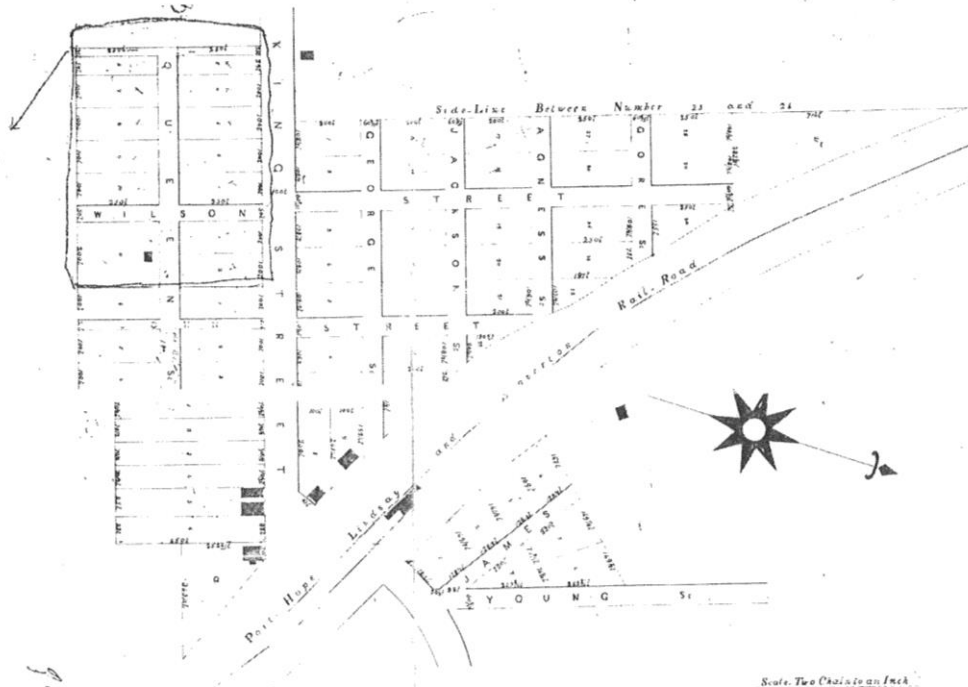
to

REPORT PLAN2018-072

FILE NO: D30-2018-014

5

NO 5  
MANVERS



Scale Two Chains an Inch

PLAN

OF

BETHANY

Land Office of the Province of Ontario  
Twenty Five

MANVERS

By W. Whitbridge P.L.R.

1858

I, Michael McAllister, James Byers, James Wilson and  
William Gibson, all of the Township of Manvers, do hereby certify and declare  
that the above map or plan contains a true representation of lots and streets located  
and appropriated by us in parts of lots numbered Twenty five in the Township and  
Concessions of the Township of Manvers in the County of Durham  
Witness our hands this 30<sup>th</sup> day of September 1859

*Michael McAllister*  
*James Byers*  
*James Wilson*  
*William Gibson*

*Michael McAllister* No  
*James Byers* 5  
*James Wilson* MANVERS  
*William Gibson*

*g. Carverman  
20<sup>th</sup> day of Sept. 1859  
Manvers*

**The Corporation of the City of Kawartha Lakes**  
**By-Law 2018 -**

to  
 REPORT PLAN2018-072  
 FILE NO: D30-2018-014

**A By-Law To Deem Part of a Plan of Subdivision,  
 Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
**PIN 63265-0346 (LT), Described as Lot 4 N/S King Street, Registered Plan 5; Part Lot**  
**5 N/S King Street, Registered Plan 5, Geographic Township Of Manvers, Now City**  
**Of Kawartha Lakes****

File D30-2018-014, Report PLAN2018-072, respecting Lot 4 N/S King Street, Registered Plan 5; Part Lot 5 N/S King Street, Registered Plan 5, 1473 Highway 7A – 2341209 Ontario Inc.

**Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63265-0346 (LT). The Property affected by this By-law is described as Lot 4 N/S King Street, Registered Plan 5, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

## **Section 2:00      General Terms**

2.01    **Force and Effect**: This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

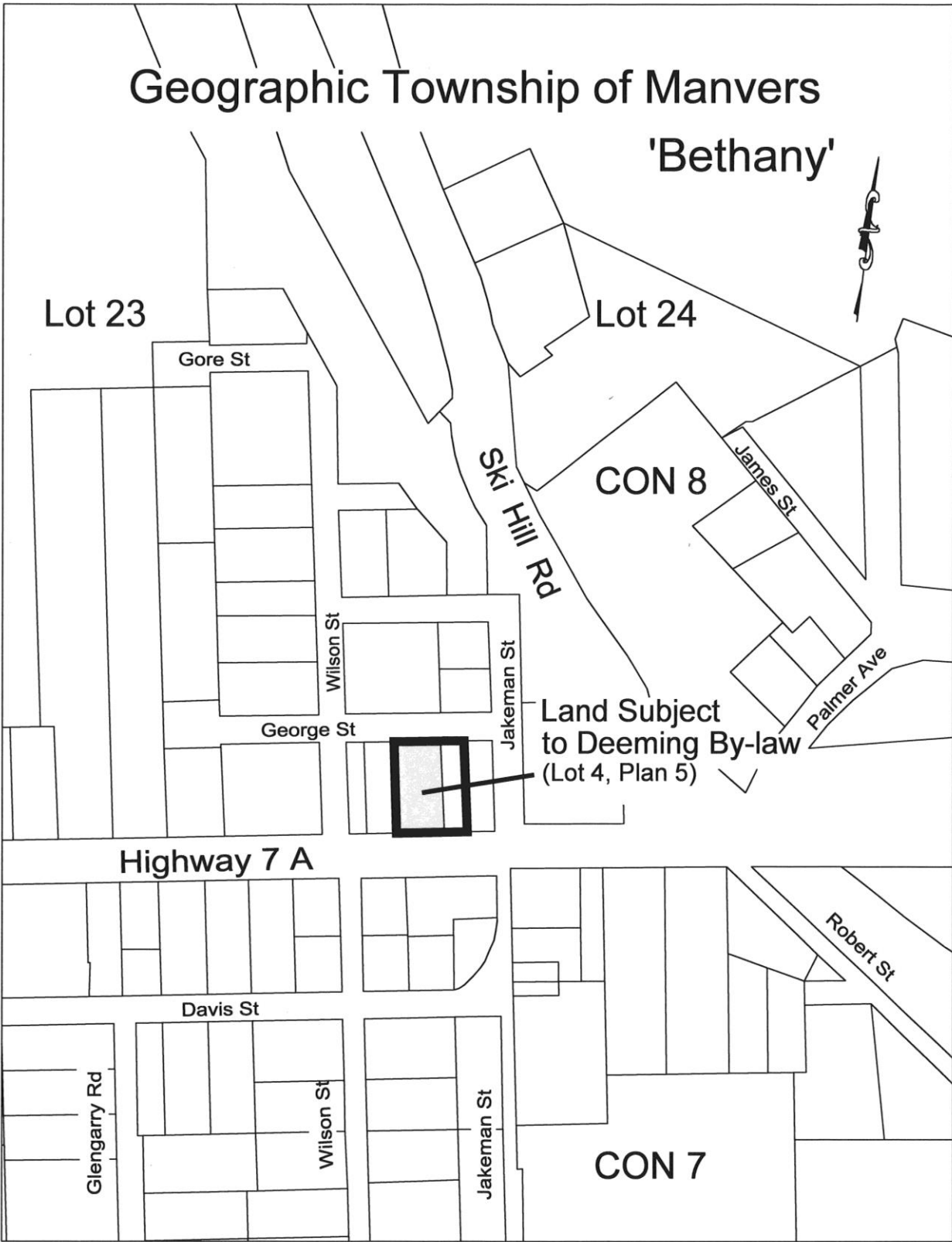
By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, Clerk





# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-077

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**Date:** November 13, 2018

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

**Place:** Council Chambers

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**Ward Community Identifier:** Ward 5 - Bexley

**Title:** A By-law to Deem Lot 11, Registered Plan 256, 71 Homewood Park Road, geographic Township of Bexley (Brianka) – Planning file D30-2018-012

**Author and Title:** Anna Kalnina, Planner II

---

### Recommendation(s):

**Resolved That** Report PLAN2018-077, respecting Lot 11, Registered Plan 256, geographic Township of Bexley, **Brianka – Application D30-2018-012**, be received;

**That** a Deeming By-law respecting Lot 11, Registered Plan 256, substantially in the form attached as Appendix D to Report PLAN2018-077, be approved and adopted by Council; and

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

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

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

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

## **Background:**

Proposal:	To deem Lot 11, Registered Plan 256, not to be a lot within a registered plan of subdivision
Owner:	Steven Bruce and Amber Lee Brianka
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three (RR3) Zone – Township of Bexley Zoning By-law Number 93-09
Site Servicing:	Private well and septic system
Existing Use:	Residential
Adjacent Uses:	North, South: Second Tier Shoreline Residential
	East: Shoreline Residential and Balsam Lake
	West: Agricultural

## **Rationale:**

At the Council Meeting of March 6, 2018, Council carried resolution CR2018-102 to declare a portion of road allowance legally described as Part of Blocks A and B, Plan 175, in the Geographic Township of Bexley, City of Kawartha Lakes (see Appendix C), surplus to municipal needs. Council approved sale of the portions of the road allowance to the adjoining owners to rectify encroachment issues within the road allowance. On September 25, 2018, Council adopted By-law 2018-188 to stop up and close parts of the road allowance.

On behalf of the land owners, Realty Services, has requested that Council pass a Deeming By-law to effect the consolidation of Lot 11, Registered Plan 256 with Part of Block A, Plan 175 being Part 4, 57R-10646, being the requested part of the road allowance (see Appendix A and B). The sale of the requested part of the road allowance is conditional upon registration of a Deeming By-law.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lot 11, Registered Plan 256 with Part of Block A, Plan 175 being Part 4, 57R-10646 into one larger lot so they cannot be sold separately. The legal description will remain the same: Lot 11, Plan 256 and Part of Block A, Plan 175; Part 4, 57R-10646.

## **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owners' lands.

## **Financial/Operation Impacts:**

The Deeming By-law application was filed and paid by Realty Services. Realty Services will collect the cost of registering the By-law from the owners with closing costs. There are no financial implications anticipated for the City.

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

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the quality of life and healthy environment priorities by rectifying encroachment issues and creating a property with a larger building envelope to support the existing residence, accessory structures and on-site servicing.

## **Conclusion:**

The consolidation of the lot with a portion of an unopened road allowance will rectify encroachment issues within the road allowance. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## **Attachments:**

### **Appendix A – Location Map**



Appendix A to  
PLAN2018-077.pdf

### **Appendix B – Survey**



Appendix B to  
PLAN2018-077.pdf

### **Appendix C – Sketch of Homewood Park**



Appendix C to  
PLAN2018-077.pdf

### **Appendix D – Draft Deeming By-law**



Appendix D to  
PLAN2018-077.pdf

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

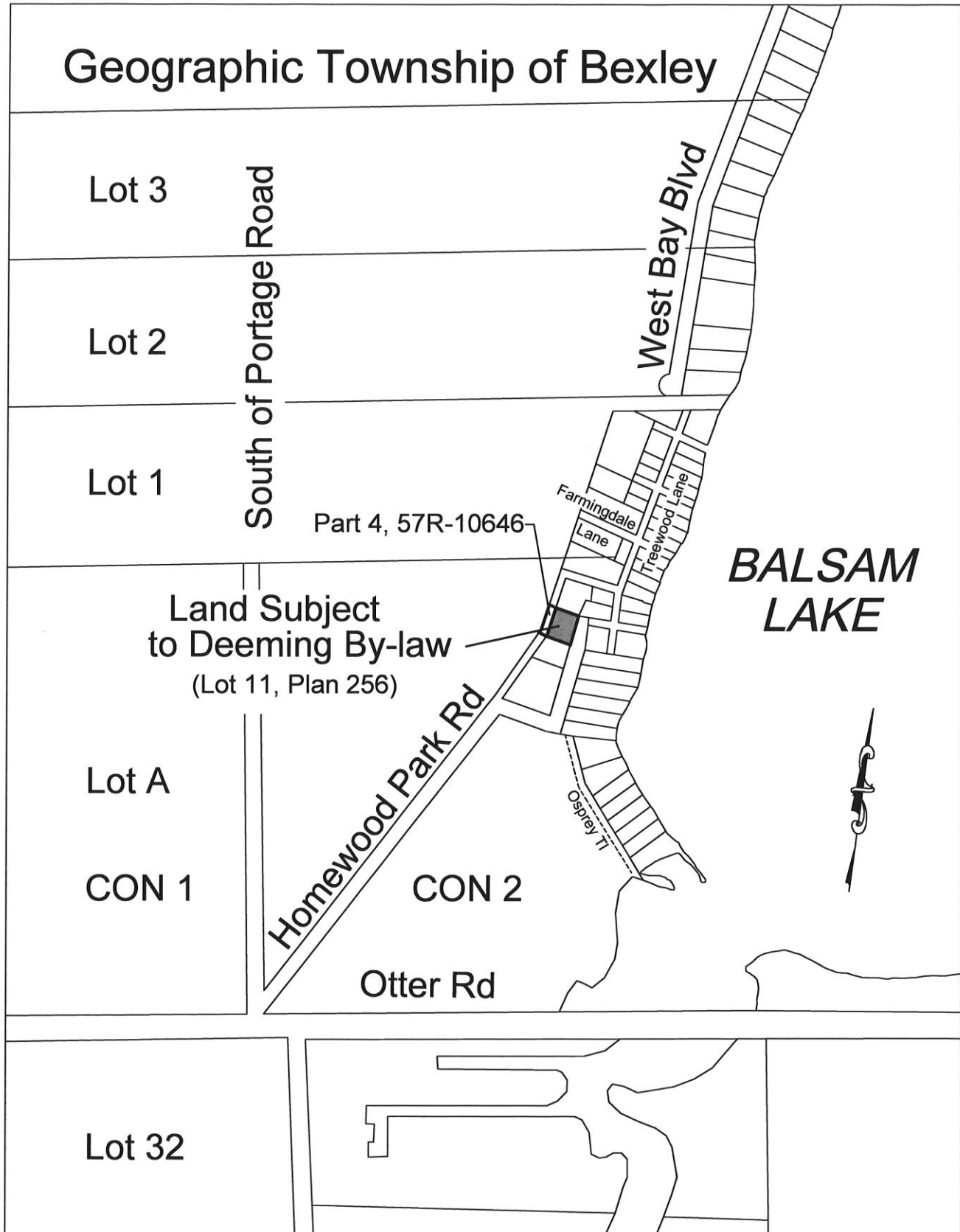
**Department Head:** Chris Marshall

**Department File:** D30-2018-012

to

REPORT PLAN2018-077

FILE NO: D30-2018-012



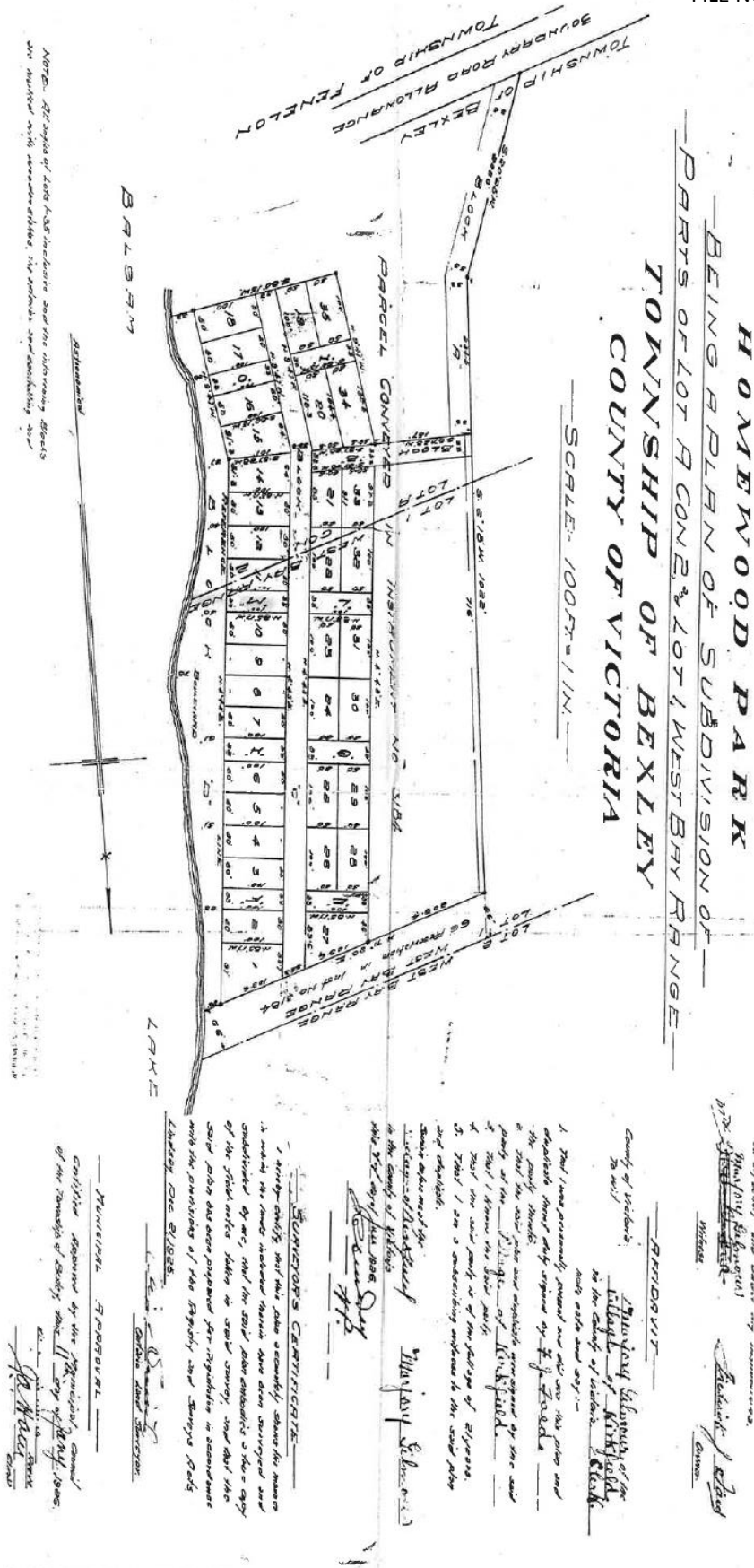
FILE NO: D30-2018-012



to

REPORT PLAN2018-077

FILE NO: D30-2018-012



to

**The Corporation of the City of Kawartha Lakes**REPORT PLAN2018-077FILE NO: D30-2018-012**By-Law 2018 -**

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
PIN 63116-0230 (LT), Described As Lot 11, Plan 256, Geographic Township Of  
Bexley, Now City Of Kawartha Lakes**

File D30-2018-012, Report PLAN2018-077, respecting 71 Homewood Park Road –  
Brianka.

**Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Details**

- 1.01 **Property Affected:** PIN 63116-0230 (LT). The Property affected by this By-law is described as Lot 11, Plan 256, geographic Township of Bexley, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

**Section 2:00 General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-078

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**Date:** November 13, 2018

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

**Place:** Council Chambers

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**Ward Community Identifier:** Ward 5 - Bexley

**Title:** A By-law to Deem Lot 10, Registered Plan 256, 65 Homewood Park Road, geographic Township of Bexley (Murray) – Planning file D30-2018-013

**Author and Title:** Anna Kalnina, Planner II

---

### Recommendation(s):

**Resolved That** Report PLAN2018-078, respecting Lot 10, Registered Plan 256, geographic Township of Bexley, **Murray – Application D30-2018-013**, be received;

**That** a Deeming By-law respecting Lot 10, Registered Plan 256, substantially in the form attached as Appendix D to Report PLAN2018-078, be approved and adopted by Council; and

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

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

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

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

## **Background:**

Proposal:	To deem Lot 10, Registered Plan 256, not to be a lot within a registered plan of subdivision		
Owner:	Mark and Julie Murray		
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan		
Zone:	Rural Residential Type Three (RR3) Zone – Township of Bexley Zoning By-law Number 93-09		
Site Servicing:	Private well and septic system		
Existing Use:	Residential		
Adjacent Uses:	North, South: Second Tier Shoreline Residential		
	East:	Shoreline Residential and Balsam Lake	
	West:	Agricultural	

## **Rationale:**

At the Council Meeting of March 6, 2018, Council carried resolution CR2018-102 to declare a portion of road allowance legally described as Part of Blocks A and B, Plan 175, in the Geographic Township of Bexley, City of Kawartha Lakes (see Appendix C), surplus to municipal needs. Council approved sale of the portions of the road allowance to the adjoining owners to rectify encroachment issues within the road allowance. On September 25, 2018, Council adopted By-law 2018-188 to stop up and close parts of the road allowance.

On behalf of the land owners, Realty Services, has requested that Council pass a Deeming By-law to effect the consolidation of Lot 10, Registered Plan 256 with Part of Block A, Plan 175 being Part 3, 57R-10646, being the requested part of the road allowance (see Appendix A and B). The sale of the requested part of the road allowance is conditional upon registration of a Deeming By-law.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lot 10, Registered Plan 256 with Part of Block A, Plan 175 being Part 3, 57R-10646 into one larger lot so they cannot be sold separately. The legal description will remain the same: Lot 10, Plan 256 and Part of Block A, Plan 175; Part 3, 57R-10646.

## **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owners' lands.

## **Financial/Operation Impacts:**

The Deeming By-law application was filed and paid by Realty Services. Realty Services will collect the cost of registering the By-law from the owners with closing costs. There are no financial implications anticipated for the City.

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

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the quality of life and healthy environment priorities by rectifying encroachment issues and creating a property with a larger building envelope to support the existing residence, accessory structures and on-site servicing.

## **Conclusion:**

The consolidation of the lot with a portion of an unopened road allowance will rectify encroachment issues within the road allowance. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## **Attachments:**

### **Appendix A – Location Map**



Appendix A to  
PLAN2018-078.pdf

### **Appendix B – Survey**



Appendix B to  
PLAN2018-078.pdf

### **Appendix C – Sketch of Homewood Park**



Appendix C to  
PLAN2018-078.pdf

### **Appendix D – Draft Deeming By-law**



Appendix D to  
PLAN2018-078.pdf

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

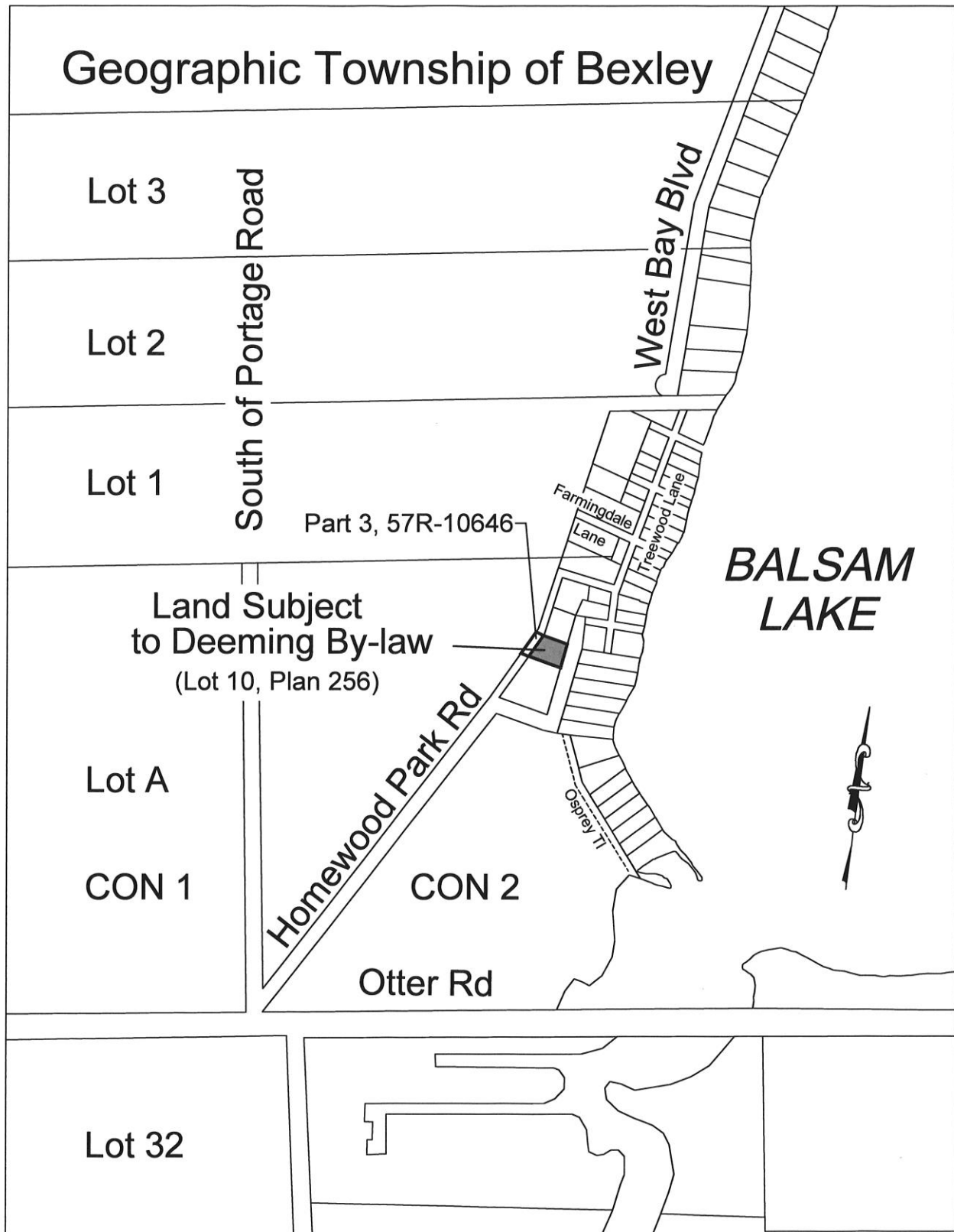
**Department Head:** Chris Marshall

**Department File:** D30-2018-013

to

REPORT PLAN2018-078

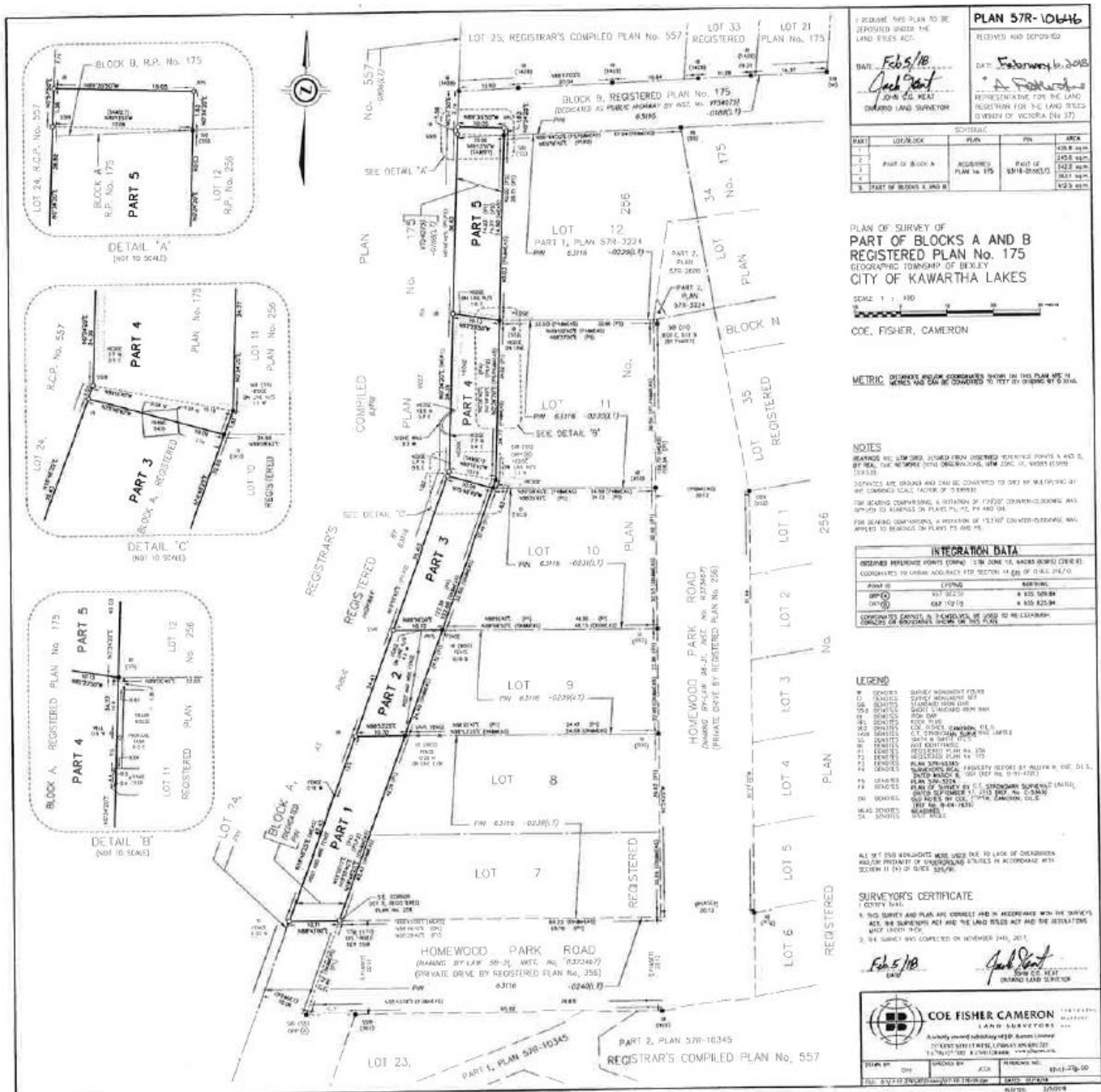
FILE NO: D30-2018-013



to

REPORT PLAN2018-078

FILE NO: D30-2018-013





to

**The Corporation of the City of Kawartha Lakes**  
**By-Law 2018 -**

REPORT PLAN2018-078

FILE NO: D30-2018-013

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
PIN 63116-0231 (LT), Described As Lot 10, Plan 256, Geographic Township Of  
Bexley, Now City Of Kawartha Lakes**

File D30-2018-013, Report PLAN2018-078, respecting 65 Homewood Park Road – Murray.

**Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63116-0231 (LT). The Property affected by this By-law is described as Lot 10, Plan 256, geographic Township of Bexley, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

**Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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

\_\_\_\_\_  
Cathie Ritchie, City Clerk



# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-079

---

**Date:** November 13, 2018

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

**Place:** Victoria Room, City Hall

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**Ward Community Identifier:** Ward 5 - Fenelon

**Subject:** A by-law to deem Lots 10 and 11, Registered Plan 56, 26 Long Beach Road, geographic Township of Fenelon (Beers) – Planning File D30-2018-016.

**Author and Title:** Quadri Adebayo, Planner II

---

### Recommendation:

**RESOLVED THAT** Report PLAN2018-079, respecting Lots 10 and 11, Registered Plan 56, geographic Township of Fenelon, **Beers – Application D30-2018-016**, be received;

**THAT** a Deeming By-law respecting Lots 10 and 11, Registered Plan 56, substantially in the form attached as Appendix D to Report PLAN2018-079, be approved and adopted by Council; and

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

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

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

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

## **Background:**

Proposal:	To deem Lots 10 and 11, Registered Plan 56, not to be lots within a registered plan of subdivision		
Owner:	Shane Beers		
Official Plan:	Hamlet Settlement Area – City of Kawartha Lakes Official Plan		
Zone:	Hamlet Residential (HR) Zone – Township of Fenelon Zoning By-law Number 12-95		
Site Servicing:	Lot 10 – Private well and septic system Lot 11 – Vacant Land		
Existing Use:	Lot 10 – Residential Lot 11 – Vacant Land		
Adjacent Uses:	North:	Residential/Agricultural	
	South:	Agricultural	
	East:	Residential/Agricultural	
	West:	Residential	

## **Rationale:**

Mr. Beers resides on Lot 10 (26 Long Beach Road) and has purchased Lot 11, Vacant Land on Long Beach Road (see Appendix B) in order to obtain more yard space for the development of a detached garage. Mr. Beers is seeking to deem these two lots not to be part of a registered plan of subdivision in order to merge the parcels on title. Thus, Mr. Beers has requested Council to pass a Deeming By-law to deem Lots 10 and 11, Registered Plan 56, not to be lots within a registered plan of subdivision.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will allow the two parcels to be consolidated as one providing greater flexibility with use of the lands and enable sufficient amenity space for the installation of a detached garage. Therefore, they cannot be sold separately, and the legal description will remain the same: Lots 10 and 11, Plan 56.

## **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's lands.

## **Financial/Operation Impacts:**

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

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

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the quality of life and healthy environment priorities by creating a property with supplementary buildable area to support an accessory use associated with the dwelling located on the benefitting lot.

## **Conclusion:**

The consolidation of the lands will create a larger residential lot with sufficient amenity space and an associated future accessory building envelope to be located on one property. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## **Attachments:**

### **Appendix A – Location Map**



Appendix A to  
PLAN2018-079.pdf

### **Appendix B – Applicant Sketch**



Appendix B to  
PLAN2018-079.pdf

### **Appendix C – Subdivision Plan Excerpt**



Appendix C to  
PLAN2018-079.pdf

### **Appendix D – Draft Deeming By-law**



Appendix D to  
PLAN2018-079.pdf

---

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

**Department Head:** Chris Marshall

**Department File:** D30-2018-016

# Geographic Township of Fenelon

'Cameron'

Lot 9

Highway 35

Victoria Rail Trail

Long Beach Rd

Long Beach Rd

Concession 6

Lot 8

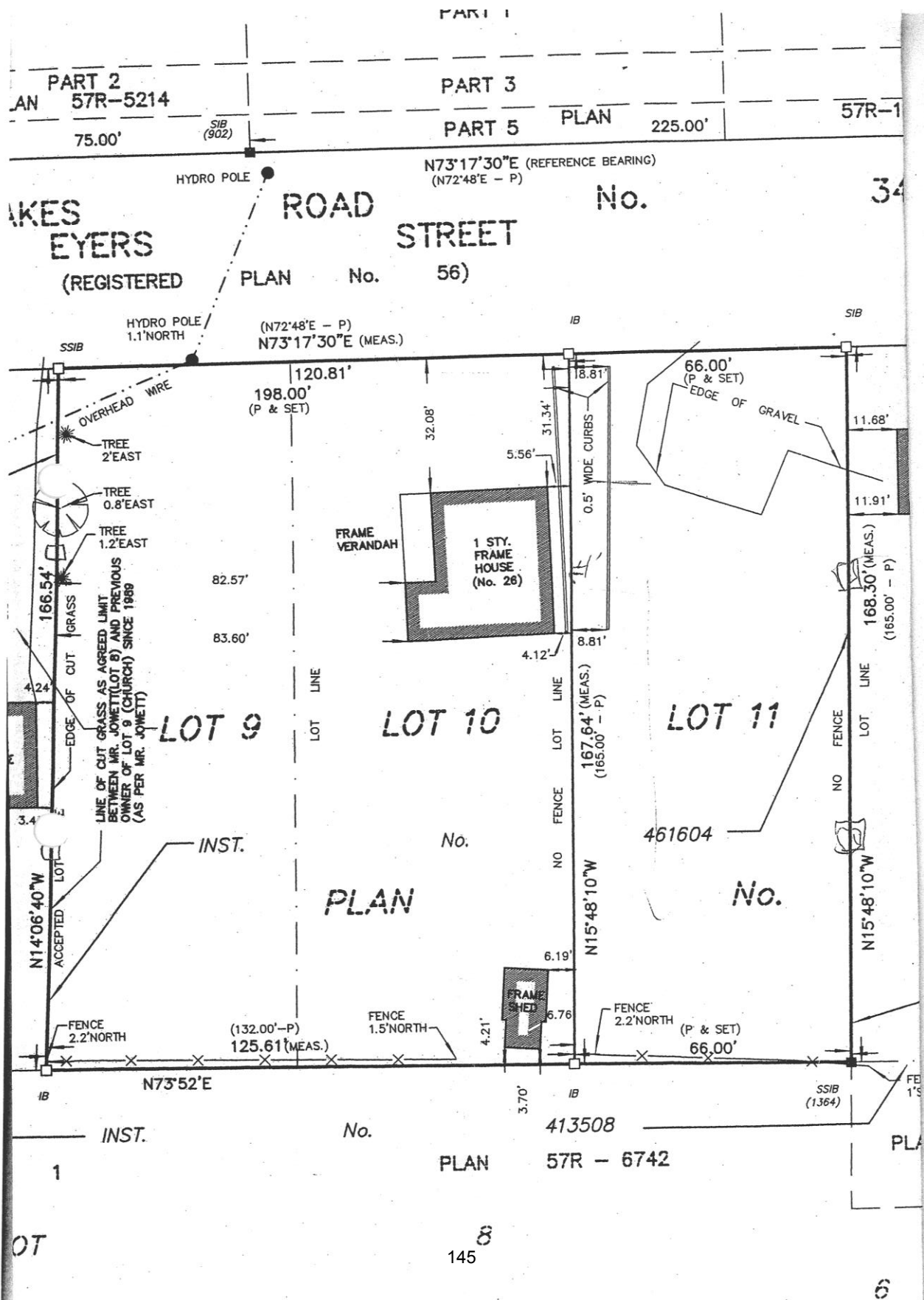
Land Subject  
to Deeming By-law  
(Lots 10 and 11, Plan 56)

APPENDIX: B

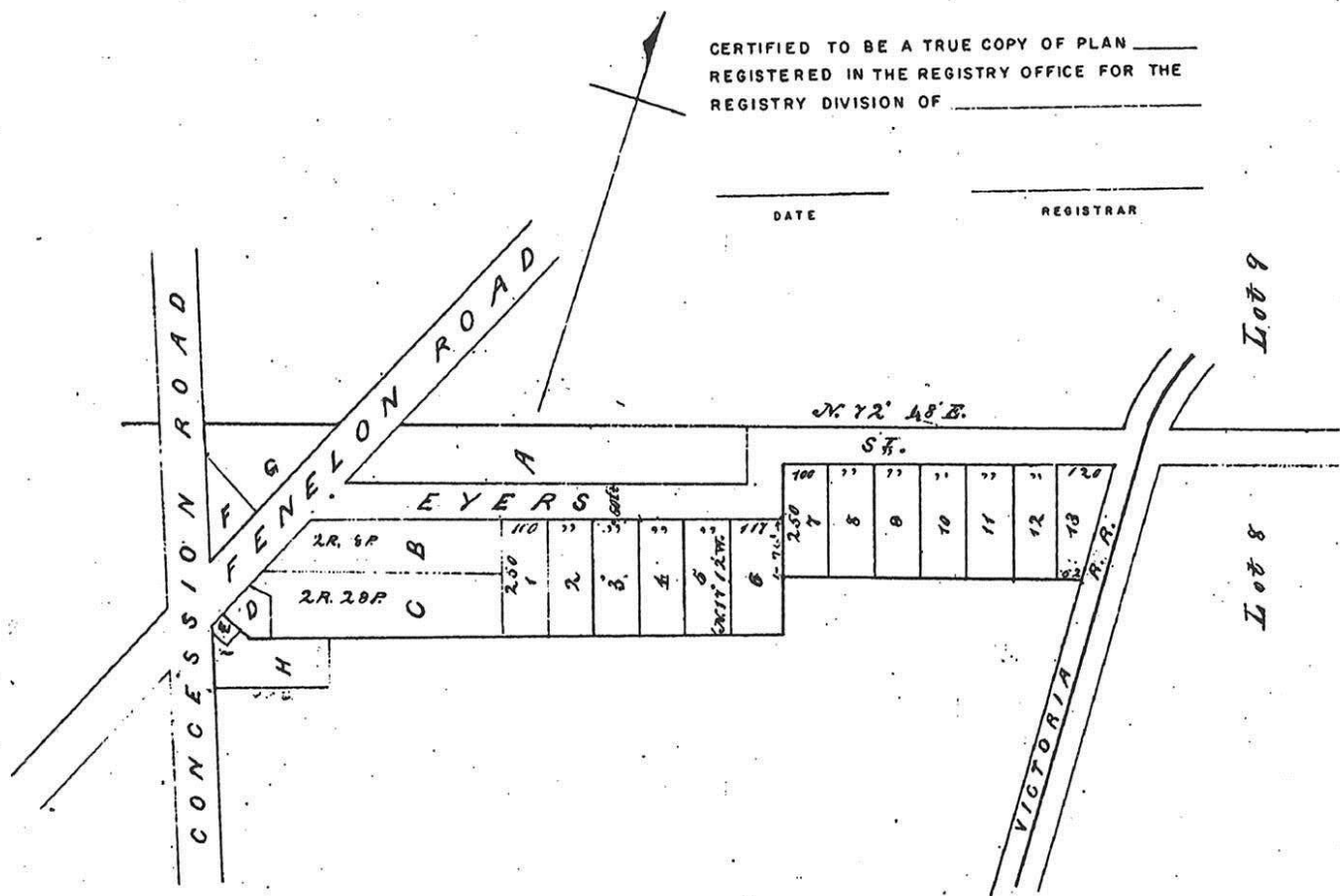
to

REPORT PLAN2018-079

FILE NO: D30-2018-016



to

REPORT PLAN2018-079FILE NO: D30-2018-016

— PLAN —  
**OF THE VILLAGE OF CAMERON**  
— BEING THE NORTH WEST PART  
OF LOT 8. CON. VI FENELON. —

— Scale, 3 Chains to one inch. —

Filed 12<sup>th</sup> April 1895

H. Dunford  
Registrar

No 56

No 56.

This plan is correct and is  
prepared under the provisions  
of the Registration of Titles  
(Ontario) Act.  
James Dickson  
P.L.S.

**The Corporation of the City of Kawartha Lakes****By-Law 2018 -**

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
PIN 63163-0523 (LT) And PIN 63163-0409 (LT), Described As Lot 10 and Lot 11,  
Registered Plan 56, Geographic Township Of Fenelon, Now City Of Kawartha Lakes**

File D30-2018-016, Report PLAN2018-079, respecting 26 Long Beach Road (Lot 10) and Lot 11, Plan 56, Vacant Land on Long Beach Road – Beers.

**Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63163-0523 (LT) and PIN 63163-0409 (LT). The Property affected by this By-law is described as Lot 10 and Lot 11, Registered Plan 56, geographic Township of Fenelon, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

**Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

---

Andy Letham, Mayor

---

Cathie Ritchie, Clerk

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

## **Council Report**

**Report Number PLAN2018-080**

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**Date:** November 13, 2018

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

**Place:** Council Chambers

---

**Ward Community Identifier:** 5

**Subject:** A By-law to Deem Lots 35 to 37, Registered Plan 185, geographic Township of Bexley, being 83 Ridge Drive (Willoughby)

**Author and Title:** Mark LaHay, Planner II

---

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

**That** Report PLAN2018-080 respecting Lots 35 to 37, Registered Plan 185, geographic Township of Bexley, Willoughby – Application D30-2018-015 be received;

**That** a Deeming By-law respecting Lots 35 to 37, Registered Plan 185, substantially in the form attached as Appendix “C” to Report PLAN2018-080 be approved and adopted by Council; and

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

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

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

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



## Background:

Proposal:	The owner has requested Council pass a Deeming By-law to deem Lots 35 to 37, Registered Plan 185, not to be lots within a registered plan of subdivision (see Appendices “A” and “B”).		
Owner:	John Charles Willoughby		
Legal Desc:	Lots 35 to 37, Registered Plan 185, geographic Township of Bexley		
Official Plan:	“Waterfront” in the City of Kawartha Lakes Official Plan		
Zone:	“Rural Residential Type Three Exception One (RR3-1) Zone” in the Township of Bexley Zoning By-law No. 93-09		
Site Servicing:	Lake based water supply and private individual septic system		
Existing Use:	Residential (single detached dwelling and residential accessory structures) on Lot 36. Lots 35 and 37 are vacant.		
Adjacent Uses:	Northeast:	Waterfront Residential	
	Southeast:	Ridge Drive, Rural	
	Southwest:	Waterfront Residential	
	Northwest:	Balsam Lake	

## Rationale:

The owner of Lots 35 to 37 (inclusive) has requested that Council pass a Deeming By-law to effect the consolidation of these three lots. The owner currently has their existing dwelling, a principal use, located on Lot 36, including an accessory use, being a shed, whereas a portion of the existing driveway serving the dwelling is on Lot 35 and the septic system is close to Lot 37. This proposed consolidation would remove any potential present or future contraventions with construction with respect to the side yard setback provisions for buildings or accessory structures and septic systems. Please refer to Appendices “A” and “B”.

Adoption and subsequent registration of this Deeming By-law (see Appendix “C”) will allow greater flexibility for siting buildings and/or structures and permit accessory structures on one property that contains a principal use. The effect of the Deeming By-law is that Lots 35 to 37 will consolidate and be merged into one larger property, which cannot be sold as three separate lots. The legal description will remain the same as Lots 35 to 37, Registered Plan 185.

### **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's lands.

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

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

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

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life and a healthy environment.

This application aligns with the healthy environment priority and quality of life priority by reducing the total number of residential lots adjacent to Balsam Lake and by creating a larger property with a sufficient land area to support the existing and future development.

### **Conclusions:**

The consolidation of the parcels of land will create a larger lot through the merger of the subject lots. This shall accommodate existing and future development on the property. Planning staff do not anticipate any negative impacts as a result of the consolidation.

### **Additional Requirements:**

Pursuant to Sections 50(26) and 50(28) of the Planning Act, a certified copy or duplicate of the Deeming By-law shall be registered by the Clerk in the registry office.

Pursuant to Section 50(29) of the Planning Act, a Notice of Passing is required to be sent within thirty days to the owners. If these owners, within twenty days of the mailing of the notice of passing, give notice to the Clerk that they desire to make representations respecting the amendment or repeal of the Deeming By-law, Council shall hear each person or agent.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A'  
PLAN2018-080.pdf



Appendix 'B'  
PLAN2018-080.pdf



Appendix 'C'  
PLAN2018-080.pdf

Appendix "A" – Location Map

Appendix "B" – Owner's Sketch and Survey Plans of Lots 33-37, Plan185

Appendix "C" – Draft Deeming By-law

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

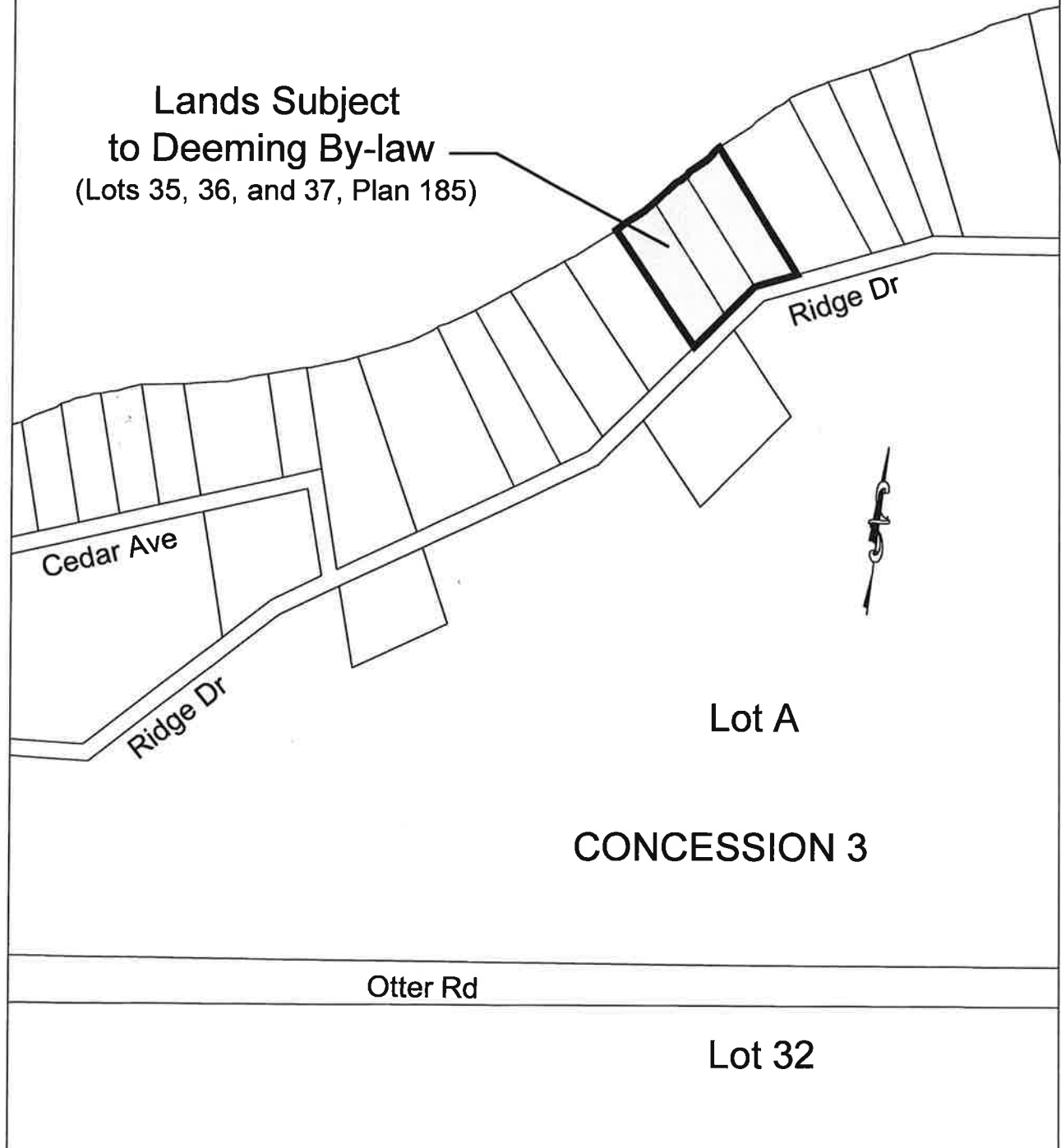
**Department Head:** Chris Marshall

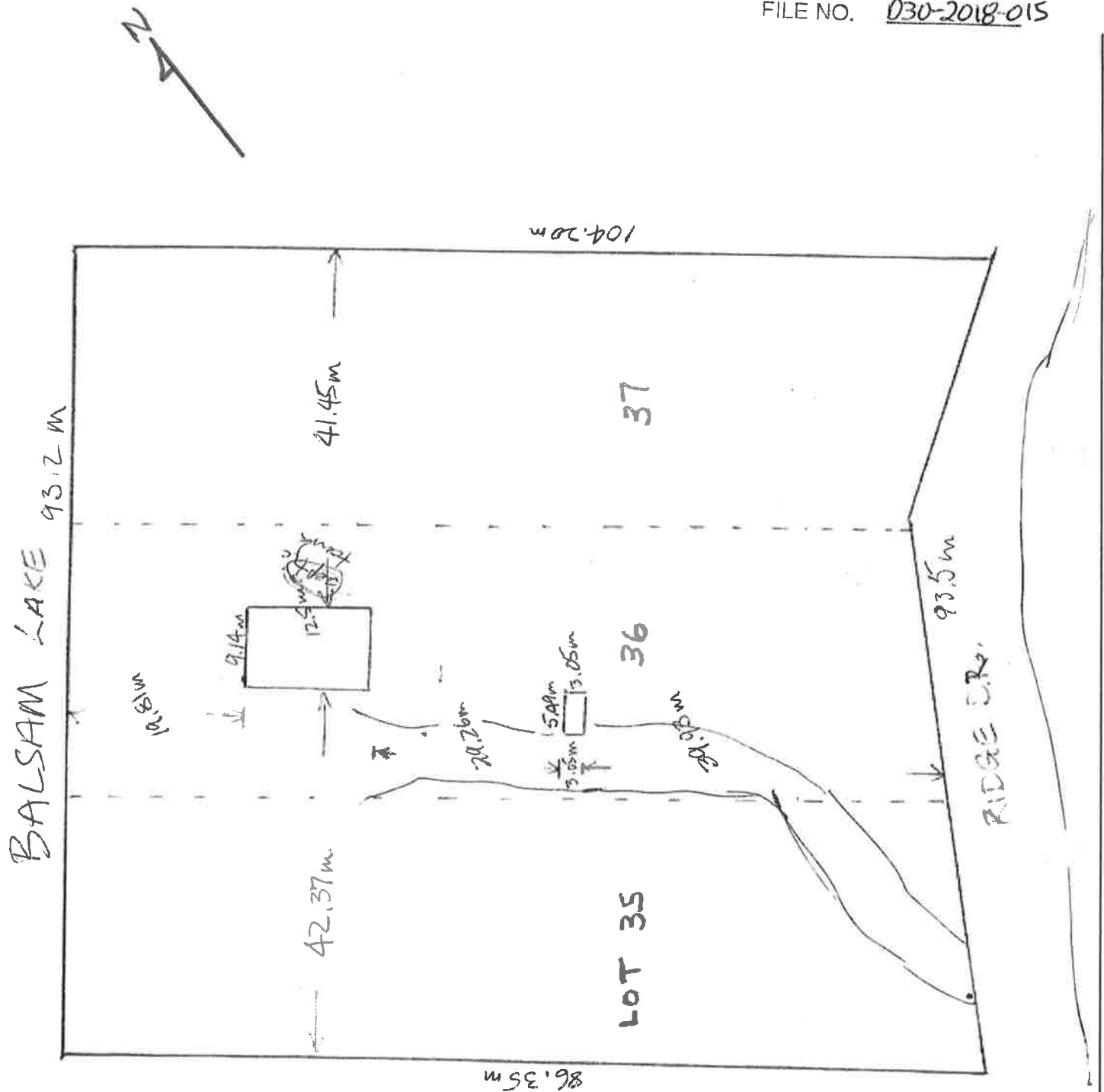
**Department File:** D30-2018-015

# Geographic Township of Bexley

**BALSAM LAKE**

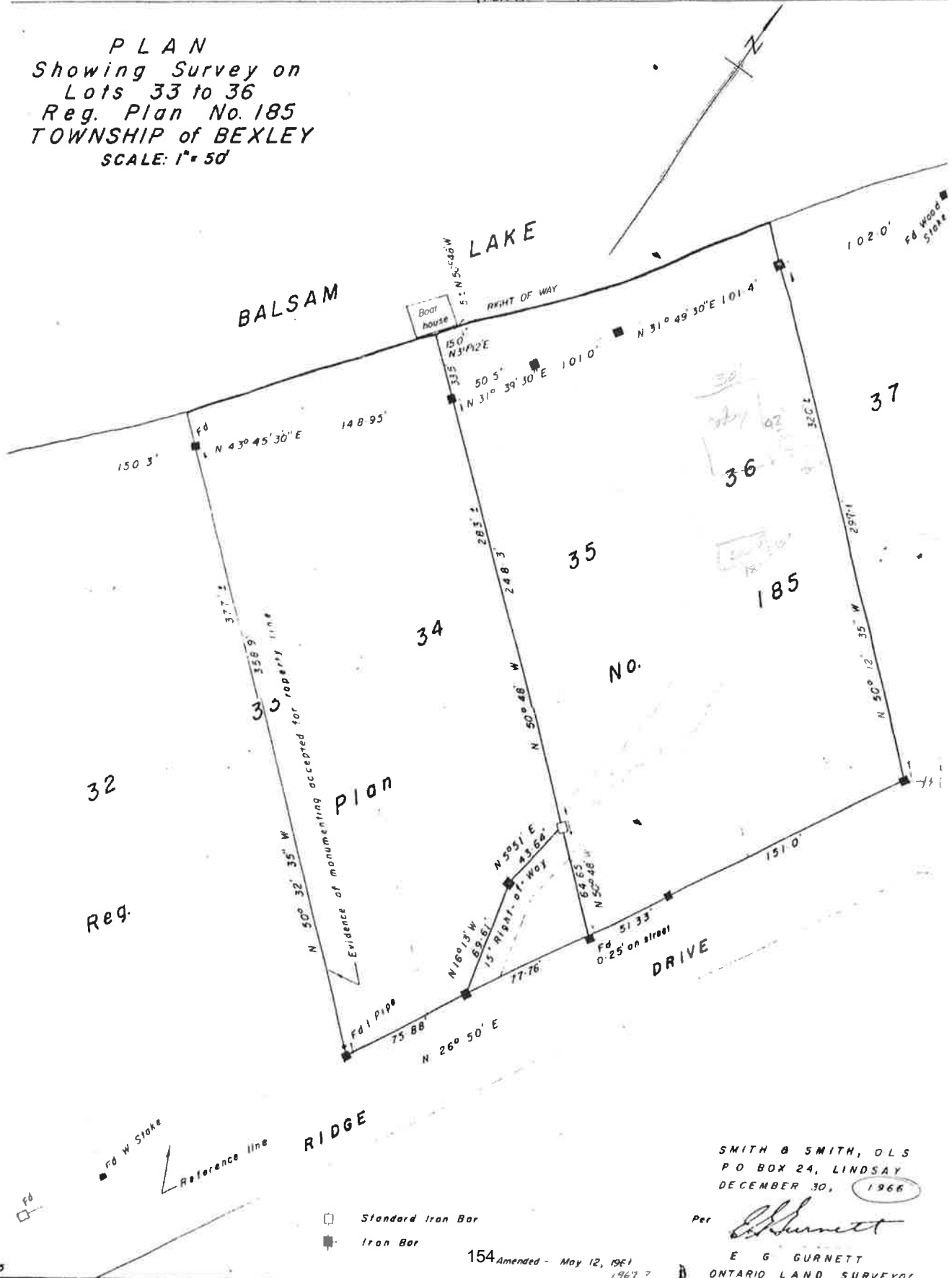
**Lands Subject  
to Deeming By-law**  
(Lots 35, 36, and 37, Plan 185)





Inst. No 100143

PLAN  
Showing Survey on  
Lots 33 to 36  
Reg. Plan No. 185  
TOWNSHIP of BEXLEY  
SCALE: 1" = 50'



SMITH & SMITH, O.L.S.  
P.O. BOX 24, LINDSAY  
DECEMBER 30, 1966

Per *E. G. Gurnett*

E. G. GURNETT  
ONTARIO LAND SURVEYOR

154 Amended - May 12, 1961  
1967?

This report was prepared for:  
DOROTHY GORDON



**The Corporation of the City of Kawartha Lakes**REPORT PLAN2018-080**By-Law 2018 -**FILE NO. 030-2018-015

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
Pin # 63116-0084 (R), Described As Lots 35 to 37, Plan 185  
Geographic Township Of Bexley, Now City Of Kawartha Lakes**

File D30-2018-015, Report PLAN2018-080, respecting 83 Ridge Drive – Willoughby.

**Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Details**

- 1.01 **Property Affected:** PIN # 63116-0084 (R). The Property affected by this By-law is described as Lots 35 to 37, Registered Plan 185, geographic Township of Bexley, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

**Section 2:00 General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.



By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk

## Person Submitting the Petition

Names:	Jean Hollamby Suzanne Thompson <i>SUE THOMPSON 6 @ GMAIL.COM</i>
Address:	31 Marina Drive, Bobcaygeon, Ontario K0M 1A0 33 Marina Drive, Bobcaygeon, Ontario K0M 1A0
Phone:	705-738-4856 705-731-2121

## Petition

**To:** the Council of the City of Kawartha Lakes, 26 Francis Street, Lindsay, ON K9V 5R8.

I/We the undersigned, petition the Council of the City of Kawartha Lakes as follows:

As we don't have sidewalks on Marina Drive, we the residents of Marina Drive, Bobcaygeon formally request a lower speed limit to 40KM on our Street. We have cars speeding well over the 50KM that we have now!

#	Name	Contact Information	Signature
22	JOAN KIRK	705-731-9591	<i>Joan Kirk</i>
19	Tanice Kowalewski	705-738-9396	<i>Tanice Kowalewski</i>
19	Henry Kowalewski	705-738-9396	<i>H Kowalewski</i>
18	Bark Senter	705-738-1732	<i>Bark Senter</i>
14	ANDREE COCKBURN	705-738-4754	<i>Andree Cockburn</i>
14	FRED COCKBURN	705-738-4754	<i>Fred Cockburn</i>
12	Theresa Nelson	515-971-1107	<i>Theresa Nelson</i>
10	ALISON MOSS	705-731-7476	<i>Alison Moss</i>
10	KEN MOSS	705-731-9242	<i>Ken Moss</i>
6	JERRY LE ROY	705-731-2257	<i>Jerry LeRoy</i>
11	Mike Ramsay	905-396-3518 <del>8560</del>	<i>Mike Ramsay</i>
13	Laureen Hayes	905-731-2186	<i>Laureen Hayes</i>
14	KEVIN HAYES	705-731-286	<i>Kevin Hayes</i>

Page 1 of 3

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public. Questions about the collection and disclosure of personal information contained in this petition should be directed to the Office of the City Clerk at 705-324-9411 extension 1295 or 1322. All signature pages submitted must include the petition request for the signatures to be considered valid.



# Person Submitting the Petition

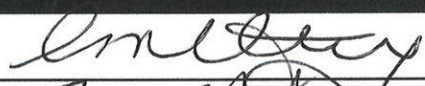

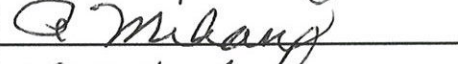




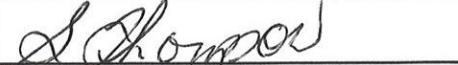





Names:	Jean Hollamby Suzanne Thompson
Address:	31 Marina Drive, Bobcaygeon, Ontario K0M 1A0 33 Marina Drive, Bobcaygeon, Ontario K0M 1A0
Phone:	705-738-4856 705-731-2121

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#	Name	Contact Information	Signature
29	CAROL McVETTY	416.271.4238	
29	BOBBER McVETTY		
15	ANNE MIHAN	705 731 2220	
15	NORM MIHAN	705 731-2220	
31	JEAN HOLLAMBY	705-731-2121	
31	SUE HOLLAMBY	705 731 2121	
16	Richard Huckvale	705-738-4350	
33	SUE THOMPSON	705 738-4855	
30	PHYLLIS TOLLETT	705-731-0464	
28	CAROL SMALLEY	705 454-1106	
28	BOB SMALLEY	705 454-1106	
27	Pd C MITCHELL	705-731-1012	
25	J & S MATTHIES	705-738-1344	

Page 2 of 3

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public. Questions about the collection and disclosure of personal information contained in this petition should be directed to the Office of the City Clerk at 705-324-9411 extension 1295 or 1322. All signature pages submitted must include the petition request for the signatures to be considered valid.



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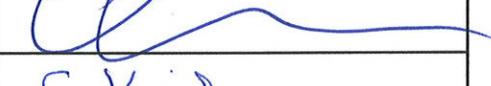
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Phone:	705-738-4856 705-731-2121

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#	Name	Contact Information	Signature
17	TREVOR TROTTER	765 731 0816	
21	Chuck Skiks	765 734-9796	
35	Gail Kivela	705 879-8656	G. Kivela
35	HARVEY KIVELA	705 879-5950	H. Kivela
39	Christine St. Jacques	705 731-0162	C. St. Jacques
43	THEA PUTTICK	705-731-1034	T. Puttick
43	DEBRAH CONROY	705-731-0047	D. Conroy
43	Jim Jamieson	705 731 - 0047	J. Jamieson
30	DON TOLLETT	705-731-0464	D. Tollett
33	JIM THOMPSON	705 731-4856	J. Thompson

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public. Questions about the collection and disclosure of personal information contained in this petition should be directed to the Office of the City Clerk at 705-324-9411 extension 1295 or 1322. All signature pages submitted must include the petition request for the signatures to be considered valid.

**Hickory Beach Association**  
**hbassc@gmail.com**  
**www.hickorybeach.ca**

**September 14, 2018**

**Mayor Andy Letham and Members of Council**

**City of Kawartha Lakes**

PO Box 696, 26 Francis Street, Lindsay, Ontario, K9V 4W9

Dear Mayor Letham and Members of Council,

Please accept this letter and the attached petition concerning the roadways within the Hamlet of Hickory Beach.

The petition concerns itself with the condition of the following roadways within the Hamlet of Hickory Beach: **Sandy Point Road and Gray Road**. Eighty-two individuals have provided their signatures to this petition representing the combined occupants attached to 82 residences. Their combined concerns go well beyond the condition of the road surfaces but more importantly for the safety of those utilizing these community roadways.

#### **RESURFACING OF SANDY POINT ROAD AND GRAY ROAD**

Sandy Point Road (1 km. long) runs east and west between Hickory Beach Road and Gray Road and is a major access route for local residents travelling to and from Fenelon Falls via Sturgeon Point Road. Gray Road (1 km. long) runs from Sturgeon Point Road (CKL Road 25) south to Lake Sturgeon at the entrance to the Sturgeon Point Golf Club. Both roads are used heavily in the summer by golfers going to the Sturgeon Point Golf Club, which is located at the intersection of Sandy Point Road and Gray Road. Many children during the summer ride their bicycles on Sandy Point Road and Gray Road in the morning and afternoon when travelling to and from the Sturgeon Point Sailing Club for summer sailing classes. Many families with children and canine walk/run/cycle along Sandy Point Road and Gray Road especially during the summer months. The condition of the road surface on Sandy Point Road, (black-top), has deteriorated so badly that motorists are continuously swerving from one side of the road to the other to avoid the potholes. Even though the City has attempted with the best of intent to maintain the road by cold and hot patching the surface continues to noticeably deteriorate.

The speed on Sandy Point Road was reduced to 50 km/h a few years ago due to the large number of adults and children traversing this roadway on foot and bicycles.

The mixing of motorists, attempting to avoid numerous potholes, and the many pedestrians and cyclists using Sandy Point Road is a recipe for a tragic ending. The community has lost a young boy on a bicycle to a roadway fatality approximately 4 years ago at the North Bayou and Hickory Beach Road resulting in a change of the speed on Hickory Beach Road just north of this intersection. Sandy Point Road and Gray Road are main school bus routes being traversed daily by two separate school buses in the morning and afternoon.

Mayor Letham please urge council to ensure that the proposed resurfacing of Sandy Point Road and Gray Road occurs in 2019 as scheduled. Sandy Point Road was scheduled to be resurfaced in 2014 but was bumped until 2019. In addition I have resided on Sandy Point Road for 20 years and during that time the road has not been resurfaced and some longtime residents indicate it is closer to 25 years.

Warmest Regards

**Hickory Beach Association - President Greg Mills**

[millsbg@gmail.com](mailto:millsbg@gmail.com)

C.C. Councillor B. Junkin- CKL Ward 7, Councillor D. Elmslie - CKL - Ward 6, CKL Director of Public Works - Bryan Robinson, CKL Technical Services - Joseph Kelly.

# Petition for Road Resurfacing

## Hamlet of Hickory Beach

<b>Petition summary and background</b>	This petition is to keep Sandy Point Road, Grey's Road & Pleasant View Dr. in the Hamlett of Hickory Beach on schedule to be resurfaced in 2019..
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to have this situation looked into for 2019.

Printed Name	Signature	Address	Comment	Date
Nelle Murray	Nelle Murray	72 Sandy Point Rd.	The road is full of pot holes	5/16/18
Robert Austin	[Signature]	72 Sandy Point Rd.	We have been promised for yrs. "	
Pamela Whitman	[Signature]	40 LAKE AVE	Not safe for it road	6/6/18
Jacquie Graham	[Signature]	130 FRANKIS ST. E.	Road is a mess!	6/6/18
Rick Gabe	[Signature]	130 Francis St. E.	"	6/6/18
Kinnie Brown	[Signature]	50 N. Bayou RD	"	6/6/18
Marg Ward	[Signature]	62 South Bayou Rd		6/6/18
Calista Hunter	Calista Hunter	32 Riverbank Rd	Road is horrible	6/6/18
NANCY COLLINS	[Signature]	106 KOZY KOVE RD.	ROAD IS TERRIBLE !!	6/6/18
KAREN COLLINS	[Signature]	20 Shore Ave	" "	6/6/18
Rebecca LeBlanc	[Signature]	99 Murray St.	" "	6/6/18

Printed Name	Signature	Address	Comment	Date
Jaiden Quackenbush	Jaiden Quackenbush	99 murray st	✓ Road is bad	
Linda Duncan	Linda Duncan	412 Bulmer's Rd.	no road - just old patches	
J. Eaton	J. Eaton	91 Sandy Pt Rd	Please!	
Rich Galt	Rich Galt			
James "				
<del>John Young</del>	<del>John Young</del>			
Bullin				



Matt  
9th  
Hickory

## Petition for Road Resurfacing

### Hamlet of Hickory Beach

<b>Petition summary and background</b>	This petition is to keep Sandy Point Road, Grey's Road & Pleasant View Dr. in the Hamlet of Hickory Beach on schedule to be resurfaced in 2019..
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to have this situation looked into for 2019.

Printed Name	Signature	Address	Comment	Date
CHRISTINA HULLIER	Christina Hullier	608 HICKORY BEACH Rd.		AUG. 19/2018
Ken Hawks	K. Hawks			Aug 19
Tony & Nancy Holt	Nancy Holt	624		Aug 19
"	N. Holt	624		Aug 19
Lynn BUSSEY	Lynn Bussey	635		Aug 19
Matthew McGee-Ruiz	Matthew McGee-Ruiz	11 Cedarhurst Ave		AUG. 22, 18
Robert Richards	Robert Richards	606 Hickory Beach Rd		Sept. 12/18
Eva Henderson	Eva Henderson	606 Hickory Beach Rd.		Sept. 12/18
Sydney Szabario	Sydney Szabario	622 Hickory beach RD		Sept. 12/18
Julianne Whitehead	Julianne Whitehead	615 Hickory Beach Rd		Sept. 12/18
Dallas Dawson	Dallas Dawson	632 Hickory Beach Rd.		Sept. 12/18




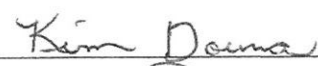
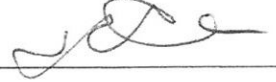
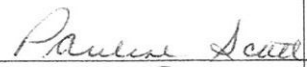
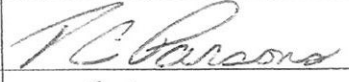

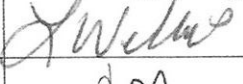
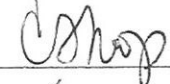

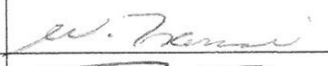




# Petition for Road Resurfacing

## Hamlet of Hickory Beach

<b>Petition summary and background</b>	This petition is to keep Sandy Point Road, Grey's Road & Pleasant View Dr. in the Hamlett of Hickory Beach on schedule to be resurfaced in 2019..
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to have this situation looked into for 2019.

Printed Name	Signature	Address	Comment	Date
Mike LaPlante	<i>[Signature]</i>	125 South Bayou Rd	Fenelon Falls - Pave that road, it is necessary	
ARNEY SEYMOUR	<i>[Signature]</i>	37 S Bayou Rd	terrible	June 10
Ken L. McMurrian	<i>[Signature]</i>	31 South Bayou		June 10
Chris Appleton	<i>[Signature]</i>	139 Sandy Pt. Rd.	please fix the road	June 10
Kathy Parsons	<i>[Signature]</i>	51 South Bayou Rd		June 10/18
BONNIE MILLS	<i>[Signature]</i>	103 Sandy Point Rd	road is terrible	June 10/18
Tony Holt	<i>[Signature]</i>	624 Hickory Beach		June 10, 18
Dave Grant	<i>[Signature]</i>	22 Edgewood Dr.	Badly needed.	June 10
B. Steven, USON	<i>[Signature]</i>	12 N. Bayou Rd		June 10/18
Alan Shortell	<i>[Signature]</i>	601 Hickory Beach Rd.		June 10/18
MARTY ARSCOTT	<i>[Signature]</i>	72 South Bayou		June 10/18

Printed Name	Signature	Address	Comment	Date
Sandra Howe		42 Pleasantview Drive Fenelon Falls, Ont		June 10/2018
Kim Dama		18 North Bayou <small>Fenelon Falls</small>		June 10/2018
ROBERT CHAU		20 PARKHILL DR		JUNE 2/2018
PAULINE SCOTT Pauline Scott		34 North Bayou Rd		June 10/2018
TERRY PARSONS		51 SOUTH BAYOU RD.		JUNE 10/18
Betty Sippel		55 South Bayou Rd	Heavily travelled Rd	June 23/18
Laura Williams		9 South Bayou Rd.		July 23/18
Cathie Thorp		42 Edgewood Dr.		Aug. 5/18
DHAIFIR AHMAD		45 South Bayou	CARS DRIVING ALL OVER ROAD BODGING RUFF ROAD.	Aug 5/18
Wanda Trandowski		38 North Bayou Rd		Aug 5/18
Mark VanDoe		17 South Bayou Rd	Lot of TRAFFIC	Aug 5/18
Ashleigh Baker		28 South Bayou Rd		Aug 5/18

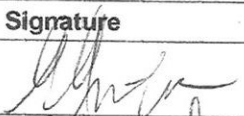
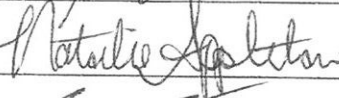

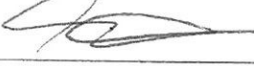


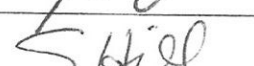
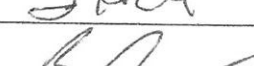





# Petition for Road Resurfacing

## Hamlet of Hickory Beach

<b>Petition summary and background</b>	This petition is to keep Sandy Point Road, Grey's Road & Pleasant View Dr. in the Hamlett of Hickory Beach on schedule to be resurfaced in 2019..
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to have this situation looked into for 2019.

Printed Name	Signature	Address	Comment	Date
C. Glaesser	<i>C. Glaesser</i>	8 Parkhill Drive		June 9/18
R Foster	<i>R Foster</i>	12 Parkhill Dr		June 9/18
J Nelson		22 Parkhill Dr.		
LAURIE ROCKMAN	<i>Laurie Rockman</i>	36 Parkhill Dr.		June 9/18
Lori Naoum	<i>Lori Naoum</i>	39 Parkhill Dr.		
WILLIAM HAINES	<i>William Haines</i>	37 PARKHILL DR		
Morgan Kerr	<i>Morgan Kerr</i>	16 Parkhill dr		Aug 23/18
Rob Rusnak	<i>Rob Rusnak</i>	28 Parkhill dr		Aug 23/18
Miranda Rusnak	<i>Miranda Rusnak</i>	28 Parkhill Dr.		Aug 23/18
Elmira Madeira	<i>Elmira Madeira</i>	44 Parkhill Dr.		
STEVE HAMSTEN	<i>Steve Hamsten</i>	25 PARKHILL DR.		AUG. 23

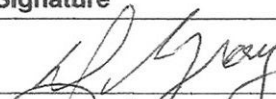

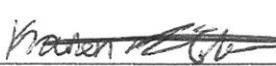
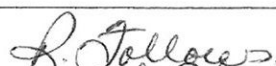

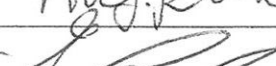



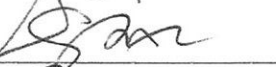
Printed Name	Signature	Address	Comment	Date
LARRY GIBBARD		6 Parkhill Dr		Aug 23 2018
Natalie Appleton		1133 Pitson Rd. N		Sept. 14/18
Rachel Glaesser		258 Quebec St.		Sept. 14/18
Barren Mahoney		258 Quebec St.		Sept. 14/18
Andrew Appleton		1133 Pitson Rd. N		Sept. 14/18
Terry Hill		17 Parkhill Dr		Sept 14/18
S. Hill		17 Parkhill		Sept 15/18
B. Messer		15 Edgewood		Sept 15/18
B. MacDonald		19 Edgewood dr		Sept 15/18
M. PECKY		19 EDGEWOOD DR		SEPT 15/18
Marcela Reyes		15 Edgewood Dr		Sept 15/18



# Petition for Road Resurfacing

## Hamlet of Hickory Beach

<b>Petition summary and background</b>	This petition is to keep Sandy Point Road, Grey's Road & Pleasant View Dr. in the Hamlett of Hickory Beach on schedule to be resurfaced in 2019..
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to have this situation looked into for 2019.

Printed Name	Signature	Address	Comment	Date
D. GRAY		54 NORTH BAYOU RD	WERRY	5/30/18
R. Tibando		58 NORTH BAYOU RD		6/16/18
K. McGlennen		30 North bayou RD		6/25/18
J. Mulegan		68 North Bayou		6/16/18
D. Follows		28 North Bayou		6/6/18
M. Laplante		18 South Bayou Rd		8/08/18
G. SCHARPEL		13 " " "		8/09/18
Glenn Haines		37 Parkhill dr.		8/09/18
J. C. Eason		91 Sandy Pt RD		8/09/18
Sally Eason		91 Sandy Pt Rd		8/09/18
Rosemarie Macey		462 Hickory Beach Rd		8/09/18



## THE CORPORATION OF THE CITY OF KAWARTHA LAKES

### BY-LAW NUMBER 2018-216

#### **A BY-LAW OF THE CORPORATION OF THE CITY OF KAWARTHA LAKES TO AUTHORIZE THE BORROWING UPON SERIAL DEBENTURES IN THE PRINCIPAL AMOUNT OF \$951,077.57 TOWARDS THE COST OF THE RURAL RESURACING PROGRAM**

AND WHEREAS subsection 401 (1) of the *Municipal Act, 2001*, as amended (the “Act”) provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 408 (2.1) of the Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

AND WHEREAS the Council of The Corporation of The City of Kawartha Lakes (the “Municipality”) has passed the By-law or By-laws, as applicable, enumerated in column (1) of Schedule “A” attached hereto and forming part of this By-law authorizing the capital work described in column (2) of Schedule “A” (individually a “Capital Work” and collectively the “Capital Works, as the case may be”), and authorizing the entering into of a Financing Agreement dated effective as of October 11, 2018 for the provision of temporary and long term borrowing from Ontario Infrastructure and Lands Corporation (“OILC”) in respect of the Capital Work(s) (the “Financing Agreement”) and the Municipality desires to issue debentures for the Capital Work(s) in the amount or respective amounts, as applicable, specified in column (5) of Schedule “A”;

AND WHEREAS before authorizing the Capital Work(s) and before authorizing any additional cost amount and any additional debenture authority in respect thereof the Council of the Municipality had its Treasurer calculate an updated limit in respect of its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable regulation and, prior to the Council of the Municipality authorizing the Capital Work(s), each such additional cost amount and each such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of the Capital Work(s), each such additional cost amount and each such additional debenture authority, would not cause the Municipality to exceed the updated limit and that the approval of the Capital Work(s), each such additional cost amount and each such additional debenture authority, by the Ontario Municipal Board pursuant to such regulation was not required;

AND WHEREAS the Municipality has submitted an application to OILC for long term borrowing through the issue of debentures to OILC in respect of the Capital Work(s) (the “Application”) and the Application has been approved;

AND WHEREAS to provide long term financing for the Capital Work(s) and to repay certain temporary advances in respect of the Capital Work(s) made by OILC pursuant to the Financing Agreement, it is now deemed to be expedient to borrow money by the issue of

serial debentures in the principal amount of \$951,077.57 dated December 03, 2018 and maturing on December 03, 2028, and payable in semi-annual instalments of combined principal and interest on the third day of June and on the third day of December in each of the years 2019 to 2028, both inclusive on the terms hereinafter set forth;

NOW THEREFORE THE COUNCIL OF The Corporation of The City of Kawartha Lakes ENACTS AS FOLLOWS:

1. For the Capital Work(s), the borrowing upon the credit of the Municipality at large of the principal amount of \$951,077.57 and the issue of serial debentures therefor to be repaid in semi-annual instalments of combined principal and interest as hereinafter set forth, are hereby authorized.
2. The Mayor and the Treasurer of the Municipality are hereby authorized to cause any number of serial debentures to be issued for such amounts of money as may be required for the Capital Work(s) in definitive form, not exceeding in total the said principal amount of \$951,077.57 (the "Debentures"). The Debentures shall bear the Municipality's municipal seal and the signatures of Mayor and the Treasurer of the Municipality, all in accordance with the provisions of the Act. The municipal seal of the Municipality and the signatures referred to in this section may be printed, lithographed, engraved or otherwise mechanically reproduced. The Debentures are sufficiently signed if they bear the required signatures and each person signing has the authority to do so on the date he or she signs.
3. The Debentures shall be in fully registered form as one or more certificates in the aggregate principal amount of \$951,077.57, in the name of OILC, or as OILC may otherwise direct, substantially in the form attached as Schedule "B" hereto and forming part of this By-law with provision for payment of principal and interest (other than in respect of the final payment of principal and outstanding interest on maturity upon presentation and surrender) by pre-authorized debit in respect of such principal and interest to the credit of such registered holder on such terms as to which the registered holder and the Municipality may agree.
4. In accordance with the provisions of section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011*, as amended from time to time hereafter, as security for the payment by the Municipality of the indebtedness of the Municipality to OILC under the Debentures (the "Obligations"), the Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding the amounts that the Municipality fails to pay OILC on account of the Obligations and to pay such amounts to OILC from the Consolidated Revenue Fund.
5. The Debentures shall all be dated **December 03, 2018**, and as to both principal and interest shall be expressed and be payable in lawful money of Canada. The Debentures shall bear interest at the rate of 3.38% per annum and mature during a period of 10 year(s) from the date thereof payable semi-annually in arrears as described in this section. The Debentures shall be paid in full by December 03, 2028 and be payable in semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third of December

in each of the years 2019 to 2028, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set forth in Schedule "C" attached hereto and forming part of this By-law ("Schedule "C").

6. Payments in respect of principal of and interest on the Debentures shall be made only on a day on which banking institutions in Toronto, Ontario, are not authorized or obligated by law or executive order to be closed (a "**Toronto Business Day**") and if any date for payment is not a Toronto Business Day, payment shall be made on the next following Toronto Business Day.
7. Interest shall be payable to the date of maturity of the Debentures and on default shall be payable on any overdue amounts both before and after default and judgment at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debentures for such amounts plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amounts become overdue for so long as such amounts remain overdue and the Municipality shall pay to the registered holders any and all costs incurred by the registered holders as a result of the overdue payment. Any amounts payable by the Municipality as interest on overdue principal or interest and all costs incurred by the registered holders as a result of the overdue payment in respect of the Debentures shall be paid out of current revenue. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

"**Prime Rate**" means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the "**Reference Banks**") as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by the remaining Reference Banks.

8. In each year in which a payment of semi-annual instalments of combined equal principal and diminishing interest amounts becomes due in respect of the Capital Work(s), there shall be raised as part of the Municipality's general levy the amounts of principal and interest payable by the Municipality in each year as set out in Schedule "C" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality.
9. The Debentures may contain any provision for their registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.
10. The Municipality shall maintain a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the

cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

11. The Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Municipality shall deem and treat registered holders of the Debentures as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Municipality.
12. The Debentures will be transferable or exchangeable at the office of the Treasurer of the Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, the Mayor and the Treasurer shall issue and deliver a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations as directed by the transferee, in the case of a transfer or as directed by the registered holder in the case of an exchange.
13. The Mayor and the Treasurer shall issue and deliver new Debentures in exchange or substitution for Debentures outstanding on the registry with the same maturity and of like form which have become mutilated, defaced, lost, subject to a mysterious or unexplainable disappearance, stolen or destroyed, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case when a Debenture is mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed) furnished the Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Municipality in its discretion; and (c) surrendered to the Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.
14. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of this By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

15. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.
16. Reasonable fees in respect of the Debentures, in the normal course of business, other than reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of any of the principal and interest cheques (if any) that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed may be imposed by the Municipality. When new Debentures are issued in substitution in these circumstances the Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.
17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder.
18. The Mayor and the Treasurer are hereby authorized to cause the Debentures to be issued, one or more of the Clerk and Treasurer are hereby authorized to generally do all things and to execute all other documents and other papers in the name of the Municipality in order to carry out the issue of the Debentures and the Treasurer is authorized to affix the Municipality's municipal seal to any of such documents and papers.
19. The money received by the Municipality from the sale of the Debentures to OILC, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to their issue, if any, shall be apportioned and applied to the Capital Work(s) and to no other purpose except as permitted by the Act.
20. Subject to the Municipality's investment policies and goals, the applicable legislation and the terms and conditions of the Debentures, the Municipality may, if not in default under the Debentures, at any time purchase any of the Debentures in the open market or by tender or by private contract at any price and on such terms and conditions (including, without limitation, the manner by which any tender offer may be communicated or accepted and the persons to whom it may be addressed) as the Municipality may in its discretion determine.

21. This By-law takes effect on the day of passing.

By-law read a first and second time this 13th day of November, 2018

By-law read a third time and finally passed this 13th day of November, 2018

---

Andy Letham  
Mayor

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Cathie Ritchie  
Clerk



**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**Schedule "A" to By-law Number 2018-216**

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>
<b>By-law</b>	<b>Project Description</b>	<b>Approved Amount to be Financed Through the Issue of Debentures</b>	<b>Amount of Debentures Previously Issued</b>	<b>Amount of Debentures to be Issued</b>	<b>Term of Years of Debentures</b>
2018-202	Rural Resuracing Program	\$951,077.57	\$0.00	951,077.57	10 year(s)

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**Schedule “B” to By-law Number 2018-216**

No. 2018-216

\$951,077.57
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C A N A D A  
Province of Ontario

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**FULLY REGISTERED INTEREST RATE 3.38% SERIAL DEBENTURE**

THE CORPORATION OF THE CITY OF KAWARTHA LAKES (the “Municipality”), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (“OILC”)

or registered assigns, subject to the Conditions attached hereto which form part hereof (the “Conditions”), upon presentation and surrender of this debenture (or as otherwise agreed to by the Municipality and OILC) by the maturity date of this debenture (December 03, 2028), the principal amount of

NINE HUNDRED FIFTY-ONE THOUSAND SEVENTY-SEVEN DOLLARS AND FIFTY-SEVEN CENTS

----- (\$951,077.57) -----

by semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third day of December in each of the years 2019 to 2028, both inclusive, in the amounts set forth in the attached Serial Debenture Schedule (the “Amortization Schedule”) and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions, interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (December 3, 2018), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 3.38% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule. Interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the “OILC Act, 2011”) hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding any amounts that

the Municipality fails to pay OILC on account of indebtedness evidenced by this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

IN TESTIMONY WHEREOF and under the authority of By-law Number 2018-216 of the Municipality duly passed on the 13th day of November, 2018 (the "By-law"), this debenture is sealed with the municipal seal of the Municipality and signed by the Mayor and by the Treasurer thereof.

Date of Registration: December 03, 2018

\_\_\_\_\_

Andy Letham, Mayor

(Seal)\_\_\_\_\_

Carolyn Daynes, Treasurer

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by: \_\_\_\_\_  
Authorized Signing Officer

by: \_\_\_\_\_  
Authorized Signing Officer

## LEGAL OPINION

We have examined the By-law of the Municipality authorizing the issue of serial debentures in the principal amount of \$951,077.57 dated December 03, 2018 and maturing on December 03, 2028 in semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third of December in each of the years 2019 to 2028, both inclusive, as set out in Schedule "C" to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Municipality. The debenture issued under the By-law in the within form (the "Debenture") is the direct, general, unsecured and unsubordinated obligation of the Municipality. The Debenture is enforceable against the Municipality subject to the special jurisdiction and powers of the Ontario Municipal Board over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

December 03, 2018

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Staples and Swain Professional Corporation

## **CONDITIONS OF THE DEBENTURE**

### **Form, Denomination, and Ranking of the Debenture**

1. The debentures issued pursuant to the By-law (collectively the “Debentures” and individually a “Debenture”) are issuable as fully registered Debentures without coupons.
2. The Debentures are direct, general, unsecured and unsubordinated obligations of the Municipality. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.
3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

### **Registration**

4. The Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the transfers, exchanges and substitutions of Debentures, may be recorded and the Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

### **Title**

5. The Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Municipality.

### **Payments of Principal and Interest**

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Municipality to the persons registered as holders in the registry on the relevant record date. The Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.
7. The Municipality shall make all payments in respect of semi-annual instalments of combined equal principal and diminishing interest amounts on the Debentures on the Payment Dates commencing on June 03, 2019 and ending on December 03, 2028, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Municipality and the registered holder may agree.
8. The Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.
9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.
10. Payments in respect of principal of and interest on the Debentures shall be made only on a day on which banking institutions in Toronto, Ontario, are not authorized or obligated by law or executive order to be closed (a "**Toronto Business Day**"), and if any date for payment is not a Toronto Business Day, payment shall be made on the next following Toronto Business Day as noted on the Amortization Schedule.
11. The Debentures are transferable or exchangeable at the office of the Treasurer of the Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferee, in the case of a transfer or as directed by the registered holder in the case of an exchange.
12. The Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs

as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Municipality in its discretion; and (c) surrendered to the Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.
14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.
15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably disappeared, stolen, or destroyed and for the replacement of mutilated, defaced, lost, stolen, mysteriously or unexplainably disappeared or destroyed principal and interest cheques may be imposed by the Municipality. Where new Debentures are issued in substitution in these circumstances the Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.
16. If OILC elects to terminate its obligations under the financing agreement entered into between the Municipality and OILC pursuant to which the Debentures are issued, OILC, at its discretion, shall assess any losses that it may incur as a result of the termination as follows: if on the date of termination the outstanding principal balance on the Debentures is less than the net present value of the Debentures, the Municipality shall pay the difference between these two amounts to OILC.

## **Notices**

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder. If the Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Toronto

Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Toronto Business Day.

### **Time**

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

### **Governing Law**

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

### **Definitions:**

- (a) **"Prime Rate"** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the **"Reference Banks"**) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by the remaining Reference Banks.



# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## Schedule "C" to By-law Number 2018-216

Loan.....: 2016  
 Name.....: Kawartha Lakes, The Corporation of The City of  
 Principal: 951,077.57  
 Rate.....: 03.3800  
 Term.....: 120  
 Matures...: 12/03/2028

Pay #	Date	Amount Due	Principal Due	Interest Due	Rem. Principal
1	06/03/2019	63,583.05	47,553.88	16,029.17	903,523.69
2	12/03/2019	62,865.26	47,553.88	15,311.38	855,969.81
3	06/03/2020	62,059.40	47,553.88	14,505.52	808,415.93
4	12/03/2020	61,253.54	47,553.88	13,699.66	760,862.05
5	06/03/2021	60,377.22	47,553.88	12,823.34	713,308.17
6	12/03/2021	59,641.82	47,553.88	12,087.94	665,754.29
7	06/03/2022	58,774.30	47,553.88	11,220.42	618,200.41
8	12/03/2022	58,030.09	47,553.88	10,476.21	570,646.53
9	06/03/2023	57,171.38	47,553.88	9,617.50	523,092.65
10	12/03/2023	56,418.37	47,553.88	8,864.49	475,538.77
11	06/03/2024	55,612.50	47,553.88	8,058.62	427,984.89
12	12/03/2024	54,806.64	47,553.88	7,252.76	380,431.01
13	06/03/2025	53,965.55	47,553.88	6,411.67	332,877.13
14	12/03/2025	53,194.92	47,553.88	5,641.04	285,323.25
15	06/03/2026	52,362.63	47,553.88	4,808.75	237,769.37
16	12/03/2026	51,583.19	47,553.88	4,029.31	190,215.49
17	06/03/2027	50,759.71	47,553.88	3,205.83	142,661.61
18	12/03/2027	49,971.47	47,553.88	2,417.59	95,107.73
19	06/03/2028	49,165.60	47,553.88	1,611.72	47,553.85
20	12/03/2028	48,359.71	47,553.85	805.86	0.00
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		1,119,956.35	951,077.57	168,878.78	

C A N A D A  
Province of Ontario  
The Corporation of The City of Kawartha Lakes

FULLY REGISTERED INTEREST RATE 3.38% SERIAL DEBENTURE

THE CORPORATION OF THE CITY OF KAWARTHA LAKES (the "Municipality"), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ("OILC")

or registered assigns, subject to the Conditions attached hereto which form part hereof (the "Conditions"), upon presentation and surrender of this debenture (or as otherwise agreed to by the Municipality and OILC) by the maturity date of this debenture (December 03, 2028), the principal amount of

NINE HUNDRED FIFTY-ONE THOUSAND SEVENTY-SEVEN DOLLARS AND FIFTY-SEVEN CENTS

----- (\$951,077.57) -----

by semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third day of December in each of the years 2019 to 2028, both inclusive, in the amounts set forth in the attached Serial Debenture Schedule (the "Amortization Schedule") and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions, interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (December 3, 2018), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 3.38% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule. Interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the "OILC Act, 2011") hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding any amounts that the Municipality fails to pay OILC on account of indebtedness evidenced by this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at the The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

IN TESTIMONY WHEREOF and under the authority of By-law Number 2018-216 of the Municipality duly passed on the 13th day of November, 2018 (the “By-law”), this debenture is sealed with the municipal seal of the Municipality and signed by the Mayor and by the Treasurer thereof.

Date of Registration: December 03, 2018

\_\_\_\_\_

Andy Letham, Mayor

(Seal)\_\_\_\_\_

Carolyn Daynes, Treasurer

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by: \_\_\_\_\_  
Authorized Signing Officer

by: \_\_\_\_\_  
Authorized Signing Officer

## LEGAL OPINION

We have examined the By-law of the Municipality authorizing the issue of serial debentures in the principal amount of \$951,077.57 dated December 03, 2018 and maturing on December 03, 2028 in semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third day of December in each of the years 2019 to 2028, both inclusive, as set out in Schedule "C" to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Municipality. The debenture issued under the By-law in the within form (the "Debenture") is the direct, general, unsecured and unsubordinated obligation of the Municipality. The Debenture is enforceable against the Municipality subject to the special jurisdiction and powers of the Ontario Municipal Board over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

December 03, 2018

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Staples and Swain Professional Corporation

## **CONDITIONS OF THE DEBENTURE**

### **Form, Denomination, and Ranking of the Debenture**

1. The debentures issued pursuant to the By-law (collectively the “Debentures” and individually a “Debenture”) are issuable as fully registered Debentures without coupons.
2. The Debentures are direct, general, unsecured and unsubordinated obligations of the Municipality. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.
3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

### **Registration**

4. The Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the transfers, exchanges and substitutions of Debentures, may be recorded and the Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

### **Title**

5. The Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Municipality.

## **Payments of Principal and Interest**

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Municipality to the persons registered as holders in the registry on the relevant record date. The Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.
7. The Municipality shall make all payments in respect of semi-annual instalments of combined equal principal and diminishing interest amounts on the Debentures on the Payment Dates commencing on June 03, 2019 and ending on December 03, 2028, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Municipality and the registered holder may agree.
8. The Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.
9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.
10. Payments in respect of principal of and interest on the Debentures shall be made only on a day on which banking institutions in Toronto, Ontario, are not authorized or obligated by law or executive order to be closed (a "**Toronto Business Day**"), and if any date for payment is not a Toronto Business Day, payment shall be made on the next following Toronto Business Day as noted on the Amortization Schedule.
11. The Debentures are transferable or exchangeable at the office of the Treasurer of the Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferee, in the case of a transfer or as directed by the registered holder in the case of an exchange.
12. The Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the

event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Municipality in its discretion; and (c) surrendered to the Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.
14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.
15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably disappeared, stolen, or destroyed and for the replacement of mutilated, defaced, lost, stolen, mysteriously or unexplainably disappeared or destroyed principal and interest cheques may be imposed by the Municipality. Where new Debentures are issued in substitution in these circumstances the Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.
16. If OILC elects to terminate its obligations under the financing agreement entered into between the Municipality and OILC pursuant to which the Debentures are issued, OILC, at its discretion, shall assess any losses that it may incur as a result of the termination as follows: if on the date of termination the outstanding principal balance on the Debentures is less than the net present value of the Debentures, the Municipality shall pay the difference between these two amounts to OILC.

## **Notices**

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered

holder. If the Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Toronto Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Toronto Business Day.

### **Time**

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

### **Governing Law**

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

### **Definitions:**

- (a) **"Prime Rate"** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the **"Reference Banks"**) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the **"Prime Rate"** shall be the arithmetic mean of the rates quoted by the remaining Reference Banks.



Loan.....: 2016  
 Name.....: Kawartha Lakes, The Corporation of The City of  
 Principal: 951,077.57  
 Rate.....: 03.3800  
 Term.....: 120  
 Matures...: 12/03/2028

Pay #	Date	Amount Due	Principal Due	Interest Due	Rem. Principal
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8	12/03/2022	58,030.09	47,553.88	10,476.21	570,646.53
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10	12/03/2023	56,418.37	47,553.88	8,864.49	475,538.77
11	06/03/2024	55,612.50	47,553.88	8,058.62	427,984.89
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15	06/03/2026	52,362.63	47,553.88	4,808.75	237,769.37
16	12/03/2026	51,583.19	47,553.88	4,029.31	190,215.49
17	06/03/2027	50,759.71	47,553.88	3,205.83	142,661.61
18	12/03/2027	49,971.47	47,553.88	2,417.59	95,107.73
19	06/03/2028	49,165.60	47,553.88	1,611.72	47,553.85
20	12/03/2028	48,359.71	47,553.85	805.86	0.00
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		1,119,956.35	951,077.57	168,878.78	

## **CERTIFICATE**

**To: Staples and Swain Professional Corporation**

**And To: OILC**

IN THE MATTER OF an issue of a 10 year(s), 3.38 % serial debenture of The Corporation of The City of Kawartha Lakes (the "Municipality") in the principal amount of \$951,077.57 Debenture Amount for the capital work(s) of the Municipality in Currency, authorized by Debenture By-law Number 2018-216 (the "Debenture By-law");

AND IN THE MATTER OF authorizing by-laws of the Municipality enumerated in Schedule "A" to the Debenture By-law.

I, Cathie Ritchie, Clerk of the Municipality, **DO HEREBY CERTIFY THAT:**

1. The Debenture By-law was finally passed and enacted by the Council of the Municipality on the November 13, 2018 in full compliance with the *Municipal Act, 2001*, as amended (the "Act") at a duly called meeting at which a quorum was present. Forthwith after the passage of the Debenture By-law, the same was signed by the Mayor and the Clerk and sealed with the municipal seal of the Municipality.
2. The authorizing by-law referred to in Schedule "A" to the Debenture By-law (the "Authorizing By-law") have been enacted and passed by the Council of the Municipality in full compliance with the Act at a meeting at which a quorum was present. Forthwith after the passage of the Authorizing By-law the same was signed by the Mayor and by the Clerk and sealed with the municipal seal of the Municipality.
3. With respect to the undertaking of the capital works described in the Debenture By-law (individually a "Capital Work" and collectively the "Capital Works"), before the Council of the Municipality exercised any of its powers in respect of the Capital Work(s), and before authorizing any additional cost amount and any additional debenture authority in respect thereof, the Council of the Municipality had its Treasurer calculate the updated limit in respect of the relevant annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable debt and financial obligation limits regulation. In this connection, before the Council of the Municipality authorized the Capital Work(s), each such additional cost amount and each such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of the Capital Work(s), each such additional cost amount and each such additional debenture authority, would not cause the Municipality to reach or exceed its updated limit. Accordingly, the Council of the Municipality authorized the Capital Work(s), each such additional cost amount and each such additional debenture authority, without the approval of the Ontario Municipal Board pursuant to the applicable debt and financial obligation limits regulation.
4. No application has been made or action brought to quash, set aside or declare invalid the Debenture By-law or the Authorizing By-law nor have the same been in any way

repealed, altered or amended and the Debenture By-law and the Authorizing By-law are now in full force and effect.

5. All of the recitals contained in the Debenture By-law and the Authorizing By-law are true in substance and fact.

6. To the extent that the public notice provisions of the Act are applicable, the Authorizing By-law and the Debenture By-law have been enacted and passed by the Council of the Municipality in full compliance with the applicable public notice provisions of the Act.

7. None of the debentures authorized to be issued by the Authorizing By-law have been previously issued.

8. The respective principal amount of debentures which is to be issued pursuant to the Debenture By-law in respect of the Capital Work(s) does not exceed the respective net cost of such Capital Work(s) to the Municipality.

9. The debenture certificate issued pursuant to the Debenture By-law (the "OILC Debenture") has been signed by Mayor and by the Treasurer of the Municipality. The OILC Debenture is in all respects in accordance with the Debenture By-law and in issuing the OILC Debenture in the amount of \$951,077.57 which is now being issued to Ontario Infrastructure and Lands Corporation pursuant to the Debenture By-law, the Municipality is not exceeding its borrowing powers.

10. The Municipality is not subject to any restructuring order under part V of the Act or other statutory authority, accordingly, no approval of the Authorizing By-law and of the Debenture By-law and/or of the issue of the OILC Debentures is required by any transition board or commission appointed in respect of the restructuring of the municipality.

11. The Authorizing By-law and the Debenture By-law and the transactions contemplated thereby do not conflict with, or result in a breach or violation of any statutory provisions which apply to the Municipality or any agreement to which the Municipality is a party or under which the Municipality or any of its property is or may be bound, or, to the best of my knowledge, violate any order, award, judgment, determination, writ, injunction or decree applicable to the Municipality of any regulatory, administrative or other government or public body or authority, arbitrator or court.

**DATED** at the The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

[AFFIX SEAL]

---

Cathie Ritchie, Clerk

**CERTIFICATE OF SIGNATURE AND NO LITIGATION**

**TO: Staples and Swain Professional Corporation**

**And To: OILC**

IN THE MATTER OF an issue of a 10 year(s), 3.38% serial debenture of The Corporation of The City of Kawartha Lakes (the "Municipality") in the principal amount of \$951,077.57, authorized by Debenture By-law Number 2018-216 (the "Debenture By-law")

I, Carolyn Daynes, Treasurer of the Municipality, do hereby certify that on or before December 03, 2018, I as Treasurer, signed the fully registered serial debenture numbered 2018-216 in the principal amount of \$951,077.57 dated December 03, 2018, registered in the name of Ontario Infrastructure and Lands Corporation and authorized by the Debenture By-law (the "OILC Debenture").

I further certify that on or before December 03, 2018, the OILC Debenture was signed by Andy Letham, Mayor of the Municipality at the date of the execution and issue of the OILC Debenture, that the OILC Debenture was sealed with the seal of the Municipality, and that the OILC Debenture is in all respects in accordance with the Debenture By-law.

I further certify that the said Andy Letham, is the duly elected Mayor of the Municipality and that I am the duly appointed Treasurer of the Municipality and that we were severally authorized under the Debenture By-law to execute the OILC Debenture in the manner aforesaid and that the OILC Debenture is entitled to full faith and credence.

I further certify that no litigation or proceedings of any nature are now pending or threatened, attacking or in any way attempting to restrain or enjoin the issue and delivery of the OILC Debenture or in any manner questioning the proceedings and the authority under which the same is issued, or affecting the validity thereof, or contesting the title or official capacity of the said Mayor myself as Treasurer of the Municipality, and no authority or proceedings for the issuance of the OILC Debenture or any part of it has been repealed, revoked or rescinded in whole or in part.

DATED at The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

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Carolyn Daynes  
Treasurer

I, Cathie Ritchie, Clerk of the Municipality do hereby certify that the signature of Carolyn Daynes, Treasurer of the Municipality described above, is true and genuine.

[AFFIX SEAL]

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Cathie Ritchie Clerk

## **DEBENTURE TREASURER'S CERTIFICATE**

**To: Staples and Swain Professional Corporation**

**And To: OILC**

IN THE MATTER OF an issue of a 10 year(s), 3.38% serial debenture of The Corporation of The City of Kawartha Lakes (the "Municipality") in the principal amount of \$951,077.57, authorized by Debenture By-law Number 2018-216 (the "Debenture By-law")

AND IN THE MATTER OF authorizing by-laws of the Municipality enumerated in Schedule "A" to the Debenture By-law.

I, Carolyn Daynes, Treasurer of the Municipality, **DO HEREBY CERTIFY THAT:**

1. The Municipality has received from the Ministry of Municipal Affairs and Housing its annual debt and financial obligation limit for the relevant years.
2. With respect to the undertaking of the capital work(s) described in the Debenture By-law (individually a "Capital Work" and collectively the "Capital Works"), before the Council of the Municipality authorized the Capital Work(s), and before authorizing any additional cost amount and any additional debenture authority in respect thereof, the Treasurer calculated the updated relevant debt and financial obligation limit in accordance with the applicable debt and financial obligation limits regulation (the "Regulation"). The Treasurer thereafter determined that the estimated annual amount payable in respect of the Capital Work(s), each such additional cost amount and each such additional debenture authority, would not cause the Municipality to reach or to exceed the relevant updated debt and financial obligation limit as at the date of the Council's approval. Based on the Treasurer's determination, the Council of the Municipality authorized the Capital Work(s), each such additional cost amount and each such additional debenture authority, without the approval of the Ontario Municipal Board pursuant to the Regulation.
3. As at the date hereof the Municipality has not reached or exceeded its updated annual debt and financial obligation limit for 2018.
4. In updating the relevant debt and financial obligation limit(s), the estimated annual amount payable described in Section 4(2) of the Regulation was determined based on current interest rates and amortization periods which do not, in any case, exceed the lifetime of any of the purposes of the Municipality described in such section, all in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.
5. The term within which the debentures to be issued for the Municipality in respect of the Capital Work(s) pursuant to the Debenture By-law are made payable does not exceed the lifetime of such Capital Work(s).

6. The principal amount now being financed through the issue of debentures pursuant to the Debenture By-law in respect of the Capital Work(s) does not exceed the net cost of each such Capital Work(s) to the Municipality.

7. The money received by the Municipality from the sale of the debentures issued pursuant to the Debenture By-law, including any premium, and any earnings derived from the investment of that money after providing for the expenses related to their issue, if any, shall be apportioned and applied to the Capital Work(s), and to no other purpose except as permitted by the *Municipal Act, 2001*.

8. The representations and warranties of the Municipality set out in paragraph 2 of the Financing Agreement (as defined in the Debenture By-law) were true and correct as of the date of the request to purchase the debentures in respect of the Capital Work(s) pursuant to the Debenture By-law and are true and correct as of the date hereof.

**DATED** at the The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

[AFFIX SEAL]

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Carolyn Daynes, Treasurer

## THE CORPORATION OF THE CITY OF KAWARTHA LAKES

### BY-LAW NUMBER 2018-217

#### **A BY-LAW OF THE CORPORATION OF THE CITY OF KAWARTHA LAKES TO AUTHORIZE THE BORROWING UPON SERIAL DEBENTURES IN THE PRINCIPAL AMOUNT OF \$4,761,049.39 TOWARDS THE COST OF THE DEVELOPMENT 68 LINDSAY ST N, HURON STREET WATER REPLACEMENT, COLBORNE STREET SANITARY PUMPING STATION, COMBINES WATER DISTRIBUTION AND WASTEWATER COLLECTION**

AND WHEREAS subsection 401 (1) of the *Municipal Act, 2001*, as amended (the “Act”) provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS subsection 408 (2.1) of the Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

AND WHEREAS the Council of The Corporation of The City of Kawartha Lakes (the “Municipality”) has passed the By-law or By-laws, as applicable, enumerated in column (1) of Schedule “A” attached hereto and forming part of this By-law authorizing the capital work described in column (2) of Schedule “A” (individually a “Capital Work” and collectively the “Capital Works, as the case may be”), and authorizing the entering into of a Financing Agreement dated effective as of October 11, 2018 for the provision of temporary and long term borrowing from Ontario Infrastructure and Lands Corporation (“OILC”) in respect of the Capital Work(s) (the “Financing Agreement”) and the Municipality desires to issue debentures for the Capital Work(s) in the amount or respective amounts, as applicable, specified in column (5) of Schedule “A”;

AND WHEREAS before authorizing the Capital Work(s) and before authorizing any additional cost amount and any additional debenture authority in respect thereof the Council of the Municipality had its Treasurer calculate an updated limit in respect of its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable regulation and, prior to the Council of the Municipality authorizing the Capital Work(s), each such additional cost amount and each such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of the Capital Work(s), each such additional cost amount and each such additional debenture authority, would not cause the Municipality to exceed the updated limit and that the approval of the Capital Work(s), each such additional cost amount and each such additional debenture authority, by the Ontario Municipal Board pursuant to such regulation was not required;

AND WHEREAS the Municipality has submitted an application to OILC for long term borrowing through the issue of debentures to OILC in respect of the Capital Work(s) (the “Application”) and the Application has been approved;

AND WHEREAS to provide long term financing for the Capital Work(s) and to repay certain temporary advances in respect of the Capital Work(s) made by OILC pursuant to the Financing Agreement, it is now deemed to be expedient to borrow money by the issue of serial debentures in the principal amount of \$4,761,049.39 dated December 03, 2018 and maturing on December 03, 2038, and payable in semi-annual instalments of combined principal and interest on the third day of June and on the third day of December in each of the years 2019 to 2038, both inclusive on the terms hereinafter set forth;

NOW THEREFORE THE COUNCIL OF The Corporation of The City of Kawartha Lakes ENACTS AS FOLLOWS:

1. For the Capital Work(s), the borrowing upon the credit of the Municipality at large of the principal amount of \$4,761,049.39 and the issue of serial debentures therefor to be repaid in semi-annual instalments of combined principal and interest as hereinafter set forth, are hereby authorized.
2. The Mayor and the Treasurer of the Municipality are hereby authorized to cause any number of serial debentures to be issued for such amounts of money as may be required for the Capital Work(s) in definitive form, not exceeding in total the said principal amount of \$4,761,049.39 (the "Debentures"). The Debentures shall bear the Municipality's municipal seal and the signatures of Mayor and the Treasurer of the Municipality, all in accordance with the provisions of the Act. The municipal seal of the Municipality and the signatures referred to in this section may be printed, lithographed, engraved or otherwise mechanically reproduced. The Debentures are sufficiently signed if they bear the required signatures and each person signing has the authority to do so on the date he or she signs.
3. The Debentures shall be in fully registered form as one or more certificates in the aggregate principal amount of \$4,761,049.39, in the name of OILC, or as OILC may otherwise direct, substantially in the form attached as Schedule "B" hereto and forming part of this By-law with provision for payment of principal and interest (other than in respect of the final payment of principal and outstanding interest on maturity upon presentation and surrender) by pre-authorized debit in respect of such principal and interest to the credit of such registered holder on such terms as to which the registered holder and the Municipality may agree.
4. In accordance with the provisions of section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011*, as amended from time to time hereafter, as security for the payment by the Municipality of the indebtedness of the Municipality to OILC under the Debentures (the "Obligations"), the Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding the amounts that the Municipality fails to pay OILC on account of the Obligations and to pay such amounts to OILC from the Consolidated Revenue Fund.
5. The Debentures shall all be dated **December 03, 2018**, and as to both principal and interest shall be expressed and be payable in lawful money of Canada. The Debentures shall bear interest at the rate of 3.63% per annum and mature during a period of 20 year(s) from the date thereof payable semi-annually in arrears as



described in this section. The Debentures shall be paid in full by December 03, 2038 and be payable in semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third of December in each of the years 2019 to 2038, both inclusive, save and except for the last instalment which may vary slightly from the preceding equal instalments, as set forth in Schedule "C" attached hereto and forming part of this By-law ("Schedule "C").

6. Payments in respect of principal of and interest on the Debentures shall be made only on a day on which banking institutions in Toronto, Ontario, are not authorized or obligated by law or executive order to be closed (a "**Toronto Business Day**") and if any date for payment is not a Toronto Business Day, payment shall be made on the next following Toronto Business Day.
7. Interest shall be payable to the date of maturity of the Debentures and on default shall be payable on any overdue amounts both before and after default and judgment at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debentures for such amounts plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amounts become overdue for so long as such amounts remain overdue and the Municipality shall pay to the registered holders any and all costs incurred by the registered holders as a result of the overdue payment. Any amounts payable by the Municipality as interest on overdue principal or interest and all costs incurred by the registered holders as a result of the overdue payment in respect of the Debentures shall be paid out of current revenue. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.

**"Prime Rate"** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the "**Reference Banks**") as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by the remaining Reference Banks.

8. In each year in which a payment of semi-annual instalments of combined equal principal and diminishing interest amounts becomes due in respect of the Capital Work(s), there shall be raised as part of the Municipality's general levy the amounts of principal and interest payable by the Municipality in each year as set out in Schedule "C" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality.
9. The Debentures may contain any provision for their registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

10. The Municipality shall maintain a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the cancellations, exchanges, substitutions and transfers of Debentures, may be recorded and the Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.
11. The Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Municipality shall deem and treat registered holders of the Debentures as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Municipality.
12. The Debentures will be transferable or exchangeable at the office of the Treasurer of the Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, the Mayor and the Treasurer shall issue and deliver a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations as directed by the transferee, in the case of a transfer or as directed by the registered holder in the case of an exchange.
13. The Mayor and the Treasurer shall issue and deliver new Debentures in exchange or substitution for Debentures outstanding on the registry with the same maturity and of like form which have become mutilated, defaced, lost, subject to a mysterious or unexplainable disappearance, stolen or destroyed, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case when a Debenture is mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed) furnished the Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Municipality in its discretion; and (c) surrendered to the Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.
14. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so

dated and shall bear the same maturity date and, subject to the provisions of this By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.

15. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.
16. Reasonable fees in respect of the Debentures, in the normal course of business, other than reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed and for the replacement of any of the principal and interest cheques (if any) that are mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed may be imposed by the Municipality. When new Debentures are issued in substitution in these circumstances the Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.
17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder.
18. The Mayor and the Treasurer are hereby authorized to cause the Debentures to be issued, one or more of the Clerk and Treasurer are hereby authorized to generally do all things and to execute all other documents and other papers in the name of the Municipality in order to carry out the issue of the Debentures and the Treasurer is authorized to affix the Municipality's municipal seal to any of such documents and papers.
19. The money received by the Municipality from the sale of the Debentures to OILC, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to their issue, if any, shall be apportioned and applied to the Capital Work(s) and to no other purpose except as permitted by the Act.
20. Subject to the Municipality's investment policies and goals, the applicable legislation and the terms and conditions of the Debentures, the Municipality may, if not in default under the Debentures, at any time purchase any of the Debentures in the open market or by tender or by private contract at any price and on such terms and conditions (including, without limitation, the manner by which any tender offer may be

communicated or accepted and the persons to whom it may be addressed) as the Municipality may in its discretion determine.

21. This By-law takes effect on the day of passing.

By-law read a first and second time this 13th day of November, 2018

By-law read a third time and finally passed this 13th day of November, 2018

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Andy Letham  
Mayor

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Cathie Ritchie  
Clerk

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**Schedule "A" to By-law Number 2018-217**

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>
<b>By-law</b>	<b>Project Description</b>	<b>Approved Amount to be Financed Through the Issue of Debentures</b>	<b>Amount of Debentures Previously Issued</b>	<b>Amount of Debentures to be Issued</b>	<b>Term of Years of Debentures</b>
2018-202	Development 68 Lindsay St N	\$1,706,053.41			
	Huron Street Water Replacement	\$159,070.08	\$0.00		
	Colborne Street Sanitary Pumping Station	\$1,579,364.00	\$0.00	4,761,049.39	20 year(s)
			\$0.00		
	Combines Water Distribution and Wastewater Collection	\$1,316,561.90			

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**Schedule “B” to By-law Number 2018-217**

No. 2018-217

\$4,761,049.39
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C A N A D A  
Province of Ontario

**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**FULLY REGISTERED INTEREST RATE 3.63% SERIAL DEBENTURE**

THE CORPORATION OF THE CITY OF KAWARTHA LAKES (the “Municipality”), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (“OILC”)

or registered assigns, subject to the Conditions attached hereto which form part hereof (the “Conditions”), upon presentation and surrender of this debenture (or as otherwise agreed to by the Municipality and OILC) by the maturity date of this debenture (December 03, 2038), the principal amount of

FOUR MILLION SEVEN HUNDRED SIXTY-ONE THOUSAND FORTY-NINE DOLLARS AND  
THIRTY-NINE CENTS

----- (\$4,761,049.39) -----

by semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third day of December in each of the years 2019 to 2038, both inclusive, in the amounts set forth in the attached Serial Debenture Schedule (the “Amortization Schedule”) and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions, interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (December 3, 2018), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 3.63% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule. Interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the “OILC Act, 2011”) hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding any amounts that

the Municipality fails to pay OILC on account of indebtedness evidenced by this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

IN TESTIMONY WHEREOF and under the authority of By-law Number 2018-217 of the Municipality duly passed on the 13th day of November, 2018 (the "By-law"), this debenture is sealed with the municipal seal of the Municipality and signed by the Mayor and by the Treasurer thereof.

Date of Registration: December 03, 2018

\_\_\_\_\_

Andy Letham, Mayor

(Seal)\_\_\_\_\_

Carolyn Daynes, Treasurer

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by: \_\_\_\_\_  
Authorized Signing Officer

by: \_\_\_\_\_  
Authorized Signing Officer

## LEGAL OPINION

We have examined the By-law of the Municipality authorizing the issue of serial debentures in the principal amount of \$4,761,049.39 dated December 03, 2018 and maturing on December 03, 2038 in semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third of December in each of the years 2019 to 2038, both inclusive, as set out in Schedule “C” to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Municipality. The debenture issued under the By-law in the within form (the “Debenture”) is the direct, general, unsecured and unsubordinated obligation of the Municipality. The Debenture is enforceable against the Municipality subject to the special jurisdiction and powers of the Ontario Municipal Board over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

December 03, 2018

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Staples and Swain Professional Corporation



## **CONDITIONS OF THE DEBENTURE**

### **Form, Denomination, and Ranking of the Debenture**

1. The debentures issued pursuant to the By-law (collectively the “Debentures” and individually a “Debenture”) are issuable as fully registered Debentures without coupons.
2. The Debentures are direct, general, unsecured and unsubordinated obligations of the Municipality. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.
3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

### **Registration**

4. The Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the transfers, exchanges and substitutions of Debentures, may be recorded and the Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

### **Title**

5. The Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Municipality.

### **Payments of Principal and Interest**

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Municipality to the persons registered as holders in the registry on the relevant record date. The Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.
7. The Municipality shall make all payments in respect of semi-annual instalments of combined equal principal and diminishing interest amounts on the Debentures on the Payment Dates commencing on June 03, 2019 and ending on December 03, 2038, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Municipality and the registered holder may agree.
8. The Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.
9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.
10. Payments in respect of principal of and interest on the Debentures shall be made only on a day on which banking institutions in Toronto, Ontario, are not authorized or obligated by law or executive order to be closed (a "**Toronto Business Day**"), and if any date for payment is not a Toronto Business Day, payment shall be made on the next following Toronto Business Day as noted on the Amortization Schedule.
11. The Debentures are transferable or exchangeable at the office of the Treasurer of the Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferee, in the case of a transfer or as directed by the registered holder in the case of an exchange.
12. The Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs

as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Municipality in its discretion; and (c) surrendered to the Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.
14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.
15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably disappeared, stolen, or destroyed and for the replacement of mutilated, defaced, lost, stolen, mysteriously or unexplainably disappeared or destroyed principal and interest cheques may be imposed by the Municipality. Where new Debentures are issued in substitution in these circumstances the Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.
16. If OILC elects to terminate its obligations under the financing agreement entered into between the Municipality and OILC pursuant to which the Debentures are issued, OILC, at its discretion, shall assess any losses that it may incur as a result of the termination as follows: if on the date of termination the outstanding principal balance on the Debentures is less than the net present value of the Debentures, the Municipality shall pay the difference between these two amounts to OILC.

## **Notices**

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered holder. If the Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Toronto

Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Toronto Business Day.

### **Time**

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

### **Governing Law**

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

### **Definitions:**

- (a) **"Prime Rate"** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the **"Reference Banks"**) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the "Prime Rate" shall be the arithmetic mean of the rates quoted by the remaining Reference Banks.

# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## Schedule "C" to By-law Number 2018-217

Loan.....: 2015

Name.....: Kawartha Lakes, The Corporation of The City of

Principal: 4,761,049.39

Rate.....: 03.6300

Term.....: 240

Matures...: 12/03/2038

Pay #	Date	Amount Due	Principal Due	Interest Due	Rem. Principal
1	06/03/2019	205,202.53	119,026.23	86,176.30	4,642,023.16
2	12/03/2019	203,509.78	119,026.23	84,483.55	4,522,996.93
3	06/03/2020	201,343.53	119,026.23	82,317.30	4,403,970.70
4	12/03/2020	199,177.29	119,026.23	80,151.06	4,284,944.47
5	06/03/2021	196,584.90	119,026.23	77,558.67	4,165,918.24
6	12/03/2021	194,844.80	119,026.23	75,818.57	4,046,892.01
7	06/03/2022	192,276.08	119,026.23	73,249.85	3,927,865.78
8	12/03/2022	190,512.31	119,026.23	71,486.08	3,808,839.55
9	06/03/2023	187,967.27	119,026.23	68,941.04	3,689,813.32
10	12/03/2023	186,179.82	119,026.23	67,153.59	3,570,787.09
11	06/03/2024	184,013.58	119,026.23	64,987.35	3,451,760.86
12	12/03/2024	181,847.33	119,026.23	62,821.10	3,332,734.63
13	06/03/2025	179,349.64	119,026.23	60,323.41	3,213,708.40
14	12/03/2025	177,514.84	119,026.23	58,488.61	3,094,682.17
15	06/03/2026	175,040.83	119,026.23	56,014.60	2,975,655.94
16	12/03/2026	173,182.35	119,026.23	54,156.12	2,856,629.71
17	06/03/2027	170,732.01	119,026.23	51,705.78	2,737,603.48
18	12/03/2027	168,849.86	119,026.23	49,823.63	2,618,577.25
19	06/03/2028	166,683.62	119,026.23	47,657.39	2,499,551.02
20	12/03/2028	164,517.37	119,026.23	45,491.14	2,380,524.79
21	06/03/2029	162,114.38	119,026.23	43,088.15	2,261,498.56
22	12/03/2029	160,184.88	119,026.23	41,158.65	2,142,472.33
23	06/03/2030	157,805.57	119,026.23	38,779.34	2,023,446.10
24	12/03/2030	155,852.39	119,026.23	36,826.16	1,904,419.87
25	06/03/2031	153,496.75	119,026.23	34,470.52	1,785,393.64
26	12/03/2031	151,519.91	119,026.23	32,493.68	1,666,367.41
27	06/03/2032	149,353.66	119,026.23	30,327.43	1,547,341.18
28	12/03/2032	147,187.42	119,026.23	28,161.19	1,428,314.95
29	06/03/2033	144,879.12	119,026.23	25,852.89	1,309,288.72
30	12/03/2033	142,854.93	119,026.23	23,828.70	1,190,262.49
31	06/03/2034	140,570.31	119,026.23	21,544.08	1,071,236.26
32	12/03/2034	138,522.44	119,026.23	19,496.21	952,210.03
33	06/03/2035	136,261.49	119,026.23	17,235.26	833,183.80
34	12/03/2035	134,189.95	119,026.23	15,163.72	714,157.57
35	06/03/2036	132,023.70	119,026.23	12,997.47	595,131.34
36	12/03/2036	129,857.46	119,026.23	10,831.23	476,105.11

37 06/03/2037	127,643.86	119,026.23	8,617.63	357,078.88
38 12/03/2037	125,524.97	119,026.23	6,498.74	238,052.65
39 06/03/2038	123,335.05	119,026.23	4,308.82	119,026.42
40 12/03/2038	121,192.67	119,026.42	2,166.25	0.00

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6,533,700.46 4,761,049.39 1,772,651.26

No. 2018-217

\$4,761,049.39
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C A N A D A  
Province of Ontario  
The Corporation of The City of Kawartha Lakes

FULLY REGISTERED INTEREST RATE 3.63% SERIAL DEBENTURE

THE CORPORATION OF THE CITY OF KAWARTHA LAKES (the "Municipality"), for value received, hereby promises to pay to

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ("OILC")

or registered assigns, subject to the Conditions attached hereto which form part hereof (the "Conditions"), upon presentation and surrender of this debenture (or as otherwise agreed to by the Municipality and OILC) by the maturity date of this debenture (December 03, 2038), the principal amount of

FOUR MILLION SEVEN HUNDRED SIXTY-ONE THOUSAND FORTY-NINE DOLLARS AND  
THIRTY-NINE CENTS

----- (\$4,761,049.39) -----

by semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third day of December in each of the years 2019 to 2038, both inclusive, in the amounts set forth in the attached Serial Debenture Schedule (the "Amortization Schedule") and subject to late payment interest charges pursuant to the Conditions, in lawful money of Canada. Subject to the Conditions, interest shall be paid until the maturity date of this debenture, in like money in semi-annual payments from the closing date (December 3, 2018), or from the last date on which interest has been paid on this debenture, whichever is later, at the rate of 3.63% per annum, in arrears, on the specified dates, as set forth in the Amortization Schedule. Interest shall be paid on default at the applicable rate set out in the Amortization Schedule both before and after default and judgment. The payments of principal and interest and the outstanding amount of principal in each year are shown in the Amortization Schedule.

The Municipality, pursuant to section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011* (the "OILC Act, 2011") hereby irrevocably agrees that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding any amounts that the Municipality fails to pay OILC on account of indebtedness evidenced by this debenture, and to pay such amounts to OILC from the Consolidated Revenue Fund.

This debenture is subject to the Conditions.

DATED at the The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

IN TESTIMONY WHEREOF and under the authority of By-law Number 2018-217 of the Municipality duly passed on the 13th day of November, 2018 (the “By-law”), this debenture is sealed with the municipal seal of the Municipality and signed by the Mayor and by the Treasurer thereof.

Date of Registration: December 03, 2018

\_\_\_\_\_

Andy Letham, Mayor

(Seal)\_\_\_\_\_

Carolyn Daynes, Treasurer

OILC hereby agrees that the Minister of Finance is entitled to exercise certain rights of deduction pursuant to section 25 of the OILC Act, 2011 as described in this debenture.

Ontario Infrastructure and Lands Corporation

by: \_\_\_\_\_  
Authorized Signing Officer

by: \_\_\_\_\_  
Authorized Signing Officer



## LEGAL OPINION

We have examined the By-law of the Municipality authorizing the issue of serial debentures in the principal amount of \$4,761,049.39 dated December 03, 2018 and maturing on December 03, 2038 in semi-annual instalments of combined equal principal and diminishing interest amounts on the third day of June and on the third day of December in each of the years 2019 to 2038, both inclusive, as set out in Schedule "C" to the By-law.

In our opinion, the By-law has been properly passed and is within the legal powers of the Municipality. The debenture issued under the By-law in the within form (the "Debenture") is the direct, general, unsecured and unsubordinated obligation of the Municipality. The Debenture is enforceable against the Municipality subject to the special jurisdiction and powers of the Ontario Municipal Board over defaulting municipalities under the *Municipal Affairs Act*. This opinion is subject to and incorporates all the assumptions, qualifications and limitations set out in our opinion letter.

December 03, 2018

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Staples and Swain Professional Corporation

## **CONDITIONS OF THE DEBENTURE**

### **Form, Denomination, and Ranking of the Debenture**

1. The debentures issued pursuant to the By-law (collectively the “Debentures” and individually a “Debenture”) are issuable as fully registered Debentures without coupons.
2. The Debentures are direct, general, unsecured and unsubordinated obligations of the Municipality. The Debentures rank concurrently and equally in respect of payment of principal and interest with all other debentures of the Municipality except for the availability of money in a sinking or retirement fund for a particular issue of debentures.
3. This Debenture is one fully registered Debenture registered in the name of OILC and held by OILC.

### **Registration**

4. The Municipality shall maintain at its designated office a registry in respect of the Debentures in which shall be recorded the names and the addresses of the registered holders and particulars of the Debentures held by them respectively and in which particulars of the transfers, exchanges and substitutions of Debentures, may be recorded and the Municipality is authorized to use electronic, magnetic or other media for records of or related to the Debentures or for copies of them.

### **Title**

5. The Municipality shall not be bound to see to the execution of any trust affecting the ownership of any Debenture or be affected by notice of any equity that may be subsisting in respect thereof. The Municipality shall deem and treat registered holders of Debentures, including this Debenture, as the absolute owners thereof for all purposes whatsoever notwithstanding any notice to the contrary and all payments to or to the order of registered holders shall be valid and effectual to discharge the liability of the Municipality on the Debentures to the extent of the amount or amounts so paid. Where a Debenture is registered in more than one name, the principal of and interest from time to time payable on such Debenture shall be paid to or to the order of all the joint registered holders thereof, failing written instructions to the contrary from all such joint registered holders, and such payment shall constitute a valid discharge to the Municipality. In the case of the death of one or more joint registered holders, despite the foregoing provisions of this section, the principal of and interest on any Debentures registered in their names may be paid to the survivor or survivors of such holders and such payment shall constitute a valid discharge to the Municipality.

## **Payments of Principal and Interest**

6. The record date for purposes of payment of principal of and interest on the Debentures is as of 5:00 p.m. on the sixteenth calendar day preceding any Payment Date including the maturity date. Principal of and interest on the Debentures are payable by the Municipality to the persons registered as holders in the registry on the relevant record date. The Municipality shall not be required to register any transfer, exchange or substitution of Debentures during the period from any record date to the corresponding Payment Date.
7. The Municipality shall make all payments in respect of semi-annual instalments of combined equal principal and diminishing interest amounts on the Debentures on the Payment Dates commencing on June 03, 2019 and ending on December 03, 2038, as set out in Schedule "C" to the By-law, by pre-authorized debit in respect of such interest and principal to the credit of the registered holder on such terms as the Municipality and the registered holder may agree.
8. The Municipality shall pay to the registered holder interest on any overdue amount of principal or interest in respect of any Debenture, both before and after default and judgment, at a rate per annum equal to the greater of the rate specified on the Schedule as attached to and forming part of the Debenture for such amount plus 200 basis points or Prime Rate (as defined below) plus 200 basis points, calculated on a daily basis from the date such amount becomes overdue for so long as such amount remains overdue and the Municipality shall pay to the registered holder any and all costs incurred by the registered holder as a result of the overdue payment.
9. Whenever it is necessary to compute any amount of interest in respect of the Debentures for a period of less than one full year, other than with respect to regular semi-annual interest payments, such interest shall be calculated on the basis of the actual number of days in the period and a year of 365 days or 366 days as appropriate.
10. Payments in respect of principal of and interest on the Debentures shall be made only on a day on which banking institutions in Toronto, Ontario, are not authorized or obligated by law or executive order to be closed (a "**Toronto Business Day**"), and if any date for payment is not a Toronto Business Day, payment shall be made on the next following Toronto Business Day as noted on the Amortization Schedule.
11. The Debentures are transferable or exchangeable at the office of the Treasurer of the Municipality upon presentation for such purpose accompanied by an instrument of transfer or exchange in a form approved by the Municipality and which form is in accordance with the prevailing Canadian transfer legislation and practices, executed by the registered holder thereof or such holder's duly authorized attorney or legal personal representative, whereupon and upon registration of such transfer or exchange and cancellation of the Debenture or Debentures presented, a new Debenture or Debentures of an equal aggregate principal amount in any authorized denomination or denominations will be delivered as directed by the transferee, in the case of a transfer or as directed by the registered holder in the case of an exchange.
12. The Municipality shall issue and deliver Debentures in exchange for or in substitution for Debentures outstanding on the registry with the same maturity and of like form in the

event of a mutilation, defacement, loss, mysterious or unexplainable disappearance, theft or destruction, provided that the applicant therefor shall have: (a) paid such costs as may have been incurred in connection therewith; (b) (in the case of a mutilated, defaced, lost, mysteriously or unexplainably missing, stolen or destroyed Debenture) furnished the Municipality with such evidence (including evidence as to the certificate number of the Debenture in question) and an indemnity in respect thereof satisfactory to the Municipality in its discretion; and (c) surrendered to the Municipality any mutilated or defaced Debentures in respect of which new Debentures are to be issued in substitution.

13. The Debentures issued upon any registration of transfer or exchange or in substitution for any Debentures or part thereof shall carry all the rights to interest if any, accrued and unpaid which were carried by such Debentures or part thereof and shall be so dated and shall bear the same maturity date and, subject to the provisions of the By-law, shall be subject to the same terms and conditions as the Debentures in respect of which the transfer, exchange or substitution is effected.
14. The cost of all transfers and exchanges, including the printing of authorized denominations of the new Debentures, shall be borne by the Municipality. When any of the Debentures are surrendered for transfer or exchange the Treasurer of the Municipality shall: (a) in the case of an exchange, cancel and destroy the Debentures surrendered for exchange; (b) in the case of an exchange, certify the cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debenture or Debentures issued in exchange; and (d) in the case of a transfer, enter in the registry particulars of the registered holder as directed by the transferor.
15. Reasonable fees for the substitution of a new Debenture or new Debentures for any of the Debentures that are mutilated, defaced, lost, mysteriously or unexplainably disappeared, stolen, or destroyed and for the replacement of mutilated, defaced, lost, stolen, mysteriously or unexplainably disappeared or destroyed principal and interest cheques may be imposed by the Municipality. Where new Debentures are issued in substitution in these circumstances the Municipality shall: (a) treat as cancelled and destroyed the Debentures in respect of which new Debentures will be issued in substitution; (b) certify the deemed cancellation and destruction in the registry; (c) enter in the registry particulars of the new Debentures issued in substitution; and (d) make a notation of any indemnities provided.
16. If OILC elects to terminate its obligations under the financing agreement entered into between the Municipality and OILC pursuant to which the Debentures are issued, OILC, at its discretion, shall assess any losses that it may incur as a result of the termination as follows: if on the date of termination the outstanding principal balance on the Debentures is less than the net present value of the Debentures, the Municipality shall pay the difference between these two amounts to OILC.

## **Notices**

17. Except as otherwise expressly provided herein, any notice required to be given to a registered holder of one or more of the Debentures will be sufficiently given if a copy of such notice is mailed or otherwise delivered to the registered address of such registered

holder. If the Municipality or any registered holder is required to give any notice in connection with the Debentures on or before any day and that day is not a Toronto Business Day (as defined in section 10 of these Conditions) then such notice may be given on the next following Toronto Business Day.

### **Time**

18. Unless otherwise expressly provided herein, any reference herein to a time shall be considered to be a reference to Toronto time.

### **Governing Law**

19. The Debentures are governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

### **Definitions:**

- (a) **"Prime Rate"** means, on any day, the annual rate of interest which is the arithmetic mean of the prime rates announced from time to time by the following five major Canadian Schedule I banks, as of the issue date of this Debenture: Royal Bank of Canada; Canadian Imperial Bank of Commerce; The Bank of Nova Scotia; Bank of Montreal; and The Toronto-Dominion Bank (the **"Reference Banks"**) as their reference rates in effect on such day for Canadian dollar commercial loans made in Canada. If fewer than five of the Reference Banks quote a prime rate on such days, the **"Prime Rate"** shall be the arithmetic mean of the rates quoted by the remaining Reference Banks.

Loan.....: 2015  
Name.....: Kawartha Lakes, The Corporation of The City of  
Principal: 4,761,049.39  
Rate.....: 03.6300  
Term.....: 240  
Matures...: 12/03/2038

Pay #	Date	Amount Due	Principal Due	Interest Due	Rem. Principal
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40	12/03/2038	121,192.67	119,026.42	2,166.25	0.00

6,533,700.46 4,761,049.39 1,772,651.26

## **CERTIFICATE**

**To: Staples and Swain Professional Corporation**

**And To: OILC**

IN THE MATTER OF an issue of a 20 year(s), 3.63 % serial debenture of The Corporation of The City of Kawartha Lakes (the "Municipality") in the principal amount of \$4,761,049.39 Debenture Amount for the capital work(s) of the Municipality in Currency, authorized by Debenture By-law Number 2018-217 (the "Debenture By-law");

AND IN THE MATTER OF authorizing by-laws of the Municipality enumerated in Schedule "A" to the Debenture By-law.

I, Cathie Ritchie, Clerk of the Municipality, **DO HEREBY CERTIFY THAT:**

1. The Debenture By-law was finally passed and enacted by the Council of the Municipality on the November 13, 2018 in full compliance with the *Municipal Act, 2001*, as amended (the "Act") at a duly called meeting at which a quorum was present. Forthwith after the passage of the Debenture By-law, the same was signed by the Mayor and the Clerk and sealed with the municipal seal of the Municipality.
2. The authorizing by-law referred to in Schedule "A" to the Debenture By-law (the "Authorizing By-law") have been enacted and passed by the Council of the Municipality in full compliance with the Act at a meeting at which a quorum was present. Forthwith after the passage of the Authorizing By-law the same was signed by the Mayor and by the Clerk and sealed with the municipal seal of the Municipality.
3. With respect to the undertaking of the capital works described in the Debenture By-law (individually a "Capital Work" and collectively the "Capital Works"), before the Council of the Municipality exercised any of its powers in respect of the Capital Work(s), and before authorizing any additional cost amount and any additional debenture authority in respect thereof, the Council of the Municipality had its Treasurer calculate the updated limit in respect of the relevant annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing in accordance with the applicable debt and financial obligation limits regulation. In this connection, before the Council of the Municipality authorized the Capital Work(s), each such additional cost amount and each such additional debenture authority, the Treasurer determined that the estimated annual amount payable in respect of the Capital Work(s), each such additional cost amount and each such additional debenture authority, would not cause the Municipality to reach or exceed its updated limit. Accordingly, the Council of the Municipality authorized the Capital Work(s), each such additional cost amount and each such additional debenture authority, without the approval of the Ontario Municipal Board pursuant to the applicable debt and financial obligation limits regulation.
4. No application has been made or action brought to quash, set aside or declare invalid the Debenture By-law or the Authorizing By-law nor have the same been in any way



repealed, altered or amended and the Debenture By-law and the Authorizing By-law are now in full force and effect.

5. All of the recitals contained in the Debenture By-law and the Authorizing By-law are true in substance and fact.

6. To the extent that the public notice provisions of the Act are applicable, the Authorizing By-law and the Debenture By-law have been enacted and passed by the Council of the Municipality in full compliance with the applicable public notice provisions of the Act.

7. None of the debentures authorized to be issued by the Authorizing By-law have been previously issued.

8. The respective principal amount of debentures which is to be issued pursuant to the Debenture By-law in respect of the Capital Work(s) does not exceed the respective net cost of such Capital Work(s) to the Municipality.

9. The debenture certificate issued pursuant to the Debenture By-law (the "OILC Debenture") has been signed by Mayor and by the Treasurer of the Municipality. The OILC Debenture is in all respects in accordance with the Debenture By-law and in issuing the OILC Debenture in the amount of \$4,761,049.39 which is now being issued to Ontario Infrastructure and Lands Corporation pursuant to the Debenture By-law, the Municipality is not exceeding its borrowing powers.

10. The Municipality is not subject to any restructuring order under part V of the Act or other statutory authority, accordingly, no approval of the Authorizing By-law and of the Debenture By-law and/or of the issue of the OILC Debentures is required by any transition board or commission appointed in respect of the restructuring of the municipality.

11. The Authorizing By-law and the Debenture By-law and the transactions contemplated thereby do not conflict with, or result in a breach or violation of any statutory provisions which apply to the Municipality or any agreement to which the Municipality is a party or under which the Municipality or any of its property is or may be bound, or, to the best of my knowledge, violate any order, award, judgment, determination, writ, injunction or decree applicable to the Municipality of any regulatory, administrative or other government or public body or authority, arbitrator or court.

**DATED** at the The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

[AFFIX SEAL]

---

Cathie Ritchie, Clerk

## **CERTIFICATE OF SIGNATURE AND NO LITIGATION**

**TO: Staples and Swain Professional Corporation**

**And To: OILC**

IN THE MATTER OF an issue of a 20 year(s), 3.63% serial debenture of The Corporation of The City of Kawartha Lakes (the "Municipality") in the principal amount of \$4,761,049.39, authorized by Debenture By-law Number 2018-217 (the "Debenture By-law")

I, Carolyn Daynes, Treasurer of the Municipality, do hereby certify that on or before December 03, 2018, I as Treasurer, signed the fully registered serial debenture numbered 2018-217 in the principal amount of \$4,761,049.39 dated December 03, 2018, registered in the name of Ontario Infrastructure and Lands Corporation and authorized by the Debenture By-law (the "OILC Debenture").

I further certify that on or before December 03, 2018, the OILC Debenture was signed by Andy Letham, Mayor of the Municipality at the date of the execution and issue of the OILC Debenture, that the OILC Debenture was sealed with the seal of the Municipality, and that the OILC Debenture is in all respects in accordance with the Debenture By-law.

I further certify that the said Andy Letham, is the duly elected Mayor of the Municipality and that I am the duly appointed Treasurer of the Municipality and that we were severally authorized under the Debenture By-law to execute the OILC Debenture in the manner aforesaid and that the OILC Debenture is entitled to full faith and credence.

I further certify that no litigation or proceedings of any nature are now pending or threatened, attacking or in any way attempting to restrain or enjoin the issue and delivery of the OILC Debenture or in any manner questioning the proceedings and the authority under which the same is issued, or affecting the validity thereof, or contesting the title or official capacity of the said Mayor myself as Treasurer of the Municipality, and no authority or proceedings for the issuance of the OILC Debenture or any part of it has been repealed, revoked or rescinded in whole or in part.

DATED at The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

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Carolyn Daynes  
Treasurer

I, Cathie Ritchie, Clerk of the Municipality do hereby certify that the signature of Carolyn Daynes, Treasurer of the Municipality described above, is true and genuine.

[AFFIX SEAL]

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Cathie Ritchie

Clerk

## **DEBENTURE TREASURER'S CERTIFICATE**

**To: Staples and Swain Professional Corporation**

**And To: OILC**

IN THE MATTER OF an issue of a 20 year(s), 3.63% serial debenture of The Corporation of The City of Kawartha Lakes (the "Municipality") in the principal amount of \$4,761,049.39, authorized by Debenture By-law Number 2018-217 (the "Debenture By-law")

AND IN THE MATTER OF authorizing by-laws of the Municipality enumerated in Schedule "A" to the Debenture By-law.

I, Carolyn Daynes, Treasurer of the Municipality, **DO HEREBY CERTIFY THAT:**

1. The Municipality has received from the Ministry of Municipal Affairs and Housing its annual debt and financial obligation limit for the relevant years.
2. With respect to the undertaking of the capital work(s) described in the Debenture By-law (individually a "Capital Work" and collectively the "Capital Works"), before the Council of the Municipality authorized the Capital Work(s), and before authorizing any additional cost amount and any additional debenture authority in respect thereof, the Treasurer calculated the updated relevant debt and financial obligation limit in accordance with the applicable debt and financial obligation limits regulation (the "Regulation"). The Treasurer thereafter determined that the estimated annual amount payable in respect of the Capital Work(s), each such additional cost amount and each such additional debenture authority, would not cause the Municipality to reach or to exceed the relevant updated debt and financial obligation limit as at the date of the Council's approval. Based on the Treasurer's determination, the Council of the Municipality authorized the Capital Work(s), each such additional cost amount and each such additional debenture authority, without the approval of the Ontario Municipal Board pursuant to the Regulation.
3. As at the date hereof the Municipality has not reached or exceeded its updated annual debt and financial obligation limit for 2018.
4. In updating the relevant debt and financial obligation limit(s), the estimated annual amount payable described in Section 4(2) of the Regulation was determined based on current interest rates and amortization periods which do not, in any case, exceed the lifetime of any of the purposes of the Municipality described in such section, all in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.
5. The term within which the debentures to be issued for the Municipality in respect of the Capital Work(s) pursuant to the Debenture By-law are made payable does not exceed the lifetime of such Capital Work(s).

6. The principal amount now being financed through the issue of debentures pursuant to the Debenture By-law in respect of the Capital Work(s) does not exceed the net cost of each such Capital Work(s) to the Municipality.

7. The money received by the Municipality from the sale of the debentures issued pursuant to the Debenture By-law, including any premium, and any earnings derived from the investment of that money after providing for the expenses related to their issue, if any, shall be apportioned and applied to the Capital Work(s), and to no other purpose except as permitted by the *Municipal Act, 2001*.

8. The representations and warranties of the Municipality set out in paragraph 2 of the Financing Agreement (as defined in the Debenture By-law) were true and correct as of the date of the request to purchase the debentures in respect of the Capital Work(s) pursuant to the Debenture By-law and are true and correct as of the date hereof.

**DATED** at the The Corporation of The City of Kawartha Lakes as at the 3rd day of December, 2018.

[AFFIX SEAL]

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Carolyn Daynes, Treasurer

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

## **By-Law 2018-**

### **A By-law to Authorize the Execution of an Agreement between CHUMS Financing Corporation and The Corporation and Local Authority Services of the City of Kawartha Lakes to act as Agent and Eligible Investors with respect to ‘The One Investment Program’**

#### **Recitals**

1. Council approve entering into an agency agreement between CHUMS Financing Corporation, a duly incorporated wholly-owned subsidiary of the Municipal Finance Officers’ Association of Ontario and Local Authority Services (LAS), a duly incorporated subsidiary of the Association of Municipalities of Ontario, as Agent, and Eligible Investors, and defined therein, to permit the City to be an investor through ‘The One Investment Program’ for joint investments as set out in the various schedules to the Agency Agreement (the ‘Portfolios’).
2. The Council deems it to be in the interest of the City to enter into the Agency Agreement and to enroll in one or more of The One Investment Program portfolios.
3. The Treasurer safeguards that the investment guidelines of the Agent comply with the Corporation’s investment policies and Municipal Act.
4. This by-law authorizes the Agreement to be executed by the City.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

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

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

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

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

**“Treasurer”** means the person appointed by Council to carry out the duties as set out in the Municipal Act, 2001.

##### **1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Approval and Authorization**

- 2.01 **Approval:** The agreement attached to this By-law as Schedule A is approved.
- 2.02 **Authorization:** The Mayor and City Clerk are authorized to sign the agreement attached to this By-law as Schedule A, and to affix the corporate seal to it.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Treasurer is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this      day of     , 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



One Program -  
Amended\_and\_Resta

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**AMENDED AND RESTATED AGENCY AGREEMENT**

Dated as of March 1, 2010

Between

**AGENT**

and

**ELIGIBLE INVESTORS**

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## AMENDED AND RESTATED AGENCY AGREEMENT

This agreement dated as of March 1, 2010 is between

**CHUMS FINANCING CORPORATION and  
LOCAL AUTHORITY SERVICES**

as Agent

and

**ELIGIBLE INVESTORS**

### RECITALS

A. In 1999, CHUMS and LAS combined their efforts to act as agent for municipalities in connection with the investment of municipal and public sector funds in Ontario under an investment program now known as "The One Investment Program".

B. Pursuant to an Agency Agreement dated as of May 31, 1999, as amended (the "Original Agreement") various Investors appointed CHUMS and LAS as their agent for making such investments.

**FOR VALUE RECEIVED**, the parties agree that the Original Agreement is amended and restated as follows:

### SECTION 1 - INTERPRETATION

#### 1.01 Definitions. In this Agreement,

- a) **Agent** means both CHUMS and LAS acting together and any successor agent or agents appointed under Section 2.05 or CHUMS or LAS if it is a remaining entity under Section 2.03 or 2.04;
- b) **Agreement** means this amended and restated agency agreement, any Investment Mandate Schedules and any other schedules attached to this agreement from time to time as the agreement, the Investment Mandate Schedules or any of the other schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time;
- c) **Banking Day** means a day on which the Payment Servicer and the Custodian are open for business in Toronto, Ontario, other than a Saturday or a Sunday or a statutory holiday in Toronto, Ontario;
- d) **CHUMS** means CHUMS Financing Corporation and its successors;

- e) **Custodian** at any time means a financial institution which at such time has been approved by the Agent to provide custodial and other custody related services in connection with the Investment Program;
- f) **Eligible Investor** means, in respect of the Investment Program, a municipality, college, hospital, school board, or university, as defined under the *Municipal Act* or such other persons or classes of persons as may be prescribed under the *Municipal Act*, with which an Ontario municipality is permitted to enter into an agreement for the joint investment of money;
- g) **Investment Account** means with respect to an Investor an account maintained in the records of the Recordkeeper evidencing the Investor's percentage ownership interest in the investments made in accordance with an Investment Mandate;
- h) **Investment Counsel** means at any time one or more professional investment management firms registered in Ontario as portfolio managers, which at such time has been approved by the Agent to provide investment management services for an Investment Mandate;
- i) **Investment Mandate** means an investment mandate comprising the Investment Program as more particularly described in the relevant Investment Mandate Schedule;
- j) **Investment Mandate Schedule** means a schedule to this Agreement, as added, amended, deleted, supplemented, restated, renewed or replaced from time to time, describing a particular Investment Mandate including the objectives, eligible investments and such other information as the Agent considers necessary or desirable;
- k) **Investment Program** means an arrangement for joint investment carried on under the program name of "The One Municipal Investment Program" arranged by the Agent for use by the Investors;
- l) **Investment Program Agreements** means the agreements entered into, from time to time, by the Agent, as agent for the Investors, with the Custodian, the Payment Servicer, Valuator, Recordkeeper, Investment Counsel and such other persons as the Agent considers appropriate for the purpose of carrying out the objectives of the Investment Program and each Investment Mandate within the Investment Program;
- m) **Investment Program Committee** means the committee described in Section 2.02;
- n) **Investor** means an Eligible Investor which has received a duly executed notice from the Recordkeeper under Section 3.01(c) advising the Eligible Investor that it is an Investor and of its account number(s) and authorization code(s) and which has not ceased to be an Investor under Section 2.06 or Section 3.03;
- o) **LAS** means Local Authority Services and its successors;
- p) **Municipal Act** means the *Municipal Act*, R.S.O. 1990, c. M.45, as amended from time to time.

- q) **Payment Servicer** means at any time a Canadian financial institution which at such time has been approved by the Agent to facilitate the transfer of assets of an Investor between an Investor's financial institution and an Investor's Investment Account;
- r) **Recordkeeper** means at any time an entity approved by the Agent from time to time to provide recordkeeping services in respect of the Investment Program including receiving and implementing Investor instructions, keeping records of Investor holdings and providing monthly reporting to Investors.
- s) **Valuator** means at any time an entity approved by the Agent from time to time to provide valuation services in respect of the Investors' Investment Accounts.

1.02 **Governing Law.** This Agreement is governed by, and is to be construed and interpreted in accordance with, the laws of the Province of Ontario and the laws of Canada applicable in the Province of Ontario.

1.03 **Headings and Table of Contents.** The division of this Agreement into sections, subsections, paragraphs, subparagraphs, clauses and schedules, the insertion of headings and the provision of a table of contents are for convenience of reference only and are not to affect the construction or interpretation of this Agreement.

1.04 **Number and Gender.** Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders.

1.05 **Severability.** If any provision of this Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, the illegality, invalidity or unenforceability of that provision will not affect the legality, validity or enforceability of the remaining provisions of this Agreement.

## SECTION 2 - AGENT

2.01 **Appointment of Agent, etc.** Each Investor irrevocably appoints and authorizes the Agent to take all action as an agent on its behalf and to exercise all powers and rights and to perform all duties and to enable Investors to invest money in accordance with the terms of this Agreement and the Investment Program Agreements together with all powers reasonably incidental thereto. In addition to the foregoing, each Investor agrees that CHUMS and LAS may enter into such agreements and arrangements and do all such things, whether as principal or agent, as may be necessary or desirable to facilitate payments for investments, maintenance of investments in respect of Investment Mandates and withdrawals from Investment Accounts.

2.02 **Investment Program Committee.** Each Investor authorizes the Agent to appoint from time to time an Investment Program Committee and, subject to any provision in this Agreement, to delegate to the Investment Program Committee any or all of the powers, rights and responsibilities of the Agent for the Investment Program under this Agreement. Subject to Sections 2.03 and 2.04, CHUMS and LAS shall each appoint an equal number of members. Each member must be a senior officer who is employed by an Ontario municipality, college, hospital, school board or university or another person agreed to by each of CHUMS and LAS.

**2.03 Resignation of Agent.** If either CHUMS or LAS becomes unwilling to continue to participate as Agent, the remaining entity shall continue as Agent and shall be responsible for the appointment of all of the members of the Investment Program Committee. The Agent may resign as agent at any time by giving at least 30 days prior written notice to each Investor specifying the date on which the resignation is to be effective and by giving notice in accordance with Section 5.08 to wind-up the Investment Program.

**2.04 Automatic Termination of CHUMS or LAS as Agent. If:**

- (a) CHUMS or LAS
  - (1) becomes unable, or admits, in writing, its inability to pay its debts generally as they become due,
  - (2) makes a general assignment for the benefit of creditors,
  - (3) files a notice of intention, voluntary petition in bankruptcy or a petition seeking liquidation, reorganization or an arrangement with creditors to take advantage of any insolvency or other law, or
  - (4) takes any action for the purpose of effecting any of the foregoing; or
- (b) any proceedings (other than proceedings which either CHUMS or LAS demonstrates to the satisfaction of the other to be frivolous or vexatious) are instituted by or against CHUMS or LAS seeking to adjudicate it as bankrupt or insolvent or seeking liquidation, winding-up, reorganization, arrangement, adjustment, protection, relief or composition of it or its debts under any law relating to bankruptcy, insolvency, reorganization or relief of debtors, or applying for, consenting to or seeking the entry of an order for relief by, the appointment of a receiver, receiver and manager, receiver-manager, liquidator, sequestrator, custodian, trustee or similar agent or official for all or a substantial or significant part of its assets; or
- (c) any secured creditor, encumbrancer or lienor or any receiver, receiver and manager, receiver-manager, liquidator, sequestrator, custodian, trustee or similar agent or official appointed by or acting for any secured creditor, encumbrancer or lienor takes possession of, or forecloses or retains, or sells or otherwise disposes of, or otherwise proceeds to enforce security over, all or a substantial or significant part of the assets of CHUMS or LAS or gives notice of its intention to do any of the foregoing;

that party shall on the happening of such event be automatically terminated as Agent and no notice or other action shall be required on the part of CHUMS, LAS or any Investor to effect the termination of that party as Agent. If either CHUMS or LAS is terminated as Agent under this Section 2.04, the remaining entity shall remain the Agent and shall be responsible for the appointment of all the members of the Investment Program Committee.

**2.05 Successors.** The Agent may appoint a successor agent. When the successor agent accepts the appointment as Agent, the successor agent shall succeed to and become vested with all the rights, powers and

responsibilities of the resigning agent, and the resigning agent shall be discharged from its responsibilities and obligations under this Agreement. After any resigning agent's resignation as Agent, this Agreement shall continue in effect for its benefit and for the benefit of the Investors in respect of any actions taken or omitted to be taken by the resigning agent while it was acting as the Agent.

**2.06 Termination of Agreement.** The Agent may terminate an Investor's right to request that investments be made and the right to maintain investments in accordance with an Investment Mandate by giving the Investor at least 30 days prior written notice of the termination date. As of the termination date, (a) the Investor receiving the notice may make no further investment requests and must promptly withdraw (in accordance with Section 5.05 and Schedule C and any other provisions from time to time relating to withdrawal of funds) all funds which it is entitled to withdraw and (b) the Investor is no longer an Investor for the purpose of this Agreement. The termination of an Investor as an Investor shall, as of the date of termination and subject to Section 2.07, terminate this Agreement between the Agent and the Investor. Such termination will not affect the Agreement as between the Agent and the remaining Investors.

**2.07 Obligations survive.** All obligations (whether contingent or matured, absolute or not) existing immediately before an Investor ceases to be an Investor under Section 3.03 or a termination under Section 2.06 shall survive such withdrawal or termination.

**2.08 No rights to assets.** None of the Agent, the Custodian, the Payment Servicer, the Valuator, the Recordkeeper or Investment Counsel shall have any beneficial or personal right, title or interest in or to the assets in any Investment Account, other than as specifically set out in an Investment Program Agreement or in the Investment Mandate Schedules.

## **SECTION 3 - INVESTORS**

**3.01 Becoming an Investor.** An Eligible Investor is an Investor in respect of the Investment Program when:

- (a) The person or persons authorized to execute this Agreement on behalf of the Eligible Investor has duly executed a counterpart to this Agreement;
- (b) The person or persons authorized to execute this Agreement on behalf of the Eligible Investor has completed all of the other necessary documents required by the Agent to become an Investor including, without limitation,
  - (1) an information sheet on the Eligible Investor,
  - (2) a certificate confirming passage and enforceability of a by-law substantially in the form of the sample by-law provided to the Eligible Investor by the Agent on behalf of The One Investment Program, and designating persons who are authorized to give investment, withdrawal or transfer instructions and confirming that all necessary actions have been taken by the Eligible Investor to authorize such persons to give investment, withdrawal or transfer instructions,

- (3) a pre-authorized debit authorization letter from the Eligible Investor to its financial institutions and others; and
- (c) The Recordkeeper has notified the Eligible Investor that it is an Investor and of its account number(s) and authorization code(s).

3.02 **No obligation to invest.** An Investor has no obligation to invest in any Investment Mandate.

3.03 **Ceasing to be an Investor.** At any time at which an Investor has no investments or funds in its Investment Account(s) and has given no investment instructions it may, by notice to the Agent, cease to be an Investor.

3.04 **Representations and Warranties of Investor.** Each Investor represents and warrants to the Agent that,

- (a) the Investor has taken all actions necessary to authorize it to enter into this Agreement,
- (b) the Investor is authorized to make investments in accordance with any of the Investment Mandates which it has designated to either the Agent or the Recordkeeper as being Investment Mandates which it is authorized to invest, and any money which the Investor designates to be invested in an Investment Mandate is money which may be so invested in that Investment Mandate, and
- (c) the Investor has adopted a statement of its investment policies and goals in accordance with the applicable legislation and such policies and goals permit the Investor to invest in all investments which are eligible investments for municipalities under the *Municipal Act*.

The Investor shall be deemed to have repeated the representation and warranty in Section 3.04(a), (b) and (c) each time it issues investment instructions relating to any Investment Mandate. The Agent shall have no obligation to make any inquiry to confirm the truth or accuracy of any representation or warranty. The Agent shall not be liable for any loss or damages suffered by the Investor or any other person claiming through the Investor or any other Investor as a result of any act, including without limitation, the execution of this Agreement by a person purporting to have authority to act on the Investor's behalf.

3.05 **Limitation on liability.** The Agent, the Custodian, the Payment Servicer, the Valuator, the Recordkeeper and the Investment Counsel may, in their discretion, honour instructions purporting to be issued by an Investor given by telephone, facsimile or other electronic transmission, without the necessity of any verification or enquiry. None of the Agent, the Custodian, the Payment Servicer, the Valuator, the Recordkeeper or the Investment Counsel shall incur any liability to an Investor by reason of acting or not acting on or any error in such instructions, and the Investor shall indemnify and hold harmless each of the Agent, the Custodian, the Payment Servicer, the Valuator, the Recordkeeper and the Investment Counsel from any loss, cost, damage, or expense that any of them may suffer or incur by relying on such instructions.

3.06 **Addition of parties to this Agreement.** Eligible Investors may be added as parties to this Agreement from time to time after the date of this Agreement. Each of the Agent and the Investor agrees that this Agreement is binding on it regardless of when it became a party to this Agreement and the addition of other

Eligible Investors as parties to this Agreement. Upon becoming an Investor, the Investor shall become a party to and shall be bound by this Agreement as if it had been an original party to this Agreement.

3.07 **List of Investors and Investor information.** The Agent will keep an up-to-date list of the names of Investors and may make the list available to Eligible Investors and other persons. The Agent shall ensure, to the best of its ability, the confidentiality of all other information pertaining to an Investor and the Investor's investments through the Investment Program whether the Investor continues to be an Investor or the Investor has ceased to be an Investor. This does not apply to information which is otherwise available to the public or to information which the Agent is required by law to disclose.

#### **SECTION 4 - THE CUSTODIAN, PAYMENT SERVICER, VALUATOR, RECORDKEEPER AND INVESTMENT COUNSEL**

4.01 **Authority.** Each Investor authorizes the Agent to enter into Investment Program Agreements, from time to time, as agent of the Investor.

4.02 **Custodian.** The Agent will not enter into an Investment Program Agreement with a Custodian unless at the time of entering into the Investment Program Agreement the Custodian is a Canadian chartered Schedule I bank or trust company registered under the laws of Ontario.

4.03 **Payment Servicer.** The Agent will not enter into an Investment Program Agreement with a Payment Servicer unless the Payment Servicer is a Canadian chartered Schedule I bank or other regulated Canadian financial institution.

4.04 **Valuator.** The Agent will not enter into an Investment Program Agreement with a Valuator unless the Valuator has satisfied the Agent of the ability of the Valuator to provide and maintain accurate valuation services for the Investment Accounts.

4.05 **Recordkeeper.** The Agent will not enter into an Investment Program Agreement with a Recordkeeper unless the Recordkeeper has satisfied the Agent of the ability of the Recordkeeper to provide and maintain accurate recordkeeping and instruction services.

4.06 **Investment Counsel.**

(a) **Registration.** The Agent will not enter into an Investment Program Agreement with an Investment Counsel unless the Investment Program Agreement requires the Investment Counsel to maintain at all times its status in Ontario as a registered portfolio manager while it is Investment Counsel for the Investment Program.

(b) **Insurance.** The Agent will not enter into an Investment Program Agreement with any Investment Counsel unless the Investment Program Agreement requires the Investment Counsel to maintain, in full force and effect, bonding or insurance in such amounts and of such types as are required from time to time by appropriate regulatory authorities.

#### **SECTION 5 - THE INVESTMENT MANDATES**



5.01 **Investment Mandates.** The Investor agrees with the Agent and all other Investors that each Investment Mandate is an aggregation of assets. At any time, each Investor who has made investments in accordance with a specific Investment Mandate has at that time, subject to Section 5.07, a percentage ownership interest in all investments made in accordance with that Investment Mandate at that time proportional to the amount of investments made in accordance with that Investment Mandate by the Investor at that time. Each Investor agrees that investments made in accordance with an Investment Mandate will be valued as set out in the Investment Mandate Schedule. Subject to the payment of any reasonable fees imposed by the Agent, an Investor has the right to require distribution of specific investments within its Investment Account.

5.02 **Investment guideline.** The investment guideline of an Investment Mandate will be set out in the Investment Mandate Schedule for that Investment Mandate. The policy may be subject to further restrictions approved from time to time by the Agent. A copy of the investment guideline, as amended from time to time, will be made available to the Investors. Any agreement with the Investment Counsel will permit Investment Counsel to make investments based only on the investment guideline. None of the Agent, the Custodian, the Payment Servicer, the Valuator or the Recordkeeper is responsible for investment decisions.

5.03 **Fees and expenses.** For each Investment Mandate, the Agent shall establish and disclose in the Investment Mandate Schedule for that Investment Mandate, the maximum aggregate fees and expenses payable, out of the investments made in accordance with that Investment Mandate, to the Custodian, the Payment Servicer, the Valuator, the Recordkeeper, the Investment Counsel and the Agent. The Agent may change the maximum aggregate fees and expenses stated in an Investment Mandate Schedule upon providing such prior notice to all Investors as is set out in the Investment Mandate Schedule.

5.04 **Amendments.** The Agent may from time to time, upon providing 30 days prior written notice to all Investors, amend the Agreement by adding schedules and amend, delete, supplement, restate, renew and replace schedules to this Agreement.

5.05 **Investment and withdrawal of funds.** Each Investor shall abide by the procedures for issuing investment, withdrawal and transfer instructions set out in the applicable Investment Mandate and in Schedule C. Before an Investor provides investment instructions and arranges for any transfer from its account at its financial institution to the Agent or the Custodian, the Investor shall ensure that sufficient funds are then available to cover the amount of such investment.

5.06 **Income on investments.** Subject to Section 5.07, at any time each Investor has a percentage ownership interest in the income on all investments made in accordance with an Investment Mandate proportional to the Investor's percentage ownership interest in the aggregate investments made in accordance with an Investment Mandate at that time. Income on investments will be automatically re-invested in accordance with an Investment Mandate on the same basis as investments.

5.07 **Default in payment.** If an Investor requests that an investment be made and

- (a) there are insufficient funds in the Investor's account at its financial institution to pay when due for the investment placed by the Investor through the Investment Program, or

- (b) the Investor's financial institution is insolvent or for any other reason the Investor provides no or insufficient funds to pay when due for the investment placed by the Investor through the Investment Program,

then the Investor, with respect to that investment, has no interest in the Investment Program or in any Investment Mandate or income relating thereto or proceeds thereof. The Investor agrees to indemnify the Agent, the Custodian, the Valuator, the Payment Servicer, the Recordkeeper and the Investment Counsel, and to hold the Agent, the Custodian, the Valuator, the Payment Servicer, the Recordkeeper and the Investment Counsel harmless from all losses and expenses (including interest, charges and any loss in value of the investment) incurred by the Agent, on its own account or on behalf of the Investor, the Custodian, the Valuator, the Payment Servicer, the Recordkeeper or the Investment Counsel resulting from default or delay in payment. The Agent may assign its rights under this indemnity to any person. In addition, the Investor agrees to pay the Agent a fee in an amount set by the Agent from time to time as a fee payable in respect of any delay or default in payment for an investment whether as a result of Section 5.07(a) or Section 5.07(b). The Agent may authorize the debiting of the credit balance in an Investor's Investment Account and apply the amounts so debited toward the payment of amounts (whether absolute, contingent, matured or not) payable by the Investor under this Section 5.07.

**5.08 Wind-up of an Investment Mandate by Agent.** The Agent may, on at least 30 days prior written notice to all Investors, announce that it intends to discontinue an Investment Mandate, discontinue an Investment Mandate on the date set out in the notice. The Agent shall within five days of the date of discontinuance distribute the proceeds of the sale of the investments made in accordance with the Investment Mandate to those Investors with investments in the Investment Mandate to the extent of each Investor's percentage ownership interest at the time of discontinuance of the Investment Mandate.

## **SECTION 6 - GENERAL**

### **6.01 Notice.**

(a) **Address for notices.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be delivered or sent by registered mail, postage prepaid or facsimile (with follow-up mailed copy unless otherwise specified in this Agreement or in an Investment Mandate Schedule) to the addresses or facsimile numbers set out in the information sheets in respect of each Investor kept by the Agent and in the case of the Agent to:

One Investment Program c/o LAS  
200 University Ave., Suite 801  
Toronto, ON M5H 3C6  
Attention: President, LAS  
Facsimile: (416) 971-6191

Changes to the addresses and facsimile numbers may be made in the manner set out in this Section 6.01.

(b) **Effective date.** Any such notice or other communication shall be deemed to have been given and received, if delivered, on the day of delivery (or, if the day is not a Banking Day, on the next following Banking Day) or, if mailed, on the second Banking Day following the day in which it is mailed. If a strike or lockout of postal employees is in effect or generally known to be impending on the date of mailing, any such

notice or other communication shall be delivered and not sent by mail. If sent by facsimile before 5:00 p.m. Toronto, Ontario time on a Banking Day, the notice or other communication shall be deemed to have been received on that day, and if sent after 5:00 p.m. Toronto, Ontario time on a Banking Day, it shall be deemed to have been received on the Banking Day next following the date of transmission.

**6.02 No partnership or deemed agency.** The execution of this Agreement and the other arrangements with respect to the Investment Program are not intended to create and shall not be treated as having created a general or limited partnership, joint venture, corporation, joint stock company, investment trust or mutual fund, nor shall:

- (a) the Agent, the Custodian, the Payment Servicer, the Valuator, the Recordkeeper nor Investment Counsel, or their respective agents and employees, except as provided in this Agreement, or
- (b) any other Investor,

under any circumstances be deemed the agent or representative of, or have the right to enter into any contract or commitment on behalf of, an Investor.

**6.03 No fiduciary duties.** The Agent shall not by reason of this Agreement or any of the discussions leading to or in connection with this Agreement have a fiduciary or trust relationship with the Investors, or any other person, or any other obligation other than as specifically stated in this Agreement.

**6.04 No assignment.** No party may dispose of the whole or any part of its rights or obligations under this Agreement without the express written consent of the Agent except as may otherwise be provided for in this Agreement.

**6.05 Further action.** Each party shall at all times promptly execute and deliver and cause to be executed and delivered such documents and take and cause to be taken such action as may be necessary or appropriate to give effect to the provisions of this Agreement.

**6.06 Benefit.** This Agreement shall enure to the benefit of and be binding upon each party and their respective successors and permitted assigns.

**6.07 Attornment.** Each party irrevocably attorns and submits to the non-exclusive jurisdiction of the courts of the Province of Ontario.

**6.08 Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall constitute one Agreement.

The parties have executed this Agreement.

CHUMS FINANCING CORPORATION

BY: \_\_\_\_\_  
Daniel Cowin, Executive Vice-President

LOCAL AUTHORITY SERVICES

BY: \_\_\_\_\_  
Judy Dezell, Director

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COUNTERPART OF THE AMENDED AND RESTATED AGENCY AGREEMENT  
DATED AS OF MARCH 1, 2010  
BETWEEN  
CHUMS FINANCING CORPORATION AND LOCAL AUTHORITY SERVICES

- AND -

ELIGIBLE INVESTORS (AS DEFINED IN THE AGREEMENT)

BY (SIGNATURE): \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

PRINT TITLE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

## SCHEDULE A

### MONEY MARKET MANDATE

1. **Definitions.** In this schedule
  - (a) **Agreement** means the amended and restated agency agreement dated as of March 1, 2010 between CHUMS Financing Corporation, Local Authority Services Limited and the Eligible Investors, as defined in that agreement, and any schedules attached to it from time to time as that agreement or the schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time; and
  - (b) **Bank Account** means the bank account at the Investor's financial institution authorized by the Investor and accepted by the Agent for use by the Investor in the transfer of funds to invest in accordance with the Money Market Mandate.

All other capitalized terms used in this Schedule have the meanings given to them in the Agreement.

2. **Objective.** The principal objective of the Money Market Mandate is to provide Investors with investments in highly-rated money market instruments permitted under the *Municipal Act*.
3. **Permissible Securities for Investments.** Funds invested in accordance with the Money Market Mandate will only be invested in those securities which are permitted under the *Municipal Act* and the regulations made under that Act.
4. **Valuation.** Valuations of the investments made in accordance with the Money Market Mandate will be performed on a mark-to-market basis net of accrued fees and expenses and in accordance with prudent valuation practices and methods consistent with those followed by investment funds with investment objectives and portfolio holdings similar to the Money Market Mandate.
5. **Time of Valuation.** The value of the investments made in accordance with the Money Market Mandate will be calculated by the Valuator at such time as the Valuator may in its discretion determine on each Banking Day in accordance with the valuation principles set out in paragraph 4.
6. **Minimum Investment.** The minimum investment amount is \$5,000.
7. **Minimum Withdrawal.** The minimum amount for each withdrawal is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the withdrawal is being made including any accrued earnings.
8. **Minimum Transfer.** The minimum amount for each transfer is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the transfer is being made including any accrued earnings.
9. **Earnings Allocation and Distribution.** Subject to Section 5.07 of the Agreement, income on an investment made by an Investor accrues beginning on and including the day immediately following the day on which the Investor's investment is first invested in accordance with the Money Market Mandate and ending on and including the day on which invested funds are returned to the Investor. The calculation of investment income of the investments made in accordance with this Mandate and of each Investor's proportional interest in such income will take place after the close of business on each Banking Day. Income will be credited to each Investor's Investment Account effective on the last calendar day of each month. Income credited to an Investor's

Investment Account remains in such account as part of the Investor's investment until all of the Investor's investment is withdrawn. If the Investor is withdrawing all of the remaining funds in the Investor's Investment Account, income will be credited on the Banking Day before the day on which invested funds are returned to the Investor.

10. **Fees and Expenses.**

- (a) **Amount of Fees.** The maximum aggregate fees and expenses payable out of the investments made in accordance with the Money Market Mandate to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent will not exceed 0.19 of one percent, on an annual basis, of the daily balance of the investments made in accordance with the Money Market Mandate. Other than those fees and expenses and any amounts payable in the event of default or delay in payment under Section 5.07 of the Agreement, no fees and expenses will be charged by the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel, or Agent. The fees and expenses referred to in this Section 10(a) do not include any fees and expenses charged to the Investor by the Investor's financial institution.
- (b) **Changes to Fees.** The Agent may change the maximum aggregate fees and expenses payable to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent at any time on providing 30 days notice of the effective date of such change to all Investors.

11. **Reporting.** Each Investor investing in accordance with the Money Market Mandate will:

- (a) have access to details of each transaction initiated by the Investor before 4:00 p.m. (Toronto time) on any Banking Day by electronic means through a password protected web-site established and maintained by the Agent (the "Agent's Website"), or by such other means as the Agent may choose, on the following Banking Day;
- (b) have access to a monthly history statement for that Investor's Investment Account through the Agent's Website, or by such other means as the Agent may choose, within five Banking Days following the last Banking Day for the month to which the statement applies, showing the Investor's opening and closing positions, all transactions made by the Investor during the month and any earnings credited to it for that month; and
- (c) receive a monthly report from the Agent showing the aggregate performance of the investments made in accordance with the Money Market Mandate and such other information about the Investment Program that the Agent deems appropriate for all Investors.

12. **Making an Investment.**

- (a) **Instructions Irrevocable.** Investment instructions made by the Investor are irrevocable and must be issued by the Investor in accordance with the procedure set out in Schedule C.
- (b) **Time of Instructions.** Where investment instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the Money Market Mandate on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the Money Market Mandate on the second Banking Day immediately following the day on which the instructions were issued by the Investor. The availability of funds for investment in accordance with the Money Market Mandate is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.

13. **Making a Withdrawal.**

- (a) **Instruction Irrevocable.** Withdrawal instructions made by the Investor are irrevocable and must be issued in accordance with the procedures set out in Schedule C.
- (b) **Time of Instructions.** Where withdrawal instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the Money Market Mandate to be credited to the Investor's Bank Account on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the Money Market Mandate to be credited to the Investor's Bank Account on the second Banking Day immediately following the day on which instructions were issued by the Investor. The availability of funds for credit to Investor's Bank Account is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.
- (c) **Limits on Right to make Withdrawals.** Despite any other provision in the Agreement or this Schedule, the Agent may require an Investor to provide three Banking Days notice to withdraw funds.

14. **Making a Transfer to Another Investment Mandate of the Investor.**

- (a) **Instructions Irrevocable.** Instructions made by the Investor for transfers to another Investment Mandate are irrevocable and must be issued by the Investor in accordance with the procedures set out in Schedule C.
- (b) **Transfers to Another Investment Mandate.** If the Investor has issued instructions to transfer funds from investment in the Money Market Mandate to another Investment Mandate, such transfer shall be made in accordance with the time restrictions for making withdrawals under this Investment Mandate Schedule and the time restrictions for making investments under the Investment Mandate Schedule for the other Investment Mandate. The Recordkeeper, in executing such transfer instructions, will cause such transfers to occur directly between the Investment Mandates and not by way of the Payment Servicer and the Investor's Bank Account(s).

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## SCHEDULE B

### BOND MANDATE

1. **Definitions.** In this schedule
  - (a) **Agreement** means the amended and restated agency agreement dated as of March 1, 2010 between CHUMS Financing Corporation, Local Authority Services Limited and the Eligible Investors, as defined in that agreement, and any schedules attached to it from time to time as that agreement or the schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time; and
  - (b) **Bank Account** means the bank account at the Investor's financial institution authorized by the Investor and accepted by the Agent for use by the Investor in the transfer of funds to invest in accordance with the Bond Mandate.

All other capitalized terms used in this Schedule have the meanings given to them in the Agreement.

2. **Objective.** The principal objective of the Bond Mandate is to provide Investors with investments in highly-rated fixed income and money market securities permitted under the *Municipal Act* with maturities generally less than or equal to five years.
3. **Permissible Securities for Investments.** Funds invested in accordance with the Bond Mandate will only be invested in those securities which are permitted under the *Municipal Act* and the regulations made under that Act.
4. **Valuation.** Valuations of the investments made in accordance with the Bond Mandate will be performed on a mark-to-market basis net of accrued fees and expenses and in accordance with prudent valuation practices and methods consistent with those followed by investment funds with investment objectives and portfolio holdings similar to the Bond Mandate.
5. **Time of Valuation.** The value of investments made in accordance with the Bond Mandate will be calculated by the Valuator at such time as the Valuator may in its discretion determine on each Banking Day in accordance with the valuation principles set out in paragraph 4.
6. **Minimum Investment.** The minimum investment amount is \$5,000.
7. **Minimum Withdrawal.** The minimum amount for each withdrawal is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the withdrawal is being made including any accrued earnings.
8. **Minimum Transfer.** The minimum amount for each transfer is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the transfer is being made including any accrued earnings.
9. **Earnings Allocation and Distribution.** Subject to Section 5.07 of the Agreement, income on an investment made by an Investor accrues beginning on and including the day immediately following the day on which the Investor's investment is first invested in accordance with the Bond Mandate and ending on and including the day on which invested funds are returned to the Investor. The calculation of investment income of the investments made in accordance with this Mandate and of each Investor's proportional interest in such income will take place after the close of business on each Banking Day. Income will be credited to each Investor's Investment Account



effective on the last calendar day of each month. Income credited to an Investor's Investment Account remains in such account as part of the Investor's investment until all of the Investor's investment is withdrawn. If the Investor is withdrawing all of the remaining funds in the Investor's Investment Account, income will be credited on the Banking Day before the day on which invested funds are returned to the Investor.

10. **Fees and Expenses.**

- (a) **Amount of Fees.** The maximum aggregate fees and expenses payable out of the investments made in accordance with the Bond Mandate to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent will not exceed 0.4 of one percent, on an annual basis, of the daily balance of the investment made in accordance with the Bond Mandate. Other than those fees and expenses and any amounts payable in the event of default or delay in payment under Section 5.07 of the Agreement, no fees and expenses will be charged by the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel, or Agent. The fees and expenses referred to in this Section 10(a) do not include any fees and expenses charged to the Investor by the Investor's financial institution.
- (b) **Changes to Fees.** The Agent may change the maximum aggregate fees and expenses payable to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent at any time on providing 30 days notice of the effective date of such change to all Investors.

11. **Reporting.** Each Investor investing in accordance with the Bond Mandate will:

- (a) have access to details of each transaction initiated by the Investor before 4:00 p.m. (Toronto time) on any Banking Day by electronic means through a password protected web-site established and maintained by the Agent (the "Agent's Website"), or by such other means as the Agent may choose, on the following Banking Day;
- (b) have access to a monthly history statement for that Investor's Investment Account through the Agent's Website, or by such other means as the Agent may choose, within five Banking Days following the last Banking Day for the month to which the statement applies, showing the Investor's opening and closing positions, all transactions made by the Investor during the month and any earnings credited to it for that month; and
- (c) receive a monthly report from the Agent showing the aggregate performance of the investments made in accordance with the Bond Mandate and such other information about the Investment Program that the Agent deems appropriate for all Investors.

12. **Making an Investment.**

- (a) **Instructions Irrevocable.** Investment instructions made by the Investor are irrevocable and must be issued by the Investor in accordance with the procedure set out in Schedule C.
- (b) **Time of Instructions.** Where investment instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the Bond Mandate on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the Bond Mandate on the second Banking Day immediately following the day on which the instructions were issued by the Investor. The availability of funds for investment in accordance with the Bond Mandate is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.

13. **Making a Withdrawal.**

- (a) ***Instruction Irrevocable.*** Withdrawal instructions made by the Investor are irrevocable and must be issued in accordance with the procedures set out in Schedule C.
- (b) ***Time of Instructions.*** Where withdrawal instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the Bond Mandate to be credited to the Investor's Bank Account on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the Bond Mandate to be credited to the Investor's Bank Account on the second Banking Day immediately following the day on which instructions were issued by the Investor. The availability of funds for credit to Investor's Bank Account is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.
- (c) ***Limits on Right to make Withdrawals.*** Despite any other provision in the Agreement or this Schedule, the Agent may require an Investor to provide three Banking Days notice to withdraw funds.

14. **Making a Transfer to Another Investment Mandate of the Investor.**

- (a) ***Instructions Irrevocable.*** Instructions made by the Investor for transfers to another Investment Mandate are irrevocable and must be issued by the Investor in accordance with the procedures set out in Schedule C.
- (b) ***Transfers to Another Investment Mandate.*** If the Investor has issued instructions to transfer funds from investment in the Bond Mandate to another Investment Mandate, such transfer shall be made in accordance with the time restrictions for making withdrawals under this Investment Mandate Schedule and the time restrictions for making investments under the Investment Mandate Schedule for the other Investment Mandate. The Recordkeeper, in executing such transfer instructions, will cause such transfers to occur directly between the Investment Mandates and not by way of the Payment Servicer and the Investor's Bank Account(s).

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## SCHEDULE C

### ISSUING INVESTMENT, WITHDRAWAL AND TRANSFER INSTRUCTIONS TO THE RECORDKEEPER

1. **Instructions.** An investor may issue investment, withdrawal and transfer instructions:
  - (a) by fax to the Recordkeeper between the hours of 8:00 a.m. (Toronto time) and 4:00 p.m. (Toronto time), or
  - (b) by such other means as the Agent may prescribe from time to time.
2. **Instructions to Recordkeeper.** All investment, withdrawal and transfer instructions issued by an Investor to the Recordkeeper under Section 1 (a) or (b) are irrevocable and the Investor shall be responsible for the accuracy of any instructions issued. All investment instructions issued to the Recordkeeper under Section 1(a) will be kept on file by the Recordkeeper.
3. **Execution by Recordkeeper.** Fax instructions issued to the Recordkeeper will be executed without prior confirmation by the Recordkeeper and the Investor accepts responsibility for all fax instructions which purport to have been given by the Investor whether or not such instructions were authorized. The Recordkeeper will not execute a transaction which does not include all the Investor Information (as defined below) and transaction information contained in Schedule 7.
4. **Instructions to Payment Servicer.** All fax instructions from Investors received by the Recordkeeper involving investments or withdrawals will be communicated by the Recordkeeper to the Payment Servicer for proper execution as may be required by the Payment Servicer in order to transfer the funds in accordance with the investment or withdrawal instructions of the Investors.
5. **Procedure for Issuing Instructions to Recordkeeper.** All fax instructions issued to the Recordkeeper, must include the following investor information:
  - (a) the name of the individual issuing the fax instructions as registered by the Investor and accepted by the Agent;
  - (b) the name of the Investor's organization as registered by the Investor and approved by the Agent; and
  - (c) the signature(s) of the authorized municipal officer(s) corresponding to the Investor's signature card as registered by the Investor.

**Failure by the representative of the Investor to provide via fax the Recordkeeper with the correct Investor Information will render any instructions given to the Recordkeeper by the representative of the Investor null and void.**

Investment instruction forms may be made available by the Agent on the Agent's website or by contacting the Agent.

6. **Transaction Information.** Where the Investor Information provided by the representative of the Investor to the Recordkeeper has been verified by the Recordkeeper as being correct, the Recordkeeper will identify from the fax, the type of transaction (i.e. "an investment" or "a withdrawal" or "a transfer to another Fund"). If the fax instructions are for:
  - (a) an investment, the Recordkeeper will require the following information to be provided:

- (i) the dollar amount of the investment;
    - (ii) the investment account name into which the investment will be made; and
    - (iii) banking information.
  - (b) a withdrawal, the Recordkeeper will require the following information to be provided:
    - (i) the dollar amount of the withdrawal or “ALL” if the instruction pertains to all monies belonging to the Investor in the Investment Program including any accrued earnings; and
    - (ii) the Investment Mandate from which the withdrawal is to be made.
  - (c) a transfer to another Investment Mandate by the same Investor, the Recordkeeper will require the following information to be provided:
    - (i) the dollar amount of the transfer or “ALL” if the instruction pertains to all monies belonging to the Investor in the Investment Program including any accrued earnings;
    - (ii) the Investment Mandate from which the transfer is to be made; and
    - (iii) the Investment Mandate to which the transfer will be made.
7. **Deemed Receipt by Recordkeeper.** Instructions issued by an Investor to the Recordkeeper shall be deemed to have been received by the Recordkeeper as soon as the Investor issuing the instructions has provided the Recordkeeper with all of the information set out in Section 6 above and they are brought to the attention of the officers of the Recordkeeper to whom they are addressed.

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## SCHEDULE D

### UNIVERSE CORPORATE BOND (UCB) MANDATE

1. **Definitions.** In this schedule
  - (a) **Agreement** means the amended and restated agency agreement dated as of March 1, 2010 between CHUMS Financing Corporation, Local Authority Services Limited and the Eligible Investors, as defined in that agreement, and any schedules attached to it from time to time as that agreement or the schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time; and
  - (b) **Bank Account** means the bank account at the Investor's financial institution authorized by the Investor and accepted by the Agent for use by the Investor in the transfer of funds to invest in accordance with the UCB Mandate.

All other capitalized terms used in this Schedule have the meanings given to them in the Agreement.

2. **Objective.** To seek to provide competitive rates of return by investing in a diversified, conservatively managed portfolio of bonds, debentures, promissory notes or other evidences of indebtedness of corporations, governments or agencies thereof or supranational organizations or agencies thereof, as permitted by applicable regulation from time to time.
3. **Permissible Securities for Investments.** Funds invested in accordance with the UCB Mandate will only be invested in securities that are permitted under the *Municipal Act* and the regulations made under that Act.
4. **Valuation.** Valuations of the investments made in accordance with the UCB Mandate will be performed on a mark-to-market basis net of accrued fees and expenses and in accordance with prudent valuation practices and methods consistent with those followed by investment funds with investment objectives and portfolio holdings similar to the UCB Mandate.
5. **Time of Valuation.** The value of investments made in accordance with the UCB Mandate will be calculated by the Valuator at such time as the Valuator may in its discretion determine on each Banking Day in accordance with the valuation principles set out in paragraph 4.
6. **Minimum Investment.** The minimum investment amount is \$5,000.
7. **Minimum Withdrawal.** The minimum amount for each withdrawal is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the withdrawal is being made including any accrued earnings.
8. **Minimum Transfer.** The minimum amount for each transfer is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the transfer is being made including any accrued earnings.
9. **Earnings Allocation and Distribution.** Subject to Section 5.07 of the Agreement, income on an investment made by an Investor accrues beginning on and including the day immediately following the day on which the Investor's investment is first invested in accordance with the UCB Mandate and ending on and including the day on which invested funds are returned to the Investor. The calculation of investment income of the investments made in accordance with this Mandate and of each Investor's proportional interest in such income will take place after the close of business on each Banking Day. Income will be credited to each Investor's Investment Account

effective on the last calendar day of each month. Income credited to an Investor's Investment Account remains in such account as part of the Investor's investment until all of the Investor's investment is withdrawn. If the Investor is withdrawing all of the remaining funds in the Investor's Investment Account, income will be credited on the Banking Day before the day on which invested funds are returned to the Investor.

10. **Fees and Expenses.**

- (a) **Amount of Fees.** The maximum aggregate fees and expenses payable out of the investments made in accordance with the UCB Mandate to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent will not exceed .45 of one percent, on an annual basis, of the daily balance of the investments made in accordance with the UCB Mandate. Other than those fees and expenses and any amounts payable in the event of default or delay in payment under Section 5.07 of the Agreement, no fees and expenses will be charged by the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel, or Agent. The fees and expenses referred to in this Section 10(a) do not include any fees and expenses charged to the Investor by the Investor's financial institution.
- (b) **Changes to Fees.** The Agent may change the maximum aggregate fees and expenses payable to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent at any time on providing 30 days notice of the effective date of such change to all Investors.

11. **Reporting.** Each Investor investing in accordance with the UCB Mandate will:

- (a) have access to details of each transaction initiated by the Investor before 4:00 p.m. (Toronto time) on any Banking Day by electronic means through a password protected web-site established and maintained by the Agent (the "Agent's Website"), or by such other means as the Agent may choose, on the following Banking Day;
- (b) have access to a monthly history statement for that Investor's Investment Account through the Agent's Website, or by such other means as the Agent may choose, within five Banking Days following the last Banking Day for the month to which the statement applies, showing the Investor's opening and closing positions, all transactions made by the Investor during the month and any earnings credited to it for that month; and
- (c) receive a monthly report from the Agent showing the aggregate performance of the investments made in accordance with the UCB Mandate and such other information about the Investment Program that the Agent deems appropriate for all Investors.

12. **Making an Investment.**

- (a) **Instructions Irrevocable.** Investment instructions made by the Investor are irrevocable and must be issued by the Investor in accordance with the procedure set out in Schedule C.
- (b) **Time of Instructions.** Where investment instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the UCB Mandate on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the UCB Mandate on the second Banking Day immediately following the day on which the instructions were issued by the Investor. The availability of funds for investment in accordance with the UCB Mandate is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.

13. **Making a Withdrawal.**

- (a) ***Instruction Irrevocable.*** Withdrawal instructions made by the Investor are irrevocable and must be issued in accordance with the procedures set out in Schedule C.
- (b) ***Time of Instructions.*** Where withdrawal instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the UCB Mandate to be credited to the Investor's Bank Account on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the UCB Mandate to be credited to the Investor's Bank Account on the second Banking Day immediately following the day on which instructions were issued by the Investor. The availability of funds for credit to Investor's Bank Account is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.
- (c) ***Limits on Right to make Withdrawals.*** Despite any other provision in the Agreement or this Schedule, the Agent may require an Investor to provide ten Banking Days notice to withdraw funds.

14. **Making a Transfer to Another Investment Mandate of the Investor.**

- (a) ***Instructions Irrevocable.*** Instructions made by the Investor for transfers to another Investment Mandate are irrevocable and must be issued by the Investor in accordance with the procedures set out in Schedule C.
- (b) ***Transfers to Another Investment Mandate.*** If the Investor has issued instructions to transfer funds from investment in the UCB Mandate to another Investment Mandate, such transfer shall be made in accordance with the time restrictions for making withdrawals under this Fund Schedule and the time restrictions for making investments under the Investment Mandate Schedule for the other Investment Mandate. The Recordkeeper, in executing such transfer instructions, will cause such transfers to occur directly between the Investment Mandates and not by way of the Payment Servicer and the Investor's Bank Account(s).

## SCHEDULE E

### EQUITY MANDATE

1. **Definitions.** In this schedule
  - (a) **Agreement** means the amended and restated agency agreement dated as of March 1, 2010 between CHUMS Financing Corporation, Local Authority Services Limited and the Eligible Investors, as defined in that agreement, and any schedules attached to it from time to time as that agreement or the schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time; and
  - (b) **Bank Account** means the bank account at the Investor's financial institution authorized by the Investor and accepted by the Agent for use by the Investor in the transfer of funds to invest in accordance with the Equity Mandate.

All other capitalized terms used in this Schedule have the meanings given to them in the Agreement.

2. **Objective.** To seek to provide superior long-term investment returns through capital growth and dividend yield by investing in a diversified, conservatively managed portfolio of equity securities issued by corporations, as permitted by applicable regulation from time to time.
3. **Permissible Securities for Investments.** Funds invested in accordance with the Equity Mandate will be invested only in those securities which are permitted under the *Municipal Act* and the regulations made under that Act.
4. **Valuation.** Valuations of the investments made in accordance with the Equity Mandate will be performed on a mark-to-market basis net of accrued fees and expenses and in accordance with prudent valuation practices and methods consistent with those followed by investment funds with investment objectives and portfolio holdings similar to the Equity Mandate.
5. **Time of Valuation.** The value of investments made in accordance with the Equity Mandate will be calculated by the Valuator at such time as the Valuator may in its discretion determine on each Banking Day in accordance with the valuation principles set out in paragraph 4.
6. **Minimum Investment.** The minimum investment amount is \$5,000.
7. **Minimum Withdrawal.** The minimum amount for each withdrawal is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the withdrawal is being made including any accrued earnings.
8. **Minimum Transfer.** The minimum amount for each transfer is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the transfer is being made including any accrued earnings.
9. **Earnings Allocation and Distribution.** Subject to Section 5.07 of the Agreement, income on an investment made by an Investor accrues beginning on and including the day immediately following the day on which the Investor's investment is first invested in accordance with the Equity Mandate and ending on and including the day on which invested funds are returned to the Investor. The calculation of investment income of the investments made in accordance with the Equity Mandate and of each Investor's proportional interest in such income will take place after the close of business on each Banking Day. Income will be credited to each Investor's Investment Account effective on the last calendar day of each month. Income credited to an Investor's



Investment Account remains in such account as part of the Investor's investment until all of the Investor's investment is withdrawn. If the Investor is withdrawing all of the remaining funds in the Investor's Investment Account, income will be credited on the Banking Day before the day on which invested funds are returned to the Investor.

10. **Fees and Expenses.**

- (a) **Amount of Fees.** The maximum aggregate fees and expenses payable out of the investments made in accordance with the Equity Mandate to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent will not exceed 0.6 of one percent, on an annual basis, of the daily balance of the investments made in accordance with the Equity Mandate. Other than those fees and expenses and any amounts payable in the event of default or delay in payment under Section 5.07 of the Agreement, no fees and expenses will be charged by the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel, or Agent. The fees and expenses referred to in this Section 10(a) do not include any fees and expenses charged to the Investor by the Investor's financial institution.
- (b) **Changes to Fees.** The Agent may change the maximum aggregate fees and expenses payable to the Custodian, Valuator, Payment Servicer, Recordkeeper, Investment Counsel and Agent at any time on providing 30 days notice of the effective date of such change to all Investors.

11. **Reporting.** Each Investor investing in accordance with the Equity Mandate will:

- (a) have access to details of each transaction initiated by the Investor before 4:00 p.m. (Toronto time) on any Banking Day by electronic means through a password protected web-site established and maintained by the Agent (the "Agent's Website"), or by such other means as the Agent may choose, on the following Banking Day;
- (b) have access to a monthly history statement for that Investor's Investment Account through the Agent's Website, or by such other means as the Agent may choose, within five Banking Days following the last Banking Day for the month to which the statement applies, showing the Investor's opening and closing positions, all transactions made by the Investor during the month and any earnings credited to it for that month; and
- (c) receive a monthly report from the Agent showing the aggregate performance of the investments made in accordance with the Equity Mandate and such other information about the Investment Program that the Agent deems appropriate for all Investors.

12. **Making an Investment.**

- (a) **Instructions Irrevocable.** Investment instructions made by the Investor are irrevocable and must be issued by the Investor in accordance with the procedure set out in Schedule C.
- (b) **Time of Instructions.** Where investment instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the Equity Mandate on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with to the Equity Mandate on the second Banking Day immediately following the day on which the instructions were issued by the Investor. The availability of funds for investment in accordance with the Equity Mandate is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.

13. **Making a Withdrawal.**

- (a) ***Instruction Irrevocable.*** Withdrawal instructions made by the Investor are irrevocable and must be issued in accordance with the procedures set out in Schedule C.
- (b) ***Time of Instructions.*** Where withdrawal instructions are issued by the Investor and received by the Recordkeeper before 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the Equity Mandate to be credited to the Investor's Bank Account on the next Banking Day. Where investment instructions are issued by the Investor and received by the Recordkeeper after 4:00 p.m. (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the Equity Mandate to be credited to the Investor's Bank Account on the second Banking Day immediately following the day on which instructions were issued by the Investor. The availability of funds for credit to Investor's Bank Account is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.
- (c) ***Limits on Right to make Withdrawals.*** Despite any other provision in the Agreement or this Schedule, the Agent may require an Investor to provide ten Banking Days notice to withdraw funds.

14. **Making a Transfer to Another Investment Mandate of the Investor.**

- (a) ***Instructions Irrevocable.*** Instructions made by the Investor for transfers to another Investment Mandate are irrevocable and must be issued by the Investor in accordance with the procedures set out in Schedule C.
- (b) ***Transfers to Another Investment Mandate.*** If the Investor has issued instructions to transfer funds from investment in accordance with the Equity Mandate to another Investment Mandate, such transfer shall be made in accordance with the time restrictions for making withdrawals under this Equity Mandate Schedule and the time restrictions for making investments under the Investment Mandate Schedule for the other Investment Mandate. The Recordkeeper, in executing such transfer instructions, will cause such transfers to occur directly between the Investment Mandates and not by way of the Payment Servicer and the Investor's Bank Account(s).

## SCHEDULE F

### HIGH INTEREST SAVINGS ACCOUNT (HISA) MANDATE

1. **Definitions.** In this schedule
  - (a) **Agreement** means the amended and restated agency agreement dated as of March 1, 2010 between CHUMS Financing Corporation, Local Authority Services and the Eligible Investors, as defined in that agreement, and any schedules attached to it from time to time as that agreement or the schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time; and
  - (b) **Bank Account** means the bank account at the Investor's financial institution authorized by the Investor and accepted by the Agent for use by the Investor in the transfer of funds to invest in accordance with the High Interest Savings Account (HISA) Mandate.
  - (c) **Payment Servicer** means an entity approved by the Agent to facilitate the transfer of assets of an Investor between an Investor's financial institution and an Investor's HISA Account;
  - (c) **Recordkeeper** means an entity approved by the Agent to provide recordkeeping services in respect of the Investment Program including receiving and implementing Investor instructions, and keeping records of Investor holdings.

All other capitalized terms used in this Schedule have the meanings given to them in the Agreement.

2. **Objective.** To seek to provide a competitive rate of return through a high interest savings account offered through a Schedule I bank in conjunction with the One Investment Program.
3. **Permissible Securities for Investments.** Funds invested in accordance with the HISA Mandate will only be invested in securities that are permitted under the *Municipal Act* and the regulations made under that Act.
4. **Valuation.** Valuations of the investments made in accordance with the HISA Mandate will be performed on a mark-to-market basis net of accrued fees and expenses and in accordance with prudent valuation practices and methods consistent with those followed by investment funds with investment objectives and portfolio holdings similar to the HISA Mandate.
5. **Time of Valuation.** The value of investments made in accordance with the HISA Mandate will be calculated by the Valuator at such time as the Valuator may in its discretion determine in accordance with the valuation principles set out in paragraph 4.
6. **Minimum Investment.** The minimum investment amount is \$5,000.
7. **Minimum Withdrawal.** The minimum amount for each withdrawal is \$5,000 or, where the balance is less than \$5,000, all remaining funds in the Investor's Investment Account from which the withdrawal is being made including any accrued earnings.
8. **Earnings Allocation and Distribution.**
  - (a) Subject to Section 5.07 of the Agreement, interest on an investment made by an Investor accrues beginning on and including the day on which the Investor's investment is first invested in accordance with the HISA Mandate and ending on and including the day immediately preceding the day on which the investor's request for withdrawal is processed. The calculation of accrued

- interest earned on the investments made in accordance with this Mandate and of each Investor's proportional interest in such interest earned will take place after the close of business on the last Banking Day of each month, and interest will be credited to each Investor's Investment Account on the third business day following the end of each month. Income credited to an Investor's Investment Account remains in such account as part of the Investor's investment until all of the Investor's investment is withdrawn.
- (b) Interest will not be paid on any single investment of greater than \$25,000,000 if that investment is not retained in the HISA account for at least 30 days.
9. **Fees and Expenses.**
- (a) **Amount of Fees.** The maximum aggregate fees and expenses payable out of the investments made in accordance with the HISA Mandate to the Payment Servicer, Recordkeeper, and Agent will not exceed .10 of one percent, on an annual basis, of the daily balance of the investments made in accordance with the HISA Mandate. Other than those fees and expenses and any amounts payable in the event of default or delay in payment under Section 5.07 of the Agreement, no fees and expenses will be charged by the Payment Servicer, Recordkeeper, or Agent. The fees and expenses referred to in this Section 9(a) do not include any fees and expenses charged to the Investor by the Investor's financial institution.
- (b) **Changes to Fees.** The Agent may change the maximum aggregate fees and expenses payable to the Payment Servicer, Recordkeeper, Investment Counsel and Agent at any time on providing 30 days notice of the effective date of such change to all Investors.
10. **Reporting.** Each Investor investing in accordance with the HISA Mandate will:
- (a) have access to details of each transaction initiated by the Investor before 12:00 p.m. (Toronto time) on any Banking Day by electronic means through a password protected web-site established and maintained by the Agent (the "Agent's Website"), or by such other means as the Agent may choose, on/before the third Banking Day following the transaction;
- (b) have access to a monthly history statement for that Investor's Investment Account through the Agent's website, or by such other means as the Agent may choose, within five Banking Days following the last Banking Day for the month to which the statement applies, showing the Investor's opening and closing positions, all transactions made by the Investor during the month and any interest earned credited to it for that month; and
- (c) have access to a monthly report from the Agent showing the aggregate performance of the investments made in accordance with the HISA Mandate and such other information about the Investment Program that the Agent deems appropriate for all Investors.
11. **Making an Investment.**
- (a) **Instructions Irrevocable.** Investment instructions made by the Investor are irrevocable and must be issued by the Investor in accordance with the procedure set out in Sections 14 through 20, below.
- (b) **Time of Instructions.** Where investment instructions are issued by the Investor and received by the Recordkeeper before 12:00 noon (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor from the Investor's Bank Account to be invested in accordance with the HISA Mandate on the third Banking Day immediately following the day on which instructions were issued by the Investor. Where investment instructions are issued by the Investor and received by the Recordkeeper after 12:00 noon (Toronto time) on any Banking Day, the Recordkeeper will instruct the Payment Servicer to facilitate the transfer of the funds so instructed by the Investor

from the Investor's Bank Account to be invested in accordance with the HISA Mandate on the fourth Banking Day immediately following the day on which the instructions were issued by the Investor. The availability of funds for investment in accordance with the HISA Mandate is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.

12. **Making a Withdrawal.**

- (a) **Instruction Irrevocable.** Withdrawal instructions made by the Investor are irrevocable and must be issued in accordance with the procedures set out in Sections 14 through 20, below.
- (b) **Time of Instructions.** Where withdrawal instructions are issued by the Investor and received by the Recordkeeper before 12:00 noon (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the HISA Mandate to be credited to the Investor's Bank Account on the second Banking Day immediately following the day on which instructions were issued by the Investor. Where investment instructions are issued by the Investor and received by the Recordkeeper after 12:00 noon (Toronto time) on any Banking Day, the Recordkeeper will instruct the Custodian to effect the transfer of the funds so instructed by the Investor from the HISA Mandate to be credited to the Investor's Bank Account on the third Banking Day immediately following the day on which instructions were issued by the Investor. The availability of funds for credit to Investor's Bank Account is subject to the clearing requirements and practices of the Investor's financial institution and the Payment Servicer.
- (c) **Limits on Right to make Withdrawals.** Despite any other provision in the Agreement or this Schedule, the Agent may require an Investor to provide three Banking Days notice to withdraw funds.

13. **Issuing Investment and Withdrawal Instructions to the Recordkeeper.** With respect to this Mandate, Schedule C to the Agreement does not apply and is replaced with Sections 14-20, below.

14. **Instructions.** An investor may issue investment and withdrawal instructions:

- (a) to the Recordkeeper between the hours of 8:00 a.m. (Toronto time) and 4:00 p.m. (Toronto time), or
- (b) by such other means as the Agent may prescribe from time to time.

15. **Instructions to Recordkeeper.** All investment and withdrawal instructions issued by an Investor to the Recordkeeper under Section 14 (a) or (b) are irrevocable and the Investor shall be responsible for the accuracy of any instructions issued. All investment instructions issued to the Recordkeeper will be kept on file by the Recordkeeper.

16. **Execution by Recordkeeper.** instructions issued to the Recordkeeper will be executed without prior confirmation by the Recordkeeper and the Investor accepts responsibility for instructions which purport to have been given by the Investor whether or not such instructions were authorized. The Recordkeeper will not execute a transaction which does not include all the Investor Information, as defined below.

17. **Instructions to Payment Servicer.** All instructions from Investors received by the Recordkeeper involving investments or withdrawals will be communicated by the Recordkeeper to the Payment Servicer for proper execution in order to transfer the funds in accordance with the investment or withdrawal instructions of the Investors.

18. **Procedure for Issuing Instructions to Recordkeeper.** All instructions issued to the Recordkeeper, must include the following investor information:

- (a) the name of the individual issuing the instructions as registered by the Investor and accepted by the Agent;
- (b) the name of the Investor's organization as registered by the Investor and approved by the Agent; and
- (c) the signature(s) or email address of the authorized municipal officer(s) corresponding to the Investor's signature card, or email authorization form, as registered by the Investor.

**Failure by the representative of the Investor to provide the Recordkeeper with the correct Investor Information will render any instructions given to the Recordkeeper by the representative of the Investor null and void.**

Investment instruction forms may be made available by the Agent on the Agent's website or by contacting the Agent.

19. **Transaction Information.** Where the Investor Information provided by the representative of the Investor to the Recordkeeper has been verified by the Recordkeeper as being correct, the Recordkeeper will identify the type of transaction (i.e. "an investment" or "a withdrawal"). If the instructions are for:
  - (a) an investment, the Recordkeeper will require the following information to be provided:
    - (i) the dollar amount of the investment;
    - (ii) the investment account name into which the investment will be made; and
    - (iii) banking information.
  - (b) a withdrawal, the Recordkeeper will require the following information to be provided:
    - (i) the dollar amount of the withdrawal
20. **Deemed Receipt by Recordkeeper.** Instructions issued by an Investor to the Recordkeeper shall be deemed to have been received by the Recordkeeper as soon as the Investor issuing the instructions has provided the Recordkeeper with all of the information set out in Section 19 above and they are confirmed to be received by the Recordkeeper.

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

## **By-Law 2018-**

### **A By-law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes**

#### **Recitals**

1. Section 3 of the Building Code Act, 1992, S.O. 1992, c.23 requires the council of every municipality to appoint a Chief Building Official and such inspectors as they are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction.
2. Section 15 of the Police Services Act, R.S.O., 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
3. Council considers it advisable to appoint an individual to serve as both an inspector and municipal law enforcement officer

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

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

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

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

**“Chief Building Official”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

##### **1.02 Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

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

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

## **Section 2.00: Appointments**

- 2.01 **Building Inspector:** Brad Hewlett is appointed as an inspector for the City of Kawartha Lakes in accordance with section 3 of the Building Code Act 1992, S.O. 1992, c.23.
- 2.02 **Municipal Law Enforcement Officer:** Brad Hewlett is appointed as a Municipal Law Enforcement Officer for the City of Kawartha Lakes in accordance with section 15 of the Police Services Act R.S.O. 1990, c.P.15.
- 2.03 **Reporting Relationship:** Brad Hewlett shall report to and be under the direction of the Chief Building Official.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law comes into force retroactively to September 24, 2018.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



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

## **By-Law 2018-**

### **A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes**

#### **Recitals**

1. Private property owners find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Sir Sandford Fleming College in Lindsay for parking enforcement in the Lindsay Recreation Complex parking lot located at 133 Adelaide Street South.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement recommends that the person put forward be appointed for limited enforcement purposes.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

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

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

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

**“Manager of Municipal Law Enforcement”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

##### **1.02 Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

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

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

## **Section 2.00: Appointments**

- 2.01 **Appointment:** Christopher Baragar is appointed as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay.
- 2.02 **Provincial Offences Officer:** Christopher Baragar is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay, in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.
- 302 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **By-Law 2018-**

### **A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes**

#### **Recitals**

1. Private property owners find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Sir Sandford Fleming College in Lindsay for parking enforcement in the Lindsay Recreation Complex parking lot located at 133 Adelaide Street South.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement recommends that the person put forward be appointed for limited enforcement purposes.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

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

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

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

**“Manager of Municipal Law Enforcement”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

##### **1.02 Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

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

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

## **Section 2.00: Appointments**

- 2.01 **Appointment:** Renee Williams is appointed as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay.
- 2.02 **Provincial Offences Officer:** Renee Williams is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay, in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.
- 302 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **By-Law 2018-**

### **A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes**

#### **Recitals**

1. Private property owners find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Sir Sandford Fleming College in Lindsay for parking enforcement in the Lindsay Recreation Complex parking lot located at 133 Adelaide Street South.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement recommends that the person put forward be appointed for limited enforcement purposes.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-      .**

#### **Section 1.00: Definitions and Interpretation**

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

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

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

**“Manager of Municipal Law Enforcement”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

##### **1.02 Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

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

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

## **Section 2.00: Appointments**

- 2.01 **Appointment:** Richard Johnstone is appointed as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay.
- 2.02 **Provincial Offences Officer:** Richard Johnstone is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay, in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.
- 302 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **By-Law 2018 -**

### **A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN 63116-0230 (LT), Described As Lot 11, Plan 256, Geographic Township Of Bexley, Now City Of Kawartha Lakes**

File D30-2018-012, Report PLAN2018-077, respecting 71 Homewood Park Road – Brianika.

#### **Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63116-0230 (LT). The Property affected by this By-law is described as Lot 11, Plan 256, geographic Township of Bexley, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

#### **Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



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

## **By-Law 2018 -**

### **A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN 63116-0231 (LT), Described As Lot 10, Plan 256, Geographic Township Of Bexley, Now City Of Kawartha Lakes**

File D30-2018-013, Report PLAN2018-078, respecting 65 Homewood Park Road – Murray.

#### **Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63116-0231 (LT). The Property affected by this By-law is described as Lot 10, Plan 256, geographic Township of Bexley, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

#### **Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **By-Law 2018 -**

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
PIN 63265-0346 (LT), Described as Lot 4 N/S King Street, Registered Plan 5; Part Lot  
5 N/S King Street, Registered Plan 5, Geographic Township Of Manvers, Now City  
Of Kawartha Lakes**

File D30-2018-014, Report PLAN2018-072, respecting Lot 4 N/S King Street, Registered Plan 5; Part Lot 5 N/S King Street, Registered Plan 5, 1473 Highway 7A – 2341209 Ontario Inc.

### **Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

### **Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63265-0346 (LT). The Property affected by this By-law is described as Lot 4 N/S King Street, Registered Plan 5, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

## Section 2:00      General Terms

2.01    **Force and Effect**: This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

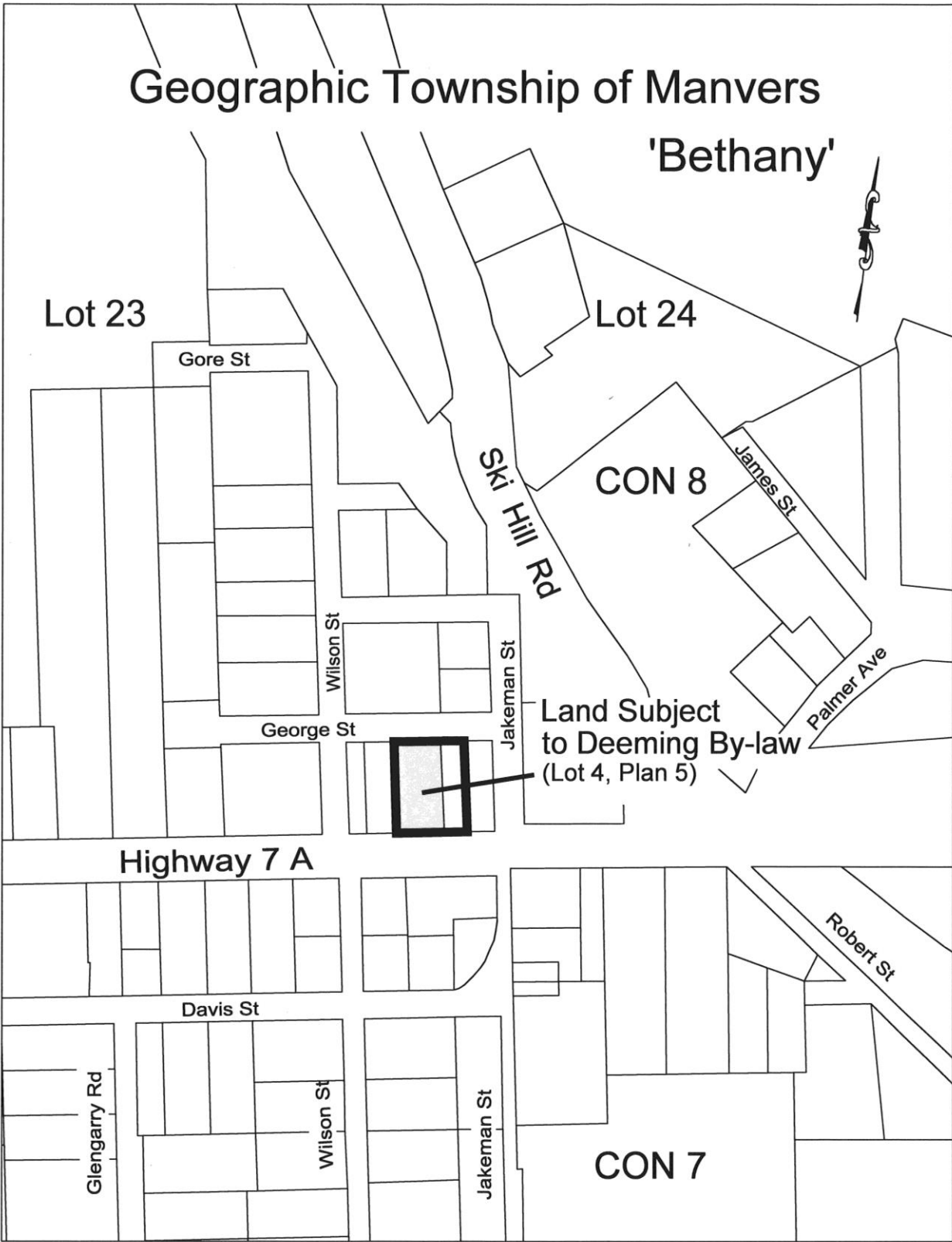
By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, Clerk



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

## **By-Law 2018 -**

**A By-Law To Deem Part of a Plan of Subdivision,  
Previously Registered For Lands Within Kawartha Lakes,  
Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act  
PIN 63163-0523 (LT) And PIN 63163-0409 (LT), Described As Lot 10 and Lot 11,  
Registered Plan 56, Geographic Township Of Fenelon, Now City Of Kawartha Lakes**

File D30-2018-016, Report PLAN2018-079, respecting 26 Long Beach Road (Lot 10) and Lot 11, Plan 56, Vacant Land on Long Beach Road – Beers.

### **Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

### **Section 1:00      Details**

- 1.01 **Property Affected:** PIN 63163-0523 (LT) and PIN 63163-0409 (LT). The Property affected by this By-law is described as Lot 10 and Lot 11, Registered Plan 56, geographic Township of Fenelon, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

### **Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, Clerk

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

## **By-Law 2018 -**

### **A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act Pin # 63116-0084 (R), Described As Lots 35 to 37, Plan 185 Geographic Township Of Bexley, Now City Of Kawartha Lakes**

File D30-2018-015, Report PLAN2018-080, respecting 83 Ridge Drive – Willoughby.

#### **Recitals:**

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00      Details**

- 1.01 **Property Affected:** PIN # 63116-0084 (R). The Property affected by this By-law is described as Lots 35 to 37, Registered Plan 185, geographic Township of Bexley, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

#### **Section 2:00      General Terms**

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act, R.S.O. 1990, c.P.13.



By-law read a first, second and third time, and finally passed, this \*\* day of \*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **By-Law 2018 -**

### **A By-Law To Amend The Township of Manvers Zoning By-Law No. 87-06 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-023, Report PLAN2016-0076, respecting Part Lot 6 Concession 8, former Township of Manvers, identified as 40 Janetville Road – Kevin Kerr]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land for:
  - a) the Rural General (A1) Zone to prohibit residential use on the agricultural lands;
  - b) for A1 Zone and the northerly abutting Open Space (O1) Zone be considered as one (1) lot area; and
  - c) the zone boundary to be considered a lot line for the purposes of the Zoning By-law requirements on the proposed retained portion of the property to fulfil a condition of consent approval.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 6 Concession 8, former Township of Manvers, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 10.4

“II. Notwithstanding subsection 10.1, a dwelling and accessory uses thereto are not permitted uses on lands zoned A1-S38.”
- 1.03 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following to Section 20.16

“g. Where the A1-S38 and O1 appear together on any schedule to the Bylaw and share a common boundary, then the combined area of the A1-S38 and O1 zones shall be considered to be one lot and the minimum lot area requirements of the A1 Zone shall apply to the combined area. The zone boundary shall be considered a lot line for the purposes of applying the zone requirements and general provisions of this By-law.”

- 1.04 **Schedule Amendment**: Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the “Rural General (A1) Zone” to the “Rural General Special 38 (A1-S38) Zone” as shown on Schedule ‘A’ attached to this By-law.

## **Section 2:00      Effective Date**

- 2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

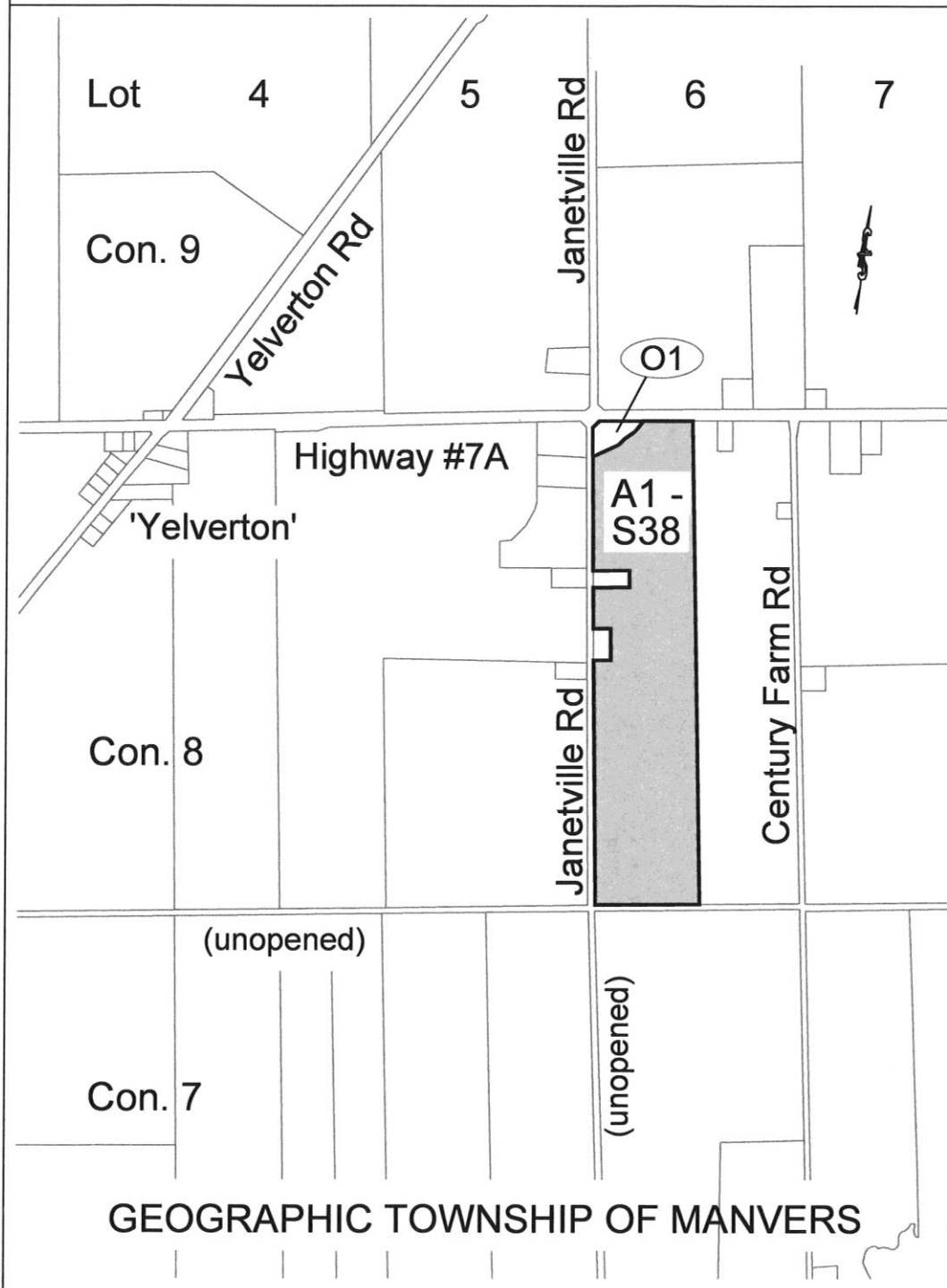
## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



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

## **By-Law 2018-**

**A By-law to Authorize the Acquisition of Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT)**

### **Recitals**

1. The acquisition of Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT), was approved by City Council on the 13<sup>th</sup> day of November, 2018 by CR2018-\*\*\*.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .**

### **Section 1.00: Definitions and Interpretation**

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

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

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

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

#### **1.02 Interpretation Rules:**

- (a) Any Schedules attached to this by-law form part of the by-law, and are enforceable as such.
  - (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Acquisition of Land**

- 2.01 **Acquisition:** The parcel of land, more particularly described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT), is to be acquired by the Corporation of the City of Kawartha Lakes for \$43,500.00, plus all costs associated with the transaction.

## **Section 3.00: Effective Date**

- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2018-\_\_\_\_\_

### A By-law to Approve the Expropriation of Land

**WHEREAS** the Council of the City of Kawartha Lakes enacted By-Law 2018-124 on July 17, 2018, which authorized the making of an application for approval to expropriate a fee simple interest in a three (3) meter strip of land, comprising approximate 2741 square feet, from the easternmost part of the property municipally known as 51 Needham Street, Lindsay and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes ("**Required Land**"), for the purposes of facilitating the construction of a new pumping station to replace or upgrade the existing Colborne Street Pumping Station, including the construction of a new force main along St. David Street, and any works ancillary thereto;

**AND WHEREAS** notice of the application for approval to expropriate the Required Land was served in accordance with the *Expropriations Act*, R.S.O. 1990, c. E. 26 ("**Expropriations Act**");

**AND WHEREAS** no notification of a desire for a hearing has been received and the time for giving such notification has expired;

**AND WHEREAS** the Required Lands have been more particularly described as Part 1 on Plan 57R-10721, deposited on November 2, 2018 and attached hereto as Schedule "A";

**AND WHEREAS** the Council of the City of Kawartha Lakes has, by resolution passed on November 13, 2018, authorized the approval of the expropriation of the above described lands;

**NOW THEREFORE** the Council of the City of Kawartha Lakes enacts as follows:

1. THAT the expropriation of the Required Land, more particularly described as Part 1 on Plan 57R-10721, attached as Schedule "A" to this By-law, is hereby approved by Council as the approval authority pursuant to Section 5 of the Expropriations Act;
2. THAT the Mayor and the City Clerk are hereby authorized and directed to execute, on behalf of Council, the Certificate of Approval attached hereto as Schedule "B";

3. THAT the City Clerk is hereby authorized and directed to affix the corporate seal to the executed Certificate of Approval;
4. THAT, in the event that the City is unable to acquire the Required Land by way of a voluntary agreement with the owner, the City, as expropriating authority, expropriate a fee simple interest in Part 1 on Plan 57R-10721 by preparation, execution and registration of a plan of expropriation;
5. THAT the plan of expropriation referred to above be registered no later than three (3) months from the date that this By-law is passed;
6. THAT the City Clerk is authorized to cause the said plan of expropriation to be registered in the proper Land Registry Office, to give notice of such expropriation in accordance with the Expropriations Act and to execute all necessary documents and to take all necessary steps to effect the transaction and obtain possession of the Require Land.

READ THREE TIMES AND PASSED IN OPEN COUNCIL, this 13th day of November, 2018.

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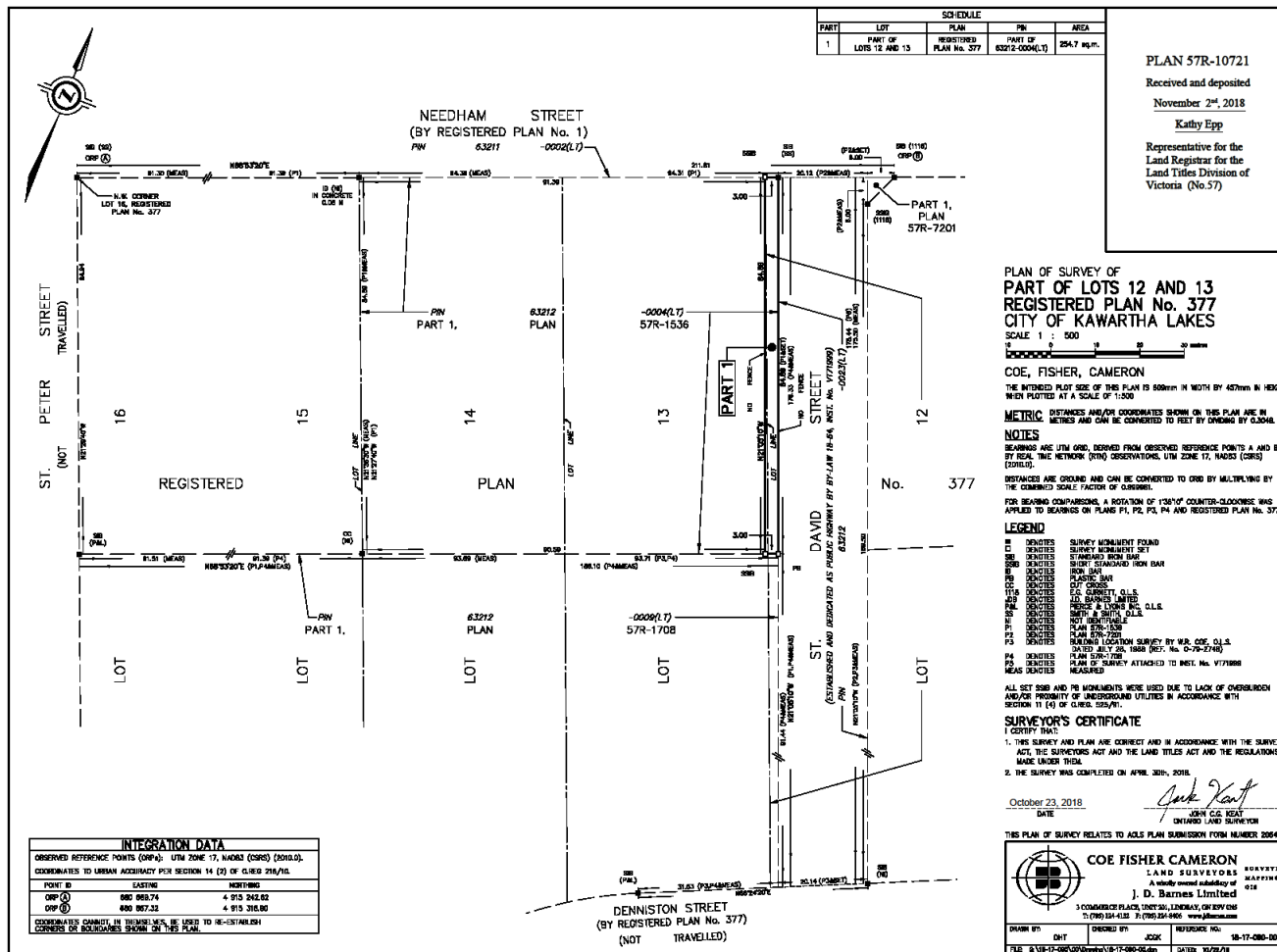
Mayor

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City Clerk



**SCHEDULE "A" TO BY-LAW 2018-**



**SCHEDULE “B” TO BY-LAW 2018- \_\_\_\_\_**

**CERTIFICATE OF APPROVAL**

*Expropriations Act*

**IN THE MATTER OF an application by The Corporation of the City of Kawartha Lakes for approval to expropriation land being:**

A fee simple interest in a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property (running along St. David Street) municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes

For the purpose of facilitating the construction of a new pumping station to replace or upgrade the existing Colborne Street Pumping Station, including the construction of a new forcemain along St. David Street, and any works ancillary thereto.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF KAWARTHA LAKES** hereby certifies that approval was given to The Corporation of the City of Kawartha Lakes on the 13<sup>th</sup> day of November, 2018 to expropriate the following lands:

A fee simple interest in Part 1 on Plan 57R-10721, which is part of the lands legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes

Being the land described in the Application to Expropriate Land.

Dated at Lindsay, this \_\_\_\_\_ day of November, 2018

The Council of the Corporation of the City of  
Kawartha Lakes

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

\_\_\_\_\_  
Cathie Ritchie, City Clerk

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

## **By-law 2018-XXX**

### **A By-Law to Confirm the Proceedings of a Special Council Meeting of Council, Tuesday, November 13, 2018**

#### **Recitals**

1. The *Municipal Act, 2001*, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.
2. The *Municipal Act*, also provides that the Council's powers must be exercised by by-law.
3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.**

#### **Section 1.00: Confirmation**

- 1.01 The actions of the Council at the following meeting:

#### **Tuesday, November 13, 2018, Open Session, Special Council Meeting**

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

- 1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

#### **Section 2.00: General**

- 2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 13<sup>th</sup> day of November, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk