

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

## **Amended Agenda**

### **Regular Council Meeting**

**CC2019-24**

**Tuesday, October 22, 2019**

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

**Council Chambers**

**City Hall**

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

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Doug Elmslie**

**Councillor Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

Accessible formats and communication supports are available upon request.

1.	<b>Call to Order</b>	
2.	<b>Opening Ceremonies</b>	
2.1	Call Open Session to Order	
2.2	O Canada	
2.3	Moment of Silent Reflection	
2.4	Adoption of Open Session Agenda	
3.	<b>Disclosure of Pecuniary Interest</b>	
4.	<b>Notices and Information by Members of Council and Staff</b>	
4.1	Council	
4.2	Staff	
5.	<b>Council Minutes</b>	
5.1	CC2019-24.5.1	15 - 43
	<b>Regular Council Meeting Minutes - September 24, 2019</b>	
	That the Minutes of the September 24, 2019 Regular Council Meeting, be received and adopted.	
6.	<b>Deputations</b>	
7.	<b>Presentations</b>	
8.	<b>Committee of the Whole</b>	
8.1	Correspondence Regarding Committee of the Whole Recommendations	
8.2	Committee of the Whole Minutes	44 - 52
	<b>Committee of the Whole Minutes - October 8, 2019</b>	
	That the Minutes of the October 8, 2019 Committee of the Whole Meeting be received and the recommendations, included in Section 8.3 of the Agenda, be adopted.	

8.3 Business Arising from Committee of the Whole Minutes

8.3.1 CW2019-183

**That** the deputation of June Jackson, regarding **Drainage/Water Issue at 22 Alma Street, Omemee**, be received; and

**That** the staff be directed to review and report back on the flooding issue.

8.3.2 CW2019-184

**That** the presentation by Rod Sutherland, Director of Human Services, regarding the **Employment Services Transformation**, be received.

8.3.3 CW2019-185

**That** the presentation by Adam Found, Manager of Corporate Assets, Karl Repka, Member of the Development Charges Task Force and Sean-Michael Stephen, Senior Project Coordinator, Watson & Associates, regarding **Draft Development Charges Background Study Findings**, be received.

8.3.4 CW2019-186

**That** the presentation by Sue Shikaze, Health Promoter, regarding the **Haliburton, Kawartha, Pine Ridge (HKPR) District Health Unit Climate Change Health Vulnerability and Adaptation Assessment Project**, be received.

8.3.5 CW2019-187

**That** the presentation by Megan Deyman and Mark Mitchell, regarding the **Haliburton, Kawartha Lakes, Northumberland Drug Strategy (HKLNDS)**, be received.

8.3.6 CW2019-188

**That** Human Services staff be directed to report back to Council by end of Q1 2020 with options for convening a community-based advisory group to support the Haliburton, Kawartha Lakes, Northumberland Drug Strategy.

8.3.7 CW2019-189

**That** Report CS2019-015, **Fenelon Falls Powerlinks Funding Request**, be received; and

**That** the Powerlinks Committee contribute \$5,335.00 to the Fenelon Falls Horticultural Society with the allocation to come from the Powerlinks Reserve (1.32065).

8.3.8 CW2019-190

**That** Report CORP2019-026, **Farm Tax Ratio Review**, be received.

8.3.9 CW2019-191

**That** the October 8, 2019 memorandum from Sara Johnston, Acting Deputy Chief, Paramedic Services, regarding **Response Time Standard Notification**, be received; and

**That** the attached letter dated September 18, 2019 and addressed to the Interim Director of the Hospitals and Emergency Services Division regarding Response Time Standard Notification, be received for information.

8.3.10 CW2019-192

**That** the memorandum from Councillor Ashmore regarding **Alternative Financing for Capital and Operating Pressures**, be received;

**That** staff be directed to study alternative sources of funding for Kawartha Lakes' capital and operating needs;

**That** staff explore the creation of Kawartha Lakes "Savings Bonds" as a method of increasing our Capital funding; and

**That** staff report back to Council by the end of Q3, 2020 with alternatives and additions to the current sources of funding for capital and operating budgets.

8.3.11 CW2019-193

**That** the October 7, 2019 memorandum from Adam Found, Manager of Corporate Assets, regarding **Draft Development Charges Background Study**, be received.

8.3.12 CW2019-194

**That** the October 8, 2019 memorandum from Deputy Mayor Elmslie regarding **Full Winter Maintenance for the Cul de Sac Accessing Francis Street, Fenelon Falls**, be received;

**That** the cul de sac, encompassing properties 202-210, receive full winter maintenance for 2019-2020 winter season; and

**That** staff report back to Council at the end of Q1 2020, with background regarding this cul de sac and recommendations for municipal maintenance moving forward.

8.4 Items Extracted from Committee of the Whole Minutes

8.4.1 CW2019-182

**That** the deputation of Ted Comiskey, Mayor of Ingersoll, regarding his **Request for Resolution of Support for the "Demand the Right" Coalition Requesting Municipalities have the Right to Approve or Reject Future Landfill Developments in their Communities**, be received; and

**That** the staff be directed to bring forward options to support the Demand the Right campaign at the October 22, 2019 Regular Council Meeting.

**That** the City of Kawartha Lakes calls upon the Government of Ontario, as part of its "Made-in-Ontario Environment Plan" to formally entrench the right of municipalities to approve or reject landfill projects.

9. **Planning Advisory Committee**

9.1 Correspondence Regarding Planning Advisory Committee Recommendations

9.2 Planning Advisory Committee Minutes

53 - 65

**Planning Advisory Committee Minutes - October 9, 2019**

**That** the Minutes of the October 9, 2019 Planning Advisory Committee Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

9.3 Business Arising from Planning Advisory Committee Minutes

9.3.1 PAC2019-064

**That** Report PLAN2019-052, **Aggregate Policy Review – Official Plan Amendment No. 11**, be received; and

**That** Draft OPA 11 be referred back to staff pending the outcome of the public consultation component, and that any revisions to draft OPA 11 be brought back to a subsequent Planning Advisory Committee meeting.

9.3.2 PAC2019-065

**That** Report PLAN2019-053, **respecting Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, and identified as 305 Glenarm Road; Application No. D06-2019-017**, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-017, substantially in the form attached as Appendix E to Report PLAN2019-053, 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.

9.3.3 PAC2019-066

**That** Report PLAN2019-054, **respecting Part Lots 18 to 20, Concession 11, geographic Township of Ops, Application D06-2019-021**, be received; and

**That** a Zoning By-law Amendment respecting application D06-2019-021 be prepared, 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.

9.3.4 PAC2019-067

**That** Report PLAN2019-055, **respecting Part Lot 21, Concession 2, geographic Township of Emily, and identified as 1109 Meadowview Road – Application D06-2019-022**, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-055, substantially in the form attached as Appendix D to Report PLAN2019-055, 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.

9.3.5 PAC2019-068

**That Report PLAN2019-056, respecting being Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 – Applications D01-2019-002 and D06-2019-023, be received; and**

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

9.3.6 PAC2019-069

**That Report PLAN2019-057, respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, “Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028”, be received; and**

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

9.4 Items Extracted from Planning Advisory Committee Minutes

**10. Consent Matters**

**That** all of the proposed resolutions shown in Section 10.1 and 10.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

10.1 Reports

10.1.1 PUR2019-035

66 - 70

**Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables**

Marielle van Engelen, Buyer

David Kerr, Manager of Environmental Services

**That** Report PUR2019-035, **Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables**, be received;

**That** the highest scoring proponent, Miller Waste Systems Inc. of Markham, Ontario be selected for the award for the Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables for an initial term of seven (7) years;

**That** Council authorizes the option to renew the contract for an additional two (2) - one (1) year terms upon mutual agreement and successful completion of the initial term and each term thereafter; and

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreement.

10.1.2

PUR2019-040

71 - 73

**Request for Proposal 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Digital Main Street Program in Kawartha Lakes**

Marielle van Engelen, Buyer

Carlie Arbour, Economic Development Officer - Community

**That** Report PUR2019-040, **Request for Proposal 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Main Street Program in Kawartha Lakes**, be received;

**That** Cat's Cove Communication be selected for the award of RFP 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Main Street Program in Kawartha Lakes;

**That** subject to the receipt of the required documents, the Director of Development Services be authorized to execute the agreement and Financial Services issue a purchase order.

10.1.3

PUR2019-041

74 - 77

**2019-68-OP Asset Management of Current SCADA System**

Linda Lee, Buyer

Robert MacPherson, Water/Wastewater Technician



**That** Report PUR2019-041, **2019-68-OP Asset Management of Current SCADA System**, be received;

**That** Cole Engineering Group Ltd. be selected, as the highest scoring proponent, for the award of Request for Proposal number 2019-68-OP Asset Management of Current SCADA System;

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to sign the agreement; and

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

10.1.4

PLAN2019-058

78 - 87

**Removal of Holding (H) Symbol for 166 Highway 7A (Henderson)**  
Kent Stainton, Planner I

**That** Report PLAN2019-058, **Removal of Holding (H) Symbol for 166 Highway 7A**, be received;

**That** Zoning By-Law Amendment application D06-2019-026 identified as 166 Highway 7A, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-058, 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.

10.1.5

PLAN2019-059

88 - 97

**An Application to Remove the Holding (H) Provision from the Village of Omemee Zoning By-law 1993-15 (Dacosta)**  
Kent Stainton, Planner I

**That** Report PLAN2019-059, **Removal of Holding (H) Symbol for Octavio Dacosta**, be received;

**That** Zoning By-Law Amendment application D06-2019-025 identified Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street North of Distillery Street in the Village of Omemee, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-059, be approved and adopted by Council; and

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

10.1.6	<p>PLAN2019-060</p> <p><b>An Application to Remove the Holding (H) Provision from the Village of Omemee Zoning By-law 1993-15 (Currotte)</b> Kent Stainton, Planner I</p> <p><b>That</b> Report PLAN2019-060, <b>Removal of Holding (H) Symbol for 90 King Street</b>, be received;</p> <p><b>That</b> Zoning By-Law Amendment application D06-2019-024 identified as Part of Park Lot 10, Part 2, in the Village of Omemee, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-060, be approved and adopted by Council; and</p> <p><b>That</b> the Mayor and Clerk be authorized to execute any documents required by the approval of this application.</p>	98 - 107
10.1.7	<p>EA2019-013</p> <p><b>Replacement of Small Communities Fund Financing for Certain Water-Wastewater Capital Projects</b> Adam Found, Manager of Corporate Assets</p> <p><b>That</b> Report EA2019-013, <b>Replacement of Small Communities Fund Financing for Certain Water-Wastewater Capital Projects</b>, be received; and</p> <p><b>That</b> the Small Communities Fund (SCF) financing of water-wastewater capital projects 998180301, 998180304, 998180309 and 998190309 be replaced with financing from the Water Reserve.</p>	108 - 110
10.1.8	<p>EA2019-014</p> <p><b>Development Charges Reserve Reconciliation</b> Adam Found, Manager of Corporate Assets</p> <p><b>That</b> Report EA2019-014, <b>Development Charges Reserve Reconciliation</b>, be received;</p> <p><b>That</b> the net corrective transfers indicated in Table 1 of Report EA2019-014 be approved by Council; and</p> <p><b>That</b> the City Treasurer implement these transfers by January 10, 2020.</p>	111 - 114
10.1.9	<p>ENG2019-023</p> <p><b>MacEachern / Brown Petition Drain</b> Mike Farquhar, Supervisor, Technical Services</p>	115 - 125

**That** Report ENG2019-023, **MacEachern / Brown Petition Drain**, be received;

**That** Council proceeds with the petition submitted by D.S & D. Farms Inc., Robert MacEachern and Lynda MacEachern for drainage works by owners for Lot 17 Con 3, Lot 16 Con 3 and Lot 16 Con 2 in the Former Eldon twp., and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

**That** Council appoints and retains, D.M. Wills and Associates Limited, in accordance with the Drainage Act, as the Engineer of Record for the petition and to proceed with the requirements of a petition drain.

10.1.10      RS2019-027      126 - 143

**Proposed 2020 Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)**

Elise Karklins, Law Clerk – Realty Services

**That** Report RS2019-027, **Proposed 2020 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 three year term.

10.2      Correspondence

10.2.1      CC2019-24.10.2.1      144 - 146

**Memo - Right for Municipalities to Approve or Reject Landfill Proposals**  
David Kerr, Manager of Environmental Services

**That** the October 22, 2019 memorandum from David Kerr, Manager of Environmental Services, regarding **Right for Municipalities to Approve or Reject Landfill Proposals**, be received.

10.3      Items Extracted from Consent

11.      **Petitions**

12.      **Other or New Business**

### 13. By-Laws

That the By-Laws shown in Section 13.1 of the Agenda, namely: Items 13.1.1 to and including 13.1.10 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

#### 13.1 By-Laws by Consent

##### 13.1.1 CC2019-24.13.1.1 147 - 149

A By-law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot 22, Concession 1 Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Part 2 on Reference Plan 57R-10750, and to Authorize the Sale of the Land to the Abutting Owners (82 Fulsom Crescent)

##### 13.1.2 CC2019-24.13.1.2 150 - 152

A By-law to Stop Up and Close Part of the Original Shore Road Allowance Lying in Front of Lot 22, Concession 1 Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha, designated as Part 1 on Reference Plan 57R-10750, and to Authorize the Sale of the Land to the Abutting Owners (76 Fulsom Crescent)

##### 13.1.3 CC2019-24.13.1.3 153 - 169

A By-law to Approve the Submission of an Application to Ontario Infrastructure and Lands Corporation ("OILC") for the Long-Term Financing of Certain Capital Work(s) of the Corporation of the City of Kawartha lakes (the "Municipality"); and to Authorize the Entering into of a Rate Offer Letter Agreement Pursuant to which the Municipality Will Issue Debentures to "OILC"

##### 13.1.4 CC2019-24.13.1.4 170 - 172

A By-Law to Amend the Township of Manvers Zoning By-Law 87-06 to Remove the Holding Symbol (H) from a Zone Category on Property within the City of Kawartha Lakes (166 Highway 7A, Terry and Mark Henderson)

##### 13.1.5 CC2019-24.13.1.5 173 - 175

A By-Law to Amend the Village of Omemee Zoning By-Law 1993-15 to Remove the Holding Symbol (H) from a Zone Category on Property within the City of Kawartha Lakes (Octavio Dacosta)

13.1.6	CC2019-24.13.1.6	176 - 178
	A By-Law to Amend the Zoning By-Law 1993-15 to Remove the Holding Symbol (H) from a Zone Category on Property within The City of Kawartha Lakes (90 King Street West, Dianne Currotte)	
13.1.7	CC2019-24.13.1.7	179 - 181
	A By-Law To Amend The Township of Eldon Zoning By-Law No. 94-14 To Rezone Land Within The City Of Kawartha Lakes (305 Glenarm Road, D.S. and B. Farms Inc.)	
13.1.8	CC2019-24.13.1.8	182 - 184
	A By-Law To Amend The Township of Ops Zoning By-Law No. 9330 To Rezone Land Within The City Of Kawartha Lakes (1082 Lilac Road, Martin)	
13.1.9	CC2019-24.13.1.9	185 - 187
	A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes (1109 Meadowview Road)	
*13.1.10	CC2019-24.13.1.10	188 - 190
	A By-law to Authorize the Conveyance of Municipally Owned Property Known as 8 Francis Street, Fenelon Falls	
13.2	By-Laws Extracted from Consent	
14.	<b>Notice of Motion</b>	
15.	<b>Closed Session</b>	
15.1	Adoption of Closed Session Agenda	
15.2	Disclosure of Pecuniary Interest in Closed Session Items	
15.3	Move Into Closed Session	
15.3.1	CC2019-24.15.3.1	
	<b>Closed Session Minutes, Regular Council Meeting of September 24, 2019</b>	
	<b>Municipal Act, 2001 s.239(2)(b)(d)(e)(f)</b>	

- 15.3.2 ED2019-024
- Federal Funding Agreement**  
**Information Explicitly Supplied in Confidence by Canada, a Province or Territory**  
**Municipal Act, 2001 s.239(2)(h)**  
 Laurie McCarthy, Economic Development Officer, Tourism
- 15.3.3 RS2019-022
- Request to Expropriate Land for Road Widening Purposes on County Road 121 (Lindsay Street), Fenelon Falls**  
**Acquisition or Disposition of Land**  
**Municipal Act, 2001 s.239(2)(c)**  
 Sharri Dyer, Manager, Realty Services
- 15.3.4 CC2019-24.15.3.4
- Kawartha Lakes Professional Firefighter Association Local 1701**  
**Bargaining Update - Verbal**  
**Labour Relations or Employee Negotiations**  
**Municipal Act, 2001, s.239(2)(d)**  
 Liana Patterson, Manager of Human Resources
16. **Matters from Closed Session**
- \*16.1 CC2019-24.16.1
- A By-law to Authorize An Application for Approval to Expropriate Land
17. **Confirming By-Law**
- 17.1 CC2019-24.17.1 191 - 191
- A By-Law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, October 22, 2019
18. **Adjournment**

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

## **Minutes**

### **Regular Council Meeting**

**CC2019-23**

**Tuesday, September 24, 2019**

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

**Council Chambers**

**City Hall**

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

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Doug Elmslie**

**Councillor Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

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**Please contact [AgendaItems@kawarthalakes.ca](mailto:AgendaItems@kawarthalakes.ca) if you have an accessible accommodation request.**

**1. Call to Order**

Mayor Letham called the Meeting to order at 1:00 p.m. Deputy Mayor D. Elmslie and Councillors R. Ashmore, P. Dunn, P. O'Reilly, T. Richardson, K. Seymour-Fagan, A. Veale and E. Yeo were in attendance.

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

**2. Opening Ceremonies**

**2.1 O Canada**

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

**2.2 Moment of Silent Reflection**

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

**2.3 Adoption of Open Session Agenda**

**CR2019-528**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Richardson

**That** the Agenda for the Open Session of the Regular Council Meeting of Tuesday, September 24, 2019, be adopted as circulated.

**Carried**

**3. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

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

**4.1 Council**

Mayor Letham:

- The Mayor and several members of Council attended the 2019 International Plowing Match and Rural Expo in Verner, West Nipissing, last weekend. At the closing ceremonies, the Mayor accepted the flag on behalf of the City as host of the 2020 International Plowing Match and Rural Expo to be held on October 14, 2020.



Councillor Seymour-Fagan:

- The Bobcaygeon Fall Fair runs September 26th to 28th.

Councillor Ashmore:

- The 2nd Annual Irish Oktoberfest is on October 19th at the Downeyville Hall.
- Thank you to Economic Development staff for all of their hard work at the 2019 International Plowing Match and Rural Expo.

Councillor Veale:

- On behalf of the Kawartha Lakes Accessibility Advisory Committee, you are invited to register for the 2019 Fall Accessibility Forum: "Accessible Education Towards Accessible Employment" featuring keynote speaker the Hon. David C. Onley. The event will take place October 23, 2019 from 9:00 a.m. to 4:30 p.m. at Fleming College Frost Campus in Lindsay.

Councillor Richardson:

- There will be a student-led Global Climate Action Rally on September 27th beginning at 12:30 p.m. at 180 Kent Street, Lindsay, then moving to Victoria Park.
- The Extraordinary Women's Gala Dinner will be held October 17th at the Black Diamond Golf Club in Pontypool with funds going to support Women's Resources.

Councillor O'Reilly:

- The 2019 Care Gala was held September 12th at the Victoria Park Armoury. The event was a success with funds going to support Community Care.
- FarmFest takes place on October 6th from 10:00 a.m. to 4:00 p.m.
- Junior Hockey season has started with the Lindsay Muskies and Little Britain Merchants back in action.
- The Boots & Bling fundraiser will be held at the Victoria Park Armoury on October 4th from 8:00 p.m. to 12:00 a.m. with funds going to support the Boys and Girls Clubs of Kawartha Lakes.
- The 2019 Lindsay Exhibition was held September 18th to 22nd drawing over 40,000 attendees.

4.2 Staff

CAO R. Taylor invited Acting Chief of Paramedic Services S. Johnston to share the launch of the Community Paramedic Pilot Program. Ms. Johnston advised that Paramedic Services has just kicked off the 3-month pilot of the program which aims to help reduce patient re-admission with a focus on seniors at the Ross Memorial Hospital in Lindsay.

5. **Council Minutes**

5.1 CC2019-23.5.1

**Regular Council Meeting Minutes - August 13, 2019**

**Special Council Meeting Minutes - September 5, 2019**

**Special Council Meeting Minutes - September 17, 2019**

**Special Council Meeting Minutes - September 18, 2019**

**CR2019-529**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Veale

**That** the Minutes of the August 13, 2019 Regular Council Meeting, September 5, 2019 Special Council Meeting, September 17, 2019 Special Council Meeting and September 18, 2019 Special Council Meeting, be received and adopted.

**Carried**

6. **Deputations**

6.1 CC2019-23.6.1

**Use of City Owned Property Adjacent to Stanley Road, Woodville**

**Item 8.3.5 on the Agenda**

Robin Wagnell

Ms. Wagnell expressed concerns regarding the placement of permanent structures, vehicles and no trespassing signs on the City owned property adjacent to her properties. She noted that her view, access to water and use of her own property have been negatively impacted.

**CR2019-530**

**Moved By** Councillor Dunn

**Seconded By** Councillor Richardson

**That** the deputation of Robin Wagnell regarding Use of City Owned Property Adjacent to Stanley Road, Woodville, be received.

**Carried**

6.2 CC2019-23.6.2

**Proposed Heritage Designation for 3 St. David Street and 4 Riverview Road, Lindsay**

**Item 8.3.14 on the Agenda**

John Ireland

Mr. Ireland attended Council to support the proposed heritage designation for 3 St. David Street and 4 Riverview Road in Lindsay. He provided background information on the homes and the families that resided within them for the subject area, noting that a request for heritage designation for the Old Mill District was previously submitted to Council. Mr. Ireland requested that Council protect the history of the area by approving the heritage designation on these properties.

**CR2019-531**

**Moved By** Councillor Dunn

**Seconded By** Deputy Mayor Elmslie

**That** the deputation of John Ireland regarding a **Proposed Heritage Designation for 3 St. David Street and 4 Riverview Road, Lindsay**, Item 8.3.14 on the Agenda, be received.

**Carried**

6.3 CC2019-23.6.3

**Proposed Heritage Designation for 3 St. David Street and 4 Riverview Road, Lindsay**

**Item 8.3.14 on the Agenda**

Jim Garbutt

Mr. Garbutt, a member of the City's Municipal Heritage Committee, shared the purpose of the committee and their support of the proposed heritage designation for 3 St. David Street and 4 Riverview Road in Lindsay. He encouraged Council to look at potential options to pursue the heritage designation or otherwise protect the history and integrity of the subject area.

**CR2019-532**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Ashmore

**That** the deputation of Jim Garbutt regarding a **Proposed Heritage Designation for 3 St. David Street and 4 Riverview Road, Lindsay**, Item 8.3.14 on the Agenda, be received.

**Carried**

6.4 CC2019-23.6.4

**Development Charge Deferral Regarding Report EA2019-012  
Item 10.1.11 on the Agenda**

John Gorrill

Mr. Gorrill requested Council to support the request by All Into Storage for deferral of the development charges related to its proposed storage unit development at 74 Colborne St. E. in Lindsay for a 2-year period to allow the completion of their next phase of expansion.

**CR2019-533**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the deputation of John Gorrill, regarding **Development Charge Deferral Regarding Report EA2019-012**, Item 10.1.11 on the Agenda, be received.

**Carried**

**7. Presentations**

7.1 CC2019-23.7.1

**Introduction of the Integrity Commissioner Office for the City of Kawartha Lakes**

Charles A. Harnick, ADR Chambers

Mr. Charles A. Harnick introduced himself as the Integrity Commissioner for the City of Kawartha Lakes. He shared his professional background and provided an overview of the roles and responsibilities of the Integrity Commissioner.

**CR2019-534**

**Moved By** Councillor Veale

**Seconded By** Councillor Richardson

**That** the presentation by Charles A. Harnick regarding **Introduction of the Integrity Commissioner Office for the City of Kawartha Lakes**, be received.

**Carried**

**8. Committee of the Whole**

8.1 Correspondence Regarding Committee of the Whole Recommendations

8.2 Committee of the Whole Minutes

**Committee of the Whole Minutes - September 10, 2019**

**CR2019-535**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Richardson

**That** the Minutes of the September 10, 2019 Committee of the Whole Meeting be received and the recommendations, included in Section 8.3 of the Agenda, be adopted, save and except Items 8.3.2, 8.3.10, 8.3.14, 8.3.17, 8.3.19 and 8.3.20.

**Carried**

8.3 Business Arising from Committee of the Whole Minutes

8.3.1 CW2019-159

**That** the deputation of Darolyn Jones, regarding a **Request to Purchase Land Adjacent to 1474 Fleetwood Road**, be received.

**Carried**

8.3.3 CW2019-161

**That** the deputation of Andrew Girdler, regarding **Dock Spaces in Thurstonia**, be received.

**Carried**

8.3.4 CW2019-162

**That** the deputation of Kevin Waldock, regarding an **Encroachment Licence Agreement for the Use of City-Owned Land Adjacent to 129 Stanley Road**, be received.

**Carried**

8.3.5 CW2019-163

**That** the deputation of Robin Wagnell, regarding the **Use of City-Owned Land Adjacent to Stanley Road, Woodville**, be received.

**Carried**

8.3.6 CW2019-164

**That** the Encroachment Agreement for 129 Stanley Road, Woodville, proceed as requested, save and except for the garden shed.

**Carried**

8.3.7 CW2019-165

**That** the presentation by Mark Pankhurst, Chief of Fire Services, regarding the **2019 Flood Update**, be received.

**Carried**

8.3.8 CW2019-166

**That** the presentation by Marina Hodson, Executive Director of Kawartha North Family Health Team, and Rachel Gillooly , Poverty Reduction Coordinator, regarding the **Haliburton, Kawartha Lakes Poverty Reduction Roundtable Update**, be received.

**Carried**

8.3.9 CW2019-167

**That** the presentation by Hope Lee, Manager, Human Services, regarding **Affordable Housing Targets**, be received.

**Carried**

8.3.11 CW2019-169

**That** Report CORP2019-017, **Proposed Amendments to High Water Bill Adjustment Policy**, be received; and

**That** these proposed amendments to the High Water Bill Adjustment Policy (CP2017-006), attached as Appendix A to this report be brought forward for Council for approval at the September 24, 2019 Regular Council Meeting.

**Carried**

8.3.12 CW2019-170

**That** Report CORP2019-024, **2019 Q2 Capital Close**, be received;

**That** the capital projects identified in Attachment A to Report CORP2018-024 be approved to be closed due to completion;

**That** the balances in the table below as per Attachment A be transferred to or from the corresponding reserves;

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

**That** the following project be granted an extension to June 30, 2020:

- 998161701 - Lindsay WPCP Upgrade - Construction

**That** the following projects be granted an extension to December 31, 2020:

**Carried**

8.3.13 CW2019-171

**That** Report MLE2019-002, **Noise By-law Review** be received;

**That** By-law 2005-025 be repealed;

**That** By-law 2018-234 being a by-law to Establish and Require Payment of Fees for Services and Activities Schedule A-12 be amended to establish an exemption fee; and

**That** the necessary By-laws be forwarded to Council for consideration at the next Regular Council Meeting.

**Carried**

8.3.15 CW2019-173

**That** Report ED2019-020, **Kawartha Lakes Innovation Cluster Pilot Project Proposal**, be received; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required to enter into an agreement with the Innovation Cluster-Peterborough Kawartha to deliver the Kawartha Lakes Innovation Cluster Pilot until December 31, 2020.

**Carried**

8.3.16 CW2019-174

**That** Report ED2019-021, **KLSBEC Program Funding 2019-2022**, be received; and

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

**Carried**

8.3.18 CW2019-176

**That** Report ENG2019-021, **Update on Projects within the Road Life Cycle Extension Program**, be received.

**Carried**

8.3.21 CW2019-179

**That** Report WWW2019-009, **Wastewater Effluent Monitoring Feasibility Review**, be received.

**Carried**



8.4 Items Extracted from Committee of the Whole Minutes

8.3.2 CW2019-160

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** staff be directed to convey the 1.4 meter strip of land on the City-owned property adjacent to 1474 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes to the owner of 1474 Fleetwood Road at fair market value plus all associated costs to resolve the encroachment issue; and

**That** the remainder of the parcel of land be referred to the Land Management Committee for a recommendation back to Council on potential disposal of the parcel following the usual process.

**Motion Failed**

**CR2019-536**

**Moved By** Councillor Richardson

**Seconded By** Councillor O'Reilly

**That** staff be directed to prepare a report for consideration by Council to declare the City-owned property adjacent to 1474 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes surplus to municipal needs; and

**That** the subject property be offered for direct sale to the owner of 1474 Fleetwood Road and sold for no less than the appraised value plus any and all costs associated with the transaction.

**Carried**

8.3.10 CW2019-168

A recorded vote was requested by Councillor Dunn.

**CR2019-537**

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** Report HH2019-008, **Affordable Housing Targets**, be received; and

**That** the matter be referred to the Finance Division for a full costing.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Deputy Mayor Elmslie		X	
Councillor Ashmore	X		
Councillor Dunn	X		
Councillor O'Reilly		X	
Councillor Richardson	X		
Councillor Seymour-Fagan	X		
Councillor Veale	X		
Councillor Yeo	X		
<b>Results</b>	<b>7</b>	<b>2</b>	<b>0</b>
			<b>Carried</b>

#### 8.3.14 CW2019-172

##### **CR2019-538**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Dunn

**That** Report ED2019-017, **Proposed Designation of 3 St. David Street and 4 Riverview Road**, be received;

**That** the Committee of the Whole not endorse the Municipal Heritage Committee's recommendation to designate the 3 St. David Street and 4 Riverview Road in Lindsay under Part IV of the Ontario Heritage Act as being of cultural heritage value and interest;

**That** staff not be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act; and

**That** the Municipal Heritage Committee work with staff to identify opportunities to recognize the heritage of the area within the proposed redevelopment of 3 St. David Street and 4 Riverview Road in Lindsay.

**Carried**

8.3.17 CW2019-175

**CR2019-539**

**Moved By** Councillor Ashmore

**Seconded By** Councillor Richardson

**That** Report ENG2019-020, **Downtown Reconstruction Update**, be received.

**Carried**

8.3.19 CW2019-177

**CR2019-540**

**Moved By** Councillor Richardson

**Seconded By** Councillor Seymour-Fagan

**That** Report RD2019-005, **RD2019-005 Winter Maintenance Fee for Service Review**, be received.

**Carried**

**Moved By** Councillor Yeo

**Seconded By** Councillor Dunn

**That** the fee for service for winter maintenance activities be offered to the McGuire Beach Road Association at market rate.

**Motion Failed**

8.3.20 CW2019-178

A recorded vote was requested by Councillor Dunn.

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** Report WWW2019-007, **Requirement to Connect to Municipal Services Review**, be received;

**That** Alternative 1 outlined within Report WWW2019-007 be endorsed;

**That** staff be directed to prepare the necessary amendment to By-law 2014-255, being the Mandatory Connection By-law, to reflect Alternative 1 within Report WWW2019-007.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham		X	
Deputy Mayor Elmslie		X	
Councillor Ashmore	X		
Councillor Dunn	X		
Councillor O'Reilly		X	
Councillor Richardson		X	
Councillor Seymour-Fagan		X	
Councillor Veale		X	
Councillor Yeo	X		
<b>Results</b>	<b>3</b>	<b>6</b>	<b>0</b>

**Motion Failed**

A recorded vote was requested by Councillor Dunn.

**CR2019-541**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor O'Reilly

**That** Report WWW2019-007, **Requirement to Connect to Municipal Services Review**, be received;

**That** Alternative 1 outlined within Report WWW2019-007 be endorsed;

**That** staff be directed to prepare the necessary amendment to By-law 2014-255, being the Mandatory Connection By-law, to reflect Alternative 1 within Report WWW2019-007; and

**That** staff be directed to prepare an amendment to By-law 2018-039, being the by-law to Regulate Water and Wastewater Services, to require property owners who meet the requirements for mandatory connection to pay a fixed rate of \$50.00 per quarter for water services and \$50.00 per quarter for wastewater services; and

**That** the revised fee structure be implemented effective January 1, 2020.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor Letham	X		
Deputy Mayor Elmslie	X		
Councillor Ashmore		X	
Councillor Dunn		X	
Councillor O'Reilly	X		
Councillor Richardson	X		
Councillor Seymour-Fagan	X		
Councillor Veale	X		
Councillor Yeo		X	
<b>Results</b>	<b>6</b>	<b>3</b>	<b>0</b>
			<b>Carried</b>

**CR2019-542**

**Moved By** Councillor Veale

**Seconded By** Deputy Mayor Elmslie

**That** staff be directed to bring forward a costing report by end of Q1 2020 to assess the costs associated with the City installing water and wastewater infrastructure to the property lines for those properties required to connect under the Mandatory Connection By-law.

**Carried**

Council Recessed at 2:49 p.m. and reconvened at 2:58 p.m.

**9. Planning Advisory Committee**

9.1 Correspondence Regarding Planning Advisory Committee Recommendations

9.2 Planning Advisory Committee Minutes

**Planning Advisory Committee Minutes - September 11, 2019**

**CR2019-543**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the Minutes of the September 11, 2019 Planning Advisory Committee Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

**Carried**

9.3 Business Arising from Planning Advisory Committee Minutes

9.3.1 PAC2019-057

**That** Report PLAN2019-047, **respecting Part of Lot 18, Concession 12, Geographic Township of Manvers, and identified as 1067 Fleetwood Road; Application No. D06-2019-020**, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-020, substantially in the form attached as Appendix D to Report PLAN2019-047, 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**

9.3.2 PAC2019-058

**That** Report PLAN2019-048, **respecting Part of Lot 26, Concession 6, Geographic Township of Verulam, and identified as 36 Walker's Road; Application No. D06-2019-018**, be received; and

**That** a Zoning By-law Amendment respecting application D06-2019-018 be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, have been addressed.

**Carried**

9.3.3 PAC2019-059

**That** Report PLAN2019-049, **respecting Part Lot 12, Concession 7, Geographic Township of Fenelon, Application D06-2019-014**, be received;

**That** a Zoning By-law, respecting application D06-2019-014, substantially in the form attached as Appendix D to Report PLAN2019-049 be approved and adopted by Council;

**That** staff be directed to prepare a Garden Suite agreement pursuant to Section 39.1 of the Planning Act, respecting this application; and

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

**Carried**

9.3.4 PAC2019-060

**That** Report PLAN2019-050, **respecting Lots 8-23, 57M-802, former Town of Lindsay, City of Kawartha Lakes, identified as 97-129 Springdale Drive – Application D06-2019-019**, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-019, substantially in the form attached as Appendix D to Report PLAN2019-050, 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**

9.3.5 PAC2019-061

**That** Report PLAN2019-051, **respecting Part Lot 21, Concession 13, Geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035**, be received; and

**That** the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments and any public comments and concerns have been addressed.

**Carried**

9.4 Items Extracted from Planning Advisory Committee Minutes

**10. Consent Matters**

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

**Moved By** Councillor Seymour-Fagan

**Seconded By** Deputy Mayor Elmslie

**That** all of the proposed resolutions shown in Section 10.1 and 10.2 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 10.1.9, 10.1.11 and 10.1.12.

**Carried**

**10.1 Reports**

**10.1.1 CORP2019-025**

**Vest Unsuccessful Tax Sale Property**

Linda Liotti, Manager, Revenue and Taxation

**CR2019-544**

**THAT** Report CORP2019-025, **Vest Unsuccessful Tax Sale Property**, be received;

**THAT** the property offered for tax sale on October 12, 2017 described as

Roll No. 1651 420 002 01900.0000

Part of Lot 11, Concession 1, geographic Township of Laxton; part West half Lot 12, Concession 1, geographic Township of Laxton, as in R240800; City of Kawartha Lakes, being 63112-0086 (LT)

be vested with the City of Kawartha Lakes; and

**THAT** the amount owing on this account be deemed uncollectable.

**Carried**

**10.1.2 PUR2019-033**

**Request for Proposal 2019-72-OP Financial Audit Services**

Krystina Cunningham, Buyer

Carolyn Daynes, Treasurer



**CR2019-545**

**That** Report PUR2019-033, **Request for Proposal 2019-72-OP Financial Audit Services**, be received;

**That** the highest scoring Proponent, Deloitte, be selected for the award of Request for Proposal 2019-72-OP for Financial Audit Services for a 5-year period ending December 31, 2023;

**That** upon successful completion of initial term that the City enter into an optional 1 – 3-year term to December 31, 2026; and

**That** subject to receipt of the required documents, that Mayor and City Clerk be authorized to execute the agreement to award Proposal 2019-72-OP for Financial Audit Services.

**Carried**

10.1.3 PUR2019-037

**2019-63-CQ Centennial and Omemee Washroom Renovations**

Linda Lee, Buyer

Rod Porter, Capital and Special Projects Supervisor

**CR2019-546**

**That** Report PUR2019-037, **2019-63-CQ Centennial and Omemee Washroom Renovations**, be received;

**That** Gerr Construction Limited be selected for the award of 2019-63-CQ Centennial and Omemee Washroom Renovations for the quotation price of \$533,000 plus HST;

**That** project 950180114 – Centennial Park Roadways be closed and \$87,000 be returned to Capital Reserves;

**That** project 950180115 – Centennial Park Shelter be closed and \$50,000 be returned to Capital Reserves;

**That** project 950180116 – Centennial Park Exterior Lighting be closed and \$7,000 be returned to Capital Reserves;

**That** additional funding of \$147,549 be added to project 950190201 – Centennial Park Washrooms from Capital Reserves;

**That** additional funding of \$80,872 be added to project 950180204 – Omemee Park Washrooms from Capital Reserves;

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

**That** Purchasing be authorized to create the purchase order.

**Carried**

#### 10.1.4 PUR2019-038

**Request for Quotation 2019-61-OQ Supply and Operation of Plow Trucks for Winter Maintenance of Secondary Roads**

Marielle van Engelen, Buyer

Oliver Vigelius, Manager, Roads Operations (Lindsay) and Capital Projects

**CR2019-547**

**That** Report PUR2019-038, **Request for Quotation 2019-61-OQ Supply and Operation of Plow Trucks for Winter Maintenance of Secondary Roads**, be received;

**That** Marquis Snow & Ice Ltd., be awarded the following winter maintenance areas: Woodville, Kirkfield and Mariposa, for an initial contract term of two years, for a total estimated contract value for the 2019/2020 winter season of \$138,250.00;

**That** Fairview Trucking Inc, be awarded the following winter maintenance areas: Sturgeon Point, Sturgeon North Shore and Thurstonia/Pleasant Point, for an initial contract term of two years, for a total estimated contract value for the 2019/2020 winter season of \$248,500.00;

**That** two (2) – one (1) year optional terms be awarded, subject to vendor performance review, annual City of Kawartha Lakes Council budget approval and mutual consent of both parties; and

**That** subject to receipt of the requested documents, the Mayor and Clerk be authorized to execute the contract.

**Carried**

10.1.5 PUR2019-039

**2019 SS DG Biddle Detailed Design for the Reconstruction of Colborne Street West (Charles Street to Highway 35, Lindsay)**

Linda Lee, Buyer

Juan Rojas, Director of Engineering and Corporate Assets

**CR2019-548**

**That** Report PUR2019-039, **2019 SS DG Biddle Detailed Design for the Reconstruction of Colborne Street West (Charles Street to Highway 35, Lindsay)**, be received;

**That** Council authorize the single source purchase to D.G. Biddle & Associates Limited for the Detailed Design for the Reconstruction of Colborne Street West from Charles Street to Highway 35 for the total cost of \$106,500.00 not including HST;

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

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

**Carried**

10.1.6 RS2019-028

**Proposed Lease Agreements between the City of Kawartha Lakes and Tenants for Hangar Space at Kawartha Lakes Municipal Airport**

Sharri Dyer, Manager– Realty Services

**CR2019-549**

**That** Report RS2019-028, **Proposed Lease Agreements between the City of Kawartha Lakes and Tenants for 8 Hangar Spaces at Kawartha Lakes Municipal Airport**, be received;

**That** notwithstanding Section 3.05 Public Notice of Disposition By-law 2018-020, which section requires that disposition by long term lease be advertised on the City website, local newspaper and on-site for a 3 week period prior to declaration of surplus by Council, that Council waive this requirement;

**That** the property identified in Appendix B be declared surplus for long term lease; and

**That** the Mayor and Clerk be authorized to execute 8 Lease Agreements attached as Appendix A on behalf of the Corporation of the City of Kawartha Lakes, being proposed vacant land Lease Agreements with interested parties for the purpose of the tenants constructing and leasing hangar space at the Kawartha Lakes Municipal Airport, each for a 25 year term.

**Carried**

10.1.7 FT2019-001

**Fuel Agreement with the Ontario Provincial Police**

Todd Bryant Manager of Fleet and Transit

**CR2019-550**

**That** Report FT2019-001, **Fuel Agreement with the Ontario Provincial Police**, be received; and

**That** the Mayor and Clerk be authorized to sign the Memorandum of Understanding (MOU) provided in Attachment 1 to Report FT2019-001.

**Carried**

10.1.8 ENG2019-022

**Peel Street Change Order**

Corby Purdy, Supervisor, Infrastructure, Design and Construction

**CR2019-551**

**That** Report ENG2019-022, **Peel Street Change Order**, be received;

**That** Council authorize the increase of \$480,000 to the Capital budget program 998190307 (WW1903 Water Distribution and Wastewater Collection) to be funded \$240,000 from the Sewer Infrastructure Reserve (1.32030) and \$80,000 from the Water Infrastructure Reserve (1.32050); and

**That** additional funding of \$160,000 come from the Water Infrastructure Reserve (1.32050) in the event that funding for the Small Community Funds – Lindsay Cast Iron Watermain Replacement is denied or less than \$160,000 is approved.

**Carried**

10.1.10 EA2019-011

**Revised Terms of Reference for Development Charges Task Force**

Adam Found, Manager of Corporate Assets

**CR2019-552**

**That** Report EA2019-011, **Revised Terms of Reference for Development Charges Task Force**, be received; and

**That** the revised Terms of Reference for the Development Charges Task Force, as provided for in Appendix B to Report EA2019-011, be approved.

**Carried**

10.2 Correspondence

10.2.1 CC2019-23.10.2.1

**Municipal Representation on the Trent Conservation Coalition Source Protection Committee - Selection of Candidates**

Mark Majchroski, Chief Administrative Officer, Kawartha Conservation,  
Kawartha-Haliburton Source Protection Authority

**CR2019-553**

**That** the correspondence dated September 16, 2019, from the Kawartha-Haliburton Source Protection Authority, regarding municipal representation on the Trent Conservation Coalition Source Protection Committee, be received; and

**That** Deputy Mayor Doug Elmslie be endorsed as the municipal representative on the Trent Conservation Coalition Source Protection Committee for the City of Kawartha Lakes.

**Carried**

10.3 Items Extracted from Consent

10.1.9 EA2019-010

**Early-Start Approval for 2020 Phase of Downtown Lindsay Reconstruction**

Adam Found, Manager of Corporate Assets

**CR2019-554**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** Report EA2019-010, **Early-Start Approval for 2020 Phase of Downtown Lindsay Reconstruction**, be received; and

**That** the 2020 phase of downtown Lindsay reconstruction, as indicated in Tables 1 and 2 of Report EA2019-010, be approved and included in the forthcoming 2020 capital budgets for tax-supported and water-wastewater services.

**Carried**

10.1.11 EA2019-012

**Request by All Into Storage for Deferral of Development Charges**

Adam Found, Manager of Corporate Assets

**CR2019-555**

**Moved By** Councillor Dunn

**Seconded By** Deputy Mayor Elmslie

**That** Report EA2019-012, **Request by All Into Storage for Deferral of Development Charges**, be received; and

**That** notwithstanding Council Policy CP2016-020, the site plan agreement for the storage unit development proposed at 74 Colborne St. E., Lindsay by All Into Storage, as outlined in Appendix A to Report EA2019-012, provide for the deferral of development charges whereby the development charges are made payable on the second anniversary of the site plan agreement and are determined in accordance with the applicable development charge rates in effect at time of payment.

**Carried**

10.1.12 HH2019-009

**Housing First – Intensive Case Management**

Hope Lee, Manager, Human Services (Housing)

**CR2019-556**

**Moved By** Councillor Dunn

**Seconded By** Councillor Seymour-Fagan

**That** Report HH2019-009, **Housing First – Intensive Case Management**, be received for information purposes.

**Carried**

**11. Petitions**

**11.1 CC2019-23.11.1**

**Petition Regarding Resurfacing of Hillview Drive and Slalom Drive in Bethany**

Olivia Bryant

**CR2019-557**

**Moved By** Councillor Richardson

**Seconded By** Deputy Mayor Elmslie

**That** the petition received from Olivia Bryant regarding **Resurfacing of Hillview Drive and Slalom Drive in Bethany**, be received and referred to the City's Five Year Roads Plan.

**Carried**

**11.2 CC2019-23.11.2**

**Petition Regarding Renovations and Repairs to Baseline Road, Coboconk (A complete copy of the Petition is available at the Clerk's Office)**

Janet Porter

**CR2019-558**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Yeo

**That** the petition received from Janet Porter regarding **Renovations and Repairs to Baseline Road, Coboconk**, be received and referred to the City's current Road Lifecycle Extension Program.

**Carried**

**12. Other or New Business**

**13. By-Laws**

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

**CR2019-559**

**Moved By** Councillor Veale

**Seconded By** Councillor Richardson

**That** the By-Laws shown in Section 13.1 of the Agenda, namely: Items 13.1.1 to and including 13.1.6 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried**

13.1 By-Laws by Consent

13.1.1 By-law 2019-124

A By-Law to Regulate Noise in the City Of Kawartha Lakes

13.1.2 By-law 2019-125

A By-law to Authorize the Sale of the Road Allowances in the Geographic Township of Manvers, City of Kawartha Lakes, Legally Described as Franklin Street and Fallis Street on Plan 9 to the Abutting Owner

13.1.3 By-law 2019-126

A By-law to Authorize the Execution of an Agreement between Her Majesty in Right of the province of Ontario as represented by the Ministry of Economic Development, Job Creation and Trade for the Province of Ontario (the “Ministry”) and The Corporation of the City of Kawartha Lakes for Funding Provided by the Province of Ontario for the Small Business and Entrepreneurship Centre Program

13.1.4 By-law 2019-127

A By-Law to Amend the Township of Fenelon Zoning By-Law No. 12-95 to Rezone Land Within the City Of Kawartha Lakes (356 Country Lane – Moore)

13.1.5 By-law 2019-128

A By-Law to Amend the Township of Manvers Zoning By-Law No. 87-06 to Rezone Land Within the City Of Kawartha Lakes (1067 Fleetwood Road – Trevor and Lorraine Nesbitt)

13.1.6 By-law 2019-129

A By-law to Amend the Town of Lindsay Zoning By-law No. 2000-75 to Rezone Land within the City of Kawartha Lakes (97-129 Springdale Drive, Squires Built Homes Inc.)

13.2 By-Laws Extracted from Consent



**14. Notice of Motion**

**15. Closed Session**

15.1 Adoption of Closed Session Agenda

**CR2019-560**

**Moved By** Councillor Yeo

**Seconded By** Councillor Dunn

**That** the Closed Session agenda be adopted as circulated and with the following amendment:

**Addition - Item 15.3.4**

**LGL2019-004**

**2074161 Ontario Inc., Court File CV11-00421210-0000**

**Municipal Act, 2001, s.239(2)(e)(f)**

Robyn Carlson, City Solicitor

**Carried**

15.2 Disclosure of Pecuniary Interest in Closed Session Items

There were no declarations of pecuniary interest disclosed.

Council recessed at 3:24 p.m. and reconvened at 3:28 p.m.

15.3 Move Into Closed Session

**CR2019-561**

**Moved By** Councillor Yeo

**Seconded By** Deputy Mayor Elmslie

**That** Council convene into closed session at 3:28 p.m. in order to consider matters on the Tuesday, September 24, 2019 Closed Session Agenda and that are permitted to be discussed in a session closed to the public pursuant to Sections 239(2)(b)(e)(f) of the Municipal Act, S.O. 2001. S.25.

**Carried**

**16. Matters from Closed Session**

16.1 Item 15.3.2

**CR2019-567**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Seymour-Fagan

**That** the following member of the public be appointed to the Fenelon Falls Powerlinks Committee for the applicable term of office as stated: Chris Appleton for a four year term ending December 31,2022.

**Carried**

16.2 Item 15.3.3

**CR2019-568**

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** the City Solicitor provided information and advice relating to Local Planning Appeals Tribunal Case P1190381; and

**That** Council direct the City Solicitor to attend the hearing of this appeal and advance an argument that the appeal should be allowed to the extent and on the conditions recommended by Planning Staff to the Committee of Adjustment pursuant to Committee of Adjustment Report COA2019-043, as more specifically set out at Appendix C to Confidential Report LGL2019-003.

**Carried**

16.3 Item 15.3.4

**CR2019-569**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Dunn

**That** Council direct the Treasurer to pay 2074161 Ontario Inc. in the amount of \$1,103,959.00, in exchange for full settlement of Court File Number CV-11-00421210-0000 on a without-cost basis, termination of (Cost Recovery Agreement described as Front Ending Agreement, dated July 12, 2009 and registration on title of a postponement of a mortgage and an easement for storm water management;

**That** payment of the above will be made as follows: \$617,686.00 will be paid to 2074161 Ontario Inc. from the sewage collection Development Charges reserve

account; and \$486,273.00 will be paid to 2074161 out of the roads and related Development Charges reserve account;

**That** The Mayor and Clerk be authorized to execute Minutes of Settlement and a Release on the terms as agreed to by Council in this Resolution and Report and in a form acceptable to the City Solicitor; and

**That** the City Solicitor be authorized to take such actions as necessary to have the claim discontinued.

**Carried**

**17. Confirming By-Law**

**17.1 By-law 2019-130**

**A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, September 24, 2019**

**CR2019-570**

**Moved By** Councillor Dunn

**Seconded By** Deputy Mayor Elmslie

**That** a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, September 24, 2019 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

**Carried**

**18. Adjournment**

**CR2019-571**

**Moved By** Councillor Yeo

**Seconded By** Councillor Veale

**That** the Council Meeting adjourn at 4:03 p.m.

**Carried**

**Read and adopted this 22nd day of October, 2019.**

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Committee of the Whole Meeting**

**COW2019-10**  
**Tuesday, October 8, 2019**  
**Open Session Commencing at 1:00 p.m.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Ron Ashmore**  
**Councillor Pat Dunn**  
**Deputy Mayor Doug Elmslie**  
**Councillor Patrick O'Reilly**  
**Councillor Tracy Richardson**  
**Councillor Kathleen Seymour-Fagan**  
**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 1:00 p.m. Councillors R. Ashmore, P. Dunn, D. Elmslie, P. O'Reilly, T. Richardson, K. Seymour-Fagan and E. Yeo were in attendance.

Late Arrival: Councillor A. Veale 1:34 p.m.

Early Departures: Councillor P. Dunn 3:27 p.m.

Councillor Yeo 3:44 p.m.

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk A. Rooth, City Solicitor R. Carlson, Directors B. Robinson, J. Rojas, J. Stover and R. Sutherland, Acting Chief A. Rafton and Manager J. Johnson were also in attendance.

**2. Adoption of Agenda**

**CW2019-181**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Richardson

**That** the Agenda for the Open Session of the Committee of the Whole of Tuesday, October 8, 2019, be adopted as circulated and with the following amendment:

**Addition - Correspondence**

Item 6.2.4

**Memo - Full Winter Maintenance for Cul de Sac Accessing Francis Street, Fenelon Falls**

Doug Elmslie, Councillor

**Carried**

**3. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

**4. Deputations**

4.1 COW2019-10.4.1

**Application to Add Additional Street Numbers to 70 Mount Hope Street,  
Lindsay**

Michael Bosley

Mr. Bosley was not in attendance at the meeting.

4.2 COW2019-10.4.2

**Request for Resolution of Support for the "Demand the Right" Coalition  
Requesting Municipalities have the Right to Approve or Reject Future  
Landfill Developments in their Communities**

Ted Comiskey, Mayor of Ingersoll

Mayor Comiskey, Chair of the Demand the Right Coalition, delivered information to Council on the current process for landfill approvals and the objectives of the 'We Demand the Right' campaign. He requested Council provide support by passing the Demand the Right motion before the end of October.

**CW2019-182**

**Moved By** Councillor Yeo

**Seconded By** Deputy Mayor Elmslie

**That** the deputation of Ted Comiskey, Mayor of Ingersoll, regarding his **Request for Resolution of Support for the "Demand the Right" Coalition Requesting Municipalities have the Right to Approve or Reject Future Landfill Developments in their Communities**, be received; and

**That** the staff be directed to bring forward options to support the Demand the Right campaign at the October 22, 2019 Regular Council Meeting.

**Carried**

4.3 COW2019-10.4.3

**Drainage/Water Issue at 22 Alma Street, Omemee**

June Jackson

Ms. Jackson attended Council to express concern about a flooding issue on her property and other properties in the area. She requested Council to take action to alleviate further issues.

**CW2019-183**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** the deputation of June Jackson, regarding **Drainage/Water Issue at 22 Alma Street, Omemee**, be received; and

**That** the staff be directed to review and report back on the flooding issue.

**Carried**

**5. Presentations**

**5.1 COW2019-10.5.1**

**Employment Services Transformation**

Rod Sutherland, Director of Human Services

Director Sutherland delivered a presentation on the Employment Services Transformation.

Councillor Veale arrived at 1:34 p.m.

**CW2019-184**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Richardson

**That** the presentation by Rod Sutherland, Director of Human Services, regarding the **Employment Services Transformation**, be received.

**Carried**

**5.2 COW2019-10.5.2**

**Draft Development Charges Background Study Findings**

Adam Found, Manager of Corporate Assets

Karl Repka, Member of the Development Charges Task Force

Sean-Michael Stephen, Senior Project Coordinator, Watson & Associates

Manager Found introduced Mr. Repka, Member of the Development Charges Task Force, who provided remarks on behalf of the Task Force outlining their

activities to date. Mr. Stephen of Watson & Associates delivered a presentation on the Draft Development Charges Background Study Findings.

**CW2019-185**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Dunn

**That** the presentation by Adam Found, Manager of Corporate Assets, Karl Repka, Member of the Development Charges Task Force and Sean-Michael Stephen, Senior Project Coordinator, Watson & Associates, regarding **Draft Development Charges Background Study Findings**, be received.

**Carried**

Council recessed at 2:55 p.m. and reconvened at 3:00 p.m.

5.3 COW2019-10.5.3

**Haliburton, Kawartha, Pine Ridge (HKPR) District Health Unit Climate Change Health Vulnerability and Adaptation Assessment Project**

Sue Shikaze, Health Promoter

Ms. Shikaze delivered a presentation on the Haliburton, Kawartha, Pine Ridge (HKPR) District Health Unit Climate Change Health Vulnerability and Adaptation Assessment Project.

**CW2019-186**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Veale

**That** the presentation by Sue Shikaze, Health Promoter, regarding the **Haliburton, Kawartha, Pine Ridge (HKPR) District Health Unit Climate Change Health Vulnerability and Adaptation Assessment Project**, be received.

**Carried**

Councillor Dunn left at 3:27 p.m. and did not return.

5.4 COW2019-10.5.4

**Haliburton, Kawartha Lakes, Northumberland Drug Strategy (HKLNDS)**

Megan Deyman

Mark Mitchell



Chief Mitchell and Ms. Deyman delivered a presentation on the Haliburton, Kawartha Lakes, Northumberland Drug Strategy.

**CW2019-187**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Richardson

**That** the presentation by Megan Deyman and Mark Mitchell, regarding the **Haliburton, Kawartha Lakes, Northumberland Drug Strategy (HKLNDS)**, be received.

**Carried**

**CW2019-188**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Yeo

**That** Human Services staff be directed to report back to Council by end of Q1 2020 with options for convening a community-based advisory group to support the Haliburton, Kawartha Lakes, Northumberland Drug Strategy.

**Carried**

Councillor Yeo left at 3:44 p.m. and did not return.

**6. Consent Matters**

**6.1 Reports**

**6.1.1 CS2019-015**

**Fenelon Falls Powerlinks Funding Request**

LeAnn Donnelly, Executive Assistant, Community Services

**CW2019-189**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor O'Reilly

**That** Report CS2019-015, **Fenelon Falls Powerlinks Funding Request**, be received;

**That** the Powerlinks Committee contribute \$5,335.00 to the Fenelon Falls Horticultural Society with the allocation to come from the Powerlinks Reserve (1.32065); and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

6.1.2 CORP2019-026

**Farm Tax Ratio Review**

Linda Liotti, Manager, Revenue and Taxation

**CW2019-190**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** Report CORP2019-026, **Farm Tax Ratio Review**, be received; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

6.2 Correspondence

6.2.1 COW2019-10.6.2.1

**Memo - Response Time Standard Notification**

Sara Johnston, Acting Deputy Chief, Paramedic Services

**CW2019-191**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Richardson

**That** the October 8, 2019 memorandum from Sara Johnston, Acting Deputy Chief, Paramedic Services, regarding **Response Time Standard Notification**, be received;

**That** the attached letter dated September 18, 2019 and addressed to the Interim Director of the Hospitals and Emergency Services Division regarding Response Time Standard Notification, be received for information: and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

6.2.2 COW2019-10.6.2.2

**Memo - Alternative Financing for Capital and Operating Pressures**

Ron Ashmore, Councillor

**CW2019-192**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** the memorandum from Councillor Ashmore regarding **Alternative Financing for Capital and Operating Pressures**, be received;

**That** staff be directed to study alternative sources of funding for Kawartha Lakes' capital and operating needs;

**That** staff explore the creation of Kawartha Lakes "Savings Bonds" as a method of increasing our Capital funding;

**That** staff report back to Council by the end of Q3, 2020 with alternatives and additions to the current sources of funding for capital and operating budgets; and

**That** this recommendation be brought forward to Council at the next regular council meeting.

**Carried**

6.2.3 COW2019-10.6.2.3

**Memo - Draft Development Charges Background Study**

Adam Found, Manager, Corporate Assets

**CW2019-193**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Richardson

**That** the October 7, 2019 memorandum from Adam Found, Manager of Corporate Assets, regarding **Draft Development Charges Background Study**, be received.

**Carried**

6.2.4 COW2019-10.6.2.4

**Memo - Full Winter Maintenance for Cul de Sac Accessing Francis Street, Fenelon Falls**

Doug Elmslie, Deputy Mayor

**CW2019-194**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor O'Reilly

**That** the October 8, 2019 memorandum from Deputy Mayor Elmslie regarding **Full Winter Maintenance for the Cul de Sac Accessing Francis Street, Fenelon Falls**, be received;

**That** the cul de sac, encompassing properties 202-210, receive full winter maintenance for 2019-2020 winter season;

**That** staff report back to Council at the end of Q1 2020, with background regarding this cul de sac and recommendations for municipal maintenance moving forward; and

**That** this recommendation be brought forward to Council at the next Regular Council meeting.

**Carried**

6.3 Items Extracted from Consent

7. **Closed Session**

8. **Matters from Closed Session**

9. **Adjournment**

**CW2019-195**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Richardson

**That** the Committee of the Whole Meeting adjourn at 3:51 p.m.

**Carried**

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

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

## **Minutes**

### **Planning Advisory Committee Meeting**

**PC2019-10**  
**Wednesday, October 9, 2019**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Mayor Andy Letham**  
**Councillor Patrick O'Reilly**  
**Councillor Kathleen Seymour-Fagan**  
**Councillor Andrew Veale**  
**Mike Barkwell**  
**Tammy Smith**  
**Jason Willock**

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

Chair O'Reilly called the meeting to order at 1:02 p.m. Mayor A. Letham, Councillor K. Seymour-Fagan, M. Barkwell, and J. Willock were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Policy Planning Supervisor L. Barrie, Supervisor of Development Engineering C. Sisson, Senior Engineering Technician R. Perdue, and Planners II Q. Adebayo, D. Harding, A. Kalnina, and M. LaHay were also in attendance.

Absent: T. Smith

Late Arrival: Councillor A. Veale at 1:29 p.m.

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present.

**PAC2019-063**

**Moved By** J. Willock

**Seconded By** Mayor Letham

**That** the agenda for the Wednesday, October 9, 2019 Planning Advisory Committee Meeting be adopted as circulated.

**Carried**

**2. Declarations of Pecuniary Interest**

M. Barkwell declared a pecuniary interest on Item 3.6 on the Agenda as he represents the developer of the project as the sales representative with Re-Max All Stars Brokerage Inc.

There were no other declarations of pecuniary interest disclosed.

**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 PLAN2019-052**

Leah Barrie, Policy Planning Supervisor

Aggregate Policy Review - Official Plan Amendment Number 11

The Chair requested staff to advise on the proposed Official Plan Amendment for this statutory public meeting.

Ms. Barrie and Ms. Kalnina presented an overview of their report, and the proposed Official Plan Amendment to the Kawartha Lakes Official Plan. They stated that Official Plan Amendment No. 11 is intended to identify, protect and manage mineral aggregate resources, and to mitigate social, environmental and human health impacts of existing and future mineral aggregate operations and associated haul routes. Highlights of their presentation included:

- The City's and Provincial role with aggregates
- Legislation reform, and policy review
- A brief history of Official Plan Amendment No. 11 included changes and audits
- A summary of community consultation to date

In conclusion, Ms. Barrie noted that the staff recommendation is to refer the proposed amendment back to staff, pending the public consultation, and that future revisions to the Official Plan Amendment be brought back to the committee. She responded to questions from the committee members.

The Chair inquired if anyone wished to speak to the proposed amendment.

Kerry Doughty noted the various previous proposals and iterations of the aggregate policy review over the past number of years, and stated that it has been difficult with the number of ups and downs from the process. He stated that they are looking forward to a positive outcome, and are more than open to discuss changes.

Jim Webster thanked and introduced David Johnston who worked on the previous policy prepared by Victoria County.

David Johnston thanked staff for their dedicated work, and emphasized the need to separate the responsibilities of the Province with the City, as this can lead to duplication of work. He also stated that he intends to provide written comments with respect to depth of extraction of aggregates in relation to their licensed approvals.

Anne Guiot, from Skelton Brumwell, representing Miller Paving Ltd., stated that they have been involved in promoting a balanced policy that reflects the requirements of the Provincial Policy Statement, and the Aggregate Resources Act. She stated that while more fine tuning is required on the proposed policy, she is encouraged to see dedicated staff.

Doug Lowles, former member of the Aggregate steering committee, and member of the Head and Rush Lake Stewardship Committee expressed concern with the deletion of the 1km buffer from waterfront areas. He stated that the buffer zone, while small in respect to the total aggregate area, provides peace and quiet to the waterfront areas. He also noted a study that identified lower property values in proximity to aggregate operations. Overall he requested that the buffer be re-introduced in the final documents.

Doug Carroll provided a number of items on specific sections for staff to consider changing. Overall, he stated that he was impressed with the improvements of this draft amendment. The Chair requested that he provide the list of proposed changes to staff for their consideration.

No other persons spoke to the proposed Official Plan Amendment.

### 3.2 PLAN2019-053

Quadri Adebayo, Planner II

An application to amend the Township of Eldon Zoning By-law 94-14 on land described as Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, identified as 305 Glenarm Road - D.S. and B. Farms Inc.

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 500 metres, and a sign was posted on the subject property. He summarized the application, explaining that as a condition of provisional consent, the land to be retained is to be rezoned to prohibit residential use on the agricultural lands while the land to be severed is to be rezoned in order to restrict the use on the lot to residential and residential accessory uses. The application conforms to the 2019 Growth Plan, the City of Kawartha Lakes Official Plan, and is consistent with the 2014 Provincial Policy Statement. Mr. Adebayo summarized the comments received to date, as detailed in his report. Staff are recommending that the application be referred to Council for approval.

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

Robert Clark spoke as applicant, and stated that they agree with the staff recommendation and appreciated their work on the application. He noted that Scott Brown, owner of the lands, and himself are available for any questions.

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



No other persons spoke to the application.

### 3.3 PLAN2019-054

Mark LaHay, Planner II

An application to amend the Township of Ops Zoning By-law 93-30 on land described as Part Lots 18 to 20, Concession 11, geographic Township of Ops, identified as 1082 Lilac Road - Martin

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. LaHay 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 rezone the subject land from the Agricultural (A) Zone to the Agricultural Exception (A-\*\*) Zone. The effect of the zoning amendment would be to permit a second dwelling unit attached to the main single detached dwelling as an accessory dwelling unit on the property which is accessory to a main permitted agricultural use. The application conforms to the Growth Plan and the Kawartha Lakes Official Plan and is consistent with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from Community Services with no concern, and Building Part 8 Division noting that the property can handle the on-site sewage system with upgrades. Also, letters were received from neighbouring residents at 704, 643 and 610 Pigeon Lake Road expressing no objection to the proposed rezoning. Providing that no additional comments are made, staff are recommending revising the original recommendation to forward the application to Council for approval.

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

Robert Clark, the applicant, stated that they are appreciative of the change of the recommendation and made himself and the owners, Landis and Alice Martin, available for any questions.

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

No other persons spoke to the application.

### 3.4 PLAN2019-055

David Harding, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 on land

described as Part Lot 21, Concession 2, geographic Township of Emily, identified as 1109 Meadowview Road - 2324784 Ontario Ltd.

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

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500 metres, and a sign was posted on the subject property. He summarized the application, explaining that as a condition of the provisional consent decision, the agricultural land to be retained is to be rezoned to prohibit residential use and the keeping of livestock in the existing buildings. To further clarify how the lot containing the dwelling is to be used and to set out specific development standards, the land to be severed is to be rezoned to a rural residential zone category. The application conforms to the 2017 Growth Plan and the City of Kawartha Lakes Official Plan, and is consistent with the 2014 Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the Community Services Department and Building Division - Part 8 Sewage Systems, both with no concerns. Staff are recommending that the application be forwarded to Council for approval. He responded to questions from Committee members.

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

James Newlands, from MHBC Planning, spoke on behalf of the applicant thanking the committee for hearing the application and made himself available for any questions.

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

Bill Shipman, of 65 Maple Ridge Drive, questioned what the difference is between the current agricultural zone and the proposed agricultural exception zone, and was satisfied with the response from Mr. Harding.

No other persons spoke to the application.

### 3.5 PLAN2019-056

David Harding, Planner II

Applications to amend the Kawartha Lakes Official Plan and the Township of Ops Zoning By-law 93-30 on land described as Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 - Mike Redmond Septic Service Ltd.

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

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 120m, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to: (1) change the land use designation from Highway Commercial to a Highway Commercial Special Policy and (2) amend the Township of Ops Zoning By-law 93-30 to change the zone category from Highway Commercial (CH) Zone to a Highway Commercial Exception Zone to add a self-storage facility use to the list of permitted uses and apply any applicable development standards. The applications appear to conform to the 2017 Growth Plan and further comments are required to demonstrate consistency with the 2014 Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report, noting that comments were still outstanding from various agencies. Staff are recommending that the application be referred back to staff until such time as commenting groups have submitted comments, any concerns have been addressed, and a full analysis of the proposal concluded. He responded to questions from Committee members.

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

Robert Clark, of Clark Consulting Services, spoke as the applicant and stated that this is an appropriate use of the land, and will complete the development of the property. He made himself and owner Mike Redmond available for any questions the members of the Committee might have.

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

No other persons spoke to the application.

### 3.6 PLAN2019-057

Mark LaHay, Planner II

Applications to amend the Kawartha Lakes Official Plan and the Township of Fenelon Zoning By-law 12-95 on lands described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as West Street North, Fenelon Falls - Muskoka D & M Corp.

M. Barkwell left Council Chambers as per his previously declared pecuniary interest at 2:21 pm.

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

Mr. LaHay confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 120m, and a sign was posted on the subject property, and that the initial public meeting was held on March 6, 2019. He summarized the revised application, explaining that it proposes to re-designate the lands from the Urban Settlement – Fenelon Falls Fringe area designation in the City of Kawartha Lakes Official Plan to an Urban Settlement – Fenelon Falls Fringe area designation with a Special Policy to permit residential development in the form of townhouses, including waterfront townhouses with a 15 metres water setback and apartment dwelling units with an overall density of approximately 44 dwelling units per gross hectare and to rezone the lands from the Future Residential Development (FRD) Zone, Rural Residential Type Three (RR3) Zone and Rural Residential Type Three Exception Fifteen (RR3-15) Zone to a Hamlet Residential Exception (HR-\*) Zone or other appropriate residential zone category with site specific residential zone provisions. The revised proposal consists of 26 townhouse dwellings, all with internal driveway access in four 3-unit townhouse blocks, one 4-unit townhouse block, two 5-unit waterfront townhouse blocks and two 30-unit apartment buildings consisting of 4 residential floors with a level of parking below for a total of 86 dwelling units, without a private stormwater management pond. The proposal will be developed on full municipal water and sewer services. The application appears to conform to the Growth Plan however further comments are required to demonstrate consistency with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments with various concerns relating to building height, increased number of dwelling units including proximity of townhomes adjacent to the waterfront, traffic, site access, construction noise, existing site hazards, environmental impact on lake, lake access, and water/sewer capacity were received from the following members of the public:

- C. & J. Traill of 66 West Street North
- M. McFarland of 35 King Street
- D. Mainella of 7 West Street North
- D. Gospodaric of 12 Oriole Road
- K. & S. Sparkes of 4 Oriole Road
- J. Laffin of 8 Bass Street

Additionally comments were received from Community Services with no concerns, the Ministry of the Environment recommending a 30m setback from the high water mark, and Curve Lake First Nation requesting an archeological study. Staff are recommending that the application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any agency and public comments and concerns have been addressed. He responded to questions from Committee members.

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

Beverly Saunders of EcoVue Consulting spoke as the applicant identified the site as an existing brownfield site that has adequate servicing for the proposed development in line with Provincial Policy. She stated that there has been a lot of community consultation including the previous public meeting, a sales office, and a public open house. She noted the application was revised due to the applicant purchasing additional land. Addressing some concerns, she stated that a Traffic Impact Study (TIS), Environmental Impact Study (EIS), and Shadow Study have been submitted to address concerns. Overall she stated that the design of the buildings will match the neighbourhood, and she responded to questions from committee members.

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

D. Strasbourg of 68 West Street North, who also owns 56 West Street North, spoke against the proposal stating that over 250 people could live in this development, and that this would be too many for the dead end of West Street North. He identified other possible locations that this development could be built, and questioned whether this application was already a foregone conclusion based off of the amount of money spent by this corporation.

D. Gospodaric of 12 Oriole Road noted that she was more supportive with the original proposal, stating that the increase of density will change Fenelon Falls. She stated that traffic is already backed up in Fenelon Falls, and questioned what the developer might give back to the community, whether it be developing parks, or upgrading roads and services. In conclusion she recommended scaling back the development.

B. Ward of 16 West Street North spoke in support of the development, and noted the various uses of the land over the past 63 years. He stated even though his property is directly across from the proposed entrance to the development, that moving forward with the proposal is a positive thing.

J. Laffin of 8 Bass Street presented noise concerns about the potential for blasting into the bedrock to create the foundations for the buildings.

No other persons spoke to the application.

The Chair permitted Ms. Saunders to respond to the public concerns presented today. She stated that this development has worked hard to address all comments and concerns by submitting various studies. She stated that the TIS notes that West Street North does not need to be upgraded, and that Kawartha Conservation is reviewing the EIS noting the species at risk as general impacts have been addressed. She noted that she did not know what noise impact there might be from the construction.

The Public Meeting concluded at 2:49pm and M. Barkwell returned to the Council Chambers.

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

##### **4.1 Item 3.1**

###### **PAC2019-064**

**Moved By** Councillor Veale

**Seconded By** Councillor Seymour-Fagan

**That** Report PLAN2019-052, **Aggregate Policy Review – Official Plan Amendment No. 11**, be received; and

**That** Draft OPA 11 be referred back to staff pending the outcome of the public consultation component, and that any revisions to draft OPA 11 be brought back to a subsequent Planning Advisory Committee meeting.

**Carried**

##### **4.2 Item 3.2**

###### **PAC2019-065**

**Moved By** Councillor Veale

**Seconded By** Councillor Seymour-Fagan

**That** Report PLAN2019-053, respecting Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, and identified as 305 Glenarm Road; Application No. D06-2019-017, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-017, substantially in the form attached as Appendix E to Report PLAN2019-053, 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**

4.3 Item 3.3

**PAC2019-066**

**Moved By** Mayor Letham

**Seconded By** J. Willock

**That** Report PLAN2019-054, respecting Part Lots 18 to 20, Concession 11, geographic Township of Ops, Application D06-2019-021, be received; and

**That** a Zoning By-law Amendment respecting application D06-2019-021 be prepared, 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**

4.4 Item 3.4

**PAC2019-067**

**Moved By** J. Willock

**Seconded By** Councillor Seymour-Fagan

**That** Report PLAN2019-055, respecting Part Lot 21, Concession 2, geographic Township of Emily, and identified as 1109 Meadowview Road – Application D06-2019-022, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-055, substantially in the form attached as Appendix D to Report PLAN2019-055, 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**

4.5 Item 3.5

**PAC2019-068**

**Moved By** Councillor Seymour-Fagan

**Seconded By** M. Barkwell

**That** Report PLAN2019-056, respecting being Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 – Applications D01-2019-002 and D06-2019-023, be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Carried**

4.6 Item 3.6

M. Barkwell left the Council Chambers at 2:53pm due to his previously declared pecuniary interest.

**PAC2019-069**

**Moved By** Mayor Letham

**Seconded By** J. Willock

**That** Report PLAN2019-057, respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, “Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028”, be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Carried**

M. Barkwell returned to the Council Chambers at 2:54pm.

**5. Deputations**

**6. Correspondence**

**7. City of Kawartha Lakes Reports**



**8. Adjournment**

Prior to adjournment, the Chair permitted Ms. Barrie to make a congratulatory announcement. She stated that D. Harding has passed all required exams and now holds the professional designation of Registered Professional Planner.

**PAC2019-070**

**Moved By** Mayor Letham

**Seconded By** Councillor Seymour-Fagan

**That** the Planning Advisory Committee Meeting adjourn at 2:55 p.m.

**Carried**

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

## **Council Report**

**Report Number PUR2019-035**

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**Date:** October 22, 2019

**Time:** 1:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables

**Author and Title:** Marielle van Engelen, Buyer  
David Kerr, Manager of Environmental Services

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

**That** Report PUR2019-035 Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables, be received;

**That** the highest scoring proponent, Miller Waste Systems Inc. of Markham, Ontario be selected for the award for the Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables for an initial term of seven (7) years;

**That** Council authorizes the option to renew the contract for an additional two (2) - one (1) year terms upon mutual agreement and successful completion of the initial term and each term thereafter; and

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreement.

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

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

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

## **Background:**

The current contract for the collection and transportation of waste and recyclables expires September 23, 2020 with no additional options to renew. A new document was issued, a year in advance, to allow the successful proponent sufficient time to acquire new trucks that comply with the requirements of the proposal.

A co-operative procurement process was issued by the City and Trillium Lakeland District School Board (TLDSB) in July of 2019 with the intention to enter into an agreement with only one (1) legal entity. The City and TLDSB will each have their own award process and contract with the selected proponent.

The City consulted with experts in waste contract management during the preparation of this proposal document. The document is structured to address changes in legislation and to be flexible as the province works towards transitioning to full producer responsibility. Producer responsibility means that companies would be fully responsible for managing the cost of collecting and processing their products and packaging. This is based on the idea that companies that design, create and market products and packaging are in the best position to reduce waste or increase resources that can be recovered from their products. Full producer responsibility would benefit the City, as the City would no longer be burdened with the cost of collecting and processing recyclables. Currently the City funds the recycling program and is reimbursed approximately 50% of the costs from the province. After transition to full producer responsibility it is expected that the producers will fund the vast majority of recycling however municipalities will likely have reduced funding from the province. Overall the expectation is that there will be a financial benefit to the City.

It is important to note that there are no specific details on the transition to full producer responsibility which the province has set to start in 2023 and be complete in 2025.

The province will work on a regulation throughout 2021 that will specify how the blue box program will move to producer responsibility. Once these regulations have been finalized, staff will be better equipped to bring the City's options to Council. At this time there are too many unknowns; including how transition will occur, what products will be included in the new blue box program and how service delivery may be impacted.

The clauses that are included in the proposal document gives the City the ability to assign portions of the collection and transportation of recyclables to other designates (i.e. producers) or to terminate the recycling collection and transportation portions of the contract early (with known costs to the City identified in the proposal submission).

Based on the requirements of the RFP, the contract will also include a methodology to make in term adjustments to service delivery. This will provide a framework for equitably making service delivery adjustments based on legislative changes or program service delivery changes required. Award of this contract will provide the best overall option for continued service delivery at a controlled cost while providing adequate flexibility for contractual changes or future service delivery modifications.

The Co-Operative Request for Proposal 2019-66-OP Collection and Transportation of Waste and Recyclables was released for advertising in accordance with the purchasing policy.

The proposal closed on August 22, 2019 and was opened in public by Andy Letham, Mayor and Marielle van Engelen, Buyer. Proposals were received from the following:

<b>Name of Company</b>
Miller Waste Systems Inc. Markham, Ontario
GFL Environmental Inc. Vaughan, Ontario
Environmental 360 Solutions Pickering, Ontario

The proposal was a two envelope system, with the financial envelope only being opened if the submission met the minimum threshold for the written portion.

An evaluation committee carefully evaluated and scored each Proposal by consensus, based on the criteria described within the request for Proposal.

Miller Waste Systems Inc. and GFL Environmental Inc. were the only proponents to exceed the minimum threshold for the written portion and therefore their second envelopes were opened and scored.

Miller Waste Systems Inc. was found to be the highest scoring proponent.

References were checked and found to be favorable.

### **Rationale:**

Proposals were evaluated based on a two (2) envelope system to ensure that the firms submitting were properly screened to meet the required criteria in the proposal. Key points of the evaluation criteria were experience and qualifications, overall contract management, methodology, equipment and

operating/communications plan. Scoring was set at 60% for the written portion of the submissions and 40% for the financial consideration. Proposals were ranked accordingly.

Staff recommends that the highest scoring proponent, Miller Waste Systems Inc. be selected for the award of Request for Proposal 2019-66 OP Collection and Transportation of Waste and Recyclables.

The initial term of the contract is for seven (7) years, with the option to renew the contract for an additional two (2) - one (1) year terms upon mutual agreement and successful completion of the initial term and each term thereafter. Pricing is firm for the first year of the contract and subsequent years, including renewals, will have a unit price increase based on the annual percentage change in the consumer Price Index, Ontario – All –Items, up to a maximum of three percent (3%).

### **Other Alternatives Considered:**

No other alternative is being considered as a competitive procurement process was conducted and the highest scoring proponent is being recommended.

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

Funds for the collection and transportation of waste and recyclables material will be allocated in the 2020 and subsequent annual Solid Waste operating budgets. There is adequate budget proposed within the 2020 operating budget to accommodate award of the contract.

The award and subsequent contract value is based on current service levels and historical waste volumes. Changes to service levels or significant changes to waste levels which could be triggered by impending legislative changes described within this report will impact the contract and associated cost.

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

The selection of for the Collection and Transportation of Waste and Recyclables contributes to the following goals:

- Goal 1 – A Vibrant and Growing Economy
  - A Stronger and More Diversified Economy
- Goal 3 – A Healthy Environment
  - Execute the Integrated Waste Management Strategy

**Consultations:**

Supervisor, Solid Waste Services

Waste Technician II

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

**Department Head:** Bryan Robinson, Director of Public Works

**Department File:** 2019-66-OP

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

## **Council Report**

**Report Number PUR2019-40**

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**Date:** October 22, 2019

**Time:** 1:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** Request for Proposal 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Digital Main Street Program in Kawartha Lakes

**Author and Title:** Marielle van Engelen, Buyer

Carlie Arbour, Economic Development Officer - Community

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

**That** Report PUR2019-40, Request for Proposal 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Main Street Program in Kawartha Lakes, be received;

**That** Cat's Cove Communication be selected for the award of RFP 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Main Street Program in Kawartha Lakes;

**That** subject to the receipt of the required documents, the Director of Development Services be authorized to execute the agreement and Financial Services issue a purchase order.

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

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

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

## Background:

Digital Main Street (DMS) was developed by the City of Toronto and in partnership with the Toronto Association of Business Improvement Areas (TABIA). The program has recently expanded to the rest of Ontario through a twelve million dollar partnership between the Province of Ontario and the Ontario Business Improvement Area Association (OBIAA) to support the growth of main street businesses by making the adoption of digital tools and technologies uncomplicated.

The City of Kawartha Lakes has received a Digital Service Squad Grant from the Ontario Government to offer the Digital Main Street program in the Kawartha Lakes. The grant will fund the development of a “Digital Service Squad” (DSS), to market and implement the program with local businesses within downtowns and main streets throughout the Municipality.

The Squad’s priority will be to help businesses on-board the program and activate easy-to-use tools to launch or expand their digital presence and business. Examples of this may include, but not limited to; launching or upgrading websites, integration of social media platforms, point of sale and inventory tracking systems.

The DSS team will be a key contributor to the success of the platform and the growth of the program as a whole. The DSS will service businesses in downtowns across Kawartha Lakes.

Request for Proposal 2019-89-OP Development of a Digital Service Squad to Market and Deliver the Main Street Program in Kawartha Lakes was released for advertising in accordance with the Purchasing Policy.

The proposal closed on September 19, 2019 and was opened in public by Andy Letham, Mayor and Linda Lee, Buyer. Proposals were received from the following:

Name of Company
Cat’s Cove Communications Perth, Ontario

## Rationale:

An evaluation committee carefully evaluated and scored the proposal by consensus, based on the criteria described within the request for proposal. References were checked and found to be satisfactory.



Staff recommends that Request for Proposal for Development of a Digital Service Squad to Market and Deliver the Main Street Program in Kawartha Lakes be award to Cat's Cove Communication.

**Other Alternatives Considered:**

No other alternative is being considered as a competitive procurement process was conducted.

**Financial/Operation Impacts:**

One hundred percent of the funds (100%) funds for Proposal 2019-89-OP are provided to the City through a grant for the Digital Main Street project from the Ontario Business Improvement Area Association (OBIAA).

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

The recommendation directly aligns with Council's goal to establish a Vibrant and Growing Economy by supporting Downtown and Main Street businesses in expanding their knowledge and digital acumen.

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

**Department Head:** Chris Marshall, Director Development Services

**Department File:** 2019-89-OP

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

## **Council Report**

**Report Number PUR2019-041**

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**Date:**      **October 22, 2019**  
**Time:**      1:00 p.m.  
**Place:**     Council Chambers

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**Ward Community Identifier: Various wards**

**Title:**                      2019-68-OP Asset Management of Current SCADA System

**Author and Title:** **Linda Lee, Buyer**  
**Robert MacPherson, Water/Wastewater Technician**

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

**That** Report PUR2019-041, 2019-68-OP Asset Management of Current SCADA System, be received;

**That** Cole Engineering Group Ltd. be selected, as the highest scoring proponent, for the award of Request for Proposal number 2019-68-OP Asset Management of Current SCADA System;

**That** subject to receipt of the required documents, the Mayor and Clerk be authorized to sign the agreement; and

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

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

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

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

## Background:

The City of Kawartha Lakes (CKL) has twenty-one (21) Water and six (6) Wastewater facilities including respective distribution and collection systems that are presently operated with a Supervisory Control and Data Acquisition (SCADA). SCADA is a system that automates various electrical, chemical, and mechanical systems. These systems work in combination to aid in the production of potable drinking water and to treat the wastewater generated by the residents of Kawartha Lakes. The system is also instrumental in housing data used for trending information, process control, and compliance reporting with the Ministry of the Environmental, Conservation and Parks (MECP).

The CKL SCADA system project originated in 2005 and was implemented in the 2007-2010 timeframe. Over the last 14 years, parts of the system have effectively operated beyond their useful service life as various components of the systems hardware and software have changed as equipment has been repaired/replaced. As these changes were not always recorded and performed by multiple 3<sup>rd</sup> party vendors over the years, there have been a number of informational gaps identified by staff between the current equipment list and what is physically there. In order to create an updated SCADA equipment list and a SCADA Asset Management Plan (AMP) moving forward the Purchasing Division and the Water and Wastewater Division worked together to release a Request for Proposal in search of a qualified Process and Control Engineering Firm familiar with SCADA hardware and software.

The Request for Proposal (RFP) 2019-68-OP Asset Management of Current SCADA System was released and advertised in accordance with the Purchasing Policy.

The RFP closed on Thursday September 19, 2019 and was opened in a public meeting with Mayor Andy Letham and Linda Lee, Buyer. Proposals were received from the following:

Company Name
Cole Engineering Group Ltd.
ISN Technologies
WSP Canada Group Limited
EDIOM Group Inc.
Green PI Inc.

The submissions were evaluated by consensus, according to the criteria set out in the proposal document. Cole Engineering was found to be the highest scoring proponent.

References were checked and found to be favorable.

### **Rationale:**

The SCADA system is essential equipment that supports the safe and efficient operation of processes at the Water and Wastewater Facilities. In recent years CKL has experienced issues with the equipment that requires significant time and resource to troubleshoot and resolve. There has also been concern from operations staff surrounding the outdated information in the current equipment list. It is due to these reasons that the Water and Wastewater Division wants to employ the services of a Process and Control Engineering Consultant to survey each of the Water and Wastewater Systems. The consultant will generate an up-to-date SCADA equipment inventory list, identify any gaps in information, compare the City equipment and maintenance plan to that of current industry standards and then create an Asset Management Plan (AMP) of the SCADA equipment moving forward. It is the Water and Wastewater Divisions goal to utilize this AMP as a blueprint for the necessary and vital upgrades the SCADA system will require over the next > 10 years in order for it to remain operational and compliant with provincial and federal regulations and standards.

Staff recommends Cole Engineering Group Ltd. be selected, as the highest scoring proponent, for the award of Request for Proposal number 2019-68-OP Asset Management of Current SCADA System;

### **Other Alternatives Considered:**

No other alternative is being considered as a competitive procurement process was conducted, and the highest scoring proponent is being recommended.

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

Funding for the creation of an Asset Management Plan for the City of Kawartha Lakes SCADA System is through the operating budget. Adequate funding has been provided in the 2019 Water and Wastewater operating budget.

The Department will ensure that funds for this service are included in future operating budgets, and that the costs do not exceed the approved budget.

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

The Water and Wastewater Divisions goal to create an Asset Management Plan of the current SCADA equipment identifies with the 2016-2019 Strategic Plan of

creating and promoting a healthier environment (Goal 3). The creation of a proper asset plan and maintenance schedule for the SCADA equipment will ensure the protection and enhancement of the water quality, as well as aid in efficiency and of overall treatment process for both water and wastewater.

The proposal also supports many of the City Strategic Enablers:

- E1.1 (Responsible fiscal resource management) – The future planning and maintenance of the SCADA system will allow for improved budgeting and allow the City to manage the resource more efficiently
- E3.3 (Municipal Service Excellence) – Service excellence by reviewing and adopting best municipal practices (and continue to review operational efficiencies)
- All objectives of Enabler 4 (Efficient Infrastructure and Asset Management) are met because the AMP will ensure the facilities are using effective technology in the best manner, will increase the Division managing the municipal assets, and ensures that the technology is environmentally friendly and in compliance with federal and provincial regulations.

### **Consultations:**

Supervisor, Water and Wastewater Operations, Public Works

Supervisor/ORO of Water Treatment, Public Works

Supervisor, Network Services and Client Support, IT Services

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

**Department Head: Bryan Robinson**

**Department File: 2019-68-OP**

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

## **Council Report**

**Report Number PLAN2019-058**

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**Date:** October 22, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 8 - Manvers

**Title:** Removal of Holding (H) Symbol for 166 Highway 7A

**Description:** To amend the Township of Manvers Zoning By-Law 87-06 to remove the Holding (H) provision to permit a residential use on the subject property zoned Rural Residential Type Two Special Exception 17 (RR2-S17) Zone described as Part Lot 3, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 166 Highway 7A (Henderson)

**Author and Title:** Kent Stainton, Planner I

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### **Recommendations:**

**That** Report PLAN2019-058, **Removal of Holding (H) Symbol for 166 Highway 7A**, be received;

**That** Zoning By-Law Amendment application D06-2019-026 identified as 166 Highway 7A, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-058, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

Owners/Applicant:	Terry and Mark Henderson
Legal Description:	Part Lot 3, Concession 8, geographic Township of Manvers
Official Plan:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Two Special Exception 17 Holding (RR2-S17)(H) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	2,509 sq. m. (0.62 acres - MPAC)
Site Servicing:	Private well and septic systems
Existing Uses:	Building used as a former place of worship, attached accessory building (garage)
Adjacent Uses:	North: Highway 7A, Agricultural and Rural Residential South: Rural Residential and Agricultural East: Rural Residential, Commercial West: Agricultural

## **Rationale:**

The subject property is located within an existing cluster of rural residential lots within the community of Yelverton, which is situated within an agricultural area. The subject land contains a building formerly used as a church, and attached accessory building, being a garage which was sold by the United Church to another property owner in 2014 as it was no longer needed. The current owners who purchased the property in 2018, rezoned the property to convert the existing church building into a residential dwelling unit.

The RR2-S17(H) zone was applied to this property on February 19, 2019 (By-law 2019-034). The purpose of the Holding (H) symbol was to restrict the use of the property until conditions imposed by Council have been met. The condition imposed at that time involved a restriction on development until receipt of payment in lieu of 5 percent of the value of the land to be provided for park purposes prior to development as required by the Planning Act.

On August 16, 2019, the Planning Division received a complete application to remove the holding provision. On this basis, the owner has submitted the requisite payment; therefore it is appropriate for Council to consider removal of the Holding (H) provision for this lot.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The application conforms to the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan).

### **Provincial Policy Statement, 2014 (PPS):**

The proposal is consistent with the 2014 Provincial Policy Statement (PPS).

### **Official Plan Conformity:**

Within the City of Kawartha Lakes Official Plan (OP), the subject property is designated Prime Agricultural. The designation permits agricultural, agriculture-related and agri-business uses, single detached dwellings accessory to other permitted uses, and recognizes clusters of residential lots and scattered residential lots as permitted uses within the zoning by-law, provided they existed prior to the adoption of the OP. It has been determined that this property is located within an existing cluster, therefore an OP amendment is not required, as it is in keeping with the intent of the OP policies.

### **Zoning By-law Compliance:**

The property is zoned Rural Residential Type Two Special Exception 17 Holding (RR2-S17(H)) Zone in the Township of Manvers Zoning By-law 87-06, as amended. The RR2-S17 (H) zone permits a converted dwelling and a single detached dwelling including a reduced front yard setback for the existing structure. Any proposed use of the property requires conformity to the appropriate zoning provisions. The applicant has submitted a rezoning application for removal of the Holding (H) provision to implement the proposed development.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

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

There are no financial considerations unless Council's decision is appealed by the owner to the Local Planning Appeal Tribunal. In the event of an appeal, there could be costs for legal representation and planning staff.



## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application appears to align with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents in the City of Kawartha Lakes.

## **Servicing Comments:**

The lot is serviced by a private individual well and private septic system. The owner has applied to upgrade the sewage system to accommodate the proposed change of use.

## **Consultations:**

Agency Comments:

On January 14, 2019, the Building Division advised that they have no concerns with the application.

On January 16, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

On January 16, 2019, the Part 8 Sewage Systems Supervisor advised that the proposed change from community facility to residential will constitute a change in the total daily sewage flow for the property. The owner initiated an application for a sewage system permit to upgrade the system to accommodate the proposed changes. A sewage system upgrade can be accommodated on the property. As such, the Building Division – Sewage System Program has no objection to the proposed zoning amendment.

## **Development Services – Planning Division Comments:**

Staff support this application based on the information contained in this report and the comments received to-date. As such, staff respectfully recommends that the proposed zoning by-law application to remove the Holding (H) symbol be approved and adopted by Council.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Kent Stainton, Planner I at (705) 324-9411 ext. 1248.

Appendix 'A' – Location Map



Appendix A  
PLAN2019-058.pdf

Appendix 'B' – Zoning By-law Amendment Sketch



Appendix B -  
PLAN2019-058.pdf

Appendix 'C' – Zoning By-law Amendment



DRAFT BY-LAW  
2019- D06-2019-026

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-026

# Geographic Township of Manvers

Concession 9

Lot 3

Lot 4

SUBJECT  
LAND

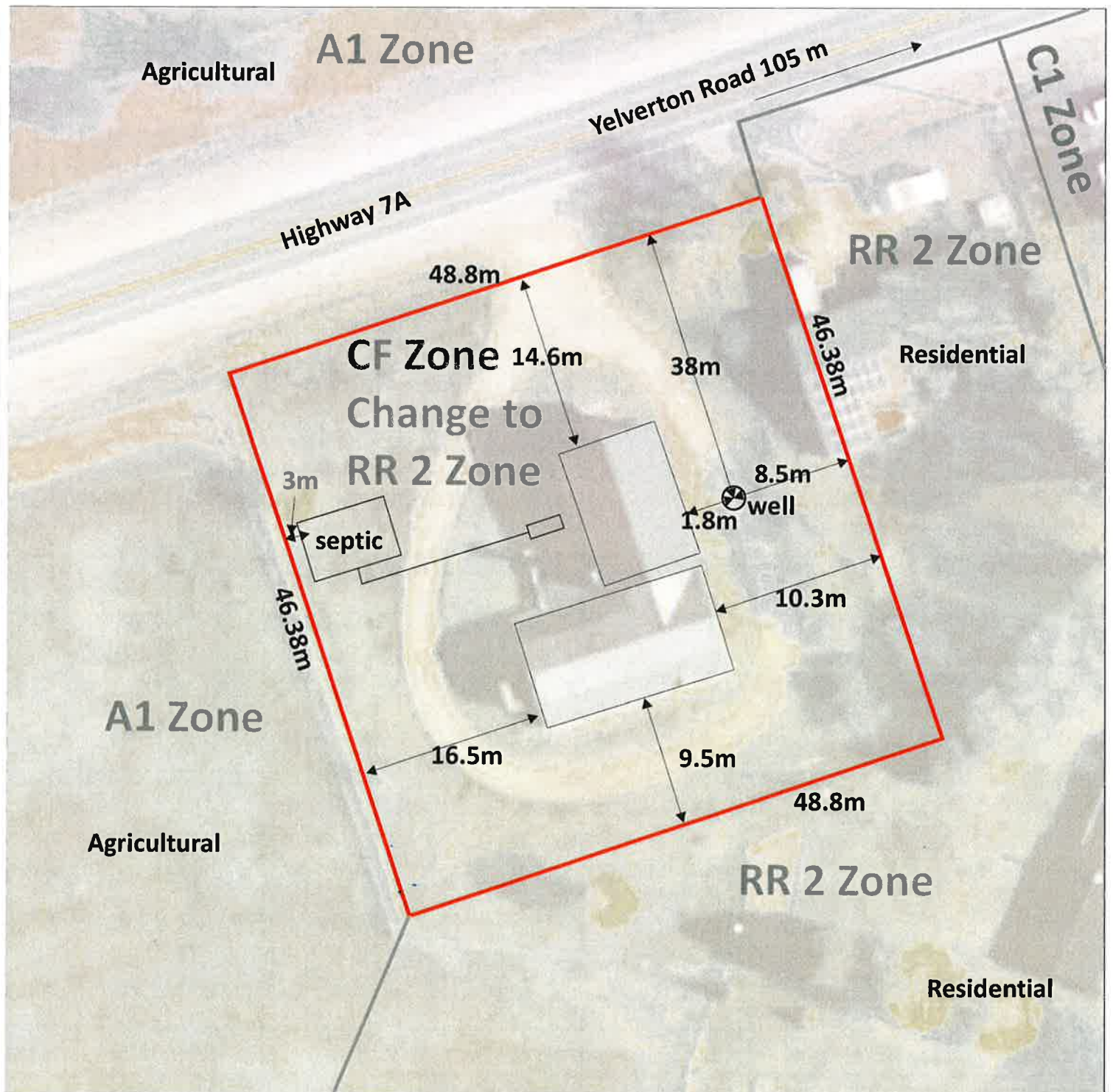
Highway 7A

Yelverton Rd

Concession 8

Zoning By-law Amendment  
ZBA Sketch  
Henderson D38-2018-025  
166 Hwy 7A, Yelverton  
Zoning Bylaw Amendment  
Conversion of Church to  
Residence

Zoning By-law Amendment  
ZBA Sketch  
Henderson D38-2018-025  
166 Hwy 7A, Yelverton  
Zoning Bylaw Amendment  
Conversion of Church to  
Residence



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

## **By-Law 2019 - \*\***

### **A By-Law To Amend The Township Of Manvers Zoning By-Law 87-06 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2019-026, Report PLAN2019-058, respecting Part of Lot 3, Concession 8, 166 Highway 7A, Terry & Mark Henderson

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the City of Kawartha Lakes enacted By-law No. 2019-034, which contained a Holding (H) symbol relating to the use of the property.
3. Council has received a request to remove the Holding (H) symbol from the Rural Residential Type Two Special Exception 17 Holding "[RR2-S17(H)]" Zone.
4. The conditions imposed by Council and shown in By-law 2019-034 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Part of Lot 3, Concession 8, geographic Township of Manvers, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 2019-34 of the Township of Manvers is further amended to remove the Holding (H) symbol from the "Rural Residential Two Special Exception 17 Holding (RR2-S17) Zone" for the land referred to as 'RR2-S17', as shown on Schedule 'A' attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

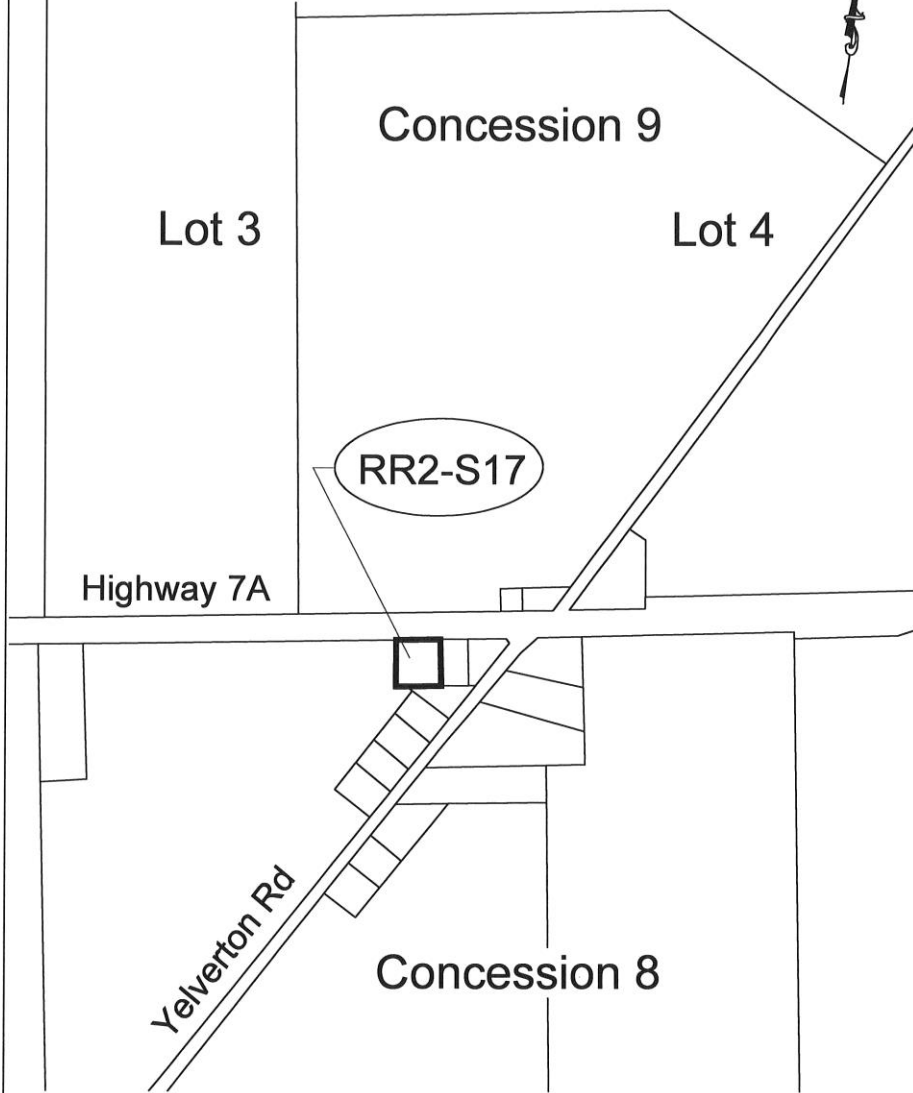
THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

### Geographic Township of Manvers



# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2019-059

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**Date:** October 22, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 14 - Omemee

**Title:** An application to remove the Holding (H) Provision from the Village of Omemee Zoning By-law 1993-15

**Description:** To amend the Village of Omemee Zoning By-Law 1993-15 to remove the Holding (H) provision to permit the construction of two single detached dwellings following a Consent to Sever a new lot on the subject property zoned Residential Type One (R1) Zone described as Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street, & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street, North of Distillery Street, in the Village of Omemee, City of Kawartha Lakes (Dacosta)

**Author and Title:** Kent Stainton, Planner I

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### Recommendations:

**That** Report PLAN2019-059, **Removal of Holding (H) Symbol for Octavio Dacosta**, be received;

**That** Zoning By-Law Amendment application D06-2019-025 identified Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street North of Distillery Street in the Village of Omemee, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-059, be approved and adopted by Council; and

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

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

**Legal/Other:** \_\_\_\_\_

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



## **Background:**

Owners:	Octavio Dacosta
Applicant:	Tom DeBoer (TD Consulting Inc.)
Legal Description:	Part Lot 3, Concession 8, geographic Village of Omemee
Official Plan:	Urban in the Victoria County Official Plan
Zone:	Residential Type One (R1(H)) Zone in the Village of Omemee Zoning By-law 1993-15, as amended
Site Size:	6,839 sq. m. (1.69 acres - MPAC)
Site Servicing:	Private Individual Wells and Private Septic Systems
Existing Uses:	Vacant Land
Adjacent Uses:	North: Residential South: Residential and Agricultural East: Residential West: Residential, Mill Pond

## **Rationale:**

The subject property, oriented in an L-shape, is located at the northeast corner of Distillery Street East and Queen Street South in the Village of Omemee. There is an existing residential lot (1 Distillery Street East) on the corner of Queen Street South and Distillery East. The property is currently vacant. A consent application (File D03-2019-036) to create a new residential lot approximately 3,193.91 square metres in size while retaining 3851.14 square metres has been received and was deemed complete on August 9, 2019. The resulting outcome would be two separate residential lots each containing single detached dwellings with private services. Access for one of the lots will be achieved from Queen Street, while the second lot would attain access via Distillery Street. The proposed lots are currently situated within the residential zoned area containing the Holding symbol, which needs to be removed to permit the proposed future residential use and driveway access for the construction of the aforementioned residential dwellings (see Appendix A and B attached).

In the Village of Omemee Zoning By-law 1993-15, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By law, the land may be used in accordance with the applicable zone provisions. In accordance with By-law 1993-15, the removal of the (H) Holding Symbol requires either the provision of adequate municipal roads, electricity, storm drainage services, sewage and water services and other matters as appropriate to a specific area or an agreement is entered into between the owner and the Corporation of the City of Kawartha Lakes to provide

the aforementioned services and other matters as appropriate. This requirement is being satisfied as the owner has submitted a Site Plan (Appendix C) for the proposed lots identifying drainage, well, septic and building locations including driveway and road access. This plan has also been reviewed/approved by Kawartha Conservation, Ministry of Transportation, Building Division, Engineering Division and it is now appropriate to remove the Holding (H) provision.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The application conforms to the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan).

#### **Provincial Policy Statement, 2014 (PPS):**

The proposal is consistent with the 2014 Provincial Policy Statement (PPS).

#### **Official Plan Conformity:**

The Urban designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed Urban Settlement Area designation in the City of Kawartha Lakes Official Plan (CKLOP) and the Residential designation in the Omemee Secondary Plan (SP), are both subject to appeal to the Local Planning Appeal Tribunal. The proposed use on the property conforms to the applicable policies of the official plan designation.

#### **Zoning By-law Compliance:**

The property is zoned Residential Type One - Holding (R1)(H) Zone the Village of Omemee Zoning By-law 1993-15. The R1 zone category permits the single detached dwelling use and the proposed driveway access associated with both potential lots created through Consent File D06-2019-036. The residential use will be permitted once the Holding (H) provision is removed.

#### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial considerations unless Council's decision is appealed by the owner to the Local Planning Appeal Tribunal. In the event of an appeal there could be costs for legal representation and planning staff.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application appears to align with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents in the City of Kawartha Lakes.

## **Servicing Comments:**

The property will be developed on private well and septic system services.

## **Consultations:**

Agency Comments:

On August 21, 2019, the Building Division advised that they have no concerns with the application.

On September 3, 2019 the Ministry of Transportation (MTO) advised that they have no concerns with the application.

On September 5, 2019, Kawartha Conservation advised that a portion of the floodplain associated with Mill Pond extends onto the proposed lot fronting onto Queen Street; however, the proposed driveway is outside of the flood hazard as confirmed by the topographic survey provided in support of the application. Safe access/egress can be established on both lots. Permits pursuant to Ontario Regulation 182/06 will be required to facilitate the construction of single detached dwelling, private well and septic systems and driveways on both proposed lots.

On September 20, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

## **Development Services – Planning Division Comments:**

Staff support this application based on the information contained in this report and the comments received to-date as part of the August 22, 2019 circulation of Consent File No. D03-2019-036. As such, staff respectfully recommends that the proposed zoning by-law application to remove the Holding (H) symbol be approved and adopted by Council.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Kent Stainton, Planner I at (705) 324-9411 ext. 1248

Appendix 'A' – Location Map



Appendix A -  
PLAN2019-059.pdf

Appendix 'B' – Proposed Site Plan



Appendix B-  
PLAN2019-059.pdf

Appendix 'C' – Zoning By-Law Amendment and Sketch



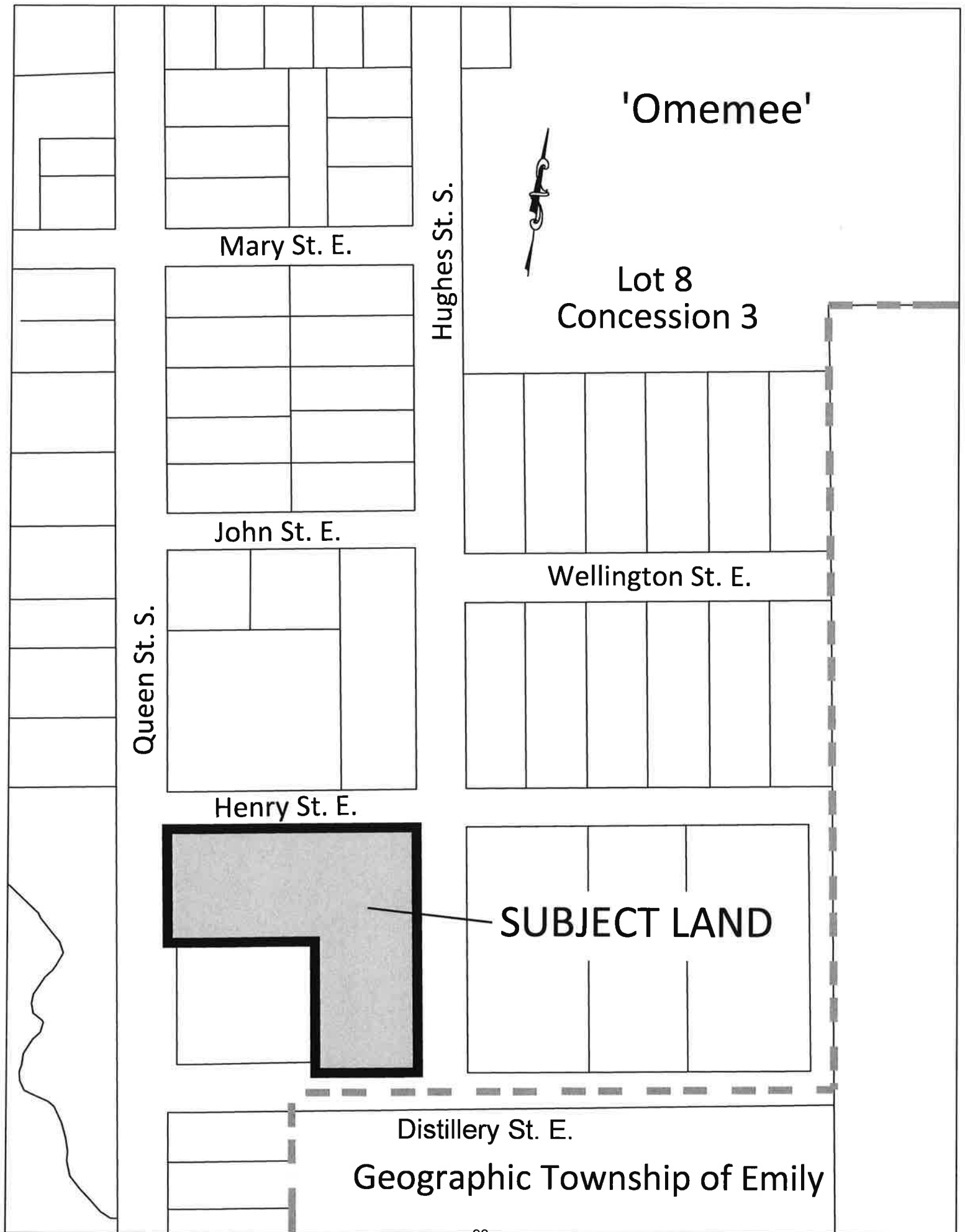
Appendix C -  
PLAN2019-059.docx

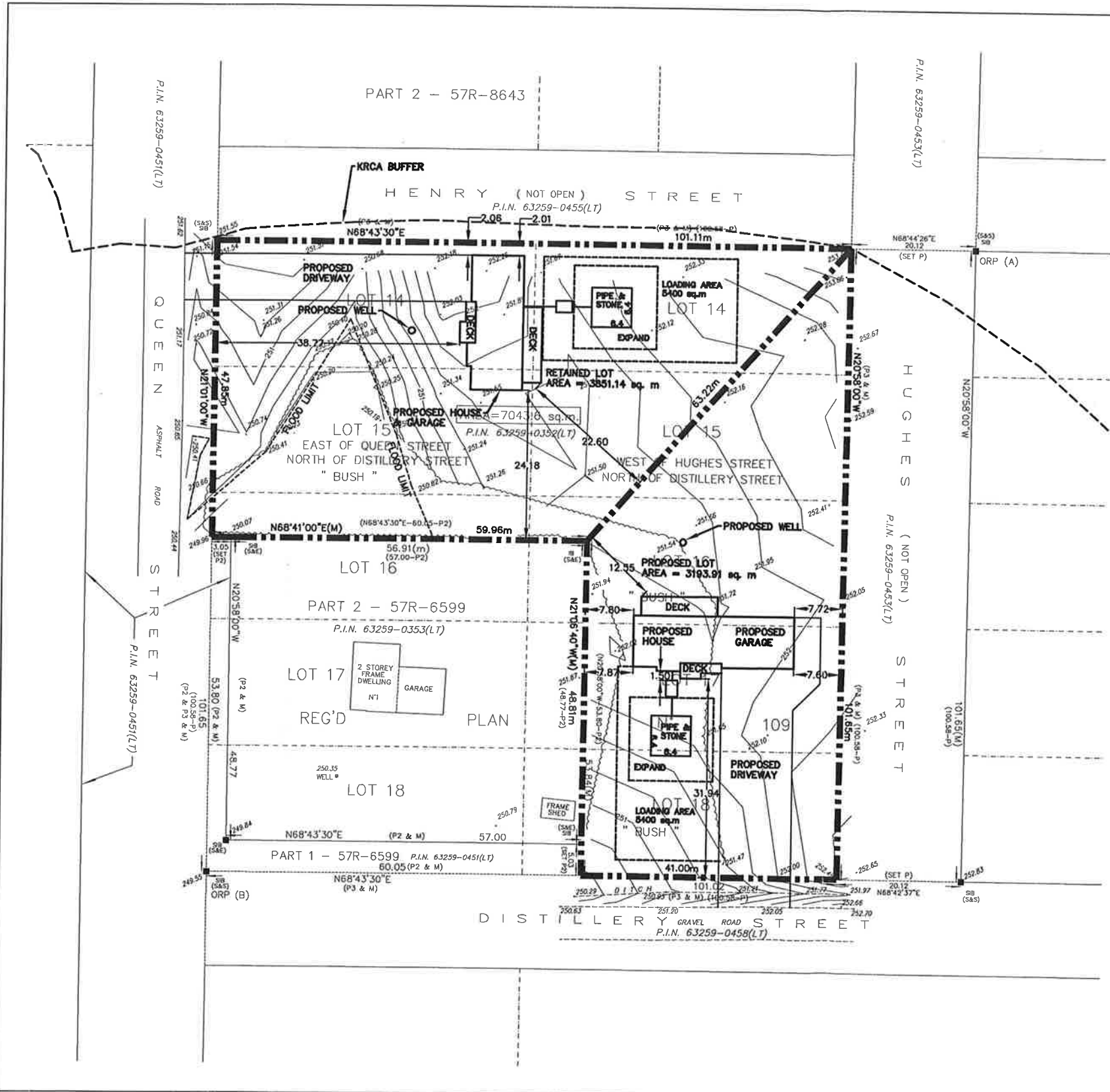
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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall


**Department File:** D06-2019-025





SITE STATISTICS			
ZONING	RESIDENTIAL TYPE ONE WITH HOLD (R1-H) ZONE		
	PERMITTED	PROVIDED (RETAINED)	PROVIDED (SEVERED)
MIN. LOT AREA	2000m <sup>2</sup>	3851.14m <sup>2</sup>	3193.91m <sup>2</sup>
MIN. LOT FRONTAGE	30.0m	47.85m	41.0m
MIN. FRONT YARD	7.5m	38.77m	31.94m
MIN. INTERIOR SIDE YARD	2.0m	24.18m	7.8m
MIN. EXTERIOR SIDE YARD	4.5m	2.01m	7.6m
MIN. REAR YARD	7.5m	22.6m	12.5m
MAX. LOT COVERAGE	30%	5.0%	6.5%
MAX. BUILDING HEIGHT	11.0m	6.0m	6.0m
GROSS FLOOR AREA (MIN. PER d.u.)	93m <sup>2</sup>	353.66m <sup>2</sup>	420.02m <sup>2</sup>
LANDSCAPED OPEN SPACE (MIN.)	30%		
DENSITY (MAX. PER LOT)	1 d.u.	1 d.u.	1 d.u.


SURVEY INFORMATION PROVIDED BY:



**Elliott and Parr**  
(PETERBOROUGH) LTD.  
A wholly owned subsidiary of J.D. James Ltd.  
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SURVEYING  
MAPPING  
018

PLAN OF SURVEY OF  
LOTS 14 AND 15  
AND PART OF LOT 16  
EAST OF QUEEN STREET  
NORTH OF DISTILLERY STREET  
LOTS 14 AND 15  
AND PART OF LOTS 16, 17 AND 18  
WEST OF HUGHES STREET  
NORTH OF DISTILLERY STREET  
REGISTERED PLAN N° 109  
CITY OF KAWARTHA LAKES

NO.	DATE	DESCRIPTION	BY
REVISIONS			
PROJECT TITLE: DISTILLERY STREET & QUEEN STREET OMEMEE, ONTARIO CITY OF KAWARTHA LAKES OWNER: DEBRA & OCTAVIO DACOSTA ROLL #: 165100400036800			
DRAWING TITLE: PROPOSED SITE PLAN			
 <b>TD Consulting INC.</b> <small>1000 Mainville Drive Peterborough, Ontario K9J 1K5</small> Phone: (547) 335-6441 e-mail: info@td-consulting.ca			
DRAWN BY: TD	PROJECT NO: 019-235		
DESIGNED BY: TD	DRAWING NO: SP-1		
APPROVED BY: TD	DATE: JUNE 2019		
SCALE: 1:300		LAST REVISED: JUNE 10-19	

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

## **By-Law 2019 -\*\***

### **A By-Law To Amend The Village Of Omemee Zoning By-Law 1993-15 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2019-025, Report PLAN2019-059, respecting Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street, & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street, North of Distillery Street – Octavio Dacosta

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the Village of Omemee enacted By-law No. 1993-15, which contained a Holding (H) symbol relating to the use of the property.
3. Council has received a request to remove the Holding (H) symbol from the Residential Type One Holding [“R1-H”] Zone.
4. The conditions imposed by Council and shown in By-law 1993-15 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street, & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street, North of Distillery Street, in the Village of Omemee, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1993-15 of the Village of Omemee is further amended to remove the Holding (H) symbol from the “Residential Type One Holding (R1-H) Zone” for the land referred to as ‘R1’, as shown on Schedule ‘A’ attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



THE CORPORATION OF THE CITY OF

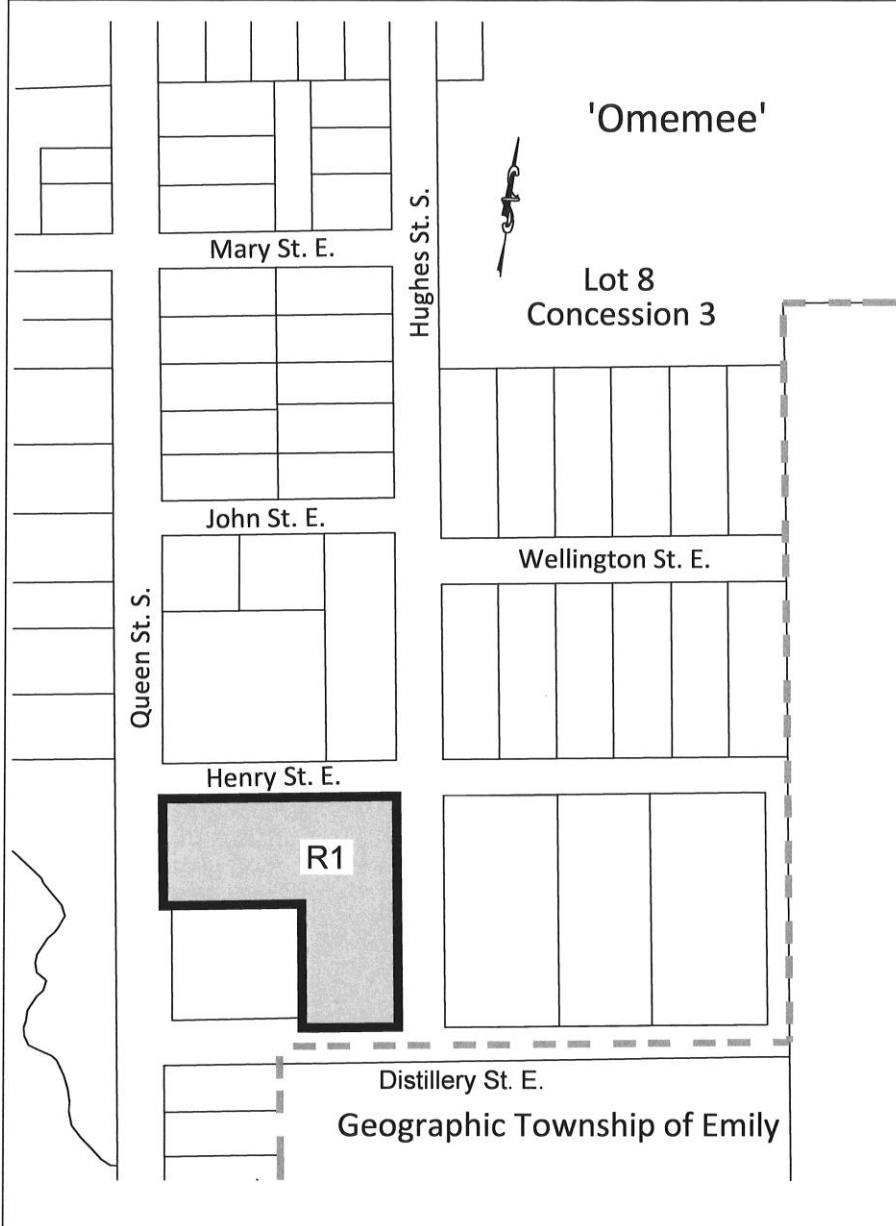
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



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

## **Council Report**

**Report Number PLAN2019-060**

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**Date:** October 22, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 14 - Omemee

**Title:** An application to remove the Holding (H) Provision from the Village of Omemee Zoning By-law 1993-15

**Description:** To amend the Village of Omemee Zoning By-Law 1993-15 to remove the Holding (H) provision to permit the construction of a two-storey single dwelling with attached garage on the subject property zoned Residential Type One (R1) Zone described as 90 King Street West, in the Village of Omemee, City of Kawartha Lakes (Currotte)

**Author and Title:** Kent Stainton, Planner I

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### **Recommendations:**

**That** Report PLAN2019-060, **Removal of Holding (H) Symbol for 90 King Street**, be received;

**That** Zoning By-Law Amendment application D06-2019-024 identified as Part of Park Lot 10, Part 2, in the Village of Omemee, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-060, be approved and adopted by Council; and

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

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

Owners:	Dianne Currotte
Applicant:	Tom DeBoer (TD Consulting Inc.)
Legal Description:	Part Lot 5, Concession 3, geographic Village of Omemee
Official Plan:	Urban in the Victoria County Official Plan
Zone:	Residential Type One (R1(H)) Zone in the Village of Omemee Zoning By-law 1993-15, as amended
Site Size:	2023.4 sq. m. (21, 780 sq.ft - MPAC)
Site Servicing:	Private Individual Well and City owned/operated individual sewage system
Existing Uses:	Residential (one-storey single detached dwelling)
Adjacent Uses:	North: Residential, King Street West South: Vacant Residential and Environmental Protection (Mill Pond, wetlands) East: Residential West: Watercourse, Ski Hill Road

## **Rationale:**

The subject property is located at the southwest corner of King Street West and Ski Hill Road in the Village of Omemee. The property is currently developed with a one-storey single detached dwelling and two sheds. Access for the lot is obtained currently via existing driveway north to King Street West. The current access traverses the property at 88 King Street West. The connection to municipal sewer follows the path of the driveway. A new driveway and entrance is proposed from Ski Hill Road to the east. The lot is currently located within the flood hazard associated with Mill Pond to the south of the property. The purpose of the application is to construct a two-storey dwelling that is adequately floodproofed and appropriately designed. Kawartha Conservation (KRCA) supports the redevelopment of the property subject to permitting under Ontario Regulation 182/06. The lot is subject to the Holding symbol, which needs to be removed to permit the proposed two-storey dwelling with attached garage and driveway access, including culvert installation, from Ski Hill Road.

In the Village of Omemee Zoning By-law 1993-15, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the land may be used in accordance with the applicable zone provisions. In accordance with By-law 1993-15, the removal of the (H) Holding Symbol requires either the provision of adequate municipal roads, electricity, storm drainage services, sewage and water services and other

matters as appropriate to a specific area or an agreement is entered into between the owner and the Corporation of the City of Kawartha Lakes to provide the aforementioned services and other matters as appropriate. This requirement is being satisfied as the owner has submitted a Site Grading Plan (Appendix C) for the proposed lot identifying drainage, well, and building locations including driveway and road access. This plan has also been reviewed by KRCA, Engineering and Public Works Divisions. It is now appropriate to remove the Holding (H) provision.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The application conforms to the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan).

#### **Provincial Policy Statement, 2014 (PPS):**

The proposal is consistent with the 2014 Provincial Policy Statement (PPS).

### **Official Plan Conformity:**

The Urban designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed Urban Settlement Area designation in the City of Kawartha Lakes Official Plan (CKLOP) and the Residential designation in the Omemee Secondary Plan (SP), are both subject to appeal to the Local Planning Appeal Tribunal. The proposed use on the property conforms to the applicable policies of the official plan designation.

### **Zoning By-law Compliance:**

The property is zoned Residential Type One - Holding (R1)(H) Zone the Village of Omemee Zoning By-law 1993-15. The R1 zone category permits the existing single detached dwelling use and driveway access. The new two-storey dwelling and driveway access onto Ski Hill Road will be permitted once the Holding (H) provision is removed.

### **Other Alternatives Considered:**

No other alternatives have been considered.

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed by the owner to the Local Planning Appeal Tribunal. In the event of an appeal, there could be costs for legal representation and planning staff.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application appears to align with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents in the City of Kawartha Lakes.

## **Servicing Comments:**

The property will be developed on private well and municipal sanitary services.

## **Consultations:**

Agency Comments:

On June 26, 2019, KRCA advised that the majority of the property is regulated by the Conservation as it contains portions of the floodplain associated with Mill Pond and the adjacent watercourse. The redevelopment of the property is supported by KRCA, with the new two-storey dwelling being floodproofed accordingly. A permit pursuant to Ontario Regulation 182/06 will be required to facilitate the construction of dwelling with attached garage and new driveway on the lot.

On July 19, Engineering and Public Works Divisions advised of the requirement of an entrance permit with the proposed culvert dimensions matching the upstream culvert diameter conveying flows under King Street West. A cross-section including the section within the City right-of-way and copy of the KRCA permit is required prior to issuance of the entrance permit. Provided the aforementioned information is provided, Engineering and Public Works Divisions are generally supportive of the application.

## **Development Services – Planning Division Comments:**

Staff support this application based on the information contained in this report. As such, staff respectfully recommends that the proposed zoning by-law application to remove the Holding (H) symbol be approved and adopted by Council.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Kent Stainton, Planner I at (705) 324-9411 ext. 1248

### Appendix 'A' – Location Map



Appendix A -  
PLAN2019-060

### Appendix 'B' – Proposed Site Plan



Appendix B -  
PLAN2019-060.pdf

### Appendix 'C' – Zoning By-Law Amendment



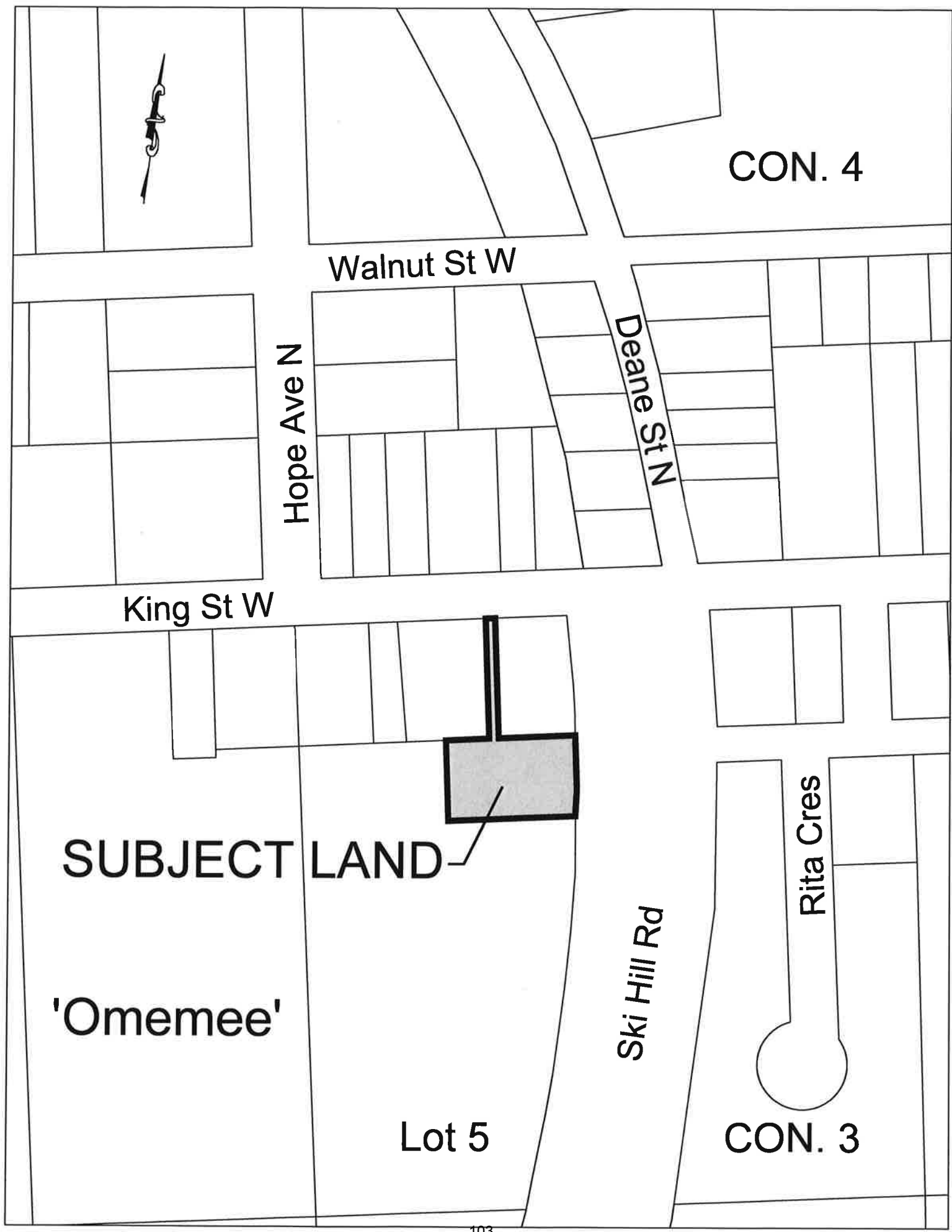
Appendix C -  
PLAN2019-060.docx

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-024



CON. 4

Walnut St W

Hope Ave N

Deane St N

King St W

SUBJECT LAND

'Omeme'e'

Lot 5

Ski Hill Rd

Rita Cres

CON. 3





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

## **By-Law 2019 -**

### **A By-Law To Amend The Zoning By-Law 1993-15 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2019-024, Report PLAN2019-060, respecting Part of Park Lot 10, Part 2- 90 King Street West, Dianne Currotte

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the Village of Omemee enacted By-law No. 1993-15, which contained a Holding (H) symbol relating to the use of the property.
3. Council has received a request to remove the Holding (H) symbol from the Residential Type One ["R1-H"] Zone.
4. The conditions imposed by Council and shown in By-law 1993-15 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Part of Park Lot 10, Part 2, former Village of Omemee in the geographic Township of Emily, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 1993-15 of the Village of Omemee is further amended to remove the Holding (H) symbol from the Residential Type One Holding (R1-H) Zone for the land referred to as 'R1', as shown on Schedule 'A' attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

**That** Report PLAN2019-058, **Removal of Holding (H) Symbol for 166 Highway 7A**, be received;

**That** Zoning By-Law Amendment application D06-2019-026 identified as 166 Highway 7A, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-058, 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.

THE CORPORATION OF THE CITY OF

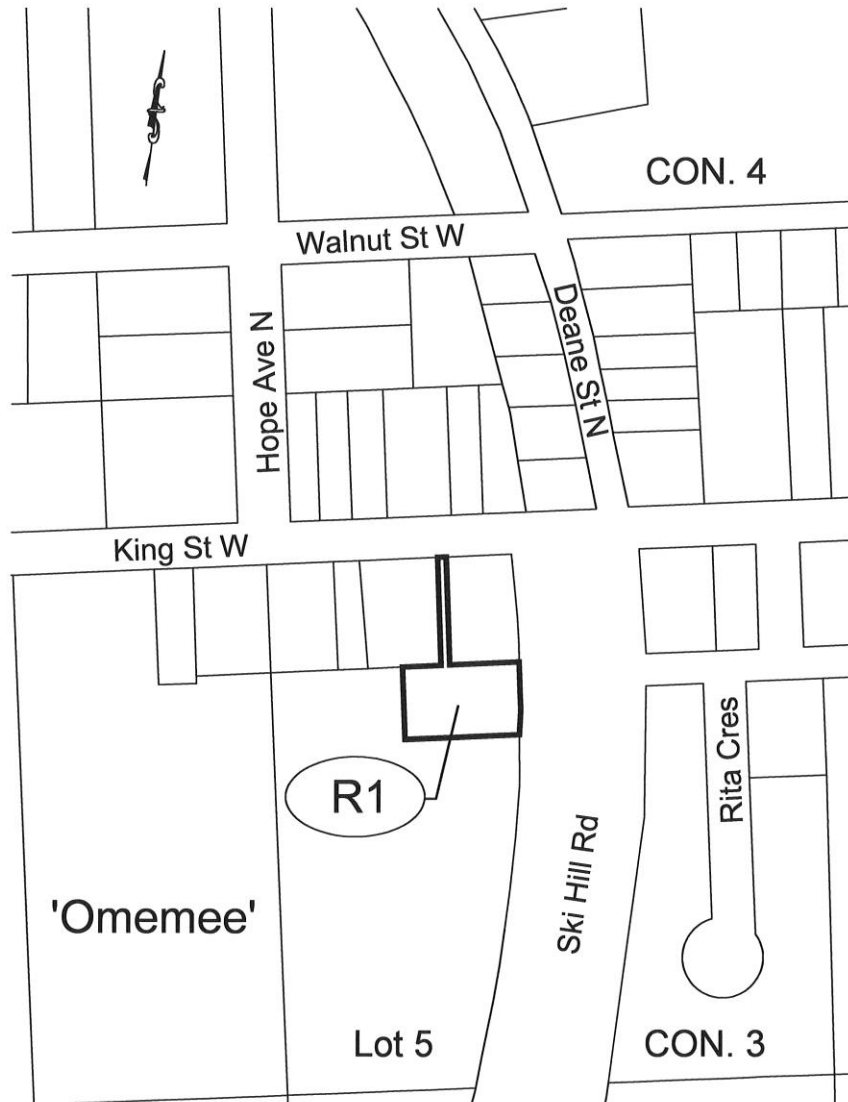
## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number EA2019-013

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**Date:** October 22, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Wards 5 and 7

**Title:** Replacement of Small Communities Fund Financing for Certain Water-Wastewater Capital Projects

**Description:** This report requests approval to adjust financing for certain water-wastewater capital projects that are no longer eligible for Small Communities Fund financing due to an update to the capital program supported by the Small Communities Fund grant for cast iron watermain replacement in Lindsay.

**Author and Title:** Adam Found, Manager of Corporate Assets

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### Recommendation(s):

**That** Report EA2019-013, **Replacement of Small Communities Fund Financing for Certain Water-Wastewater Capital Projects**, be received; and

**That** the Small Communities Fund (SCF) financing of water-wastewater capital projects 998180301, 998180304, 998180309 and 998190309 be replaced with financing from the Water Reserve.

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

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

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

## **Background:**

In 2016, the City received a \$5.76M Small Communities Fund (SCF) grant from the federal and provincial governments to replace cast iron watermain in Lindsay. This is based on a 1/3-1/3-1/3 funding arrangement among the three levels of government respecting eligible expenses. A large portion of the grant is committed to the replacement of cast iron watermain in downtown Lindsay, and therefore the grant represents a significant source of funding for the reconstruction of downtown Lindsay.

As cost and duration of downtown Lindsay reconstruction are greater than expected, the SCF capital program has been reduced, through removal of projects, to accommodate the SCF grant's \$5.76M cap and October 31, 2021 completion deadline. SCF financing for projects removed from the program must now be replaced with alternate financing if the projects have, at least in part, been approved for SCF financing in a capital budget. This report requests approval for such alternate financing.

## **Rationale:**

All SCF projects now displaced by downtown Lindsay reconstruction are such that only the design (not construction) component has been approved by Council as follows:

1. Lindsay Area 6 Mains (998180301)
  - a. Scope: Design
  - b. Budget: \$681,000
  - c. SCF Financing: \$87,849
2. Glenelg St. W. Mains (998180304)
  - a. Scope: Design
  - b. Budget: \$53,000
  - c. SCF Financing: \$12,985
3. King St. Mains (998180309)
  - a. Scope: Design
  - b. Budget: \$150,000
  - c. SCF Financing: \$24,000
4. Pottinger St. Mains (998190309)
  - a. Scope: Design
  - b. Budget: \$78,000
  - c. SCF Financing: \$9,828

As standalone design is an ineligible expense under the Transfer Payment Agreement (TPA) for the SCF grant, the above-noted SCF financing must be

replaced because the construction components of the respective projects will no longer proceed as part of the SCF capital program. Accordingly, staff recommends that the above-noted SCF financing be replaced with Water Reserve financing.

### **Other Alternatives Considered:**

As the TPA for the SCF grant makes standalone design an ineligible expense under that grant, no alternative to the staff recommendation has been identified.

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

The staff recommendation results in a total commitment of \$134,662 to the Water Reserve. However, this will be offset by an avoided commitment of equal value to the Water Reserve during the remaining years of the SCF grant (2020-2021). As at this time the Water Reserve is not experiencing cash flow constraints, the staff recommendation has no net financial impact.

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

N/A

### **Consultations:**

Junior Account  
Finance Coordinator

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

**Department Head:** Juan Rojas, Director of Engineering and Corporate Assets

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

## **Council Report**

**Report Number EA2019-014**

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**Date:** October 22, 2019

**Time:** 1:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All Wards

**Title:** Development Charges Reserve Reconciliation

**Description:** This report appries Council of the 2009-2019 reconciliation of the Development Charges Reserve, and requests Council to approve the resulting net corrective transfers required from that reserve to applicable ratepayer-supported reserves.

**Author and Title:** Adam Found, Manager of Corporate Assets

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

**That** Report EA2019-014, **Development Charges Reserve Reconciliation**, be received;

**That** the net corrective transfers indicated in Table 1 of Report EA2019-014 be approved by Council; and

**That** the City Treasurer implement these transfers by January 10, 2020.

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

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

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

## **Background:**

At the Council Meeting of December 11, 2018, Council adopted the following resolution:

### **CR2018-651**

**That** Report EA2018-016, **Redirection for Development Charges Reserve Reconciliation**, be received; and

**That** the 2009-2016 development charges reserve reconciliation referred to by Council Resolution CR2016-894 be expanded to include the 2017-2018 period and be prepared as part of the 2019 DC study and by-law update.

With the draft 2019 DC study now published, this report addresses that direction.

## **Rationale:**

The Development Charges (DC) Reserve must be reconciled periodically to ensure that:

1. Approved, often completed, growth-related capital projects have their DC funding adjusted retroactively as needed to reflect the degree of DC funding authorized by the DC study and by-law.
2. DC Reserve balance shortfalls caused by DC exemptions, DC rate phase-ins, foregone interest and other unfunded measures are made up with funding from non-DC sources as required by the DC Act.

Such reconciliation involves determining the net corrective transfers required between the DC Reserve and other reserves as may be appropriate. In accordance with Council Resolution CR2018-651, Watson and Associates has extended the DC Reserve reconciliation to 2019 (not just to 2018) and incorporated it into the DC rate calculations in the 2019 DC study. Tables 1 and 2 below indicate the net corrective transfers required for compliance with the DC Act and to ensure growth pays for growth to the extent permitted pursuant to the DC study and by-law.



**Table 1: Summary of 2009-2019 DC Reserve Reconciliation (\$)**

DC Reserve Account by Municipal Service	DC Funding Corrections to Approved Capital Projects	Unfunded 2014-2015 DC Rate Phase-In	Unfunded DC Exemptions	Foregone Interest	Net Corrective Transfer from DC Reserve	Recipient Reserve
Health and Social	48,465	(186,953)	(18,240)	(29,867)	(186,594)	Capital Reserve
Library	564,708	(77,338)	(54,203)	51,639	484,806	Capital Reserve
Parks and Recreation	(2,758,102)	0	(119,198)	214,198	(2,663,102)	Capital Reserve
Fire	804,828	0	(137,816)	112,017	779,030	Capital Reserve
Paramedic	104,149	(86,981)	(22,426)	(3,867)	(9,125)	Capital Reserve
Police	59,471	0	(88,800)	(7,676)	(37,005)	Capital Reserve
Airport	39,170	(113,181)	(14,760)	(16,825)	(105,597)	Capital Reserve
Transit	276,171	0	(11,059)	37,641	302,753	Capital Reserve
Administration	1,869,374	(57,744)	(31,802)	264,842	2,044,670	Capital Reserve
Roads and Related	4,163,147	(1,270,325)	(1,188,892)	344,696	2,048,625	Capital Reserve
Water Treatment	(28,540)	(111,461)	(392,134)	(79,234)	(611,369)	Water Reserve
Water Distribution	2,260,831	(111,461)	(202,205)	148,846	2,096,011	Water Reserve
Sewage Treatment	(4,607,652)	(149,114)	(316,784)	(485,543)	(5,559,093)	Sewer Reserve
Sewage Collection	8,383,510	(149,114)	(365,000)	628,334	8,497,730	Sewer Reserve
<b>Total</b>	<b>11,179,529</b>	<b>(2,313,673)</b>	<b>(2,963,318)</b>	<b>1,179,202</b>	<b>7,081,740</b>	<b>N/A</b>

**Table 2: Summary of Net Corrective Transfers (\$)**

Recipient Reserve	Net Corrective Transfer from DC Reserve
Capital Reserve	2,658,460
Water Reserve	1,484,642
Sewer Reserve	2,938,638
<b>Total</b>	<b>7,081,740</b>

### Other Alternatives Considered:

The alternative for Council is to not authorize the net corrective transfers resulting from the 2009-2019 DC Reserve reconciliation. Staff, however, does not recommend this approach because the reconciliation:

1. Is in part required to transparently comply with paragraph 3 of subsection 5(6) of the DC Act.

2. Forms a critical component of the City's Long-Term Financial Plan.
3. Is reflected in the calculated DC rates included in the proposed DC by-law slated to take effect January 1, 2020.
4. Aligns with the intent of DCs, that being to ensure growth, instead of existing ratepayers, pays for growth-related capital works.

While the reconciliation was deferred through Council Resolution CR2018-651 to align with the timing of the 2019 DC by-law update, it has long been anticipated by the City and included in the City's overall fiscal resource management strategy.

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

If the net corrective transfers resulting from the 2009-2019 DC Reserve reconciliation are not undertaken, the City's long-term financial health will be compromised in the amount of \$7,081,740, unnecessarily placing upward pressure on tax and user rate increases in future. Moreover, the net corrective transfer of \$2,658,460 to the Capital Reserve is critical to the 2020 Tax-Supported Capital Budget.

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

The recommendations of this report align with the following strategic enablers:

1. Responsible Fiscal Resource Management.
2. Efficient Infrastructure and Asset Management.

### **Consultations:**

Watson and Associates Economists Limited  
Director of Corporate Services  
City Treasurer

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

**Department Head:** Juan Rojas, Director of Engineering and Corporate Assets

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number ENG2019-023

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**Date:** Tuesday October 22, 2019

**Time:** 1:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** Ward 4

**Title:** MacEachern / Brown Petition Drain

**Description:** Petition Drain under the Ontario Municipal Drain Act

**Author and Title:** Mike Farquhar, Supervisor, Technical Services

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### Recommendation(s):

**That** Report ENG2019-023, **MacEachern / Brown Petition Drain**, be received;

**That** Council proceeds with the petition submitted by D.S & D. Farms Inc., Robert MacEachern and Lynda Maceachern for drainage works by owners for Lot 17 Con 3, Lot 16 Con 3 and Lot 16 Con 2 in the Former Eldon twp., and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

**That** Council appoints and retains, D.M. Wills and Associates Limited, in accordance with the Drainage Act, as the Engineer of Record for the petition and to proceed with the requirements of a petition drain.

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

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

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

## **Background:**

The subject area/land is bounded by Palestine Road to the South, and is separated by County Road 46 (refer to Appendix A). There are no existing Municipal Drains within the vicinity. The area of the land identified in the petition is approximately 200 acres in size.

The property is within the Lake Simcoe Region Conservation Authority jurisdiction as defined under the Ontario Conservation Act and has an identified watercourse on the property (see Appendix B). This existing watercourse has been identified as the Eli Budd Award Drain, awarded construction in 1904.

On September 3, 2019 the City of Kawartha Lakes Clerks department received a petition for Drainage works within the subject area (Appendix C).

The Drainage Superintendent was called to the site after a neighbor was concerned that a drainage ditch had been replaced with a covered pipe. A records request was completed and it was determined that the ditch was an existing Award drain. A meeting was held with landowners where legislation governing Award drains was discussed. The following was explained to land owners:

Section 3(18) of the Drainage Act states:

### **Drainage works constructed on requisition**

**3 (1)-(17)** Repealed: 2010, c. 16, Sched. 1, s. 2 (1).

### **Existing ditches**

(18) Every ditch constructed under *The Ditches and Watercourses Act*, being chapter 109 of the Revised Statutes of Ontario, 1960, shall be maintained in accordance with the award of the engineer providing for such maintenance until such ditch is brought under the provisions of this Act by petition under section 4. 2010, c. 16, Sched. 1, s. 2 (2).

Therefore, the drain must be maintained as per the latest engineer's report until it is petitioned for a municipal drain.

The first step to initiating maintenance is to send notice to the owner who is not maintaining their section of drain. This notice was served which initiated a site meeting between the land owner in contravention and owner serving notice. If the drain is still not maintained as per the engineer's report then there are three options for the landowner serving notice;

- Initiate a civil lawsuit based on non-compliance with an agreement.
- Initiate an appeal to the drainage referee under subsections 3(18) and paragraph 106(1)(c) of the Drainage Act.

- Petition under section 4 of the drainage act to have the award drain made into a municipal drain.

It is up to the land owner to initiate the appeal to the drainage referee and the procedure to follow for appeal is Ontario regulation 232/15 Rules of Practice and Procedure in Proceedings Before the Referee. Recommendation was made that all land owners seek their own legal advice for clarity and next steps.

Subsequent meetings were held with the applicants representative and City staff on site to review options for a mutual drain, municipal drain or alterations to the award drain. This situation was also discussed with the current Drainage Coordinator for OMAFRA. It was of the opinion that upon appeal, the Drainage Referee would change the Award drain to a Municipal drain and therefore the petitioning process initiated as per Section 4(1) of the Ontario Drainage Act. It was determined to be too costly and time consuming to pursue the appeal process and a petition was submitted to the Clerk's office on September 3<sup>rd</sup>, 2019.

At the September 17, 2019 Drainage Board meeting a deputation was brought before the Drainage Board based on the previously described history. The following are the minutes of the deputation from the September 17, 2019 meeting:

#### **DB2019-03.3.1**

Deputation from the Petitioners for Drainage Works Robert and Lynda MacEachern Scott Brown (for D. S. & B. Farms Inc.)

Robert and Lynda MacEachern spoke as the petitioners for drainage works. Mr. MacEachern shared they petitioned for a municipal drain to replace an old Award Drain (known as the Budd, and Hopkins Award Drains) that were awarded in 1904. They stated that a portion of the award drain had been filled-in on the Brown property, and replaced with a closed drain system that was too small to accept their water. After considering their options under the Drainage Act for dealing with an altered Award Drain, Mr. & Mrs. MacEachern signed the petition for drainage work with Mr. Brown. He responded to questions from the members of the Board.

#### **DB2019-021 Moved By Councillor Ashmore Seconded By C. Clarke**

**That** the deputation of Robert and Lynda MacEachern, regarding Petition for Drainage Works by Owners, be received.

After listening to the deputation and reviewing Staff's report on the petition drain the Drainage Board made the following recommendation.

**DB2019-022**

**Moved By** Councillor Ashmore **Seconded By** J. Oriotis

**That** the memorandum from the Drainage Superintendent - Engineering and Corporate Assets L. Feiter, dated September 17, 2019, regarding the petition for drainage works by owners of Concession 2, Part Lot 16, Geographic Township of Eldon (being Scott Brown of D.S. & B. Farms Inc.), and Concession 3, Part Lot 16, Geographic Township of Eldon (being Robert and Lynda MacEachern), be received; and

**That** Council proceed with the petition submitted by D. S. & B. Farms Inc. and Robert and Lynda MacEachern for drainage works for Concession 2, Part Lot 16, and Concession 3 Part Lot 16 Geographic Township of Eldon to be known as the "MacEachern-Brown Drain" and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

**That** Staff concurrently continue to pursue with the petitioners options for a mutual drain agreement as per the City Policy; and

**That** pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, staff recommend to Council a Drainage Engineer for the examination of the area requiring drainage and proceed with the requirements of the proposed MacEachern-Brown Drain.

**Carried**

**Rationale:**

The Drainage Board has made a recommendation to Council to proceed with the petition. Neither the Drainage Board nor Council has the authority to determine if the petition is valid; this responsibility is vested with the Engineer under the Drainage Act.

Once a decision has been made to accept the petition and proceed, notice of its intention to proceed must be sent, within 30 days, to each petitioner, the Clerk of any other municipality that may be affected, the local Conservation Authority and the Director of the Ministry of Agriculture, Food and Rural Affairs.

Section 8(1) of the Drainage Act stipulates that where Council has decided to proceed with the drainage works, Council shall by by-law or resolution appoint an Engineer to make an examination of the area and to prepare a report.

An alternative to a petition drain would be to consider mutual agreements between the City of Kawartha Lakes, the petitioners and any downstream property owners. Staff presented this alternative to the Drainage Board. The petitioners were not in support of a mutual agreement and requested that a petition drain process be followed.

In order for any mutual agreement to be viable, all parties involved need to be in agreement. As the petitioners were not receptive to this course of action and there was no representation from the downstream landowners, a mutual agreement was not likely to succeed. In light of this information, the Drainage Board recommended that a petition drain process commence. Staff is satisfied and agrees that accepting the petition is a suitable course of action to deal with this petition.

The Drainage Board left the selection of a Drainage engineering firm up to Council based on a recommendation by staff. Staff has recommended awarding the project to DM Wills Associates Limited, noting that this engineering firm has suitable experience and familiarity with the surrounding municipal drains and subject area. This recommendation is based on the results of a RFQ which was distributed to a standing list of Drainage Engineering firms. Staff supports this recommendation, and if accepted by Council, would proceed through the City's procurement process to implement.

### **Other Alternatives Considered:**

If Council's decision is not to accept the petition, the Drainage Act states that the Council must, within 30 days of the filing of the petition, send notice to each petitioner of Council's decision not to accept the petition (section 5(2)). Each petitioner has the right to appeal to the Tribunal against Council's decision not to accept the petition (Section 5(2)). This action is not recommended.

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

If the drainage works proceed, the engineer's report will include an estimate of the cost of the works, which includes the engineer's costs for the preparation of the report and the tendering and construction inspections. The report includes an assessment schedule, which indicates the total assessment of each property assessed on the drainage works, including assessments on roads. When the construction is completed and the final costs of the project are known, a by-law is passed to reflect the true costs, and the costs are billed out to the owners assessed in the report.

Notwithstanding the above, Council adopted Policy No. 118 FD 013 Municipal Drainage Projects on March 23, 2005 which outlines the process to follow for drainage works, as follows:

1. Prior to the commencement of each phase of the project, the Drainage Engineer shall prepare a detailed work program. The work program shall lay out the major items of work, the resources to be employed and the associated costs. The work program shall be reviewed by the Drainage Superintendent and subsequently, the Drainage Board for approval.

2. A schedule of payments shall be determined prior to the commencement of each phase of the work and approved by the Drainage Board. Once approval has been obtained, a purchase order shall be established for the value of the work. According to City policy, a change order is required to amend the initial tender. No payments shall be made until the change order receives the appropriate approvals. City staff shall not proceed with a change order without an amendment to the Engineer's original report which shall be undertaken pursuant to the provisions of the Drainage Act.
3. Once an Engineer's report has been received, the cost of the works shall be built into the City's capital budget. If the construction is to cover multiple taxation years, the capital budget will also be planned for multiple years.
4. The Drainage Superintendent shall satisfy himself that the invoice conforms to the schedule of payments and the work has been completed in accordance with the work program. When satisfied, the Drainage Superintendent shall recommend the invoice for payment. Final sign off shall be by the Director of Public Works or designate.
5. The Finance department shall prepare quarterly reports on all municipal drains for the Drainage Board meetings that document the financial status of all active capital drainage projects.
6. The final step of the procedure is to set the levying by-law before Council for approval, and subsequently, issue invoices to the ratepayers. The Finance Department shall confirm all expenses with the Engineer prior to setting the rate By-law.

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

Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.C05

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

N/A

### **Servicing Implications:**

N/A



## **Consultations:**

Drainage Board  
Office of the City Clerk

## **Attachments:**

Appendix A – Map of subject area/land



Appendix A.pdf

Appendix B – Map of Lake Simcoe Region Conservation Authority Jurisdiction



Appendix B.pdf

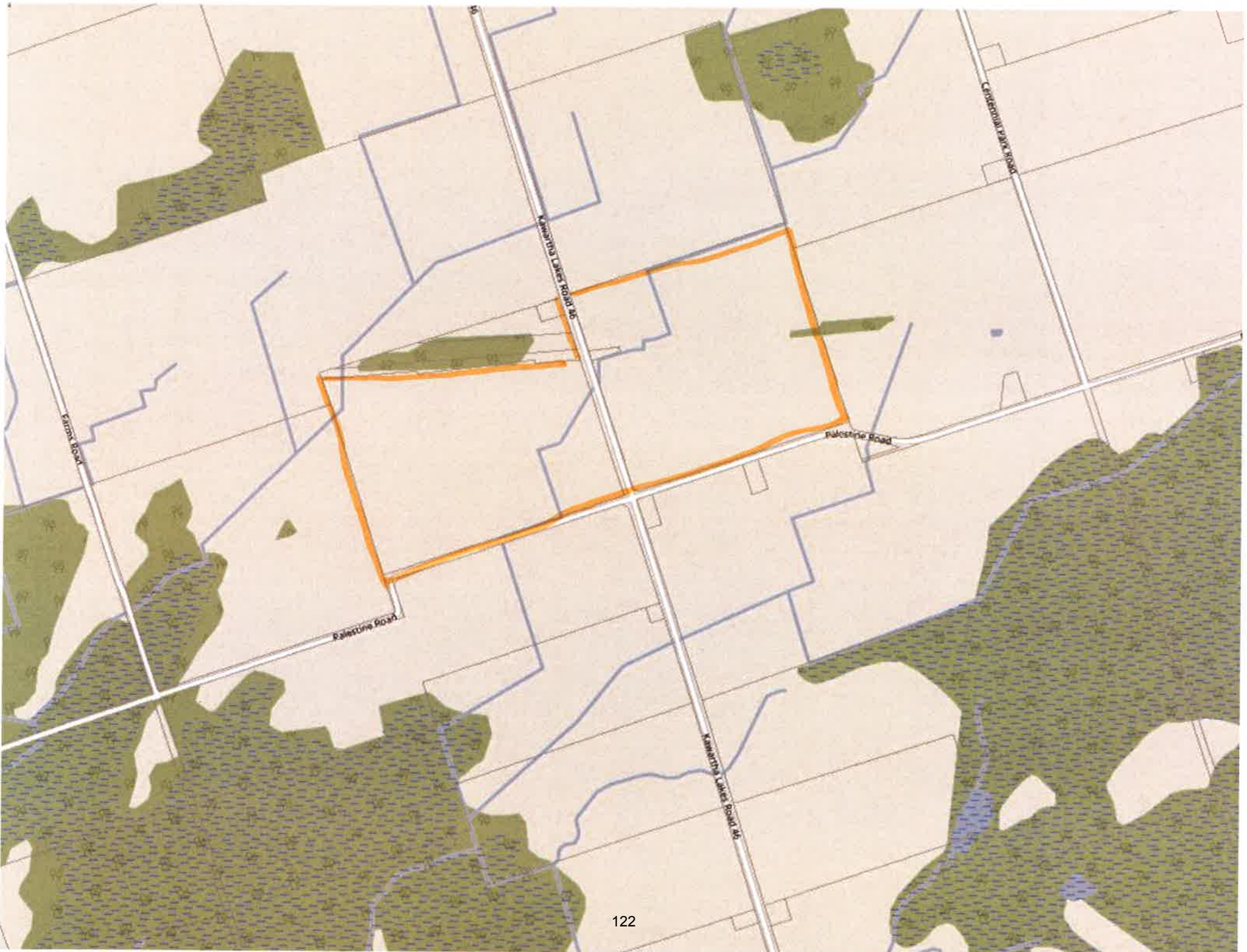
Appendix C – Petition for Drainage Works



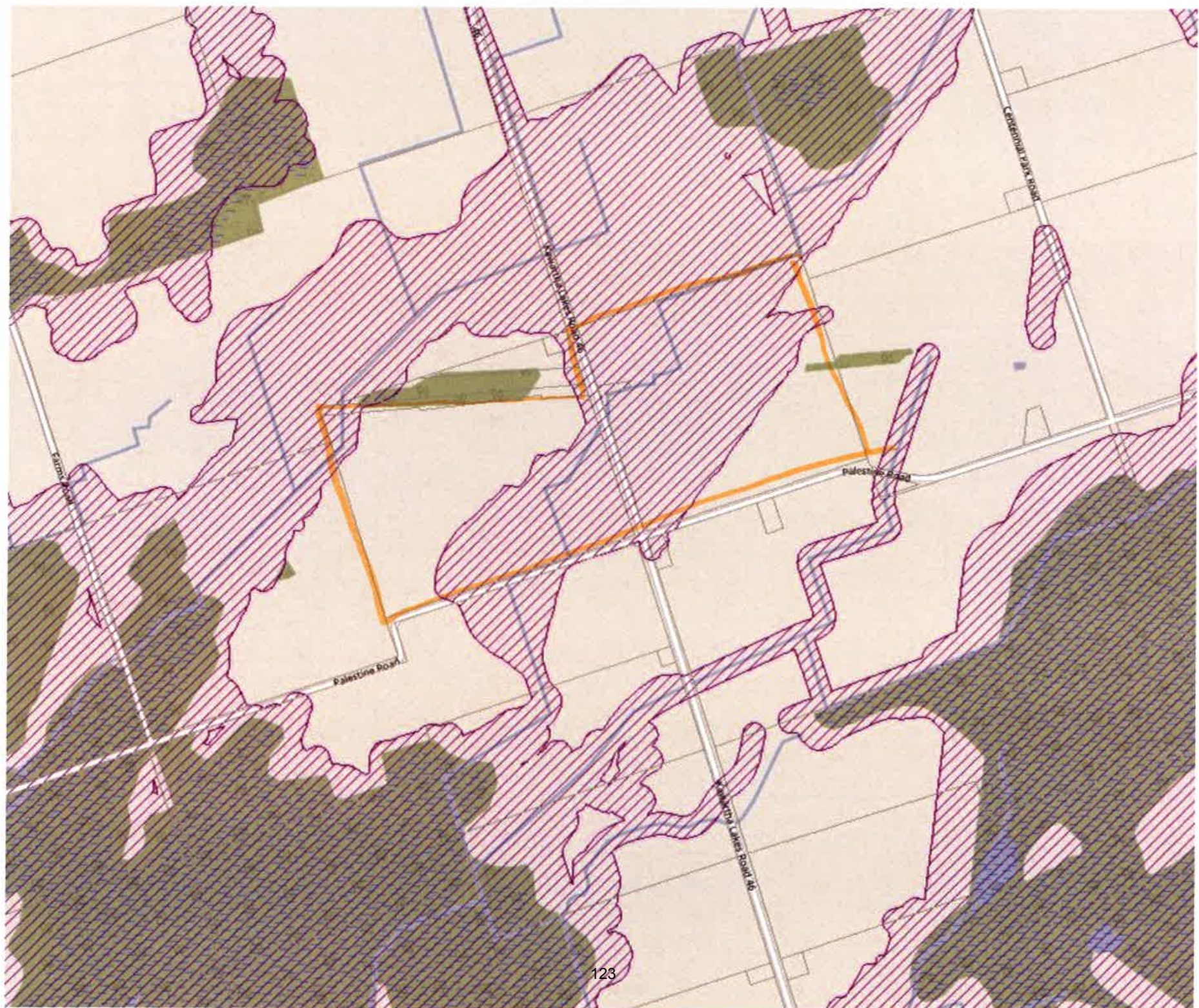
Appendix C.pdf

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

**Department Head:** Juan Rojas











**Petition for Drainage Works by Owners  
Form 1**

*Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)*

**This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.**

To: The Council of the Corporation of the City of Kawartha Lakes

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

Lot 17 Con. 3, Lot 16 Con. 3 & Lot 16 Con 2 require converting of the Budd & Hopkins Award Drains to a Municipal Drain.

RECEIVED  
SEP 03 2019  
OFFICE OF THE CITY CLERK  
KAWARTHA LAKES

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

**Purpose of the Petition** (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Brown</u>	(First Name) <u>Scott</u>	Telephone Number <u>705 328-8123</u> ext.
--	------------------------------	--

Address	
Road/Street Number <u>C1510</u>	Road/Street Name <u>Thorah Concession Road 1</u>

Location of Project			
Lot <u>16</u>	Concession <u>2</u>	Municipality <u><del>Eldon</del> Kawartha Lakes</u>	Former Municipality (if applicable) <u>Eldon</u>

What work do you require? (Check all appropriate boxes)

- ☐ Construction of new open channel  
☐ Construction of new tile drain  
☒ Deepening or widening of existing watercourse (not currently a municipal drain)  
☒ Enclosure of existing watercourse (not currently a municipal drain)  
☒ Other (provide description ▼)

Budd & Hopkins Award Drains

Name of watercourse (if known)  
12000 Feet

Estimated length of project  
Simcoe clay and Smithfield clay loam

General description of soils in the area  
Convert Award Drains to Municipal Drains

What is the purpose of the proposed work? (Check appropriate box)

- ☐ Tile drainage only
 ☐ Surface water drainage only
 ☒ Both

Petition filed this 3RD day of September, 2019

Name of Clerk (Last, first name)

WATTS, JOEL

Signature

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number Property Description  
Pt Lot 16, Con. 2

Ward or Geographic Township  
Eldon

Parcel Roll Number  
165116001010102

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☒ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)

Signature

Brown Scott  
Name of Corporation  
D. S. + B. Farms Inc.

I have the authority to bind the Corporation.  
Date (yyyy/mm/dd)

Position Title  
Vice President owner

2019 / 08 / 22

Number Property Description  
Pt Lot 16, Con. 3

Ward or Geographic Township  
Eldon

Parcel Roll Number  
165116001014100

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☒ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

Robert MacEachern  
MacEachern Robert  
MacEachern Lynda

2019/08/29  
Lynda MacEachern 2019/08/29

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)

Signature

Name of Corporation

I have the authority to bind the Corporation.

Position Title

Date (yyyy/mm/dd)

☐ Check here if additional sheets are attached

Clerk initial

**Petitioners become financially responsible as soon as they sign a petition.**

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

**Notice of Collection of Personal Information**

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

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

## **Council Report**

**Report Number RS2019-027**

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**Date:** October 22<sup>nd</sup> 2019

**Time:** 1:00 p.m.

**Place:** Council Chambers

---

**Ward Community Identifier:** 6

**Title:** Proposed 2020 Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)

**Author and Title:** Elise Karklins, Law Clerk – Realty Services

---

### **Recommendations:**

**That** Report RS2019-027, Proposed 2020 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 three year term.

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

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

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

## **Background:**

The Corporation of the City of Kawartha Lakes has been leasing space from Dunsford Community Centre Inc. since 2016. The current Lease Agreement (attached as Appendix A) will expire on December 31, 2019.

The space rented by the City consists of 1,237 square feet of occupied space, including washrooms solely used by the library staff and patrons.

The Dunsford Library is open three days each week, operating a total of 12 hours per week.

With the current Lease Agreement due to expire on December 31, 2019, Staff have negotiated a new Lease Agreement with the same terms for this space, save and except the amount of yearly rent, which will increase by 2% over the 2019 rate and will be for a 3 year term with 2, 1 year extension options.

The proposed Lease Agreement was discussed by the Library Board at their meeting on April 4, 2019 and it was the recommendation of the Board that the Lease be renewed for a 3 year term at no more than a 2% rental increase or inflationary annual increase.

The purpose of this report is to provide Council with an opportunity to consider the terms of the proposed Lease Agreement and for Council to provide direction required to execute this Agreement. The proposed Lease Agreement is attached as Appendix B.

Appendix C is a general location map and Appendix D is a photo of the Dunsford Community Centre.

## **Rationale:**

For the 3 year term, the annual rent will be as follows, year 1 the annual cost of the proposed lease will be \$20,947.01, year 2 \$21,365.95, and year 3 \$21,793.27. This is a 2% increase from the 2019 lease rate of \$20,536.28. The 2% increase was approved by the Library Director/CEO.

## **Other Alternatives Considered:**

Council could direct that the Lease Agreement not be renewed. This is not recommended in this circumstance as the Library is currently continuing to utilize the space and there is no alternative space available at this time.

## **Financial/Operation Impacts:**

The cost of the lease for the Dunsford Library space has increased by 2% from the 2019 annual lease rate. The 2% increase was approved by the Library Director/CEO.

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

The recommendation in this report aligns with the strategic goal of an exceptional quality of life and with the strategic enabler of municipal service excellence.

## **Consultations:**

Manager, Building and Properties

Library Director/CEO

## **Attachments:**

Appendix A – Current Lease Agreement for Dunsford Library (expiry 2019-12-31)



Appendix A - Current  
Lease Agreement.pdf

Appendix B – Proposed Lease Agreement for Dunsford Library (Expiry 2020-12-31)



Appendix B -  
Proposed lease Agree

Appendix C – General Location Map



Appendix C -Location  
Map.pdf

Appendix D – Photo of Dunsford Community Centre



Appendix D  
-Community Centre.p

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



**Department Head: Robyn Carlson**

**Department File: L17-19-RS007**

## LEASE AGREEMENT

Appendix A  
to  
Report RS2019-027  
File No. L17-19-RS007

This lease is made in duplicate between:

Dunsford Community Centre Inc.

(the "Landlord")

and

The Corporation of the City of Kawartha Lakes

(the "Tenant")

The Landlord and the Tenant hereby agree as follows:

1. The Landlord hereby grants the Tenant a lease of the interior premises being agreed by the parties to comprise of 1,237 square feet, and as outlined in pink on the floor plan attached as Schedule "A" located on the 1<sup>st</sup> floor of the Dunsford Community Centre, 26 Community Centre Road, Dunsford, Ontario K0M 1L0, City of Kawartha Lakes (the "Premises").
2. The term of this lease commences on January 1, 2019 and ends on December 31, 2019.

If the Tenant continues in occupation of the Premises with the consent of the Landlord after expiry of the term of this lease, the Tenant shall be deemed to be leasing the Premises on a month-to-month basis but otherwise on the same terms as set out in this lease.

3. The Tenant may use the Premises for a public library and all uses ancillary thereto and for no other purpose.
4. The Tenant shall pay to the Landlord rent on the following dates and times:

January 1, 2019 to December 31, 2019 – yearly rent of \$20,536.28;

Annual rent shall be paid in two equal installments of \$10,268.14, on or before January 1, 2019 and on or before July 1, 2019.

The Landlord shall provide the Tenant with an invoice for the six month period 30 days in advance of the rent becoming due.

5. Time shall be of the essence of this Lease.
6. The following services and expenses are the sole responsibility and expense of the Tenant and the Tenant agrees to promptly pay for same:

a) Telephone for the Premises; and

- b) Tenant's insurance to cover contents and liability as outlined in paragraph 14 below.
7. The following services and expenses are the sole responsibility and expense of the Landlord and the Landlord agrees to promptly pay for same:
- a) Realty taxes;
  - b) Heating;
  - c) Hydro;
  - d) Snow removal;
  - e) Landlord's liability insurance;
  - f) Cleaning (interior and windows); and
  - g) Any other utilities that may now or in the future become applicable.
8. The Landlord agrees cleaning and snow removal shall be maintained at a commercially reasonable standard that is suitable, timely, and responsive to the needs of the Library, its patrons, and its hours of operation in order to ensure safe access to the facility by staff and patrons during branch hours as determined from time to time.
9. Cleaning shall be maintained at a commercially reasonable standard appropriate for the public use of the facility and same shall be conducted in such a way so as to not conflict with the reasonable use of the Premises by staff and the public. The Landlord shall be responsible for cleaning/replacement of carpeting and mats and cleaning supplies associated with the washroom facilities of the Library (as suggested by staff).
10. The Library shall have the use of the tables and chairs for programming purposes from time to time, subject to the provision that adequate and reasonable notice shall be given to the Landlord as to when the table and chairs are required. The Tenant acknowledges that the Landlord from time to time holds functions and the tables and chairs may not be available for use by the Tenant.
11. The Landlord shall also be solely responsible for the undertaking of and costs of all repairs or improvements to the structure and to the interior and exterior of the building including lighting and fixtures.
12. Any services and expenses undertaken by the Tenant without the Landlord's permission relevant to the use by the Tenant of the Premises and not mentioned in this lease are the responsibility and expense of the Tenant.
13. The Landlord covenants with the Tenant that so long as the Tenant complies with the terms of this lease, the Tenant may occupy and enjoy the Premises without any interruption or interference from the Landlord.
14. The Tenant shall purchase and maintain public liability insurance in the amount of no less than Two Million Dollars (\$2,000,000.00) and shall provide proof of this insurance to the Landlord on request.
15. The Landlord shall maintain public liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00) and if there is ever any claim made by a third party, then the Tenant and the Landlord shall be indemnified by the other party in relation to their actions, or their inaction if any liability attaches as a result of the

foregoing.

16. Subject to paragraph 17 below, the Landlord may terminate this lease on sixty (60) days' notice for anyone of the following or any other cause permitted by law:
  - a) Fifteen days' arrears of rent or additional rent;
  - b) The bankruptcy or insolvency of the Tenant;
  - c) A material change in the use of the Premises by the Tenant and, in particular (without limiting the generality of this provision), any change of use by the Tenant that materially affects the Landlord's building insurance or that constitutes a nuisance;
  - d) Any unauthorized assignment or subletting of this lease by the Tenant;
  - e) Substantial damage to or destruction of the Premises;
  - f) Any sale or material change in the use of the building in which the Premises are located by the Landlord; or
  - g) Any significant willful or negligent damage to the Premises caused by the Tenant or by persons permitted on the Premises by the Tenant, which is not repaired by the Tenant.
17. The Landlord and the Tenant covenant and agree that if either party is in breach of any provision of this Lease Agreement, then the party who is not in breach shall provide to the other party who is in breach, the nature of the breach, and give that party thirty (30) days' notice to correct the breach. If the said breach is not corrected within thirty (30) days of receiving the notice as set out in paragraph 16 above, then the breach may be treated as grounds for termination of this Lease Agreement.
18. Subject to the terms of this Lease and appropriate notice, on the Landlord becoming entitled to re-enter and to take possession of the Premises for any of the grounds for termination set out in this Lease or for any other cause permitted by law, the Landlord, in addition to all other rights, will have the right to enter the Premises either by force or otherwise and with an accompanying right to change the door locks for the Premises and to re-let the Premises and to receive the rent therefore.
19. The Tenant may not assign or sublet the Premises, in whole or in part, or allow the Premises to be used by any other person without the written consent of the Landlord, which consent shall not be unreasonably withheld.
20. The Tenant shall not make improvements or alterations to the Premises without the written consent of the Landlord, which consent shall not be unreasonably withheld.
21. At the end of the lease, the Tenant shall deliver vacant possession to the Landlord of the Premises in the same condition as at the commencement of the lease, reasonable wear and tear excepted.
22. Any written notice require or permitted to be given by this lease is sufficiently given if sent in proper form by ordinary mail to the last known address of the party for whom the notice is intended. Any written notice sent by ordinary mail in accordance with this paragraph is deemed, for the purposes of this lease, received by the addressee on the seventh day after mailing unless actually received before. Nothing in this paragraph prevents giving written notice in any other manner recognized by law.

Notice to the Landlord shall be given at:

Dunsford Community Centre Inc.  
26 Community Centre Road  
Dunsford, Ontario KOM 1L0

Notice to the Tenant shall be given at:

190 Kent Street West  
Lindsay, Ontario K9V 6Y6  
Attention: CEO & Chief Librarian

23. In this lease, words importing the singular include the plural, and vice versa, and importing the masculine gender include the feminine, and importing an individual include a corporation and vice versa. This lease binds and benefits the parties and their respective heirs, successors, and permitted assigns.
24. If not in default under this lease, the Tenant has the right to renew this lease for a further term of two (2) years exercisable by giving written notice of renewal to the Landlord in the six- month period immediately before the expiry of the original fixed term of this lease. The renewed lease is granted on the same terms as set out in this lease except as to base rent and without any further right of renewal. The base rent payable by the Tenant in the renewed term may be agreed between the Landlord and Tenant but, failing such agreement before commencement of the renewed term of the lease, the amount of the base rent shall be referred to and settled by a single arbitrator agreed upon by the parties or, in default of such agreement, to a single arbitrator appointed pursuant to the legislation governing submissions to arbitration in the jurisdiction whose laws govern this agreement. The decision of the arbitrator is final and binding on the parties with no right of appeal. If the Tenant does not give the notice of renewal within the six (6) month period, then the Lease is terminated and at an end.

## 25. SEVERABILITY

The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision.

## 26. ARBITRATION AND MEDIATION

- (1) Despite anything contained in this Agreement to the contrary, in the event that a dispute or difference arises with respect to this Agreement that cannot be resolved by negotiation between the parties and the parties agree that they do not wish to terminate this Agreement, then in such event the parties agree to use the services of an experienced, qualified mediator to attempt to resolve their dispute or difference and, failing agreement on the procedure to be followed, the mediation shall be conducted in accordance with the "Rules of Procedure for the Conduct of Mediations" of the Arbitration and Mediation Institute of Ontario.

- (2) In the event that mediation does not result in a resolution of the dispute or difference and the parties agree that they do not wish to terminate this Agreement, then in such event any unresolved issue may be taken to any other appropriate dispute resolution process including a court of competent jurisdiction located at Lindsay, now in the City of Kawartha Lakes and Province of Ontario. Should arbitration be agreed upon, the arbitration will be conducted in accordance with the "Rules of Procedure for the Conduct of Arbitrations" of the Arbitration and Mediation Institute of Ontario pursuant to the Arbitration Act, 1991 (Ontario).

27. This Lease will be governed by the laws of the Province of Ontario.

28. Copies of this Lease will be treated as originals.

Executed at Dunfries on the 6 day of November, 2018

**DUNSFORD COMMUNITY CENTRE INC.**

Per: James E. Thurston  
President

Per: W. H. Winkley  
Vice President

We have authority to bind the Corporation

Executed at Lindsay on the 14 day of January, 201~~8~~<sup>9</sup>

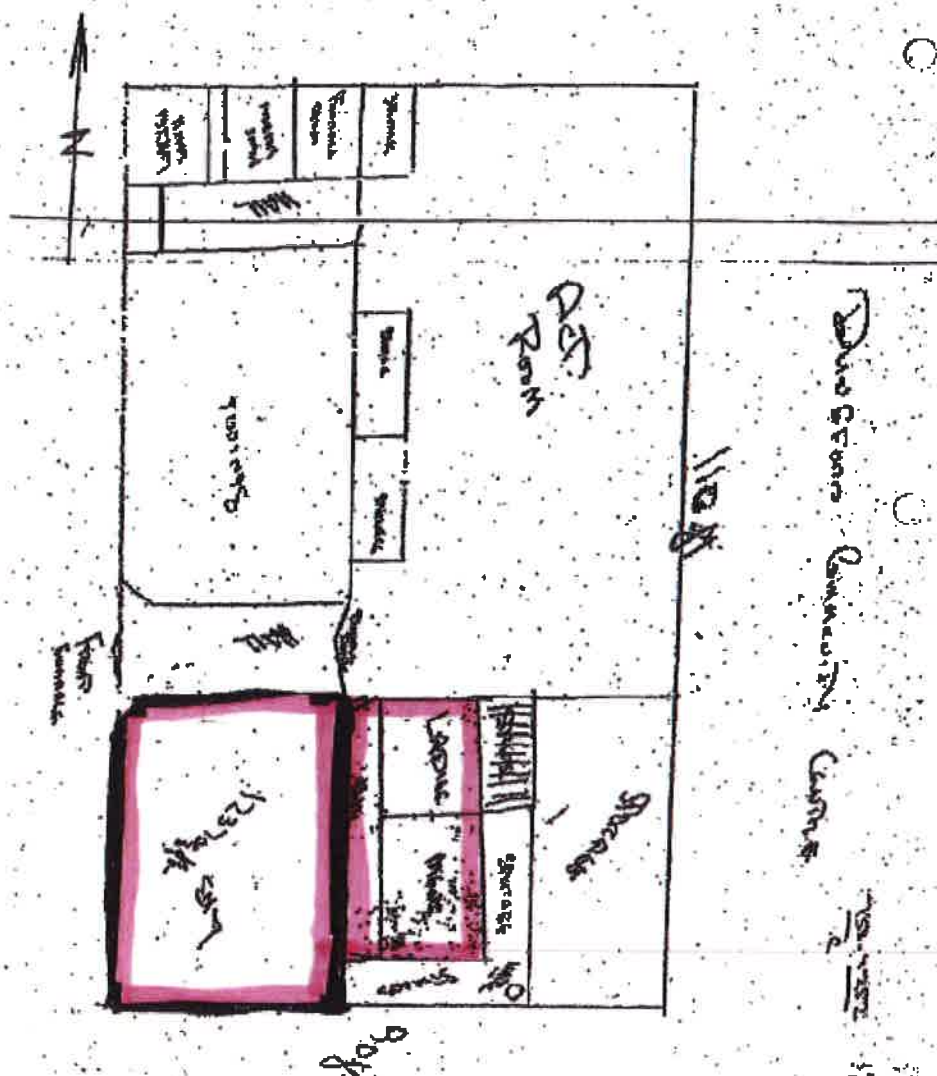
**THE CORPORATION OF THE CITY OF  
KAWARTHA LAKES**

Per: A. C. L.  
Name: Andy Letham  
Title: Mayor

Per: C. Ritchie  
Name: Cathie Ritchie  
Title: City Clerk

We have authority to bind the Corporation

# SCHEDULE "A"



## LEASE AGREEMENT

Appendix B to Report RS2019-027 File No. L17-19-RS007
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This lease is made in duplicate between:

Dunsford Community Centre Inc.

(the "Landlord")

and

The Corporation of the City of Kawartha Lakes

(the "Tenant")

The Landlord and the Tenant hereby agree as follows:

1. The Landlord hereby grants the Tenant a lease of the interior premises being agreed by the parties to comprise of 1,237 square feet, and as outlined in pink on the floor plan attached as Schedule "A" located on the 1<sup>st</sup> floor of the Dunsford Community Centre, 26 Community Centre Road, Dunsford, Ontario K0M 1L0, City of Kawartha Lakes (the "Premises").

2. The term of this lease commences on January 1, 2020 and ends on December 31, 2022.

If the Tenant continues in occupation of the Premises with the consent of the Landlord after expiry of the term of this lease, the Tenant shall be deemed to be leasing the Premises on a month-to-month basis but otherwise on the same terms as set out in this lease.

3. The Tenant may use the Premises for a public library and all uses ancillary thereto and for no other purpose.
4. The Tenant shall pay to the Landlord rent on the following dates and times:

January 1, 2020 to December 31, 2020 – yearly rent of \$20,947.01;  
January 1, 2021 to December 31, 2021 – yearly rent of \$21,365.95;  
January 1, 2022 to December 31, 2022 – yearly rent of \$21,793.27

Annual rent shall be paid in two equal installments, on or before January 1 and on or before July 1 of each year of the term.

The Landlord shall provide the Tenant with an invoice for the six month period 30 days in advance of the rent becoming due.

5. Time shall be of the essence of this Lease.
6. The following services and expenses are the sole responsibility and expense of the Tenant and the Tenant agrees to promptly pay for same:



- a) Telephone for the Premises; and
  - b) Tenant's insurance to cover contents and liability as outlined in paragraph 14 below.
7. The following services and expenses are the sole responsibility and expense of the Landlord and the Landlord agrees to promptly pay for same:
- a) Realty taxes;
  - b) Heating;
  - c) Hydro;
  - d) Snow removal;
  - e) Landlord's liability insurance;
  - f) Cleaning (interior and windows); and
  - g) Any other utilities that may now or in the future become applicable.
8. The Landlord agrees cleaning and snow removal shall be maintained at a commercially reasonable standard that is suitable, timely, and responsive to the needs of the Library, its patrons, and its hours of operation in order to ensure safe access to the facility by staff and patrons during branch hours as determined from time to time.
9. Cleaning shall be maintained at a commercially reasonable standard appropriate for the public use of the facility and same shall be conducted in such a way so as to not conflict with the reasonable use of the Premises by staff and the public. The Landlord shall be responsible for cleaning/replacement of carpeting and mats and cleaning supplies associated with the washroom facilities of the Library (as suggested by staff).
10. The Library shall have the use of the tables and chairs for programming purposes from time to time, subject to the provision that adequate and reasonable notice shall be given to the Landlord as to when the table and chairs are required. The Tenant acknowledges that the Landlord from time to time holds functions and the tables and chairs may not be available for use by the Tenant.
11. The Landlord shall also be solely responsible for the undertaking of and costs of all repairs or improvements to the structure and to the interior and exterior of the building including lighting and fixtures.
12. Any services and expenses undertaken by the Tenant without the Landlord's permission relevant to the use by the Tenant of the Premises and not mentioned in this lease are the responsibility and expense of the Tenant.
13. The Landlord covenants with the Tenant that so long as the Tenant complies with the terms of this lease, the Tenant may occupy and enjoy the Premises without any interruption or interference from the Landlord.
14. The Tenant shall purchase and maintain public liability insurance in the amount of no less than Two Million Dollars (\$2,000,000.00) and shall provide proof of this insurance to the Landlord on request.
15. The Landlord shall maintain public liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00) and if there is ever any claim made by a third

party, then the Tenant and the Landlord shall be indemnified by the other party in relation to their actions, or their inaction if any liability attaches as a result of the foregoing.

16. Subject to paragraph 17 below, the Landlord may terminate this lease on sixty (60) days' notice for any one of the following or any other cause permitted by law:
  - a) Fifteen days' arrears of rent or additional rent;
  - b) The bankruptcy or insolvency of the Tenant;
  - c) A material change in the use of the Premises by the Tenant and, in particular (without limiting the generality of this provision), any change of use by the Tenant that materially affects the Landlord's building insurance or that constitutes a nuisance;
  - d) Any unauthorized assignment or subletting of this lease by the Tenant;
  - e) Substantial damage to or destruction of the Premises;
  - f) Any sale or material change in the use of the building in which the Premises are located by the Landlord; or
  - g) Any significant willful or negligent damage to the Premises caused by the Tenant or by persons permitted on the Premises by the Tenant, which is not repaired by the Tenant.
17. The Landlord and the Tenant covenant and agree that if either party is in breach of any provision of this Lease Agreement, then the party who is not in breach shall provide to the other party who is in breach, the nature of the breach, and give that party thirty (30) days' notice to correct the breach. If the said breach is not corrected within thirty (30) days of receiving the notice as set out in paragraph 16 above, then the breach may be treated as grounds for termination of this Lease Agreement.
18. Subject to the terms of this Lease and appropriate notice, on the Landlord becoming entitled to re-enter and to take possession of the Premises for any of the grounds for termination set out in this Lease or for any other cause permitted by law, the Landlord, in addition to all other rights, will have the right to enter the Premises either by force or otherwise and with an accompanying right to change the door locks for the Premises and to re-let the Premises and to receive the rent therefore.
19. The Tenant may not assign or sublet the Premises, in whole or in part, or allow the Premises to be used by any other person without the written consent of the Landlord, which consent shall not be unreasonably withheld.
20. The Tenant shall not make improvements or alterations to the Premises without the written consent of the Landlord, which consent shall not be unreasonably withheld.
21. At the end of the lease, the Tenant shall deliver vacant possession to the Landlord of the Premises in the same condition as at the commencement of the lease, reasonable wear and tear excepted.
22. Any written notice required or permitted to be given by this lease is sufficiently given if sent in proper form by ordinary mail to the last known address of the party for whom the notice is intended. Any written notice sent by ordinary mail in accordance with this paragraph is deemed, for the purposes of this lease, received by the addressee on the

seventh day after mailing unless actually received before. Nothing in this paragraph prevents giving written notice in any other manner recognized by law.

Notice to the Landlord shall be given at:

Dunsford Community Centre Inc.  
26 Community Centre Road  
Dunsford, Ontario KOM 1L0

Notice to the Tenant shall be given at:

190 Kent Street West  
Lindsay, Ontario K9V 6Y6  
Attention: CEO & Chief Librarian

23. In this lease, words importing the singular include the plural, and vice versa, and importing the masculine gender include the feminine, and importing an individual include a corporation and vice versa. This lease binds and benefits the parties and their respective heirs, successors, and permitted assigns.

24. If not in default under this lease, the Tenant has the right to renew this lease for two further terms of one (1) year each exercisable by giving written notice of renewal to the Landlord in the six (6) month period immediately before the expiry of the current term of this lease. The renewed lease is granted on the same terms as set out in this lease except as to base rent and without any further right of renewal. The base rent payable by the Tenant in the renewed term shall be increased by 2% over the previous term.

## 25. SEVERABILITY

The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision.

## 26. ARBITRATION AND MEDIATION

(1) Despite anything contained in this Agreement to the contrary, in the event that a dispute or difference arises with respect to this Agreement that cannot be resolved by negotiation between the parties and the parties agree that they do not wish to terminate this Agreement, then in such event the parties agree to use the services of an experienced, qualified mediator to attempt to resolve their dispute or difference and, failing agreement on the procedure to be followed, the mediation shall be conducted in accordance with the "Rules of Procedure for the Conduct of Mediations" of the Arbitration and Mediation Institute of Ontario.

(2) In the event that mediation does not result in a resolution of the dispute or difference and the parties agree that they do not wish to terminate this Agreement, then in such event any unresolved issue may be taken to any other appropriate dispute resolution process including a court of competent jurisdiction located at Lindsay, now in the City of Kawartha Lakes and Province of Ontario. Should arbitration be agreed upon, the

arbitration will be conducted in accordance with the "Rules of Procedure for the Conduct of Arbitrations" of the Arbitration and Mediation Institute of Ontario pursuant to the Arbitration Act, 1991 (Ontario).

27. This Lease will be governed by the laws of the Province of Ontario.

28. Copies of this Lease will be treated as originals.

Executed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019

**DUNSFORD COMMUNITY CENTRE INC.**

Per: James J. Hurston  
President

Per: W. Menley  
Vice President

We have authority to bind the Corporation

Executed at \_\_\_\_\_ on the 20 day of Aug., 2019

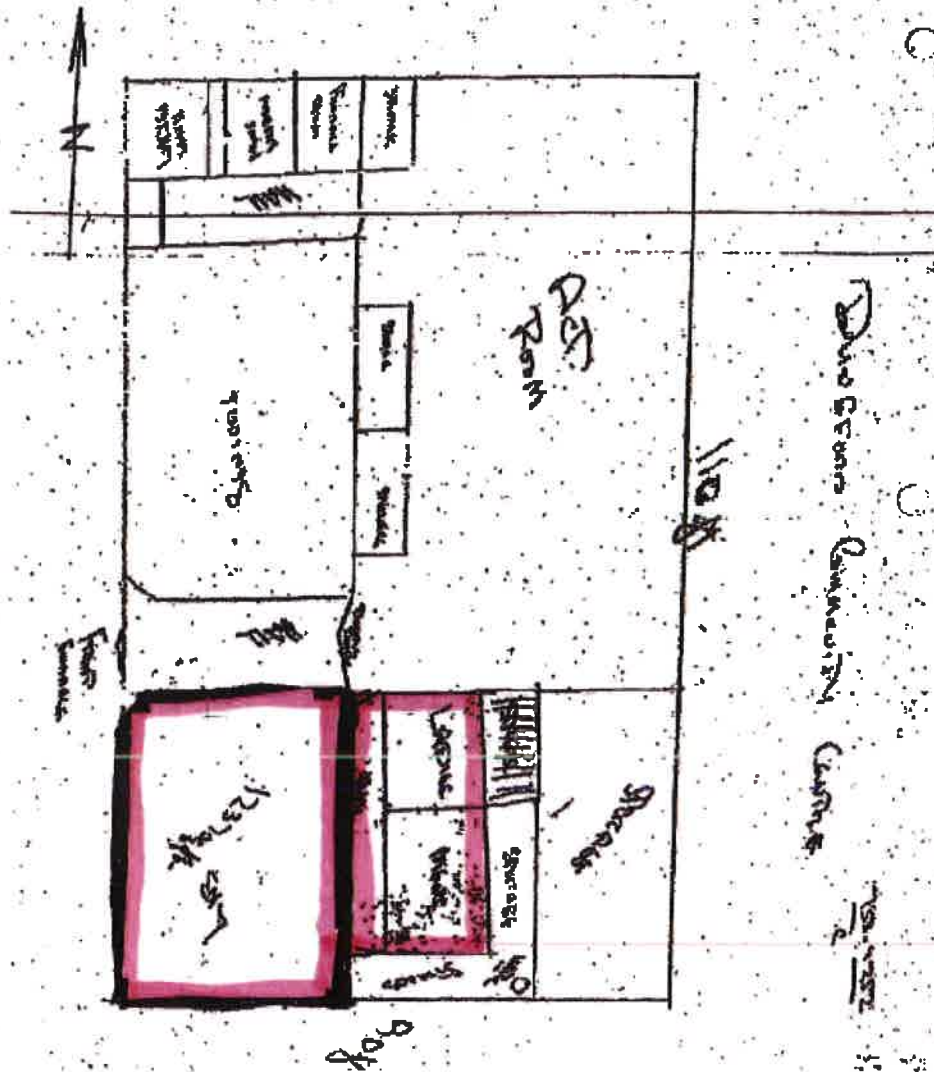
**THE CORPORATION OF THE CITY OF  
KAWARTHA LAKES**

Per: \_\_\_\_\_  
Name: Andy Letham  
Title: Mayor

Per: \_\_\_\_\_  
Name: Cathie Ritchie  
Title: City Clerk

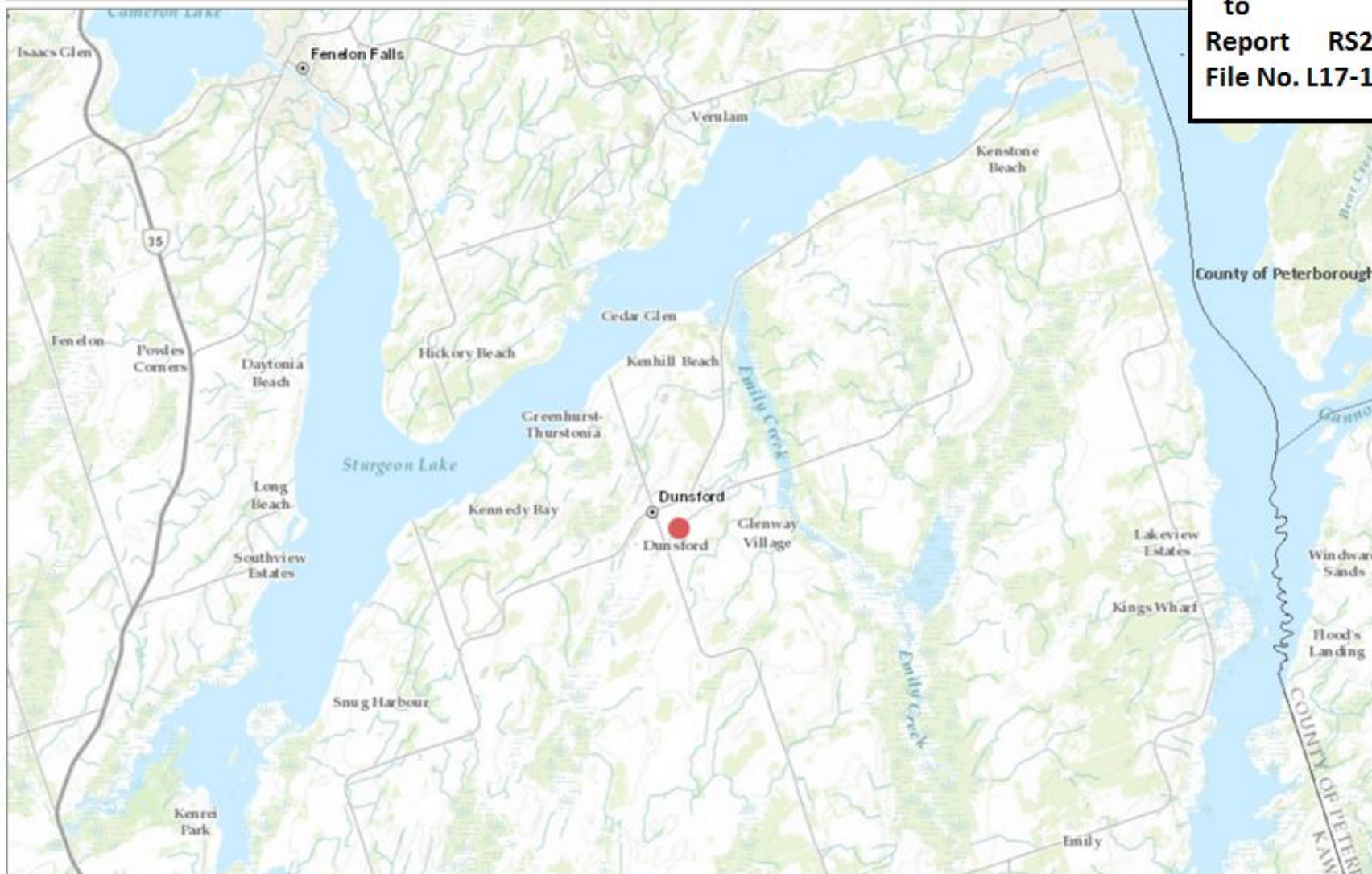
We have authority to bind the Corporation

SCHEDULE "A"



## 26 Community Centre Road, Dunsford

**Appendix C**  
to  
**Report RS2019-027**  
**File No. L17-19-RS007**





Appendix D  
to  
Report RS2019-027  
File No. L17-19-RS007





## Council Memorandum

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Date: October 22, 2019

To: Mayor and Council

From: David Kerr, P. Geo., Manager of Environmental Services

Re: Right for Municipalities to Approve or Reject Landfill Proposals

---

This memo is for information to Council and provides some discussion on the rationale (from CKL perspective) for the recommendation of giving municipalities the right to approve landfill developments in their communities. This information was requested by Council at the Committee of the Whole meeting on October 8, 2019 after a deputation from the Mayor of Ingersoll. At this meeting, the Mayor of Ingersoll had provided CKL Council with a draft resolution for their consideration in support of 'Municipal Right to Approve'. The recommendation to pass this resolution was generally supported by Council at the October 8, 2019 meeting and is on the agenda for formal resolution on October 22, 2019.

### Issue

In summary, the concern identified by the Mayor of Ingersoll is raised because provincial legislation administered by the Ministry of Environment, Conservation and Parks (MECP) has the power to approve where municipal waste is disposed. This approval can be provided regardless of whether or not the host municipality agrees with the location and whether or not the waste was generated in the host municipality. The concern for potential host municipalities being forced to accept municipal or industrial waste from outside their jurisdiction is that their landfill capacity could be used up very quickly leaving them without a long term solution for waste disposal for their own communities. This undermines any prudent long term sustainability planning a municipality has done and also leaves them vulnerable to potential environmental issues associated with waste from outside of their community.

### Background

Currently there are private and municipally owned landfills in Ontario that are licensed to accept municipal and/or industrial waste outside of their host municipal boundaries. Examples would be Walker Industries in Niagara, Taro Aggregates in Hamilton or GFL's landfill in Moose Creek. These private sites provide a service to accept waste from municipalities that do not have the financial resources to obtain their own landfill approvals or lack the space to construct a landfill. The sites are approved by the MECP as opposed to the host municipality. Although a host municipality is usually consulted with in the approval process for such things as zoning, setbacks, transportation, and environment, the final say on approval rests with the province. It is a risk to the municipality that the province may approve a site despite the municipality's objections. Therefore, the current approval process has obvious drawbacks for many municipalities. The following section provides some points in favour of CKL endorsing a



resolution similar to that provided by the Mayor of Ingersoll and supporting the right to approve or reject new landfills or expansions.

### **Should CKL have the right to approve or reject landfill projects?**

- Municipalities take financial accountability for their communities and plan for the long term for their own community sensitivities and needs, therefore, they should have say in what their community looks like and how it should be planned. The current landfill approval process allows the province to overstep this process and undermine the expectations of the municipality.
- The current approval process is not consistent with our community sustainability planning when it comes to waste. Currently, waste disposal is planned well in advance and along with other development. This should be a municipal decision as municipal infrastructure needs to be planned around waste sites i.e. traffic, setbacks environmental.
- Waste disposal is every communities challenge and proper management of waste should be left to the community to ensure buy-in. If decisions are forced against the municipality's interest, there could be unrest and conflict in communities, making them less attractive to live in.
- Recycling and waste diversion initiatives would likely suffer as the public would ask "why are we doing this". Currently part of the rationale for recycling and reducing waste is to extend the life of our landfills. If our current landfills are used up quickly by outside sources or a new landfill is established, there would likely be a disincentive to recycle by the public. Their voice in being a vital part of the decision process would not be respected.
- Current process does not wholly address equitable municipal compensation for long term risks with proposed private sites i.e. environmental issues and road maintenance. How is the owner of the landfill or the owner of the waste that goes to the landfill held accountable in instances where the owner of a private landfill goes bankrupt etc.?
- The current process does not attract and encourage development or stabilize real estate values. In fact it is likely that real estate values would drop. People may avoid moving to a community that has a risk becoming a hub for a large waste site.
- A large private landfill built in CKL may not be consistent with the City's corporate strategy and vision for a healthy environment and vibrant growing economy.
- For financial reasons, a municipality may deem it is in their best interest to support the establishment of waste coming into their municipality from outside sources. By allowing the municipality the right to approve or reject a landfill does not negate this from happening if it is the will of the community and municipality; however, it does uphold the wishes of the community and forward planning.

Based on this rationale and the many reasons cited by the Mayor of Ingersoll, the case for demanding the "Right to Approve or Reject landfills" for a municipality within its own

boundaries is compelling. Staff support endorsing the draft resolution (or one similar) as presented by the Mayor of Ingersoll.

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

## **By-Law 2019-XXX**

### **A By-law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot 22, Concession 1 Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Part 2 on Reference Plan 57R-10750, and to Authorize the Sale of the Land to the Abutting Owners**

#### **Recitals**

1. Pursuant to the Municipal Act, 2001, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;
2. The land described in Schedule “A” attached forms part of the original shore road allowance along Lake Dalrymple and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that part of the original shore road allowance along Lake Dalrymple described in Schedule “A” attached to this by-law and to authorize the sale of the land to the abutting owner.
4. Notice of intention of City Council to pass this by-law was given by ad notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 27<sup>th</sup> day of December, 2018 and the 3<sup>rd</sup> and 10<sup>th</sup> days of January, 2019, in accordance with the provisions of the Municipal Act, 2001 and By-law 2018-020, as amended.
5. The proposed by-law came before Council for consideration at its regular meeting on the 22<sup>nd</sup> day of October, 2019 at 1:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.
6. The sale of this land was approved by City Council on the 5<sup>th</sup> day of February, 2019 by the adoption of Report RS2019-005 by CR2019-099.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-XXX.**

#### **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) 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, 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: Shoreline Road Closure and Sale**

**2.01 Closure and Sale:** That part of the original shore road allowance described in Schedule "A" attached to this by-law has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting owner for \$23.00 per linear foot of water frontage adjacent to a lake, being the sum of One Thousand Four Hundred Seventy-One Dollars and Thirty-One Cents (\$1,471.31) plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

**Section 3.00: Effective Date**

**3.01 Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 22<sup>nd</sup> day of October, 2019.

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk

## **Schedule A**

### **Description of Land to be Stopped Up, Closed and Conveyed to the Abutting Owner**

Part of the Original Shore Road Allowance in Front of Lot 22, Concession 1,  
Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha  
Lakes, Designated as Part 2 on Plan 57R-10750

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

## **By-Law 2019-XXX**

### **A By-law to Stop Up and Close Part of the Original Shore Road Allowance Lying in Front of Lot 22, Concession 1 Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha, designated as Part 1 on Reference Plan 57R-10750, and to Authorize the Sale of the Land to the Abutting Owners**

#### **Recitals**

1. Pursuant to the Municipal Act, 2001, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;
2. The land described in Schedule "A" attached forms part of the original shore road allowance along Lake Dalrymple and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that part of the original shore road allowance along Lake Dalrymple described in Schedule "A" attached to this by-law and to authorize the sale of the land to the abutting owner.
4. Notice of intention of City Council to pass this by-law was given by ad notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup> days of February, 2019, in accordance with the provisions of the Municipal Act, 2001 and By-law 2018-020, as amended.
5. The proposed by-law came before Council for consideration at its regular meeting on the 22<sup>nd</sup> day of October, 2019 at 1:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.
6. The sale of this land was approved by City Council on the 23<sup>rd</sup> day of April, 2019 by the adoption of Report RS2019-020 by CR2019-280.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-XXX.**

#### **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) 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, 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: Shoreline Road Closure and Sale**

**2.01 Closure and Sale:** That part of the original shore road allowance described in Schedule “A” attached to this by-law has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting owner for \$23.00 per linear foot of water frontage adjacent to a lake, being the sum of Two Thousand Nine Hundred Fifty-Five Dollars and Seventy-Three Cents (\$2,955.73) plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

**Section 3.00: Effective Date**

**3.01 Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 22<sup>nd</sup> day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A**

### **Description of Land to be Stopped Up, Closed and Conveyed to the Abutting Owner**

Part of the Original Shore Road Allowance Lying in Front of Lot 22, Concession 1  
Along Lake Dalrymple, in the Geographic Township of Carden, City of Kawartha  
Lakes, Designated as Part 1 on Plan 57R-10750



The Corporation of the City of Kawartha Lakes

BY-LAW NUMBER **XXXXX**

**A BY-LAW TO APPROVE THE SUBMISSION OF AN APPLICATION TO ONTARIO INFRASTRUCTURE AND LANDS CORPORATION (“OILC”) FOR THE LONG-TERM FINANCING OF CERTAIN CAPITAL WORK(S) OF THE CORPORATION OF THE CITY OF KAWARTHA LAKES (THE “MUNICIPALITY”); AND TO AUTHORIZE THE ENTERING INTO OF A RATE OFFER LETTER AGREEMENT PURSUANT TO WHICH THE MUNICIPALITY WILL ISSUE DEBENTURES TO OILC**

WHEREAS the *Municipal Act, 2001* (Ontario), as amended, (the “**Act**”) provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Municipality has passed the by-law(s) enumerated in column (1) of Schedule “A” attached hereto and forming part of this By-law (“**Schedule “A”**”) authorizing the capital work(s) described in column (2) of Schedule “A” (“**Capital Work(s)**”) in the amount of the respective estimated expenditure set out in column (3) of Schedule “A”, subject in each case to approval by OILC of the long-term financing for such Capital Work(s) requested by the Municipality in the Application as hereinafter defined;

AND WHEREAS before the Council of the Municipality approved the Capital Work(s) in accordance with section 4 of Ontario Regulation 403/02 (the “**Regulation**”), the Council of the Municipality had its Treasurer calculate an updated limit in respect of its then most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing (as so updated, the “**Updated Limit**”), and, on the basis of the authorized estimated expenditure for the Capital Work or each Capital Work, as the case may be, as set out in column (3) of Schedule “A” (the “**Authorized Expenditure**” for any such Capital Work), the Treasurer calculated the estimated annual amount payable in respect of the Capital Work or each Capital Work, as the case may be, and determined that the estimated annual amount payable in respect of the Capital Work or each Capital Work, as the case may be, did not cause the Municipality to exceed the Updated Limit, and accordingly the approval of the Local Planning Appeal Tribunal pursuant to the Regulation, was not required before any such Capital Work was authorized by the Council of the Municipality;

AND WHEREAS subsection 401(1) of 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 the Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS OILC has invited Ontario municipalities desirous of obtaining long-term debt financing in order to meet capital expenditures incurred on or after the year that is five years prior to the year of an application in connection with eligible capital works to make application to OILC for such financing by completing and submitting an application in the form provided by OILC;

AND WHEREAS the Municipality has completed and submitted or is in the process of submitting an application to OILC, as the case may be to request financing for the Capital Work(s) by way of long-term borrowing through the issue of debentures to OILC, substantially in the form of Schedule "B" hereto and forming part of this By-law (the "**Application**");

AND WHEREAS OILC has accepted and has approved or will notify the Municipality only if it accepts and approves the Application, as the case may be;

AND WHEREAS at least 5 business days prior to the passing of the debenture by-law in connection with the issue of Debentures as defined below, OILC will provide the Municipality with a rate offer letter agreement substantially in the form of Schedule "C" hereto and forming part of this By-law (the "**Rate Offer Letter Agreement**");

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF KAWARTHA LAKES ENACTS AS FOLLOWS:

1. The Council of the Municipality hereby confirms, ratifies and approves the execution by the Treasurer of the Application and the submission by such authorized official of the Application, duly executed by such authorized official, to OILC for the long-term financing of the Capital Work(s) in the maximum principal amount of \$15,500,897.04, with such changes thereon as such authorized official may hereafter, approve such execution and delivery to be conclusive evidence of such approval.
2. The Mayor and the Treasurer are hereby authorized to execute and deliver for and on behalf of the Municipality the Rate Offer Letter Agreement under the authority of this By-law in respect of the Capital Work(s) on such terms and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.
3. Subject to the terms and conditions of the Rate Offer Letter Agreement, the Mayor and the Treasurer are hereby authorized to long-term borrow for the Capital Work(s) and to issue debentures to OILC on the terms and conditions provided in the Rate Offer Letter Agreement (the "**Debentures**"); provided that the principal amount of the Debentures issued in respect of the Capital Work or of each Capital Work, as the case may be, does not exceed the Authorized Expenditure for such Capital Work and does not exceed the related loan amount set out in column (4) of Schedule "A" in respect of such Capital Work.
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, 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 to OILC on account of any unpaid indebtedness of the Municipality to OILC under the Debentures (the “Obligations”) and to pay such amounts to OILC from the Consolidated Revenue Fund.

5. For the purposes of meeting the Obligations, the Municipality shall provide for raising in each year as part of the general levy, the amounts of principal and interest payable in each year under the Debentures issued pursuant to the Rate Offer Letter Agreement, 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.
6.
  - (a) The Mayor and the Treasurer are hereby authorized to execute and deliver the Rate Offer Letter Agreement, and to issue the Debentures, one or more of the Clerk and the Treasurer are hereby authorized to generally do all things and to execute all other documents and papers in the name of the Municipality in order to perform the terms and conditions that apply to the Municipality as set out in the Rate Offer Letter Agreement and to perform the Obligations of the Municipality under the Debentures, and the Treasurer is authorized to affix the Municipality’s municipal seal to any such documents and papers.
  - (b) The money realized in respect of the Debentures, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to the issue of the Debentures, if any, shall be apportioned and applied to the respective Capital Work and to no other purpose except as permitted by the Act.
7. This By-law takes effect on the day of passing.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D.  
20\_\_\_\_.

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Andy Letham, Mayor

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Cathy Ritchie, City Clerk

**Schedule "A"**  
**to By-Law Number XXXXX**  
**(Capital Work(s))**

(1)	(2)	(3)	(4)
<u>By-Law Number</u>	<u>Description of Capital Work</u>	<u>Estimated Expenditure</u>	<u>Loan Amount</u>
		\$	\$

See Attached for Ongoing Capital Works



Schedule A -  
 Borrowing By-Law.x

**Schedule “B”  
to By-Law Number XXXXX**

**Please insert the OILC Application into Schedule “B”.**



LoanApplication397  
.pdf

**Schedule “C”  
to By-Law Number XXXXX**

**Infrastructure Ontario**

1 Dundas St. West, 20<sup>th</sup> floor  
Toronto, Ontario M5G 2L5  
Tel.: 416 -212-3451  
Fax: 416-263-5900



«LoanOfferDate»

VIA EMAIL

«FAClientLastName»

Dear «TreasurerContactName»,

**RATE OFFER LETTER AGREEMENT  
(WITH THE OILC DEBENTURE TERM SHEET)**

The undersigned hereby offers to purchase a debenture from [MUNICIPALITY FULL LEGAL NAME OR UPPER-TIER MUNICIPALITY FULL LEGAL NAME] (the “**Municipality**”) as described in the attached an OILC Debenture Term Sheet outlining the term, interest rate and amount of the aforementioned debenture as well as a Repayment Schedule (the “**Debenture**”). As indicated in the attached documents, the Debenture will carry an interest rate of «LoanRate» % p.a. (compounded semi-annually), principal amount of \$«LoanPrincipal», term of «LoanTermYearsMonths» and with a closing date of «LoanAdvanceDate».

This offer to purchase is made subject to the following terms and conditions.

1. Your acceptance of these terms and conditions must be received by us by \_\_\_\_\_ on «LoanOfferDate».
2. Once the terms and conditions are accepted, OILC will email your debenture documents within 1-2 days and the debenture by-law (to be provided) should be passed by council on «LoanCouncilMeetingDt». If the terms and conditions are not accepted in accordance with this Rate Offer Letter Agreement, this Rate Offer Letter Agreement will be null and void.
3. All original signed and sealed debenture documents (including an external legal opinion) must be received by OILC on or before «LoanAdvanceDate» and will be held in escrow until the closing day.

4. OILC will review the original debenture documents and, provided that all documentation is in order, OILC will purchase the debenture on «LoanAdvanceDate». Your external legal counsel must contact Bernadette Chung, Director, Legal Services, at [bernadette.chung@infrastructureontario.ca](mailto:bernadette.chung@infrastructureontario.ca) by 10 a.m. on the closing day to release the debenture documents from escrow. OILC must also receive any final documentation outstanding prior to 10 a.m. on the closing day. Should any required documentation fail to be delivered, this Rate Offer Letter Agreement will be null and void.
5. The Municipality hereby acknowledges that OILC is an institution to which the *Freedom of Information and Protection of Privacy Act* (Ontario) (“FIPPA”) applies and in the event of an access request under FIPPA for records in the control of OILC that may be in the possession of the Municipality and that relate to this Rate Offer Letter Agreement, the Municipality will co-operate in identifying, copying and returning such records to OILC. OILC agrees that if it collects or receives Personal Information (as such term is defined in FIPPA) in connection with this Rate Offer Letter Agreement it will only do so, and it will only use, disclose or destroy such information, in accordance with the provisions of FIPPA relating to Personal Information in the custody or control of OILC to which FIPPA applies.
6. The Municipality hereby acknowledges that the issue of the Debenture is subject to the Ontario government’s Management Board of Cabinet’s Open Data Directive, dated April, 2016, as amended from time to time.
7. The purchase price for the Debenture, shall be tendered to the Municipality by electronic transfer of funds to an account of the Municipality maintained with a deposit-taking institution, such account to be designated by the execution and delivery of a notice in writing to OILC in the form of the attached Schedule “A” to this Rate Offer Letter Agreement and the Municipality undertakes to notify OILC immediately in writing of any changes in its designated account for the purposes of such transfer (the “Account”).
8. Payments of principal and interest due on the Debenture shall be made by pre-authorized debit from the Account and the Municipality shall provide to OILC such other authorizations, voided cheques and other documentation as the deposit-taking institution and the rules of the Canadian Payments Association may require for such pre-authorized debits, and the Municipality undertakes to notify OILC immediately in writing of any changes in the Account for the purposes of pre-authorized debits.
9. OILC and the Municipality shall work together to ensure that OILC’s financing of the Capital Work(s) receives recognition and prominence through agreed upon communication activities. An example of such activity could include signage at each Capital Work site signifying Government of Ontario project financing.

10. OILC reserves the right to undertake its own communication activities in relation to OILC's financing of the Capital Work(s) at any time in its sole discretion and at its expense.
11. [OILC reserves the right to audit compliance with this Rate Offer Letter Agreement at any time. The cost of any such audit shall be at OILC's or the Municipality's expense at OILC's sole discretion. The Municipality is required to keep any supporting documents required for any such audit for a minimum of seven (7) years after payment of the Obligations of the Municipality under the Debenture are paid to OILC in full. ]
12. No amendment, restatement, supplement, replacement, other modification or termination of any provision of the Rate Offer Letter Agreement is binding unless it is in writing and signed by each party.
13. Any failure of OILC to object to or take action with respect to a breach of this Rate Offer Letter Agreement shall not constitute a waiver of OILC's right to take action at a later date with respect to such breach. No course of conduct by OILC will give rise to any reasonable expectation which is in any way inconsistent with the terms and conditions of this Rate Offer Letter Agreement and OILC's rights hereunder.
14. This Rate Offer Letter Agreement is governed by, and shall 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.
15. The obligations of the Municipality contained in paragraphs 5, 6, 8, 9 [and 11] hereof shall continue until the Obligations of the Municipality under the Debenture are paid to OILC in full, notwithstanding the termination of this Rate Offer Letter Agreement.

If the foregoing is acceptable to the Municipality, please sign and seal this Rate Offer Letter Agreement and the attached OILC Debenture Term Sheet, and fax them to the attention of Rose Yao, Senior Loan Officer at (416) 263-5900 or e-mail them to Rose Yao at [Rose.Yao@infrastructureontario.ca](mailto:Rose.Yao@infrastructureontario.ca) and mail the originals.

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION

Komathie Padayachee  
Chief Accounting Officer  
Ontario Infrastructure and Lands Corporation (OILC)

ACCEPTANCE:

[MUNICIPALITY FULL LEGAL NAME OR UPPER-TIER MUNICIPALITY FULL LEGAL NAME]



per:

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Signatory Name, Signatory Title

per:

---

Treasurer Name, Treasurer Title

We have the authority to bind the corporation

## OILC DEBENTURE TERM SHEET

«FAClientLastName»

Principal amount of the debenture

**\$«LoanPrincipal»**

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Term

**«LoanTermYearsMonths»**

---

Type

**«LoanType»**

---

Interest Rate

**«LoanRate»%**

---

Closing Date

**«LoanAdvanceDate»**

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We confirm that these are the Terms for the Debenture to be issued by  
«FAClientLastName» to OILC.

«MayorContactTitle»

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«TreasurerContactTitle»

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Date

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**PLEASE EMAIL TO ROSE.YAO@INFRASTRUCTUREONTARIO.CA BY 3PM, IN  
ORDER TO CONFIRM YOUR ACCEPTANCE OF THIS OFFER.**

**SCHEDULE "A" TO RATE OFFER LETTER AGREEMENT  
PRE-AUTHORIZED DEBIT ("PAD") AND ACCOUNT FOR DEPOSIT**

**[MUNICIPALITY FULL LEGAL NAME OR UPPER-TIER MUNICIPALITY FULL  
LEGAL NAME]**

**(1) Account Holder Information**

Full Legal Name: \_\_\_\_\_

Exact account name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone #: \_\_\_\_\_

**(2) Financial Institution Information (Note: Please attach VOID cheque)**

**(i) Inflow of Deposits**

Name of Financial Institution: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone #: \_\_\_\_\_

Transit #: \_\_\_\_\_ Institution #: \_\_\_\_\_ Account #: \_\_\_\_\_

**(ii) Outflow of Pre-Authorized Debit**

☐ Same as above

☐ If different from above fill out banking information below

Name of Financial Institution: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone #: \_\_\_\_\_

Transit #: \_\_\_\_\_ Institution #: \_\_\_\_\_ Account #: \_\_\_\_\_

### Sample of the numbering at the bottom of a cheque

001234	01234 - 001		111-222-3
↓ Cheque #	↗ Transit #	↘ Institution #	↓ Account #

Attach VOID Cheque Here:

Sample:

001

YOUR NAME  
123 ANY STREET  
YOUR TOWN, PROVINCE M4P 1V5

DATE 

Y	Y	Y	Y	M	M	D	D
Y	Y	Y	Y	M	M	D	D

PAY TO THE ORDER OF \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ / 100 DOLLARS

YOUR FINANCIAL INSTITUTION  
456 MAIN STREET  
YOUR TOWN, PROVINCE L1L 1L1

MEMO \_\_\_\_\_

Transit/Branch #	Financial Institution #	Bank Account #
1 2 3 4 5	6 7 8	1 2 3 4 5 6 7

#### 1. Purpose of Debits

☒ Business PAD

#### 2. Pre Notification of Amounts

**Fixed Amounts:** The Company will provide written notice of the amount to be debited and the date of the debit at least ten (10) calendar days before the date of the first debit and every time there is a change in the amount or payment date.

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**Variable Amounts:** The Company will provide written notice of each amount to be debited and the date of the debit at least ten (10) calendar days before the date of each debit.

The Customer and Company hereby agree to waive the above pre notification requirements.

Authorized Signature of Customer:

**[INSERT NAME]**

Name:

Title:

Authorized Signature of Customer:

**[INSERT NAME]**

Name:

Title:

Authorized Signature of Company:

**ONTARIO INFRASTRUCTURE AND LANDS  
CORPORATION**

Name:

Title:

### **3. Rights of Dispute**

The Customer has certain recourse rights if any debit does not comply with this Authorization. For example, the Customer has the right to receive reimbursement for any debit that is not authorized or is not consistent with this Authorization. To obtain more information on the Customer's recourse rights, the Customer may contact its financial institution or visit [www.cdnpay.ca](http://www.cdnpay.ca).

The Customer may dispute a debit under the following conditions: (i) the debit was not drawn in accordance with this Authorization; or (ii) amounts were drawn after this Authorization was revoked or cancelled in accordance with paragraph 4 below.

In order to be reimbursed, the Customer must complete a declaration form / reimbursement claim, in the form provided by the Bank, at the above indicated branch of the Bank up to and including ten (10) business days after the date on which the debit in dispute was posted to the Customer's account.

The Customer acknowledges that disputes after the above noted time limitations are matters to be resolved solely between the Company and Customer.

### **4. Terms of Authorization to Debit the Above Account**

The Customer authorizes the Company to debit the above account(s) for all payments of principal, interest and other amounts payable to the Company from time to time in respect of the Customer's indebtedness to the Company in accordance with the terms of the rate offer agreement between the Company and the Customer dated as **[INSERT DATE]** (the "**Rate Offer Agreement**").

The Customer authorizes the Company to debit the above account(s) for amounts payable to the Company if the Customer fails to provide written notice to the Company

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of any change to the terms of a Debenture at least five (5) Business Days prior to the date the Company is scheduled to set the interest rate for a Debenture, as defined in the Rate Offer Agreement.

The Bank is not required to verify that any debits drawn by the Company are in accordance with this Authorization or any agreement made between the Customer and the Company.

This Authorization is to remain in effect and may not be revoked or cancelled until the Company has received written notification from the Customer of its change or cancellation in accordance with this Authorization. This Authorization may only be revoked or cancelled by the Customer upon thirty (30) days' written notice to the Company and provided that the Customer designates alternative account(s) and delivers new pre-authorized debit agreement(s) in respect of the new account(s) for purposes of effecting debits of the Customer's obligations under the Rate Offer Agreement. The Customer may obtain a sample cancellation form, or more information on the right to cancel a PAD Agreement by visiting [www.cdnpay.ca](http://www.cdnpay.ca).

This Authorization applies only to a method of payment and cancellation of this Authorization does not mean that the Customer's contractual obligations to the Company are ended, and nor does this Authorization otherwise modify or detract from any of the Customer's obligations to the Company.

The Customer will notify the Company promptly in writing if there is any change in the above account information. The Customer may contact the Company in accordance with notification provisions set forth in the Rate Offer Agreement.

The Customer consents to the disclosure of any personal information that may be contained in this Authorization to the Bank at which the Company maintains its account to be credited with the debits as far as any such disclosure of personal information is related to and necessary for the proper application of the Rules of the Canadian Payments Association.

Any delivery of this Authorization to the Company constitutes delivery by the Customer to the Bank. It is warranted by the Customer that all persons whose signatures are required to sign on the above account have signed this Authorization. The Customer acknowledges receipt of a signed copy of this Authorization.

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Signature(s) or Authorized Signature(s) of Account Holder(s) (Date)

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Signature(s) or Authorized Signature(s) of Account Holder(s) (Date)

**ONGOING CAPITAL PROJECTS**

<b>City Code</b>	<b>Description of Capital Work</b>	<b>Estimated Expenditure</b>	<b>Loan Amount</b>
<b>20 Year -Water and Sewer Projects</b>			
WW1516	Ellice Street SPS	2,421,475.86	210,730.76
WW1501	Lindsay Verulam Tower	564,450.09	125,990.59
WW1624	Elgin St Water Sanitary DC Phase 1	596,238.78	163,697.10
WW1903	Peel St. Mains	869,873.53	630,993.53
<b>Total Water and Sewer Application Amount</b>			<b><u>1,131,411.98</u></b>
<b>20 Year -General Tax Levy Projects</b>			
WW1510	Development 68 Lindsay St. N	12,400,000.00	1,994,946.59
<b>Total General Tax Levy Application Amount</b>			<b><u>1,994,946.59</u></b>
<b>20 Year -Development Charge Debit Projects</b>			
WW1516	Fenelon Falls Ellice St. SPS Upgrade	2,421,475.86	1,960,745.10
WW1517	Colborne Street Sewer Upgrades	5,675,000.00	3,805,699.00
WW1401	Mary Street Watermain Reconstruction	790,830.94	591,783.94
PR0913	Lindsay Recreation Complex Renovation	5,993,381.13	500,000.00
PR1210	Annual Playground Equipment Replacement/Upgrade	202,962.18	113,006.00
PR1518	Logie Park Improvements	1,011,488.70	910,339.99
<b>Total Development Charge Debit Application Amount</b>			<b><u>7,881,574.03</u></b>
<b>30 Year -Housing Projects</b>			
H15020	48 St. Paul St.-Part 2 Regeneration	3,520,806.76	1,338,952.25
H15021	5 Bond St.-Part 2 Regeneration	3,482,150.70	1,468,750.70
H16020	Whispering Pines - Phase 2	3,397,149.47	1,685,261.49
<b>Total Housing Application Amount</b>			<b><u>4,492,964.44</u></b>



**Total Application Request for Ongoing Capital Projects**

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**15,500,897.04**

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

## **By-Law 2019 - \*\***

### **A By-Law To Amend The Township Of Manvers Zoning By-Law 87-06 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2019-026, Report PLAN2019-058, respecting Part of Lot 3, Concession 8, 166 Highway 7A, Terry & Mark Henderson

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the City of Kawartha Lakes enacted By-law No. 2019-034, which contained a Holding (H) symbol relating to the use of the property.
3. Council has received a request to remove the Holding (H) symbol from the Rural Residential Type Two Special Exception 17 Holding "[RR2-S17(H)]" Zone.
4. The conditions imposed by Council and shown in By-law 2019-034 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Part of Lot 3, Concession 8, geographic Township of Manvers, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 2019-34 of the Township of Manvers is further amended to remove the Holding (H) symbol from the "Rural Residential Two Special Exception 17 Holding (RR2-S17) Zone" for the land referred to as 'RR2-S17', as shown on Schedule 'A' attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

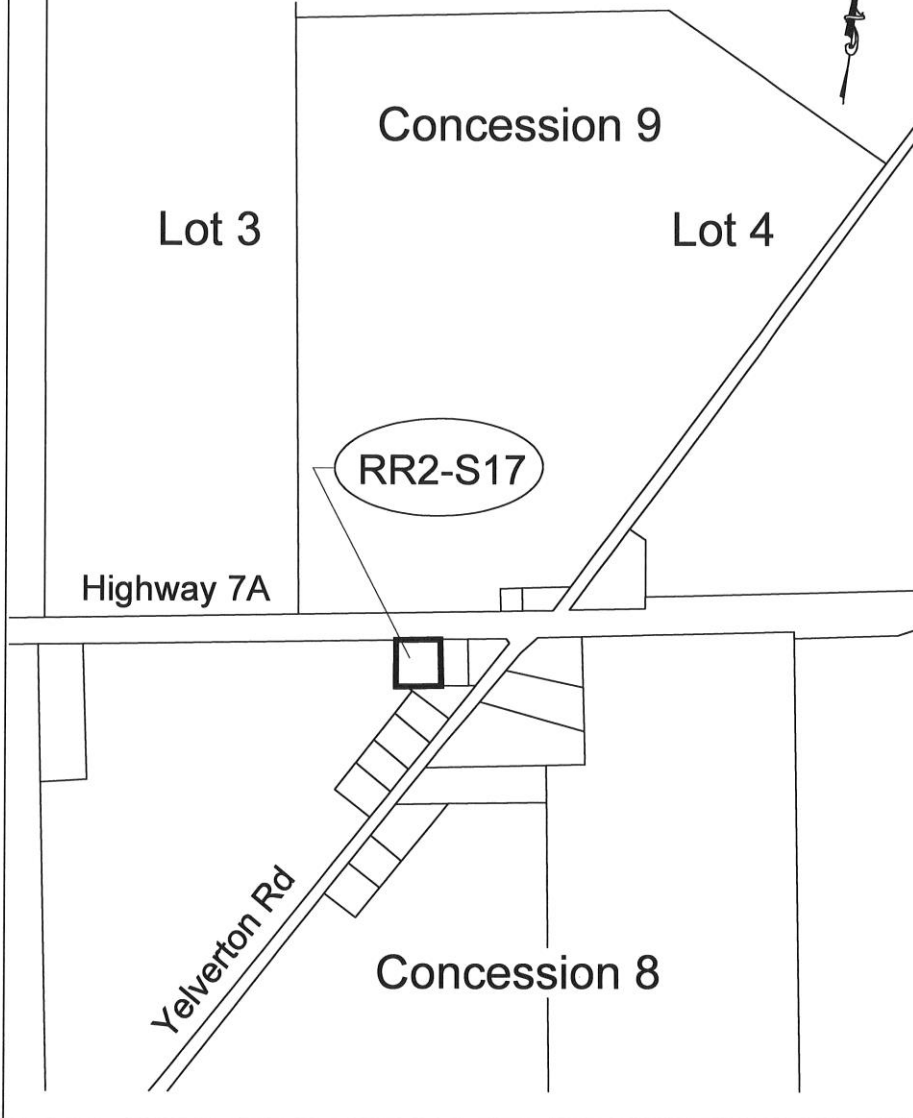
THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

### Geographic Township of Manvers



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

## **By-Law 2019 -\*\***

### **A By-Law To Amend The Village Of Omemee Zoning By-Law 1993-15 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2019-025, Report PLAN2019-059, respecting Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street, & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street, North of Distillery Street – Octavio Dacosta

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the Village of Omemee enacted By-law No. 1993-15, which contained a Holding (H) symbol relating to the use of the property.
3. Council has received a request to remove the Holding (H) symbol from the Residential Type One Holding [“R1-H”] Zone.
4. The conditions imposed by Council and shown in By-law 1993-15 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street, & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street, North of Distillery Street, in the Village of Omemee, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1993-15 of the Village of Omemee is further amended to remove the Holding (H) symbol from the “Residential Type One Holding (R1-H) Zone” for the land referred to as ‘R1’, as shown on Schedule ‘A’ attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 22nd day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

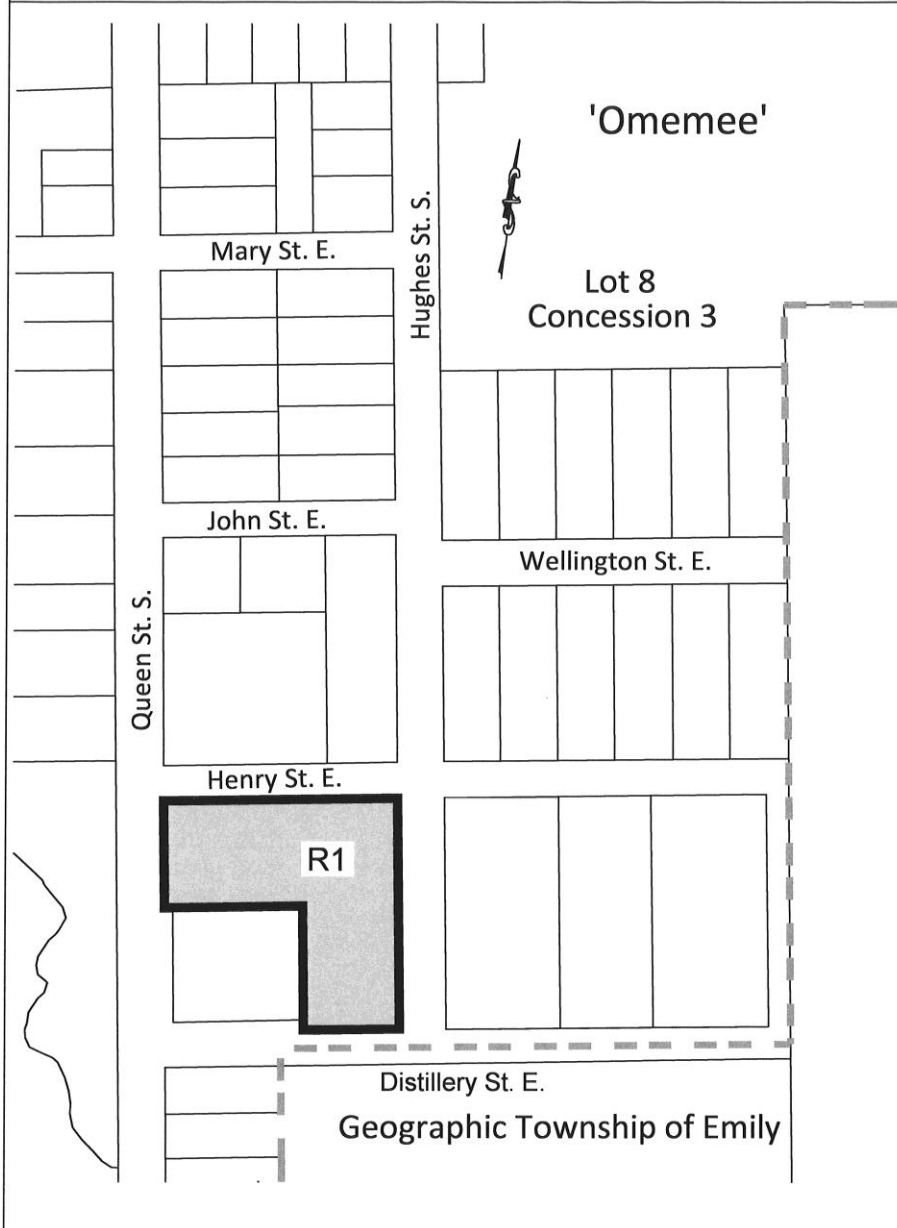
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



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

## **By-Law 2019 -**

### **A By-Law To Amend The Zoning By-Law 1993-15 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes**

File D06-2019-024, Report PLAN2019-060, respecting Part of Park Lot 10, Part 2- 90 King Street West, Dianne Currotte

#### **Recitals:**

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. The Council of the Village of Omemee enacted By-law No. 1993-15, which contained a Holding (H) symbol relating to the use of the property.
3. Council has received a request to remove the Holding (H) symbol from the Residential Type One ["R1-H"] Zone.
4. The conditions imposed by Council and shown in By-law 1993-15 are no longer required.
5. Council deems it appropriate to remove the Holding (H) symbol.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\*\*.**

#### **Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this By-law is described as Part of Park Lot 10, Part 2, former Village of Omemee in the geographic Township of Emily, now in the City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 1993-15 of the Village of Omemee is further amended to remove the Holding (H) symbol from the Residential Type One Holding (R1-H) Zone for the land referred to as 'R1', as shown on Schedule 'A' attached to this By-law.

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

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.



By-law read a first, second and third time, and finally passed, this 22nd day of October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

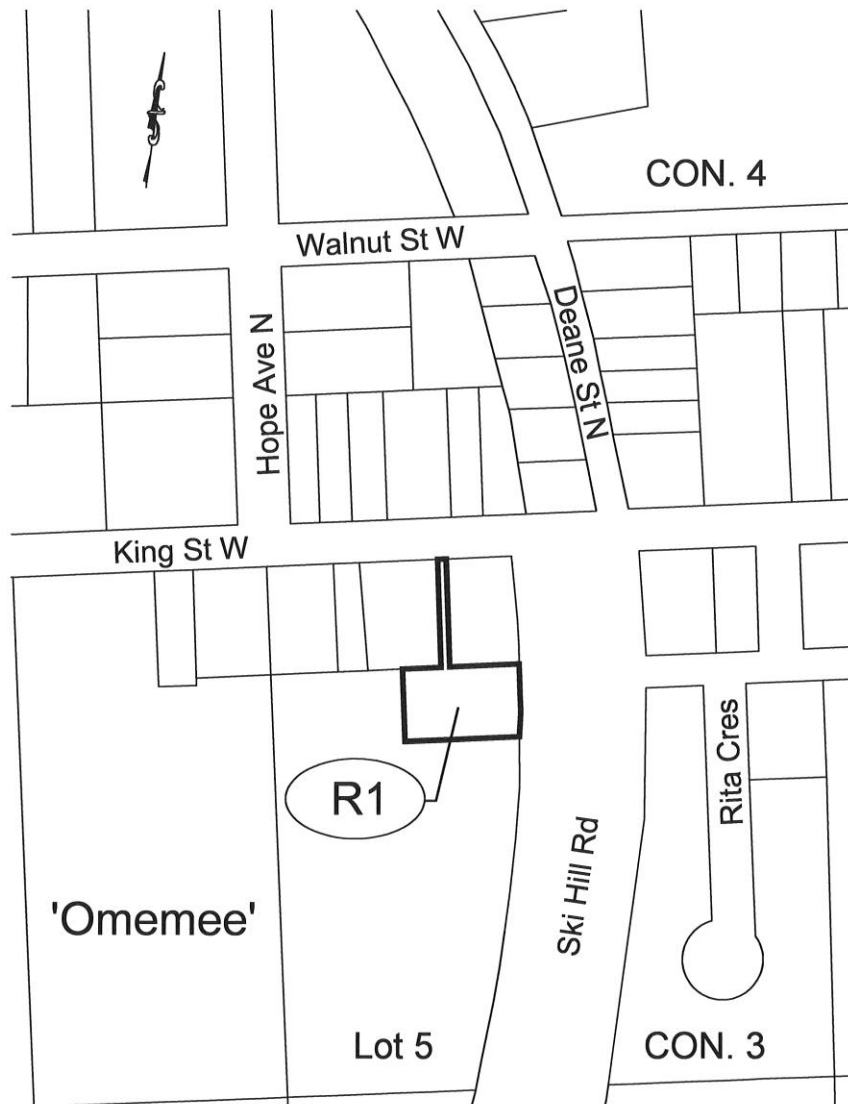
## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



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

## **By-Law 2019 -**

### **A By-Law To Amend The Township of Eldon Zoning By-Law No. 94-14 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-017, Report PLAN2019-053, respecting Part Lot 10, Concession 3, Part 1 on 57R-5744 former Township of Eldon, identified as 305 Glenarm Road – D.S. and B. Farms Inc.

#### **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 retained parcel of land for the Agricultural Special Twenty Nine (A1-29) Zone to prohibit residential use on the agricultural lands;
3. Council has received an application to amend the categories and provisions relating to a specific severed parcel of land for the Rural Residential Type One (RR1) Zone to restrict the use on the lot to residential and residential accessory uses
4. A public meeting to solicit public input has been held.
5. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 10, Concession 3, Part 1 on 57R-5744, former Township of Eldon, now City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule A to By-law No. 94-14 of the Township of Eldon is further amended to change the zone category from the Agricultural (A1) Zone to the Agricultural Special 29 (A1-S29) Zone as shown on Schedule A attached to this By-law.
- 1.03 **Textual Amendment:** By-law No. 94-14 of the Township of Eldon is further amended to add the following to Section 7.3:  
  
“29. Notwithstanding Subsection 7.1, on lands zoned A1-29, a dwelling and associated accessory uses thereto are not permitted.”
- 1.04 **Schedule Amendment:** Schedule A to By-law No. 94-14 of the Township of Eldon is further amended to change the zone category from the Agricultural

(A1) Zone to the Rural Residential Type One (RR1) Zone as shown on Schedule A attached to this By-law.

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

2.01    **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 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 October, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

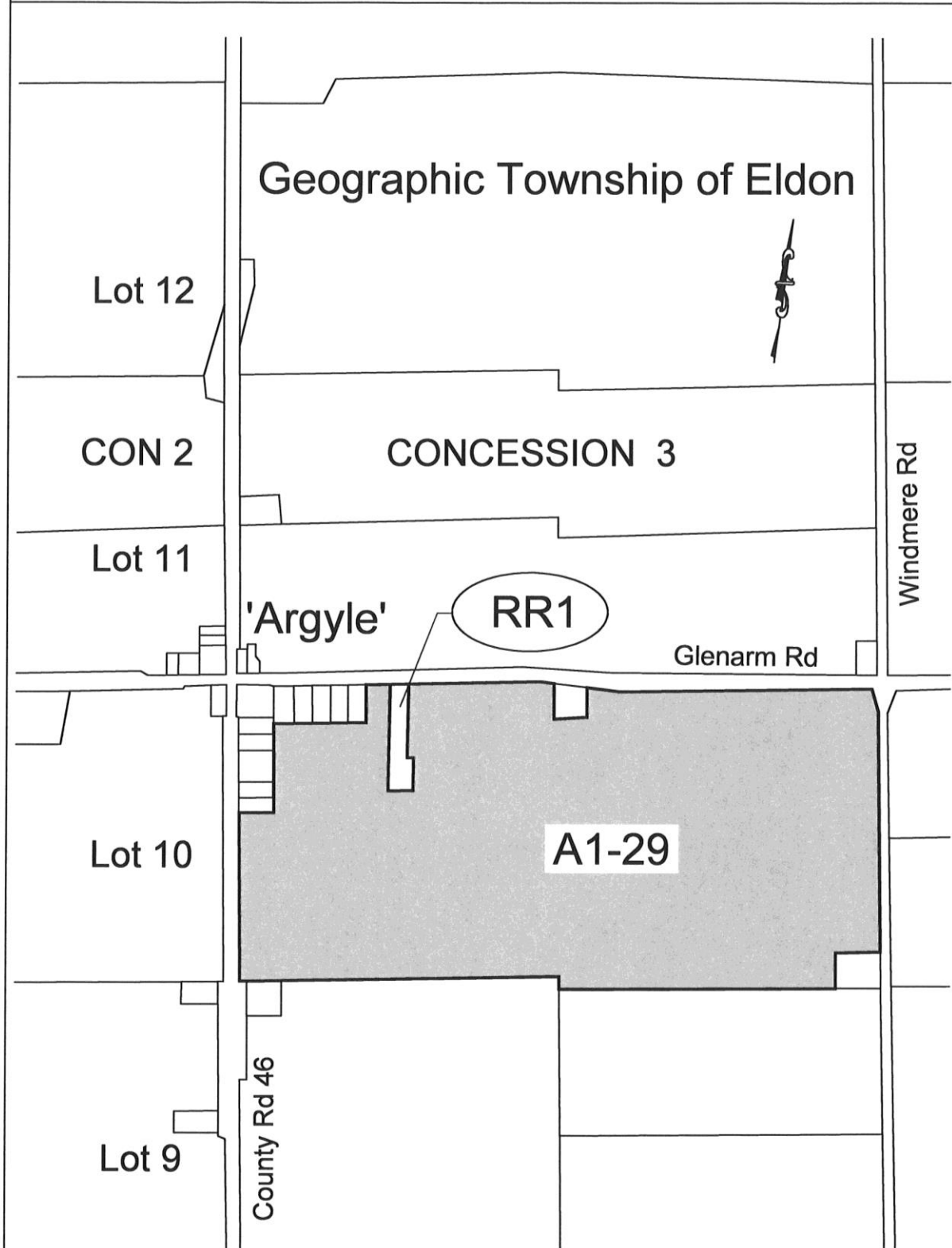
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



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

## **By-Law 2019 -**

### **A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-021, Report PLAN2019-054, respecting Part Lots 18 to 20, Concession 11, geographic Township of Ops, identified as 1082 Lilac Road – Martin

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the use of the land for a second dwelling unit attached to the existing farmhouse as an accessory dwelling unit.
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 2019-\_\_.**

#### **Section 1:00      Zoning Details**

1.01 **Property Affected:** The Property affected by this by-law is described as Part Lots 18 to 20, Concession 11, geographic Township of Ops, City of Kawartha Lakes, and identified as 1082 Lilac Road.

1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended to add the following section to Section 16.3:

“16.3.20      Agricultural Exception Twenty (A-20) Zone

In addition to the uses permitted in Section 16.1 and notwithstanding the zone provisions in Section 16.2, on lands zoned A-20, a second dwelling unit attached to the existing detached dwelling as an accessory dwelling unit is also permitted.”

1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 93-30 of the Township of Ops is further amended to change the zone category from the Agricultural (A) Zone to the Agricultural Exception Twenty (A1-20) Zone for the land referred to as ‘A-20’, 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 \*\*\*, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

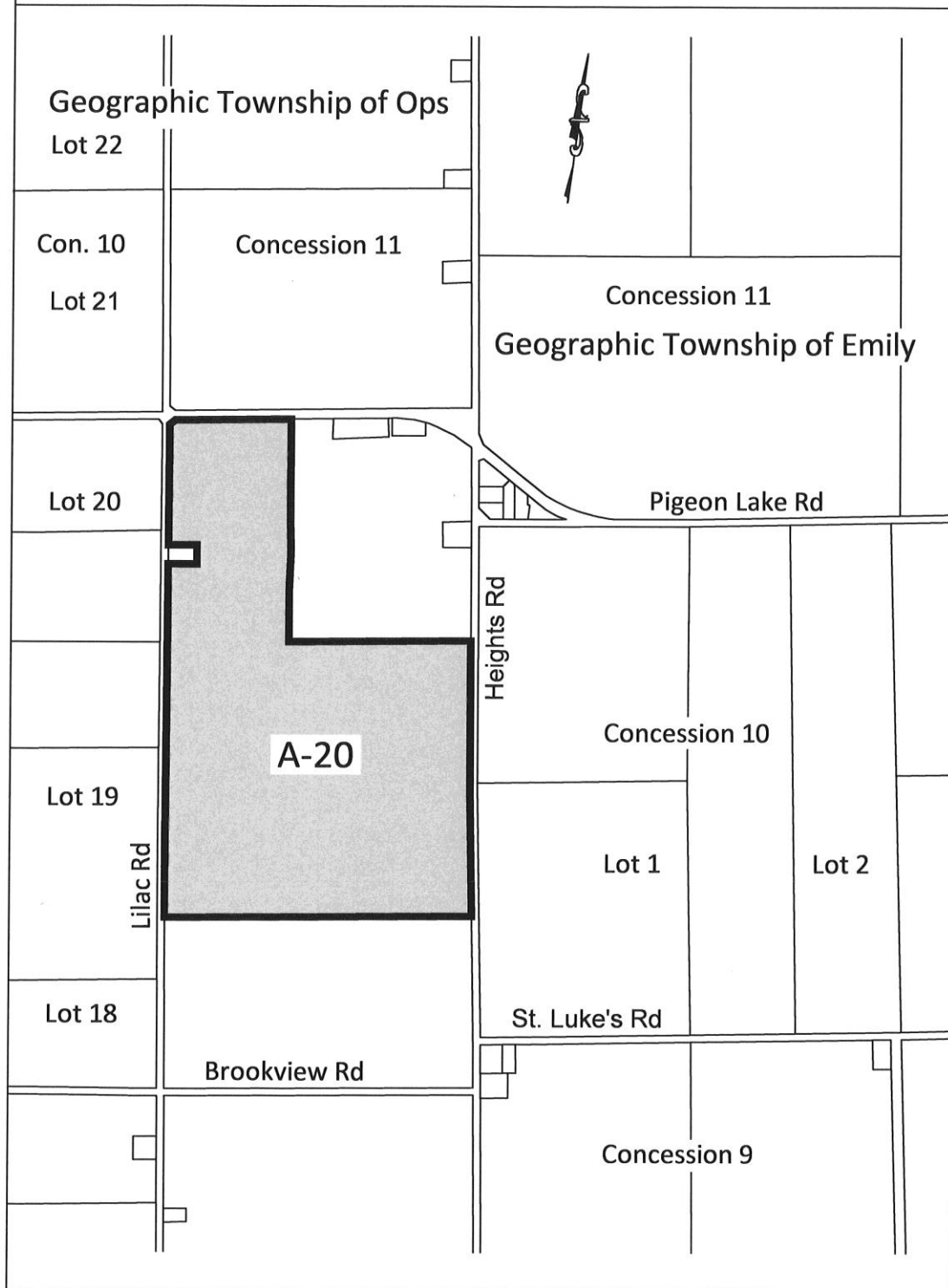
**KAWARTHA LAKES**

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_





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

## **By-Law 2019 -**

### **A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-022, Report PLAN2019-055, respecting Part Lot 21, Concession 2, geographic Township of Emily, identified as 1109 Meadowview Road

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:
  - (a) rezone the land containing the dwelling to a rural residential zone category and establish applicable development standards from the existing bank barn on the proposed retained lot; and
  - (b) prohibit residential uses on and livestock to be housed within the existing agricultural buildings on the balance of the agricultural land zoned A1;in order to fulfill a condition of provisional consent issued by the Local Planning Appeal Tribunal case number PL180585.
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 2019-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 21, Concession 2, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by adding the following subsections to Section 7.3 and 10.3:
  - “7.3.20 Agricultural Exception Twenty (A1-20) Zone
  - 7.3.20.1 Notwithstanding subsection 7.1.1, existing buildings on land zoned “A1-20” shall not be used for the keeping of livestock or animal husbandry.

- 7.3.20.2 Notwithstanding 7.2.1.3 (b), on land zoned “A1-20” the minimum interior side yard requirement is 3.5 metres to the south lot line for the existing barn.
- 7.3.20.3 Notwithstanding subsections 3.21, 7.1.1.3, 7.1.1.8, 7.1.1.11 and 7.2.1.11, on land zoned “A1-20” a dwelling unit and accessory uses thereto and/or a seasonal farm residential use and accessory uses thereto are prohibited.
- 10.3.22 Rural Residential Type One Exception Twenty-Two
  - 10.3.22.1 Notwithstanding subsections 3.1.2.2 and 10.2.1.3 (d), on land zoned “RR1-22” buildings shall not be erected within 30 metres of the existing barn building located on the abutting lot. The existing barn building is located approximately 3.5 metres north of the rear lot line.
  - 10.3.22.2 If at any time the existing barn building located approximately 3.5 metres north of the rear lot line is demolished or removed, subsection 10.3.22.1 shall no longer apply to land zoned “RR1-22”.
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the property from Agricultural (A1) Zone to Agricultural Exception Twenty (A1-20) Zone for the land referred to as A1-20, as shown on Schedule ‘A’ attached to this By-law; and to change the zone category on another portion of the property from Agricultural (A1)Zone to Rural Residential Type One Exception Twenty Two (RR1-22) Zone for the land referred to as RR1-22, 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 \*\*\*, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

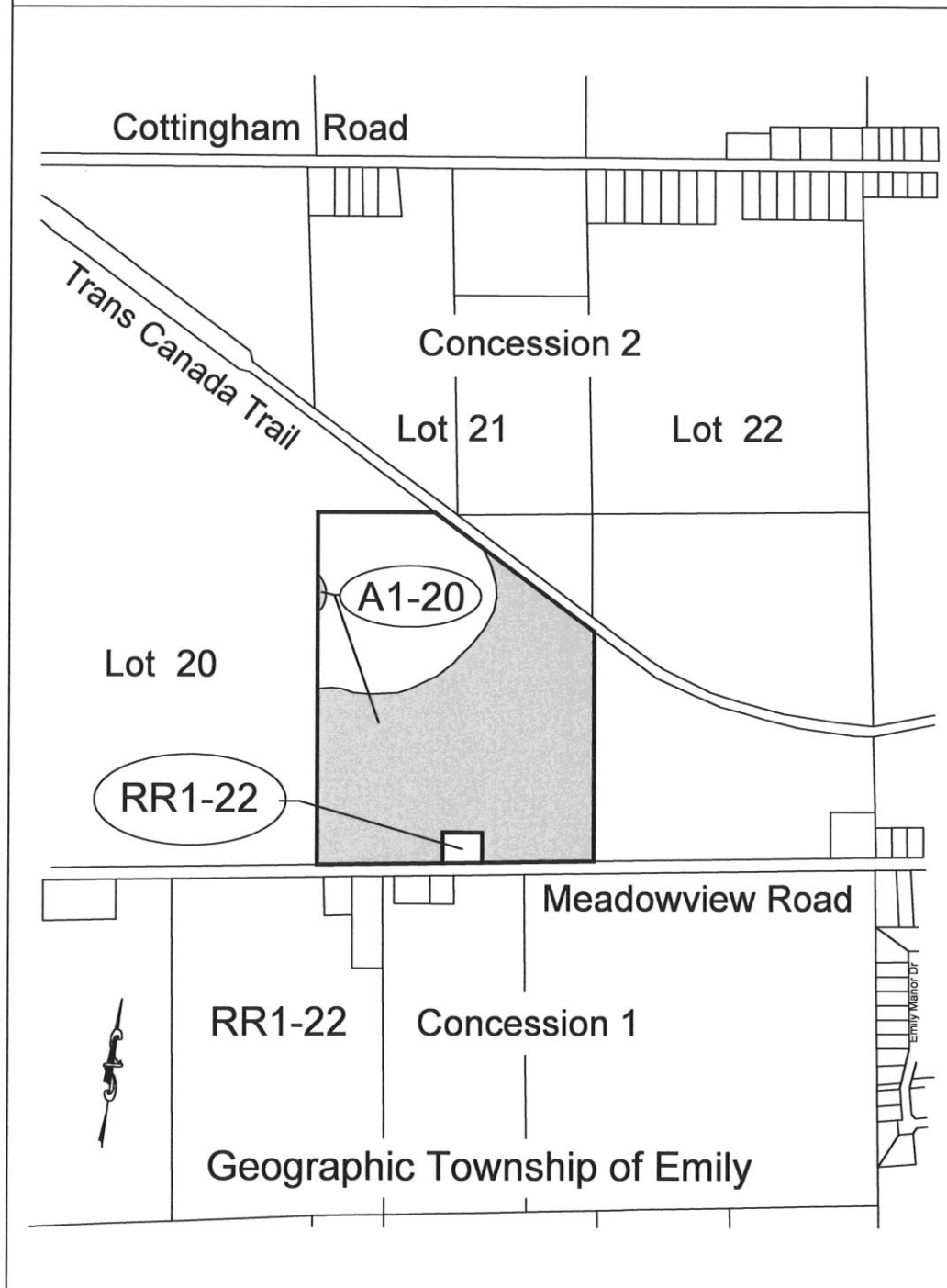
## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



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

## **By-Law 2019-**

### **A By-law to Authorize the Conveyance of Municipally Owned Property Known as 8 Francis Street, Fenelon Falls**

#### **Recitals**

1. The subject building was declared to be surplus to municipal needs by City Council on the 22<sup>nd</sup> day of May, 2018 by the passing of Council Resolution CR2018-339.
2. A map of the Subject Building can be found at Schedule "A".
3. Notice of the intention of City Council to pass this by-law was given by notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 19<sup>th</sup> and 26<sup>th</sup> days of April and 3<sup>rd</sup> day of May, 2017, in accordance with the provisions of the Municipal Act and By-law 2010-118, as amended.
4. The proposed by-law came before Council for consideration at its regular meeting on the 22<sup>nd</sup> day of May, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.
5. The sale of this building was approved by the City Council on the 11<sup>th</sup> day of July, 2017 by the passing of Council Resolution CR2017-928.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_\_\_\_.**

#### **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;

**"Mayor"** means the Chief Executive Officer of the City.

##### **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: Conveyance of Surplus Property**

- 2.01 **Sale:** 8 Francis Street, Fenelon Falls is hereby authorized to be sold to Evans Physiotherapy Professional Corp (David J. Evans) for \$79,000.00, plus all additional costs associated with this transaction.

## **Section 3.00: Effective Date**

- 3.01 **Effective Date:** This By-law shall come into force and take effect when it has been finally passed by Council.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## Schedule A



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

## **By-law 2019-XXX**

### **A By-Law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, October 22, 2019**

#### **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 2019-XXX.**

#### **Section 1.00: Confirmation**

- 1.01 The actions of the Council at the following meeting:

#### **Tuesday, October 22, 2019, Open Session, Regular Council Meeting**

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

- 1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

#### **Section 2.00: General**

- 2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22 day of October 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk