

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

MEETING NO. EIGHT Monday, July 17, 2023, 6:30 p.m. Township Administration Building 318 Canborough Street, Smithville, Ontario

**NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

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# SINGING OF "O CANADA" - Cairn Christian School Prior to commencing with the Council meeting, Mayor Ganann will provide the following announcements:

- 1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
- 2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either
  - i. emailing jdyson@westlincoln.ca before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record OR
  - ii. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
- 3. Tonight's Council (All Committees) Meeting will start with two Public Meetings Under the Planning Act
- 4. This meeting will be livestreamed as well as recorded and available on the Township's website by visiting events.westlincoln/meetings

### 2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as

the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

### 3. PUBLIC MEETINGS

3.1 Official Plan Amendment & Zoning Bylaw Amendment - P Budd Developments Inc. - South Grimsby Road 5
Re: An application for Official Plan Amendment and Zoning Bylaw Amendment has been submitted by P Budd Developments Inc. for the property located on South Grimsby Road 5, legally described as Lot 1, Plan M94, Part Lots 12 and 13 of Plan 30M300 and Parts 1 and 2 of Plan 30R15516. The property currently has draft plan of subdivision approval.

An Official Plan Amendment application has been submitted to permit a six storey apartment building on the west side of the subject property near South Grimsby Road 5, whereas the Township Official Plan only permits a maximum of four storeys (up to five storeys through a site specific exception) within the Medium Density Residential Designation. A zoning bylaw amendment has also been submitted to modify the existing Residential 'R2', 'RM2-201', 'RM2-202' and 'RM3-203' zones to change a number of zoning regulations including, but not limited to; height, planting strips, lot area, lot overage, landscape open space and driveway widths. (File No. 1701-003-23 OPA & 1601-004-23 ZBA).

- 3.2 Zoning Bylaw Amendment Brad Snippe 7005 Concession 4 Road Re: An application for Zoning Bylaw Amendment has been submitted by Mr. Brad Snippe for the property municipally known as 7005 Concession 4 Road, legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln. The application has been applied for as a condition of consent (File No. B2-2023WL) to change the zoning on a portion of the subject property from Agricultural 'A' to Agricultural Purposes Only 'APO', with a site specific exception to address a deficient lot area. The application has also been applied to change the zoning on a portion of the property from Agricultural 'A' to Rural Residential 'RuR'. (File No. 1601-005-23)
- 4. OPENING PETITION Councillor Terry Bell
- 5. CHANGE IN ORDER OF ITEMS ON AGENDA
- 6. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

**NOTE:** Items for which conflicts were recently declared at Committee Meeting(s)

# 7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

**NOTE:** Requests to address items on the agenda are restricted to specific items as follows per Section 6.7 of the Procedural By-law:

#### 6.7 Public Comment at Council

There shall be no comments from the public permitted at Council unless:

(a) a specific appointment has been scheduled; or,

(b) an item is included under the "Other Business" or "Communications" or "Appointments" section of the agenda and relates to a matter which would normally be dealt with at Committee.

Chair to inquire if there are any members of the public present who wish to address a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.

#### 8. APPOINTMENTS/PRESENTATIONS There are no appointments/presentations.

# 9. REGIONAL COUNCILLOR'S REMARKS

## 10. CONFIRMATION OF MINUTES

10.1 Council Minutes - Regular Re: June 26, 2023

> Moved By Councillor Terry Bell That, the minutes of the June 26, 2023 regular Council meeting be accepted.

### 11. COMMUNICATIONS

11.1 Vicky Poliquin, Committee MemberRe: Resignation from the West Lincoln Christmas Parade Committee

Moved By Councillor William Reilly

- 1. That, the email received on July 11th, 2023 from Vicky Poliquin advising of her resignation from the West Lincoln Christmas Parade Committee be received with regrets; and,
- 2. That, By-law 2023-03, being the appointment by-law for Boards and Committees, be amended to remove Vicky Poliquin from Schedule G (West Lincoln Santa Claus Parade Committee).

### 12. MAYOR'S REMARKS

#### 13. REPORT OF COMMITTEE There are no Reports of Committee.

14. **RECONSIDERATION** 

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("Definition") This section is for a Member of Council to introduce a motion to reconsider action taken at this Council Meeting or the previous regular Council meeting. A motion to reconsider must be made by a Council Member who voted in the majority on the matter to be reconsidered. The Chair may rule that a motion to reconsider will be dealt with at the next following Council Meeting if for some reason it cannot be dealt with at this meeting.

#### 15. NOTICE OF MOTION TO RESCIND

#### 16. OTHER BUSINESS

#### 16.1 CONSENT AGENDA

**NOTE:** All items listed below are considered to be routine and noncontroversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

Moved By Councillor Shelley Bradaric

That, the Council hereby approves the following Consent Agenda item(s):

- 1. Items 1,2,3,4,5,6 and 7 be and are hereby received for information; and,
- Item 8 be and is hereby received and that the recommendations contained therein be adopted with exception of Item No.(s) \_\_\_\_\_.
- 1. Final 2022 Audited Financial Statement For Information (Draft 25 Previously Approved)
- Mayor's Youth Advisory Committee (MYAC) Minutes of June 61 7, 2023
- Information Report WFLD-10-2023 Monthly Update June 63 2023
- 4. Information Report T-17-2023 Financial Update as of June 30, 67 2023
- 5. Information Report HR-01-2023 Health and Safety Policy
- 6. Information Report PW-22-2023 Consolidated Linear 80 Infrastructure Environmental Compliance Approval
- 7. Information Report PD-38-2023 Application to Superior Court
   84

   Natural Severance Application Evelyn and Jeff Duck Application of Beds of Navigable Waters Act

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- 8. Recommendation Report PD-37-2023 Minor Revisions to the Accessible Parking By-law
- 16.2 TABLED ITEM (March 28, 2022 Council Meeting)
   Director of Planning & Building (Brian Treble)
   Re: Recommendation Report No. PD-36-2022 Smithville Landowners
   Group
   request for support of Minister's Zoning Order (MZO)
- 16.3 Director of Finance/Treasurer (Donna DeFilippis)
   Re: Recommendation Report T-18-2023 2022 Accumulated
   Operating Surplus

Moved By Councillor Joann Chechalk

1. That, Recommendation Report T-18-2023, regarding "2022 Accumulated Operating Surplus", dated July 17, 2023 be received; and, 229

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- 2. That, Council authorizes that \$150,000 of the 2022 Accumulated Operating Surplus be used as revenue in the 2024 Operating Budget; and,
- 3. That, Council authorizes that \$447,518 of the remaining Accumulated Operating Surplus be transferred to the Contingency Reserve.
- Human Resources Coordinator (Cassandra Carey) & Director of Legislative Services/Clerk (Jessica Dyson)
   Re: Recommendation Report HR-02-2023 - Code of Conduct Policy

Moved By Councillor Shelley Bradaric

- 1. That, Recommendation Report HR-02-2023 "Code of Conduct Policy" dated July 17, 2023 be received; and,
- 2. That, the Code of Conduct Policy as attached as Schedule A to this report be approved.
- Human Resources Coordinator (Cassandra Carey) & Director of Legislative Services/Clerk (Jessica Dyson)
   Re: Recommendation Report HR-03-2023 - Whistleblower Policy

Moved By Councillor Jason Trombetta

- 1. That, Recommendation Report HR-03-2023 "Whistleblower Policy" dated July 17, 2023 be received; and,
- 2. That, the Whistleblower Policy as attached as Schedule A to this report be approved.
- 16.6 Director of Public Works and Recreation (Mike DiPaola) & Coordinator 248 of Engineering Services (Jennifer Bernard)
   Re: Recommendation Report PW-18-2023 Public Works Road

Allowance Width and Land Dedication Policy Review

Moved By Councillor Mike Rehner

- 1. That, Recommendation Report PW-18-2023, RE: "Public Works Road Allowance Width and Land Dedication Policy", dated July 17, 2023 be received; and,
- 2. That, policy POL-PW-1-18, found as Attachment 'A' to this report, be repealed; and,
- 3. That, the revised policy POL-PW-1-23, found as Attachment 'B' to this report, be endorsed by Council.

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Manager of Planning (Dave Heyworth) & Director of Planning and Building (Brian Treble)
Re: Recommendation Report PD-39-2023 - Official Plan Amendment
No. 67 – Official Plan Amendment No. 67 (File No. 1701-03-23)
Application for Zoning By-law Amendment (File No. 1601-004-23)

Moved By Councillor William Reilly

- That, Recommendation Report PD-39-2023, regarding "Official Plan Amendment No. 67 – Official Plan Amendment No. 67 (File No. 1701-03-23) Application for Zoning By-law Amendment (File No. 1601-004-23), dated July 17, 2023, be RECEIVED; and,
- 2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
- 3. That, Official Plan Amendment No. 67 (File No. 1701-003-23) and a corresponding By-law be APPROVED and passed; and,
- 4. That, staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 67 to the agencies and public, to commence the 20 day appeal period as Regional Council approval is not required; and,
- 5. That, a recommendation report for Zoning By-law Amendment (File No. 1601-004-23) submitted by P. Budd Developments Inc. be presented at a future Planning/Building/Environmental Committee Meeting following the review of all agency and public comments and a full review of the planning application.
- Manager of Planning (Dave Heyworth) & Director of Planning and Building (Brian Treble)
   Re: Recommendation Report PD-36-23 - Zoning By-law Amendment Application Brad Snippe – 7005 Concession 4 Road (File No. 1601-005-23)

Moved By Councillor Terry Bell

 That, Recommendation Report PD-36-2023, regarding "Recommendation Report - Zoning By-law Amendment Application, Brad Snippe 7005 Concession 4 Road – File No.
 1601-005-23", dated July 17<sup>th</sup>, 2023, be RECEIVED; and,

- The application for Zoning By-law Amendment 1601-005-23 submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 7005 Concession 4 Road be APPROVED in accordance with the attached Amending By-law.
- 3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.
- Acting Fire Chief (Tim Hofsink)
   Re: Recommendation Report WLFD-11-2023 Squad 2 Replacement
   Recommendation

370

Moved By Councillor Jason Trombetta

- That, Recommendation Report WLFD-11-2023 regarding "Squad 2 Replacement Recommendation" dated July 17<sup>th</sup>, 2023 be received; and,
- 2. That, the replacement of the Squad 2 (smaller rescue vehicle) at Station 2 in Caistor Centre be advanced from the 2024 Capital Budget to the 2023 Fiscal year with a budget amendment; and,
- 3. That, Council approve a \$97,000 Budget Amendment BA2023-08 financed through a transfer from the Fire Reserve.
- 16.10 Members of Council Re: Council Remarks

#### 17. NEW ITEMS OF BUSINESS

#### 18. BY-LAWS

Moved By Councillor Joann Chechalk

- 1. That, leave be granted to introduce By-law #s 2023-51, 2023-52, 2023-53, 2023-54, 2023-55, 2023-56, and 2023-57, and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
- 2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.
- 18.1 BY-LAW 2023-51

A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 26<sup>th</sup> day of June, 2023.

18.2 BY-LAW 2023-52

#### COUNCIL (All Committees) - July 17, 2023

Being a By-law to appoint a Deputy Clerk (Justin Paylove) for the Township of West Lincoln.

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18.3	BY-LAW 2023-53 A By-law to authorize a Temporary Use Agreement between the Corporation of the Township of West Lincoln, Jonathon Kelly and Loreen Kelly, and any mortgagees for lands described as Lot 16, Concession 6, in the former Township of Caistor, now in the Township of West Lincoln (Municipally known 9275 Concession 5 Road).	374
18.4	BY-LAW 2023-54 Being a By-law to regulate Animal Care and Control within the Township of West Lincoln.	375
18.5	BY-LAW 2023-55 A By-law to amend By-law 97-2020, as amended, being a By-law to authorize certain Parking, Standing or Stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped	407

# 18.6 BY-LAW 2023-56 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln (7005 Concession 4 Road).

#### 18.7 BY-LAW 2023-57

persons.

Being a By-law to approve amendment No. 67 (to amend the height provision of the Northwest Quadrant Secondary Plan) of the Township of West Lincoln Official Plan to accommodate for a six (6) storey residential building in the Station Meadows West Plan of Subdivision within the Township of West Lincoln. 408

#### 19. CONFIDENTIAL MATTERS

Moved By Councillor Shelley Bradaric

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

19.1 Director of Legislative Services/Clerk (Jessica Dyson)Re: Citizen Appointments on Boards and Committees

- 1. West Lincoln Public Library Board
- 2. Age Friendly Advisory Committee
- 3. Heritage Committee
- 4. West Lincoln Santa Claus Parade Committee

#### Applicable closed session exemption(s):

• personal matters about an identifiable individual, including municipal or local board employees.

19.2 CAO (Bev Hendry)

Re: Legal Matters - Niagara Peninsula Energy Incorporated and Peninsula West Power Incorporated

Report Provided Under Separate Cover

#### Applicable closed session exemption(s):

- The security of the property of the municipality;
- Information (e.g., a trade secret or scientific, technical, commercial, or financial information) that belongs to the municipality and has monetary value

Moved By Councillor William Reilly

That, this Council (All Committees) meeting now resume in open session at the hour of \_\_\_\_\_ p.m.

- 19.1 Director of Legislative Services/Clerk (Jessica Dyson) Re: Citizen Appointments on Boards and Committees
  - 1. West Lincoln Public Library Board
  - 2. Age Friendly Advisory Committee
  - 3. Heritage Committee
  - 4. West Lincoln Santa Claus Parade

#### Recommendation to be provided at meeting.

- 19.2 CAO (Bev Hendry) Re: Legal Matters - Niagara Peninsula Energy Incorporated and Peninsula West Power Incorporated **Report Provided Under Separate Cover**
- 20. ADJOURNMENT



# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL MINUTES

#### MEETING NO. EIGHT June 26, 2023, 6:30 p.m. Township Administration Building 318 Canborough Street, Smithville, Ontario

Council:	Mayor Cheryl Ganann Councillor Shelley Bradaric Councillor Mike Rehner Councillor William Reilly Councillor Jason Trombetta Councillor Terry Bell – joined at 6:49 p.m. virtually Councillor Joann Chechalk
Staff:	Bev Hendry, CAO Jessica Dyson, Director of Legislative Services/Clerk Donna DeFilippis, Treasurer/Director of Finance Mike DiPaola, Director of Public Works and Recreation Brian Treble, Director of Planning and Building Tim Hofsink, Deputy Fire Chief Kevin Geoghegan, IT Help Desk Analyst
Others:	Regional Councillor Witteveen* Steven Soos* John Ganann*

#### **\*IN ATTENDANCE PART-TIME**

#### 1. SINGING OF "O CANADA" - Smithville Christian High School

Prior to commencing with the Council agenda, Mayor Ganann read the following announcements:

1. Councillor Terry Bell will be in attendance virtually via Zoom for tonight's Council meeting.

- 2. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
- 3. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either (1) emailing jdyson@westlincoln.ca before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record OR (2) by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
- 4. This meeting will be livestreamed. The link to watch the meeting live can be found on the Township's website by selecting the "Township Office" tab at the top of the website, then clicking the Council or Standing Committee meetings tab and scroll down the meeting list to find the link.
- 5. This meeting will be recorded and will be available to view by clicking the meeting video link found on the Township's website within 48 hours after the meeting unless otherwise noted.

### 2. LAND ACKNOWLEDGEMENT STATEMENT

Mayor Ganann read the following statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen- DA-ronk), the Haudenosaunee (Hoe-den-no-SHOWnee), and the Anishinaabe (Ah-nish-ih- NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

#### 3. OPENING PETITION - Councillor Jason Trombetta

#### 4. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no requests from Members of Council to change the order of items that were on the agenda.

#### 5. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were no disclosure of pecuniary interest and/or conflict of interest.

### 6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no requests to address items that were on the agenda.

#### 7. APPOINTMENTS/PRESENTATIONS

7.1 Suzanne Gibson, Suzanne Gibson & Associates
 Re: PowerPoint Presentation - 2023-2026 Corporate Strategic Plan

 POWERPOINT ATTACHED
 NOTE: Refer to Other Business (Item 1) being Report No. RFD-CAO-02-2023 - 2023-2026 Corporate Strategic Plan

#### 7.2 Steven Soos

Re: Request to Endorse Resolution to Declare a State of Emergency on Mental Health, Homelessness and Addiction

Steven Soos gave a presentation to Council in regards to pressing issues in the Niagara Region, including but not limited to:

- Mental Health, Homelessness and Addiction
- Indigenous Peoples Day
- Healthcare Funding
- Housing Affordability
- Domestic Abuse Shelters

Councillor Reilly noted that he agreed with what Steven Soos brought forward, however stated that he would like to see a more specific resolution brought before Council so that they can direct staff to take specific measures. Councillor Reilly stated that these issues are too important to passively support, which is why he would like to request more specific, actionable resolutions.

Councillor Trombetta stated that he appreciated Steven Soos' passion and comments towards these serious issues, and pointed out that a State of Emergency on mental health, homelessness, housing affordability, and/or drug addiction is already in place at the Region and is supported by the Township.

Councillor Chechalk stated her appreciation of Steven Soos' efforts and work in regards to the motion, and noted that it would be best to have shorter and concise motions instead of numerous points in one.

Councillor Bell echoed the remarks made by Councillor Trombetta and Councillor Chechalk, and noted that the motion as it stands needs to be narrowed down and focused. Moved By Councillor Shelley Bradaric Seconded By Councillor William Reilly

WHEREAS, the Niagara Region, City of St. Catharines, City of Thorold, City of Niagara Falls, City of Welland, Town of Grimsby and City of Hamilton have declared states of emergencies on mental health, homelessness, housing affordability and/or addiction; and

WHEREAS, the Township of West Lincoln endorses Niagara Region's declaration of a federal humanitarian crisis on homelessness in Niagara; and,

WHEREAS, the Township of West Lincoln endorse the Town of Grimsby's motion declaring a housing affordability emergency; and,

WHEREAS, the Township of West Lincoln endorse the City of St. Catharines' motion of condemning the discrimination of the mentally ill, homeless and addiction; and,

WHEREAS, the Township of West Lincoln supports the West Lincoln Public Libraries to highlight and showcase more literature on Indigenous wellness; and,

WHEREAS, the Township of West Lincoln supports Steven Soos' initiative for an Indigenous mobile mental health crisis unit pilot project for the Niagara Region; and,

THEREFORE, BE IT RESOLVED THAT, the Township of West Lincoln declare a state of emergency and crisis on mental health, homelessness, addiction and housing affordability; and,

BE IT FURTHER RESOLVED THAT, travel to other cities for services continues to be a challenge for several West Lincoln residents and as such the Township of West Lincoln request more funding for the West Lincoln Memorial Hospital, in order for the hospital to be fully staffed/functional hospital with built-in mental health and addiction services; and,

BE IT FURTHER RESOLVED THAT, the Township of West Lincoln advocate for the establishment of an emergency domestic abuse shelter servicing Niagara West and research interested organizations willing to deliver this service locally; and,

BE IT FURTHER RESOLVED THAT, the Township of West Lincoln request that Sam Oosterhoff, MPP for Niagara West approach the

Provincial Minister's Michael Kerzner (Solicitor General), Michael Tobollo (Associate Minister- Mental Health and Addiction), Sylvia Jones (Health) and Steve Clark (Municipal Affairs and Housing) to discuss assistance for the priorities identified in this motion; and,

BE IT FURTHER RESOLVED THAT, the Township of West Lincoln request MP Dean Allison to approach the Federal Ministers Carolynn Bennett (Mental health and addictions), Ahmed Hussen (Diversity and Housing), Chrystia Freeland (Finance), and Mona Fortier (Treasury Board) to request Federal support for Niagara Region's emergency on mental health, homelessness and addiction; and,

BE IT FURTHER RESOLVED THAT, all Niagara area municipalities, all Niagara area MPPs, MP's, Steven Soos, Niagara Health System, Hamilton Centre, MPP Sara Jama, Hamilton Centre MP, Matthew Green, City of Hamilton, AMO, FCM, Niagara Regional Police Chief, Provincial and Federal Ministers of Housing, Provincial and Federal Ministers of Health, West Lincoln Chamber of Commerce, West Lincoln Community Care, Cathy Turner, Community Living Grimsby, Lincoln, West Lincoln, YWCA Niagara, Hamilton Health Sciences, Greg Fergus, MP (Parliamentary Secretary Canada), Mona Fortier (President Canada Treasury Board), Stephanie Kusie, Critic for the Federal Treasury Board, Federal Minister of Finance, Chrystia Freeland, Federal Minister of Mental Health and Addiction, Carolynn Bennett, Parliamentary Secretary for Mental Health and Addictions, Elisabeth Briere, Parliamentary Secretary for Mental Health and Addictions, Todd Doherty, Critic for Mental Health, and Laila Goodridge, Critic for Addiction be copied on the resolution.

#### Referred (see resolution below)

Moved By Councillor Joann Chechalk Seconded By Councillor Terry Bell

That the correspondence and resolution presented by Steven Soos, dated June 26, 2023, be referred back to staff in order to bring forward a more specific resolution and bring this revised resolution back to Committee or Council at a future date.

#### Carried

Moved By Councillor Shelley Bradaric Seconded By Councillor Jason Trombetta

That, the Township of West Lincoln endorse the following Private Member's Bill:

(i) Bill C-207 (sponsored by MP Rachel Blaney) - An Act to amend the Canadian Bill of Rights (right to housing).

(ii) Bill C-329 (sponsored by MP Heather McPherson) - An Act to establish a national framework respecting attention hyperactivity disorder.

(iii) Bill 53 (sponsored by MPP Bhutila Karpoche) - Right to Timely Mental Health and Addiction Care for Children and Youth Act, 2022.

#### Referred (see resolution below)

**Moved By** Councillor Joann Chechalk **Seconded By** Councillor Shelley Bradaric

That the resolution presented by Steven Soos regarding the endorsement of the Private Member's Bill, dated June 26, 2023, be referred back to staff in order to bring forward a more specific resolution and bring this revised resolution back to Committee or Council at a future date.

#### Carried

### 8. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Witteveen read from a prepared statement which is attached as Schedule "A" to the minutes. Regional Councillor Witteveen provided an update on various matters, meeting highlights, and events that were addressed by Niagara Region over the past month.

Councillor Reilly inquired into the recent traffic calming measures made by the Region in West Lincoln, specifically the speed cameras located on Townline Road. Councillor Reilly noted he saw some concern regarding these cameras, and wanted reassurance that people will not receive hefty fines for going 1 km/h over the speed limit. Regional Councillor Witteveen explained the project, and noted that there is a 10 km/h overage threshold for individuals to get tickets. Regional Councillor Witteveen stated that the measure was not to give people lots of expensive fines for going slightly over the limit, but to punish dangerous drivers greatly exceeding the speed limit on West Lincoln roads.

### 9. CONFIRMATION OF MINUTES

9.1 Council Minutes - Regular Re: May 23, 2023 Councillor Chechalk brought forward a spelling error on page 10, the third sentence, under Councillor Chachalk's Council remarks of the May 23, 2023 Council Minutes, noting that the word "mad" should say "make".

Moved By Councillor Mike Rehner Seconded By Councillor William Reilly

That, the minutes of the May 23, 2023 regular Council meeting be accepted.

Carried

#### 10. COMMUNICATIONS

 10.1 Karen Usick, Hepatitis C Care Clinic, Community Coordinator, Niagara Health System/Addiction Services
 Re: Support to Declare July 28th World Hepatitis Day in the Township of West Lincoln

Councillor Terry Bell joined the meeting at 9:02 pm.

**Moved By** Councillor William Reilly **Seconded By** Councillor Joann Chechalk

WHEREAS, approximately 204,000 Canadians are living with hepatitis C and over 250,000 people are living with hepatitis B;

WHEREAS, people living with hepatitis B and C have an increased risk of developing cirrhosis, liver failure and related illnesses;

WHEREAS, Ontario has over 110,000 people living with hepatitis B or C, both of which are slow and progressive diseases; and

WHEREAS, there are vaccines available for Hepatitis A and B; effective Hepatitis C treatment therapies can cure over 95% of cases; and

WHEREAS, World Hepatitis Day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030;

THEREFORE, the Council of the Township of West Lincoln hereby declares July 28th, 2023 World Hepatitis Day in West Lincoln and that Mayor Ganann be and is hereby authorized to forward correspondence to the Niagara Health System, Addiction Services advising of our support.

#### Carried

10.2 Tom Jacobs, Rocket Fireworks Inc.

Re: Request for Fireworks Display at 2433 Port Davidson Road - August 19, 2023

Councillor Trombetta inquired in regards to the potential of a possible fire ban, as the Township had recently just lifted one. Councillor Trombetta inquired into what would happen if Council approved of this display, but a fire ban or weather advisory was put in place the day of the event. Councillor Trombetta stated that it would make sense for the Fire Chief to make this call closer to the date, and noted he didn't want the Township locked into an approval that could prove unsafe.

CAO, Bev Hendry, and the Director of Legislative Services/ Clerk, Jessica Dyson, noted Councillor Trombetta's inquiry and stated that it can be arranged that while approval is given at the moment, the rules and regulation at the time of the event would supersede the approval. It was noted that Acting Fire Chief, Tim Hofsink, would give final approval based on the conditions of the day of the event in August and that the applicants would be advised.

**Moved By** Councillor Jason Trombetta **Seconded By** Councillor Shelley Bradaric

That, the request received from Tom Jacobs, for Rocket Fireworks to host a fireworks display on August 19, 2023 at 2433 Port Davidson Road, Smithville, be approved pending final approval of the Acting Fire Chief or designate on the day of event.

#### Carried

#### 11. MAYOR'S REMARKS

Mayor Ganann read a prepared statement which was attached as Schedule "B" to the minutes.

#### 12. REPORT OF COMMITTEE

12.1 Planning/Building/Environmental CommitteeRe: June 12, 2023Confidential Minutes Under Separate Cover

Moved By Councillor William Reilly Seconded By Councillor Joann Chechalk 1. That, the minutes of the open session portion of the June 12, 2023 Planning/Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved; with the exception of Item#(s) \_\_\_\_\_; and,

2. That, the confidential minutes relating to the closed session portion of the June 12, 2023 Planning/Building/Environmental Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

#### Carried

12.2 Administration/Finance/Fire CommitteeRe: Minutes - June 19, 2023Confidential Minutes Under Separate Cover

Councillor Terry Bell left the meeting at 9:21 pm.

Moved By Councillor Jason Trombetta Seconded By Councillor Joann Chechalk

1. That, the minutes of the open session portion of the June 19, 2023 Administration/Finance/Fire Committee meeting, be accepted, and the recommendations contained therein, be approved; with the exception of Item#(s)\_\_\_\_\_; and,

2. That, the confidential minutes relating to the closed session portion of the June 19, 2023 Administration/Finance/Fire Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

#### Carried

12.3 Public Works/Recreation/Arena Committee Re: Minutes - June 19, 2023

> **Moved By** Councillor Mike Rehner **Seconded By** Councillor Shelley Bradaric

That, the minutes of the open session portion of the June 19, 2023 Public Works & Recreation Committee meeting, be accepted, and the recommendations contained therein, be approved; with the exception of Item#(s)\_\_\_\_\_.

#### Carried

#### 13. **RECONSIDERATION**

There were no items put forward for reconsideration.

#### 14. NOTICE OF MOTION TO RESCIND

There were no motions to rescind put forward by any Member of Council.

#### 15. OTHER BUSINESS

15.1 Communications Specialist (Beth Audet) & CAO (Bev Hendry)
 Re: Recommendation Report No. CAO-02-2023 - 2023-2026 Corporate
 Strategic Plan

Suzanne Gibson, Suzanne Gibson & Associates, provided an overview of the progress made on the 2023-2026 Corporate Strategic Plan through a PowerPoint Presentation.

Mayor Ganann advised Council that a choice had to be made regarding two different vision and mission statements.

After Council deliberated over which vision and mission statement would best suit the 2023-2026 Corporate Strategic Plan, Council decided on the two following statements:

- Vision Statement: "Celebrating its rural and agricultural roots, The Township of West Lincoln will be a safe, engaged and vibrant municipality that fosters connections, opportunities and a strong sense of community"
- Mission Statement: "The Township of West Lincoln provides responsive municipal services that enhance the quality of life in our community" as outlined in the report be approved"

**Moved By** Councillor William Reilly **Seconded By** Councillor Shelley Bradaric

- 1. That, Recommendation Report CAO-02-2023 regarding the 2023-2026 Corporate Strategic Plan, dated June 26, 2023, be received and approved; and,
- 2. That, the vision option chosen by Council being "Celebrating its rural and agricultural roots, The Township of West Lincoln will be a safe, engaged and vibrant municipality that fosters connections, opportunities and a strong sense of community" be approved; and,
- 3. That, Mission Option 1, being "The Township of West Lincoln provides responsive municipal services that enhance the quality of life in our community" as outlined in the report be approved; and,

4. That, the Corporate Strategic Plan attached as Schedule A to this report be adopted and hereby implemented.

#### Carried

 15.2 Manager of Finance/Deputy Treasurer (Katelyn Hall) & Director of Finance/Treasurer (Donna DeFilippis)
 Re: Recommendation Report No. T-16-2023 - Draft Audited Financial Statements and Audit Findings for Year-End 2022

Councillor Terry Bell joined the meeting at 9:24 pm.

**Moved By** Councillor Jason Trombetta **Seconded By** Councillor Shelley Bradaric

- That, Recommendation Report T-16-2023 regarding the "Draft Financial Statements and Audit Findings for Year-End 2022", dated June 26, 2023, be received; and,
- 2. That, the 2022 Draft Audited Financial Statements, attached as Appendix A to this report, be approved; and,
- 3. That, the 2022 Audit Findings Report, attached as Appendix B to this report, be received.

#### Carried

- 15.3 TABLED ITEM (March 28, 2023 Council Meeting)
   Director of Planning & Building (Brian Treble)
   Re: Recommendation Report No. PD-36-2022 Smithville Landowners
   Group request for support of Minister's Zoning Order (MZO)
- 15.4 Members of Council Re: Council Remarks
  - Councillor Reilly Re: Community Events and well wishes

Councillor Reilly made note of the Smithville public school fun fair, and also wished everyone a happy and safe summer.

2) Councillor Trombetta

Re: Graduating Students and well wishes

Councillor Trombetta acknowledged all of the students graduating this year, and that they have come a long way with respect to how they present these graduations. Councillor Trombetta wished everyone a happy and safe summer.

3) Councillor Bradaric

Re: Continuing the advocacy for childcare service in the community

Councillor Bradaric stated that she will continue to lobby for childcare services in the community, and that the Niagara Region is continuing funding for this type of service. Councillor Bradaric also noted that the data that is being gathered may not be accurate as they may not have any registered daycares in the community.

#### 16. NEW ITEMS OF BUSINESS

There were no new items of business brought forward by any Member of Council in attendance.

#### 17. BY-LAWS

**Moved By** Councillor Joann Chechalk **Seconded By** Councillor Mike Rehner

- That, leave be granted to introduce By-law #s 2023-39, 2023-40, 2023-41, 2023-42, 2023-43, 2023-44, 2023-45, 2023-46, 2023-47, 2023-48, 2023-49, and 2023-50, and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
- 2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

#### Carried

17.1 BY-LAW 2023-39

A By-law to confirm the proceedings of the Council of the corporation of the Township of West Lincoln at its regular meeting held on the 23rd day of May, 2023.

17.2 BY-LAW 2023-40

A By-law to appoint a Clerk (Jessica Dyson) for the Township of West Lincoln.

17.3 BY-LAW 2023-41

A By-law to authorize the Mayor and Clerk to sign an employment contract on behalf of the corporation of the Township of West Lincoln with Jessica Dyson. 17.4 BY-LAW 2023-42

A By-law to appoint a Deputy Clerk (Joanne Scime) for the Township of West Lincoln.

17.5 BY-LAW 2023-43

A By-law to amend By-law 2023-03 which confirmed various appointments and/or recommendations for appointments to Boards, Committees, & Municipal Positions.

17.6 BY-LAW 2023-44

A By-law to amend Schedule "A" of By-law 2023-05 which provided for appointments to the Township of West Lincoln Public Library Board.

17.7 BY-LAW 2023-45

A By-law to authorize a collective agreement between the corporation of the Township of West Lincoln and the Canadian Union of Public Employees C.L.C and its local 1287 (West Lincoln Township unit).

17.8 BY-LAW 2023-46

A By-law to authorize a pre-servicing agreement with P. Budd Developments Inc. on lands described as Plan M94 Lot 1 Plan 30M300, PT Lots 12 and 13 and RP30R15516, Parts 1 and 2 (Station Meadows West Subdivision); West Lincoln.

17.9 BY-LAW 2023-47

A By-law to approve amendment No. 65 (to amend Section 18 (implementation) of the Township of West Lincoln Official Plan to address provincial changes including Bill 109 and Bill 23) to the Official Plan for the Township of West Lincoln.

17.10 BY-LAW 2023-48

A By-law to amend By-law 2021-84, as amended, which allows the Township to enforce and seek compliance with designated By-laws or portions thereof through an Administrative Monetary Penalty System (AMPS) in the Township of West Lincoln.

#### 17.11 BY-LAW 2023-49

A By-law to amend By-law 2022-18, which appoints a hearing officer, Janet Rutherford of Rutherford Prosecutions, to conduct the appeal process for Administrative Penalties for Parking and Non-Parking Administrative Monetary Penalties for the corporation of the Township of West Lincoln.

17.12 BY-LAW 2023-50

A By-law to authorize an agreement between the corporation of the Township of West Lincoln and Associated Engineering (ONT.) limited for Barbara St., Brooks Circle watermain replacement.

#### 18. CONFIDENTIAL MATTERS

There are no confidential matters.

#### 19. ADJOURNMENT

The Mayor to declare this meeting adjourned at the hour of 8:31 p.m.

JESSICA DYSON, DIRECTOR OF LEGISLATIVE SERVICES/CLERK MAYOR CHERYL GANANN

#### Jessica Dyson

From: Sent: To: Subject: Vicky Poliquin July 11, 2023 3:39 PM Jessica Dyson Parade committee

Hi I'm just emailing you to resign from the parade committee as I won't be able to help at the parade this year sorry for the inconvenience

Vicky Poliquin

Consolidated Financial Statements of

# The Corporation of the Township of West Lincoln

December 31, 2022

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#### Management's Responsibility for the Consolidated Financial Statements

The accompanying consolidated financial statements of The Corporation of the Township of West Lincoln (the "Municipality") are the responsibility of the Municipality's management and have been prepared in compliance with legislation, and in accordance with Canadian public sector accounting standards. A summary of the significant accounting policies are described in Note 1 to the consolidated financial statements. The preparation of consolidated financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Municipality's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

Council meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the consolidated financial statements.

The consolidated financial statements have been audited by KPMG LLP, independent external auditors appointed by the Municipality. The accompanying Independent Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the Municipality's consolidated financial statements.

BHerde

Chief Administrative Officer

June 26, 2023

Donna De Julippes

Treasurer



KPMG LLP Commerce Place 21 King Street West, Suite 700 Hamilton ON L8P 4W7 Canada Tel 905-523-8200 Fax 905-523-2222

#### **INDEPENDENT AUDITOR'S REPORT**

To the Members of Council, Inhabitants and Ratepayers of the Corporation of the Township of West Lincoln

We have audited the consolidated financial statements of the Corporation of the Township of West Lincoln ("the Township"), which comprise:

- the consolidated statement of financial position as at December 31, 2022
- the consolidated statement of operations and accumulated surplus for the year then ended
- the consolidated statement of changes in net financial assets for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the consolidated financial position of the Township as at December 31, 2022, and its consolidated results of operations and accumulated surplus, its consolidated changes in net financial assets and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

#### **Basis for Opinion**

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *"Auditor's Responsibilities for the Audit of the Financial Statements"* section of our auditor's report.

We are independent of the Township in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

KPMG LLP, an Ontario limited liability partnership and member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. KPMG Canada provides services to KPMG LLP.



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#### Other Matter – Comparative Information

The consolidated financial statements for the year ended December 31, 2021, were audited by another auditor who expressed an unmodified opinion on those financial statements on July 18, 2022.

# *Responsibilities of Management and Those Charged with Governance for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Townships' ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Township or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Townships' financial reporting process.

#### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

 Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.



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- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Townships' internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Townships' ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Township to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Township to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

KPMG LLP

Chartered Professional Accountants, Licensed Public Accountants, Hamilton, Canada June 26, 2023

# Consolidated Statement of Financial Position

As At December 31, 2022

	 2022	2021
Financial assets		
Cash and cash equivalents (Note 2)	\$ 12,444,767 \$	15,877,421
Portfolio investments (Note 3)	12,835,354	10,137,189
Taxes receivable	2,347,733	1,963,549
User charges receivable	825,188	894,035
Accounts receivable	1,420,830	1,272,087
Long term receivables	47,051	21,323
Investment in subsidiary (Note 4)	 7,988,771	7,896,894
	 37,909,694	38,062,498
Liabilities		
Accounts payable and accrued liabilities	3,742,921	3,830,121
Other liabilities	2,459,261	2,540,832
Due to trust funds (Note 18)	271,963	261,013
Deferred revenue (Note 5)	6,266,700	6,953,704
Long term debt (Note 7)	17,349,206	18,071,487
Liability for contaminated site (Note 8)	945,900	302,667
Employee benefit obligations (Note 9)	 1,042,970	961,921
	 32,078,921	32,921,745
Net financial assets	 5,830,773	5,140,753
Non-financial assets		
Tangible capital assets (Pages 26 and 27)	93,668,677	92,809,831
Inventory	25,205	16,222
Prepaid expenses	 224,037	164,389
	 93,917,919	92,990,442
Accumulated surplus (Note 10)	\$ 99,748,692 \$	98,131,195

Contingencies (Note 19) Commitments (Note 20)

Approved by

tlerde

Chief Administrative Officer

Donna De Jilippes

Treasurer

# **Consolidated Statement of Operations and Accumulated Surplus**

For the Year Ended December 31, 2022

	Budget 2022	Actual 2022	Actual 2021
	 (Note 22)	-	_
Revenues			
Taxation (Note 12)	\$ 9,440,740 <b>\$</b>	9,529,359 \$	9,181,012
User charges (Note 14)	5,917,140	5,400,840	5,191,666
Government transfers (Note 15)	1,280,710	1,162,595	1,504,765
Other (Note 16)	 947,360	1,754,335	1,330,632
	 17,585,950	17,847,129	17,208,075
Expenses			
General government	3,566,068	3,262,645	2,227,728
Protection to persons and property	2,074,546	1,825,305	1,826,160
Transportation services	4,655,428	5,036,021	4,433,877
Environmental services	4,924,678	4,186,332	4,307,691
Health services	162,794	119,899	113,919
Recreation and cultural services	3,207,782	3,779,225	3,424,250
Planning and development	 886,192	620,843	658,179
	 19,477,488	18,830,270	16,991,804
Net (expense) revenue before other	 (1,891,538)	(983,141)	216,271
Other			
Revenue related to tangible capital assets			
User charges (Note 14)	283,950	997,893	335,995
Government transfers (Note 15)	2,363,500	1,496,851	594,271
Other (Note 16)	3,000	13,378	61,494
Contributed tangible capital assets	-	-	16,981
Gain (loss) on disposal of tangible capital assets	-	639	(38,184)
Change in equity of subsidiary (Note 4)	 -	91,877	143,710
	 2,650,450	2,600,638	1,114,267
Annual surplus	758,912	1,617,497	1,330,538
Accumulated surplus (Note 10)			
Beginning of year	 98,131,195	98,131,195	96,800,657
End of year	\$ 98,890,107 <b>\$</b>	99,748,692 \$	98,131,195

# Consolidated Statement of Changes in Net Financial Assets For the Year Ended December 31, 2022

		Budget 2022	Actual 2022	Actual 2021
	_	(Note 22)		
Annual surplus	\$	758,912 <b>\$</b>	1,617,497 \$	1,330,538
Amortization of tangible capital assets		3,468,073	3,468,073	3,449,674
Acquisition of tangible capital assets		(5,421,450)	(4,344,969)	(4,589,804)
Capitalization of prior year construction in progress		-	493	704,060
(Gain) loss disposal of tangible capital assets		-	(639)	38,184
Proceeds from sale of tangible capital assets		-	18,196	97,852
		(1,194,465)	758,651	1,030,504
(Acquisition) use of inventory		-	(8,983)	195
Acquisition of prepaid expenses			(59,648)	(36,507)
Change in net financial assets		(1,194,465)	690,020	994,192
Net financial assets				
Beginning of year		5,140,753	5,140,753	4,146,561
End of year	\$	3,946,288 <b>\$</b>	5,830,773 \$	5,140,753

# **Consolidated Statement of Cash Flows**

For the Year Ended December 31, 2022

	2022	2021
Operating activities		
Annual surplus	<b>\$</b> 1,617,497 \$	1,330,538
Non-cash items		
Amortization of tangible capital assets	3,468,073	3,449,674
(Gain) loss disposal of tangible capital assets	(639)	38,184
Increase in taxes receivable	(384,184)	(10,560)
Decrease (increase) in user charges receivable	68,847	(73,650)
Increase (decrease) in accounts receivable	(148,743)	192,067
Decrease in accounts payable and accrued liabilities	(87,200)	(45,410)
(Decrease) increase in other liabilities	(81,571)	243,099
Increase in due to trust funds	10,950	11,000
(Decrease) increase in deferred revenue	(687,004)	490,659
Increase in liability for contaminated site	643,233	5,222
Increase in employee benefit obligations	81,049	71,595
(Increase) decrease in inventory	(8,983)	195
Increase in prepaid expenses	(59,648)	(36,507
	4,431,677	5,666,106
Capital activities		
Proceeds from sale of tangible capital assets	18,196	97,852
Capitalization of prior year construction in progress	493	704,060
Acquisition of tangible capital assets	(4,344,969)	(4,589,804
	(4,326,280)	(3,787,892
Investing activities		
Increase in portfolio investments	(2,698,165)	(2,679,502
Increase in investment in subsidiary	(91,877)	(143,710
Increase in long term receivables	(25,728)	(21,169
	(2,815,770)	(2,844,381
Financing activities		
Issuance of long term debt	-	900,000
Payment of long term debt	(722,281)	(662,279
	(722,281)	237,721
Net change in cash and cash equivalents	(3,432,654)	(728,446
Cash and cash equivalents		
Beginning of year	15,877,421	16,605,867
End of year	<b>\$ 12,444,767</b> \$	15,877,421

## The Corporation of the Township of West Lincoln Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2022

The Corporation of the Township of West Lincoln (the "Municipality") was amalgamated/incorporated in 1970 as a municipality under the Province of Ontario and operates under the provision of the Municipal Act, 2001.

#### 1. Significant accounting policies

The consolidated financial statements of the Municipality are the responsibility of and prepared by management in accordance with Canadian public sector accounting standards. The preparation of the consolidated financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The significant accounting policies used are as follows:

#### (a) Reporting entity

The consolidated financial statements reflect the financial assets, liabilities, non-financial assets, revenues, expenses and changes in accumulated surplus of the reporting entity. The reporting entity is comprised of all organizations and enterprises accountable for the administration of their affairs and resources to the Municipality and which are owned or controlled by the Municipality. In addition to general government tax-supported operations, they include the following:

#### West Lincoln Public Library Board

Interdepartmental and organizational transactions and balances are eliminated.

Niagara Peninsula Energy Inc. is a subsidiary corporation of the Municipality and is accounted for on a modified equity basis, consistent with the generally accepted accounting treatment for government business enterprises (Note 4). Under the modified equity basis, the government business enterprise's accounting principles are not adjusted to conform with those of the Municipality, and inter- organizational transactions and balances are not eliminated.

The consolidated financial statements exclude trust assets that are administered for the benefit of external parties (Note 18).

#### (b) Basis of accounting

Sources of revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting records revenues in the period they are earned and measurable and expenses in the period the goods and services are acquired and a liability is incurred.

#### (c) Financial instruments

#### i) Measurement

The Municipality initially measures its financial assets and financial liabilities at fair value adjusted by, in the case of a financial instrument that will not be measured subsequently at fair value, the amount of transaction costs directly attributable to the instrument.

The Municipality subsequently measures its financial assets and financial liabilities at amortized cost.

For the Year Ended December 31, 2022

#### 1. Significant accounting policies (continued)

#### (c) Financial instruments (continued)

#### i) Measurement (continued)

Financial assets measured at amortized cost include cash and cash equivalents, accounts receivable, and long term receivables.

Financial liabilities measured at amortized cost include accounts payable and accrued liabilities, other liabilities, and long term debt.

#### ii) Impairment

Financial assets measured at amortized cost are tested for impairment when there are indicators of possible impairment. When a significant adverse change has occurred during the period in the expected timing or amount of future cash flows from the financial asset or group of assets, a write-down is recognized in the statement of operations. The write-down reflects the difference between the carrying amount and the higher of: the present value of the cash flows expected to be generated by the asset or group of assets; the amount that could be realized by selling the assets or group of assets; and the net realizable value of any collateral held to secure repayment of the assets or group of assets.

When the event occurring after the impairment confirms that a reversal is necessary, the reversal is recognized in the statement of operations up to the amount of the previously recognized impairment.

#### (d) Cash and cash equivalents

Cash and cash equivalents are represented by cash on hand, cash on deposit in chartered banks and investments that mature within three months.

#### (e) Portfolio investments

Portfolio investments are valued at the lower of amortized cost and market value. Where there has been a loss that is other than a temporary decline in market value, the respective investment is written down to recognize the loss.

#### (f) Deferred revenue

Receipts that are restricted by legislation of senior governments or by agreement with external parties are deferred and reported as restricted revenues. When qualifying expenses are incurred, restricted revenues are brought into revenue at equal amounts. Revenues received in advance of expenses that will be incurred in a later period are deferred until they are earned by being matched against those expenses.
#### 1. Significant accounting policies (continued)

#### (g) Liability for contaminated sites

Contaminated sites are a result of contamination being introduced into air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an environmental standard. The liability is recorded net of any expected recoveries. A liability for remediation of contaminated sites is recognized when a site is not in productive use and all the following criteria are met:

- an environmental standard exists;
- contamination exceeds the environmental standard;
- the municipality is directly responsible or accepts responsibility;
- it is expected that future economic benefits will be given up; and
- a reasonable estimate of the amount can be made.

The liability is recognized as management's estimate of the cost of post-remediation including operation, maintenance and monitoring that are an integral part of the remediation strategy for a contaminated site.

#### (h) Employee benefit obligations

The Municipality provides certain benefits which will require funding in future periods. These benefits include extended health and dental benefits for certain retirees. The costs of extended health and dental benefits are actuarially determined using management's best estimate of salary escalation, health care cost trends, long-term inflation rates and discount rates.

For self-insured retirement benefits that vest or accumulate over the periods of service provided by employees, the cost is actuarially determined using the projected accrued benefit cost method pro-rated on service. Under this method, the benefit costs are recognized over the expected average service life of the employee group. Any actuarial gain or loss related to the past service of employees are amortized over the expected average remaining service life to the expected retirement age of the employee group.

The cost of multi-employer defined benefit pension plan benefits, such as the Ontario Municipal Employees Retirement System ("OMERS") pensions, are the employer's contributions due to the plan in the period. OMERS has been accounted for as a defined contribution plan since it is a multi-employer plan.

#### (i) Tangible capital assets

Tangible capital assets are recorded at cost. Cost includes all directly attributable expenses in the acquisition, construction, development and/or betterment of the asset required to install the asset at the location and in the condition necessary for its intended use. Contributed tangible capital assets are capitalized at their estimated fair value upon the date of acquisition and are also recorded as revenue. The Municipality does not capitalize interest as part of the costs of its capital assets.

Works of art for display in municipal property are not included as capital assets. The works of art are held for exhibition, educational and historical interest. Such assets are deemed worthy of preservation because of the social rather than financial benefits they provide to the community. The cost of art is not determinable or relevant to their significance. No valuation of the collection has been conducted or disclosed in the consolidated financial statements.

#### 1. Significant accounting policies (continued)

#### (i) Tangible capital assets (continued)

Leases are classified as capital or operating leases. Leases that transfer substantially all benefits incidental to ownership are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expenses as incurred.

Amortization is calculated on a straight-line basis to write-off the net cost of each asset over its estimated useful life for all classes except land. Land is considered to have an infinite life without amortization. Residual values of assets are assumed to be zero with any net gain or loss arising from the disposal of assets recognized in the consolidated statement of operations.

Classification	Useful Life
Land improvements	15 to 40 years
Facilities	20 to 50 years
Rolling stock	5 to 20 years
Equipment	5 to 20 years
Infrastructure – transportation	10 to 75 years
Infrastructure – environmental	15 to 80 years

No amortization is charged in the year of acquisition and a full year amortization is taken in year of disposal. Assets under construction are not amortized until the asset is available for productive use.

#### (j) Subdivision infrastructure

Subdivision roads, lighting, sidewalks, drainage and other infrastructure are required to be provided by subdivision developers. Upon completion, they are turned over to the Municipality. The Municipality is not involved in the construction and does not budget for either the contribution from the developer or the capital expense.

#### (k) Reserves for future expenses

Certain amounts, as approved by Council, are set aside in reserves for future operating and capital expenses.

#### (I) Revenue recognition

#### i) Taxation

Property tax billings are prepared by the Municipality based on assessment rolls issued by the Municipal Property Assessment Corporation ("MPAC"). Tax rates are established annually by Council, incorporating amounts to be raised for local services and amounts the Municipality is required to collect on behalf of the Region of Niagara and the Province of Ontario in respect of education taxes. Realty taxes are billed based on the assessment rolls provided by MPAC. Taxation revenues are recorded at the time tax billings are issued.

#### 1. Significant accounting policies (continued)

#### (I) Revenue recognition (continued)

#### i) Taxation (continued)

A normal part of the assessment process is the issue of supplementary assessment rolls which provide updated information with respect to changes in property assessment. Once a supplementary roll is received, the Municipality determines the taxes applicable and renders supplementary tax billings. Assessments of the related property taxes are subject to appeal. Any supplementary billing adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined and the effect shared with the Region of Niagara and school boards, as appropriate.

#### ii) User charges

User charges are recognized when the services are performed or goods are delivered and there is reasonable assurance of collection.

#### iii) Government transfers

Government transfers are recognized in the consolidated financial statements as revenues in the period in which events giving rise to the transfer occur, providing the transfers are authorized, any eligibility criteria have been met and reasonable estimates of the amounts can be made.

#### iv) Other

Other revenue is recorded when it is earned and collection is reasonably assured.

#### v) Investment income

Investment income earned on operating surplus funds and reserves and reserve funds (other than obligatory reserve funds) are recorded as revenue in the period earned. Investment income earned on obligatory reserve funds are recorded directly to each respective fund balance and forms part of the deferred revenue – obligatory reserve funds balance.

#### (m) Local improvements

The Municipality records capital expenses funded by local improvement agreements as they are incurred. Revenues are recognized in the year they become payable.

#### (n) Region of Niagara and school board transactions

The taxation, other revenues, expenses, assets and liabilities with respect to the operations of the school boards and the Region of Niagara are not reflected in the accumulated surplus of these financial statements.

#### 1. Significant accounting policies (continued)

#### (o) Use of estimates and measurement uncertainty

The preparation of the financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the financial statements and the reported amounts of revenues and expenses during the reporting periods. Actual results could differ from those estimates. Estimates are used with accounting for items such as allowances for taxes receivable, accrued liabilities, liability for contaminated site, employee benefit obligations and tangible capital assets.

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#### 2. Cash and cash equivalents

Cash and temporary investments are comprised of:

	2022	2021
Cash on hand	\$ 668	\$ 528
Cash held in banks	5,189,835	15,792,524
Investments maturing within three months	 7,254,264	 84,369
	\$ 12,444,767	\$ 15,877,421
3. Portfolio investments		
	2022	2021
Guaranteed investment certificates	\$ 11,087,117	\$ 7,973,165
Debentures and bonds	1,538,389	2,059,083
Accrued interest income	 209,848	 104,941
	\$ 12,835,354	\$ 10,137,189

Portfolio investments carry an effective interest rate ranging from 1.15% to 5.35% and maturity dates ranging from May 2023 to May 2033. Interest is receivable on an annual basis. Portfolio investments reported on the consolidated statement of financial position have a market value of \$12,714,209 (2021 - \$10,122,994).

#### 4. Investment in subsidiary

Peninsula West Power Inc. (PWPI), established by Municipal Council under Municipal By-law 2004-45, is an amalgamation of hydro-electric commissions from the municipalities of Lincoln, West Lincoln and Pelham. PWPI wholly-owns Peninsula West Services Ltd. (PWSL), which provides water heater, sentinel lights and related services and owns a 25.5% share of Niagara Peninsula Energy Inc. (NPEI), which provides electric distribution services. The Corporation of the Township of West Lincoln has a 24% interest in PWPI.

For the Year Ended December 31, 2022

#### 4. Investment in subsidiary (continued)

The following table provides condensed supplementary financial information for Peninsula West Power Inc. (PWPI):

	 2022	2021
Financial position		
Current assets	\$ 1,717,662 \$	1,646,498
Capital assets	69,265	79,889
Investment	 37,784,856	36,873,000
Total assets	 39,571,783	38,599,387
Current liabilities	58,433	56,753
Deferred tax liabilities	 6,226,804	5,638,911
Total liabilities	 6,285,237	5,695,664
Net assets	\$ 33,286,546 \$	32,903,723
Township of West Lincoln's interest – 24%	\$ 7,988,771 \$	7,896,894
Change in equity investment in subsidiary		
Revenues	\$ 215,604 \$	171,920
Expenses	 (205,572)	(170,136)
Income from operating activities	10,032	1,784
Gain on investment – Niagara Peninsula Energy Inc.	1,421,855	828,921
Finance income – net	 24,722	7,569
Income before income taxes	1,456,609	838,274
Income tax expense	 (597,786)	(2,081)
Net income and comprehensive income	858,823	836,193
Dividends	 (476,000)	(237,400)
Net increase in equity of subsidiary	\$ 382,823_\$	598,793
Change in equity of subsidiary – 24%	\$ 91,877 \$	143,710

The financial position information is as reported by PWPI at December 31, 2022 and the results of operations are as reported for the year ended December 31, 2022. The comparative financial position and results of operations figures are as reported by PWPI at December 31, 2021.

For the Year Ended December 31, 2022

#### 4. Investment in subsidiary (continued)

The below summarizes the Municipality's related party transactions with NPEI. All transactions are in the normal course of operations and are recorded at the exchange value based on normal commercial rates.

	2022	2021
Electricity purchased	\$ 280,107	\$ 246,825
Contracted services	 7,298	5,798
	\$ 287,405	\$ 252,623
5. Deferred revenue		
	2022	2021
Development Charges Act	\$ 3,548,509	\$ 4,215,049
Recreational land (Planning Act)	487,285	352,758
Canada Community - Building Fund	1,031,111	1,375,635
Deferred property tax revenue	920,141	889,369
Other	 279,654	120,893
	\$ 6,266,700	\$ 6,953,704
Deferred revenue is made up of the following:		
	2022	2021
Balance, beginning of year	\$ 6,953,704	\$ 6,463,045
Contributions from		
Development Charges Act	399,333	522,440
Interest earned	148,997	51,707
Canada Community - Building Fund	459,870	901,956
Deferred property tax revenue	920,141	889,369
Other	 715,994	-
	 2,644,335	2,365,472
Utilized for		
Operations	(1,012,480)	(879,995)
Tangible capital asset acquisitions	 (2,318,859)	(994,818)
	 (3,331,339)	(1,874,813)
Balance, end of year	\$ 6,266,700	\$ 6,953,704

#### 6. Credit facility

The Municipality has available an authorized revolving line of credit of \$2,000,000 bearing interest at prime less 0.75% to assist with general operating requirements. The line of credit is unsecured and due on demand. As at year end, the line of credit has not been drawn upon (2021 - \$nil).

#### 7. Long term debt

	2022	2021
The municipality has assumed responsibility for the payment of principal and interest charges on certain long term debt issued by the Region of Niagara. At year end, outstanding principal is:	\$ 17,349,206	\$ 18,071,487

The balance of long term debt reported on the consolidated statement of financial position is made up of the following:

By-Law Number	Purpose	Interest Rate	Maturity Date	2022	2021
2017-83	Recreation Centre	3.53%	2048	\$ 12,750,000 \$	13,250,000
2017-83	Bridge 12	3.16%	2028	159,206	188,153
2019-101	Recreation Centre	2.80%	2049	3,600,000	3,733,334
2021-109	Elcho and Concession 5 Roads	2.63%	2036	 840,000	900,000
				\$ 17,349,206 \$	18,071,487

Principal repayments in each of the next five years and thereafter are due as follows:

2023	\$ 722,280
2024	722,280
2025	722,280
2026	722,280
2027	722,280
Thereafter	 13,737,806
	\$ 17,349,206

The Municipality paid \$595,939 (2021 - \$594,963) interest on long term debt during the year.

#### 8. Liability for contaminated site

In 2022, a Consulting Geotechnical and Environmental Engineering firm was hired by the Township to complete an Environmental Site Assessment at 5490 Vaughan Road, the former public works yard owned by the Township of West Lincoln.

The assessment indicated that soil and groundwater quality exceedances of current Ministry of the Environment, Conservation and Parks industrial/commercial land use standards due to the long term effects of salt storage. The estimated remediation cost to employ a stratified depth clean-up approach would be approximately \$945,900.

#### 9. Employee benefit obligations

	2022		2021
Accrued vacation pay funded	\$ 441,670	\$	386,921
Retirement benefits	 601,300	_	575,000
	1,042,970		961,921
Less: Accrued vacation pay funded	 441,670		386,921
Liabilities to be recovered in the future	\$ 601,300	\$	575,000
Retirement benefits			
	 2022		2021
Accrued benefit obligation:			
Balance, beginning of year	\$ 571,400	\$	574,100
Current benefit cost	50,300		40,700
Interest	17,400		16,400
Benefits paid	(42,900)		(59,800)
Actuarial gain	 (87,400)		-
Balance, end of year	508,800		571,400
Unamortized actuarial gain	 92,500		3,600
Accrued benefit liability, end of year	\$ 601,300	\$	575,000

Included in expenses is \$1,500 (2021 - \$500) for amortization of the actuarial gain. The unamortized actuarial gain is amortized over the expected average remaining service life of 11 years.

For the Year Ended December 31, 2022

#### 9. Employee benefit obligations (continued)

The Municipality provides employees with health and dental benefits between the time an employee retires under the OMERS retirement provisions to the age of sixty-five. The accrued benefit obligation was determined by actuarial valuation completed with an effective date of December 31, 2022, using a discount rate of 4.60% (2021 - 2.80%). Medical costs were assumed to increase in 2022 at 6.79%, decreasing by 0.110% per year until the rate of increase is 4.50%. Dental costs were assumed to increase 4.50% per year. In order to qualify for retirement benefits, CUPE employees must be employed by the Municipality for at least twenty-five years and be part of OMERS for at least twenty-five years, non-CUPE employees must be employed by the Municipality for at least fifteen years, and be part of OMERS for at least twenty years.

#### 10. Accumulated surplus

		2022	2021
Operating surplus	\$	571,590 \$	651,372
Investment in subsidiary	·	7,988,771	7,896,894
Unfunded:			
Liability for contaminated sites		(945,900)	(302,667)
Employee benefit obligations		(601,300)	(575,000)
Investment in tangible capital assets (net of long term debt)		76,319,473	74,738,343
Reserves and reserve funds (Note 11)		16,416,058	15,722,253
	\$	99,748,692 \$	98,131,195

#### 11. Reserves and reserve funds

	2022	2021
Working funds	\$ - \$	45,159
Contingencies	1,749,081	1,382,010
Technology	153,589	184,363
Hospital	1,453,997	1,326,367
Insurance	187,655	187,655
Election	27,373	117,231
Library	332,924	290,045
Capital	2,141,844	1,740,959
Wind turbine community fund	443,847	945,023
Fire trucks and equipment	1,661,582	1,536,991
Road equipment	997,610	1,194,254
Industrial park	455,759	455,759
Bridges	430,087	435,090
Facilities	412,822	372,616

# Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2022

#### 11. Reserves and reserve funds (continued)

		2022	2021
Sidewalks	_	201,186	177,102
Streetlights		64,752	64,752
Sewers		2,151,522	1,710,734
Water		1,379,946	985,673
Winter control		638,000	633,000
Cemeteries		73,979	38,595
West Lincoln Community Centre		352,627	169,927
Settlement road agreement		438,338	957,204
Planning		543,941	402,627
Building revenues		123,597	369,117
	\$	16,416,058 \$	15,722,253

#### 12. Taxation

		Budget 2022	Actual 2022	Actual 2021
Real property	\$	27,539,882	\$ 27,792,438	\$ 26,566,145
From other governments				
Payments in lieu of taxes		1,111,784	 1,119,838	 1,117,611
		28,651,666	 28,912,276	 27,683,756
Less: taxation collected on behalf of others (Note 13)		19,210,926	19,382,917	18,502,744
Net taxes available for municipal purposes	\$	9,440,740	\$ 9,529,359	\$ 9,181,012
Residential and farm	\$	7,815,850	\$ 7,650,242	\$ 7,335,116
Commercial		1,155,630	1,481,918	1,460,200
Industrial	-	469,260	 397,199	 385,696
Net taxes available for municipal purposes	\$	9,440,740	\$ 9,529,359	\$ 9,181,012

For the Year Ended December 31, 2022

#### 13. Collections for the Region of Niagara and school boards

Total taxation and development charges received or receivable on behalf of the Region of Niagara and the school boards were as follows:

	2022	2021
Region of Niagara	\$ 15,041,829 \$	14,271,013
School boards	 4,341,088	4,231,731
	\$ 19,382,917 \$	18,502,744

The Municipality is required to levy and collect taxes on behalf of the Region of Niagara and the school boards. These taxes are recorded as revenue at the amounts levied. The taxes levied over (under) the amounts requisitioned are recorded as accounts payable (receivable).

The Municipality collects development charges on behalf of the Region of Niagara and the Niagara Catholic District School Board. Development charges collected in excess of those paid to the Region of Niagara and the Niagara Catholic District School Board are recorded as accounts payable.

#### 14. User charges

	 Budget 2022	Actual 2022	Actual 2021
Operating			
Direct water and sewer billings	\$ 4,355,860 <b>\$</b>	4,190,139 \$	4,035,479
Licences and permits	451,540	344,502	400,847
Development charges	228,000	53,699	126,656
Recreation	406,330	371,841	190,783
Rents and concessions	55,510	57,370	56,265
Other	 419,900	383,289	381,636
	 5,917,140	5,400,840	5,191,666
Capital			
Development charges	 283,950	997,893	335,995
	\$ 6,201,090 <b>\$</b>	6,398,733 \$	5,527,661

# Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2022

#### 15. Government transfers

	 Budget 2022	Actual 2022		Actual 2021
Operating				
Province of Ontario	\$ 1,210,690 \$	1,113,844	\$	1,390,552
Government of Canada	-	36,802		43,582
Municipal	 70,020	11,949		70,631
	1,280,710	1,162,595		1,504,765
Capital				
Province of Ontario	619,500	463,071		310,299
Government of Canada	1,244,000	1,013,800		283,972
Municipal	 500,000	19,980		-
	 2,363,500	1,496,851		594,271
	\$ 3,644,210 <b>\$</b>	2,659,446	\$	2,099,036
16. Other revenue				
	Dudget	Actual		Actual
	Budget 2022	Actual 2022		Actual 2021
Operating	 			
Penalties and interest on taxes	\$ 300,000 \$	370,491	\$	326,781
Other fines	23,540	37,294		29,981
Interest and dividend income	180,000	600,874		338,889
Interest income - reserves and reserve funds	-	15,995		7,911
Other	23,820	278,181		175,570
Community Fund	 420,000	451,500		451,500
	 947,360	1,754,335	_	1,330,632
Capital				
Developer contribution	-	10,378		-
Other	 3,000	3,000	_	61,494
	 3,000	13,378		61,494
	\$ 950,360 \$	1,767,713	\$	1,392,126

For the Year Ended December 31, 2022

#### 17. Pension agreements

The Municipality makes contributions to the Ontario Municipal Employees Retirement System ("OMERS"), which is a multi-employer plan, on behalf of the members of its staff. The plan is a defined benefit plan that specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay. Employees and employers contribute jointly to the plan.

Since OMERS is a multi-employer pension plan, the Municipality does not recognize any share of the pension plan deficit of \$6.68 billion (2021 - \$3.13 billion) based on the fair market value of the Plan's assets, as this is a joint responsibility of all Ontario municipal entities and their employees. Contributions were made in the 2022 calendar year at rates ranging from 9.0% to 15.8% depending on the member's designated retirement age and level of earnings. Employer contributions for current and past service are included as an expense in the consolidated statement of operations. Employer contributions to OMERS for 2022 current and past service was \$426,751 (2021 - \$401,437) and were matched by employee contributions in a similar amount.

#### 18. Corporation of the Township of West Lincoln - Trust Funds

Trust funds administered by the Municipality amounting to \$271,963 (2021 - \$261,013) have not been included in the consolidated statement of financial position nor have these operations been included in the consolidated statement of operations.

#### 19. Contingencies

The Municipality is involved from time to time in litigation, which arises in the normal course of business. In respect to any outstanding claims, the Municipality believes that insurance coverage is adequate, and that no material exposure exists on the eventual settlement of such litigation, therefore no provision has been made in the financial statements.

#### 20. Commitments

#### West Lincoln Memorial Hospital

The Township is committed to funding a portion of the local share amount of \$50 million towards the reconstruction of the West Lincoln Memorial Hospital located in Grimsby. The Township approved a plan to contribute \$4,524,850 towards this project. It is anticipated that the Township contribution of \$4,524,850 will be due and payable sometime in 2025. The Township introduced a new hospital levy in 2021 in order to provide funding towards this commitment. The approved plan includes the issuance of a debenture in 2025 in order to provide the required payment that will be due and payable. The funds from the annual hospital levy will be used to fund the principal and interest payments on the debenture.

#### 21. Measurement uncertainty

Property tax billings are prepared by the Municipality based on an assessment roll prepared by the Municipal Property Assessment Corporation ("MPAC"), an agency of the Ontario government. All assessed property values in the Municipality were reviewed and new values established based on a common valuation date that was used by the Municipality in computing the property tax bills. However, the property tax revenue and tax receivables of the Municipality are subject to measurement uncertainty as a number of appeals submitted by taxpayers have yet to be heard. Any adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined and the effect shared with the Region of Niagara and school boards, as appropriate.

For the Year Ended December 31, 2022

#### 22. Budget

The budget by-law adopted by Council on February 28, 2022 was not prepared on a basis consistent with that used to report actual results in accordance with Canadian public sector accounting standards. The budget was prepared on a modified accrual basis while Canadian public sector accounting standards require a full accrual basis. As a result, budget figures presented in the consolidated statements of operations and accumulated surplus and changes in net financial assets represent the Council approved budget and subsequent budget amendments, with the following adjustments.

	 2022
Approved budgeted annual surplus	\$ -
Add:	
Acquisition of tangible capital assets	5,421,450
YMCA obligation	52,500
Debenture principal repayment	722,450
Transfer to reserve and reserve funds	2,796,880
Less:	
Transfer from reserve and reserve funds	(4,116,295)
Debenture proceeds	(650,000)
Amortization of tangible capital assets	 (3,468,073)
Budgeted surplus reported on the consolidated statement of operations	\$ 758,912

#### 23. Segmented information

The Municipality provides a wide range of services to its citizens. Municipal services are provided by departments and their activities are reported in the consolidated statement of operations. Certain departments that have been separately disclosed in the Consolidated Schedule of Segment Disclosure, along with the services they provide, are as follows:

#### General government

General government is comprised of Municipal Council, administrative and clerks departments.

#### Protection to persons and property

Protection to persons and property is comprised of the fire and emergency management, building, by-law enforcement and animal control departments.

#### **Transportation services**

The transportation services department is responsible for the delivery of public works services related to maintenance of roadway systems, maintenance of parks and open spaces, winter control, street lighting, air transportation and maintenance of Municipal buildings.

For the Year Ended December 31, 2022

#### 23. Segmented information (continued)

#### **Environmental services**

The environmental services department consists of water, wastewater and solid waste disposal utilities. The department provides drinking water, collecting and treating wastewater, and providing collection disposal and waste minimization programs and facilities.

#### Health services

Health services department is responsible for cemetery operations.

#### **Recreation and culture services**

Recreation and culture services department is responsible for the delivery and upkeep of all recreation programs and facilities including arena, recreation complex, parks and library.

#### Planning and development

Planning and development is responsible for providing planning and zoning advice to the residents of the Municipality and construction and maintenance of Municipal drains.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Taxation revenue is allocated to segments based on budgeted amounts with any supplementary tax revenue being allocated to the general government segment.

The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1. The consolidated schedule of segment disclosure and the consolidated schedules of segment disclosure with budget information follow the notes.

#### 24. Financial instruments and risks

Unless otherwise noted, it is management's opinion that the Municipality is not exposed to significant risks. There have been no changes in the Municipality's risk exposures from the prior year.

#### Liquidity risk

Liquidity risk is the risk that the Municipality will not be able to meet its obligations as they become due. The Municipality manages this risk by establishing budgets and funding plans to fund its expenses and debt payments.

Credit risk

The Municipality is exposed to credit risk through its cash and cash equivalents, accounts and other receivables and long-term receivables. There is a possibility of non-collection of its accounts and other receivables. The majority of the Municipality's receivables are from rate payers and government entities. The Municipality mitigates its exposure to credit loss by placing its cash and cash equivalents with major financial institutions.

#### 25. Comparative figures

Certain comparative figures have been reclassified to conform with the financial statement presentation adopted for the current year and have no impact on annual surplus.

# Consolidated Schedule of Tangible Capital Assets For the Year Ended December 31, 2022

														202	2
	 Land	In	Land provements		Facilities	R	olling Stock		Equipment	lı	nfrastructure	Сс	onstruction in Progress	Tota	al
Cost															
Beginning of year	\$ 4,112,267	\$	5,430,461	\$	25,699,766	\$	6,696,695	\$	4,485,086	\$	88,887,323	\$	199,985	\$ 135,511,58	3
Add: additions	-		253,944		240,875		626,074		213,953		1,038,098		1,972,025	4,344,96	9
Less: disposals	 -		(46,838)		(48,985)	_	(378,101)	_	(144,982)		(274,303)		(493)	(893,70	2)
End of year	 4,112,267		5,637,567	_	25,891,656		6,944,668		4,554,057	_	89,651,118		2,171,517	138,962,85	0
Accumulated amortization															
Beginning of year	-		1,991,284		3,337,314		2,981,429		1,456,275		32,935,450		-	42,701,75	2
Add: amortization	-		164,358		590,143		404,261		365,040		1,944,271		-	3,468,07	3
Less: amortization on disposals	 -		(46,838)		(37,724)		(378,102)		(144,982)		(268,006)		-	(875,65	2)
End of year	 _		2,108,804		3,889,733		3,007,588		1,676,333		34,611,715			45,294,17	3
Net book value	\$ 4,112,267	\$	3,528,763	\$	22,001,923	\$	3,937,080	\$	2,877,724	\$	55,039,403	\$	2,171,517	\$ 93,668,67	7

# Consolidated Schedule of Tangible Capital Assets For the Year Ended December 31, 2022

													2021
	Land	In	Land nprovements		Facilities	R	olling Stock	Equipment	Infrastructure	С	onstruction in Progress		Total
Cost													
Beginning of year	\$ 4,112,267	\$	5,440,009	\$	25,199,456	\$	6,497,302	\$ 4,273,369	\$ 87,212,075	\$	203,813	\$	132,938,291
Add: additions	-		81,388		510,063		781,128	386,454	2,130,539		700,232		4,589,804
Less: disposals	 -		(90,936)		(9,753)	_	(581,735)	 (174,737)	(455,291)		(704,060)		(2,016,512)
End of year	 4,112,267		5,430,461	_	25,699,766		6,696,695	 4,485,086	88,887,323		199,985		135,511,583
Accumulated amortization													
Beginning of year	-		1,898,818		2,761,204		3,164,013	1,288,335	31,316,124		-		40,428,494
Add: amortization	-		166,052		583,099		378,916	335,996	1,985,611		-		3,449,674
Less: amortization on disposals	 -		(73,586)	_	(6,989)		(561,500)	(168,056)	(366,285)		-		(1,176,416)
End of year	 _		1,991,284	_	3,337,314	_	2,981,429	 1,456,275	32,935,450			_	42,701,752
Net book value	\$ 4,112,267	\$	3,439,177	\$	22,362,452	\$	3,715,266	\$ 3,028,811	\$ 55,951,873	\$	199,985	\$	92,809,831

# **Consolidated Schedule of Segment Disclosure**

For the Year Ended December 31, 2022

	General Government	Protection to Persons and Property	Transportation Services	Environmental Services	Health Services	Recreation and Cultural Services	Planning and Development	Consolidated
Revenues								
Taxation	\$ 2,833,731	\$ 1,194,602	\$ 2,769,856	\$ 85,149	\$ 119,246	\$ 1,881,265	\$ 645,510	\$ 9,529,359
User charges	119,508	936,011	187,647	4,191,929	45,522	626,814	291,302	6,398,733
Government transfers	1,055,481	500,618	907,872	1,949	-	178,668	14,858	2,659,446
Other	1,475,413	51,399	10,378	19,827	5,360	205,336	-	1,767,713
(Loss) gain on disposal of tangible capital assets	(11,261)	-	11,900	-	-	-	-	639
Change in equity of subsidiary	91,877	-	-	-	-	-	-	91,877
	5,564,749	2,682,630	3,887,653	4,298,854	170,128	2,892,083	951,670	20,447,767
Expenses								
Salaries and benefits	1,939,659	927,170	1,698,039	439,876	13,834	1,614,572	471,410	7,104,560
Interest on long term debt	-	-	28,609	-	-	560,150	-	588,759
Operating materials and supplies	319,426	201,680	1,023,388	948,529	2,679	566,041	18,922	3,080,665
Contracted services	1,182,973	243,711	1,152,319	1,387,819	92,041	278,168	119,919	4,456,950
Rent and financial expenses	12,500	2,900	1,935	-	-	14,872	-	32,207
External transfers to others	19,500	518	-	-	10,300	5,200	-	35,518
Tax write-offs	61,505	-	2,033	-	-	-	-	63,538
Interfunctional adjustments	(537,700)	180,900	(363,390)	625,720	-	84,270	10,200	-
Amortization of tangible capital assets	264,782	268,426	1,493,088	784,388	1,045	655,952	392	3,468,073
	3,262,645	1,825,305	5,036,021	4,186,332	119,899	3,779,225	620,843	18,830,270
Annual surplus (deficit)	\$ 2,302,104	\$ 857,325	\$ (1,148,368)	\$ 112,522	\$ 50,229	\$ (887,142)	\$ 330,827	\$ 1,617,497

# **Consolidated Schedule of Segment Disclosure**

For the Year Ended December 31, 2022

	Gener Governr		Protection to Persons and Property	Tra	ansportation Services	Er	ivironmental Services		Health Services	Recreation and Cultural Services	nning and velopment	Со	onsolidated
Revenues													
Taxation	\$ 1,679	,798	\$ 1,366,472	\$	2,737,452	\$	90,586	\$	105,464	\$ 2,454,119	\$ 747,121	\$	9,181,012
User charges	181	,812	439,940		175,256		4,038,049		21,124	362,614	308,866		5,527,661
Government transfers	1,128	,462	19,593		626,485		41,568		-	247,511	35,417		2,099,036
Other	1,146	,936	20,946		960		18,935		1,789	189,418	13,142		1,392,126
Contributed tangible capital assets		-	-		-		-		1,981	15,000	-		16,981
(Loss) gain on disposal of tangible capital assets	(2	,765)	12,116		48,663		(89,008)		-	(7,190)	-		(38,184)
Change in equity of subsidiary	143	,710	-		-		-		-	-	-		143,710
	4,277	,953	1,859,067		3,588,816		4,100,130	_	130,358	 3,261,472	1,104,546	1	18,322,342
Expenses													
Salaries and benefits	1,743	,638	872,746		1,624,200		422,495		20,641	1,429,253	449,822		6,562,795
Interest on long term debt		-	-		6,871		-		-	581,534	-		588,405
Operating materials and supplies	245	,964	167,757		833,888		907,400		1,546	484,784	23,036		2,664,375
Contracted services	380	,646	340,598		823,729		1,570,359		80,388	175,868	174,929		3,546,517
Rent and financial expenses	11	,559	460		1,877		-		-	13,984	-		27,880
External transfers to others	19	,300	560		-		-		10,300	4,750	-		34,910
Tax write-offs	115	,762	-		1,486		-		-	-	-		117,248
Interfunctional adjustments	(527	,200)	177,400		(338,620)		595,660		-	82,760	10,000		-
Amortization of tangible capital assets	238	,059	266,639		1,480,446		811,777	_	1,044	 651,317	 392	_	3,449,674
	2,227	,728	1,826,160		4,433,877		4,307,691		113,919	3,424,250	658,179	1	16,991,804
Annual surplus (deficit)	\$ 2,050	,225	\$ 32,907	\$	(845,061)	\$	(207,561)	\$	16,439	\$ (162,778)	\$ 446,367	\$	1,330,538



KPMG LLP Commerce Place 21 King Street West, Suite 700 Hamilton ON L8P 4W7 Canada Tel 905-523-8200 Fax 905-523-2222

# INDEPENDENT AUDITOR'S REPORT

To the Members of Council, Inhabitants and Ratepayers of the Corporation of the Township of West Lincoln

We have audited the financial statements of the Corporation of the Township of West Lincoln - Trust Funds ("the Trust Funds"), which comprise:

- the statement of financial position as at December 31, 2022
- the statement of operations and accumulated surplus for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Trust Funds as at December 31, 2022, and its results of operations and accumulated surplus, for the year then ended in accordance with Canadian public sector accounting standards.

#### **Basis for Opinion**

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "*Auditor's Responsibilities for the Audit of the Financial Statements*" section of our auditor's report.

We are independent of the Trust Funds in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### Other Matter – Comparative Information

The financial statements for the year ended December 31, 2021, were audited by another auditor who expressed an unmodified opinion on those financial statements on July 18, 2022.

KPMG LLP, an Ontario limited liability partnership and member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. KPMG Canada provides services to KPMG LLP.



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# *Responsibilities of Management and Those Charged with Governance for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Trust Funds' ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Trust Funds or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Trust Funds' financial reporting process.

#### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

 Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

• Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Trust Funds' internal control.



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- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Trust Funds' ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Trust Funds to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

KPMG LLP

Chartered Professional Accountants, Licensed Public Accountants, Hamilton, Canada June 26, 2023

#### **Statement of Financial Position**

As at December 31, 2022

		Bismark United Church Cemetery	Bethel metery	Cemetery Perpetual Care	Marker erpetual Care	St Ann's Cemetery	′aite netery	Union emetery	С	Union emetery onument	Union Cemetery Care & aintenance	Caistor Baptist Cemetery	2022 Total	2021 Total
Financial assets Due from Corporation of the Township of West Lincoln	\$	48,339	\$ 16,898	\$ 100,685	\$ 23,464	\$ 5,993	\$ 6,848	\$ 35,444	\$	7,474	\$ 18,128	\$ 8,690 <b>\$</b>	271,963 \$	261,013
Net financial assets and accumulated surplus	\$	48,339	\$ 16,898	\$ 100,685	\$ 23,464	\$ 5,993	\$ 6,848	\$ 35,444	\$	7,474	\$ 18,128	\$ 8,690 <b>\$</b>	271,963 \$	261,013
Statement of Operations and Accumula For the Year Ended December 31, 2022 Revenue Perpetual care agreements Interest earned	s	<b>d Surplus</b> - 340	\$ - 972	\$ 8,550 175	\$ 2,400 365	\$ - 150	\$ - 3 713	\$ - 138	\$	- 121	\$ - 448	\$ - <b>\$</b> 1,939	10,950 \$ 5,361	11,000 1,788
		340	972	8,725	2,765	150	713	138		121	448	1,939	16,311	12,788
Expenses Interest earned distributed to cemetery reserve		340	972	175	365	150	713	138		121	448	1,939	5,361	1,788
Annual surplus		-	-	8,550	2,400	-	-	-		-	-	-	10,950	11,000
Accumulated Surplus Beginning of year		48,339	16,898	92,135	21,064	5,993	6,848	35,444		7,474	18,128	8,690	261,013	250,013
End of year	\$	48,339	\$ 16,898	\$ 100,685	\$ 23,464	\$ 5,993	\$ 6,848	\$ 35,444	\$	7,474	\$ 18,128	\$ 8,690 <b>\$</b>	271,963 \$	261,013

See accompanying notes to the financial statements

# The Corporation of the Township of West Lincoln Trust Funds Notes to the Financial Statements

For the Year Ended December 31, 2022

#### 1. Significant accounting policies

The financial statements of the Trust Funds of the Corporation of the Town of West Lincoln are the responsibility of and prepared by management in accordance with Canadian public sector accounting standards. Since precise determination of many assets and liabilities is dependent upon future events, the preparation of periodic financial statements necessarily involves the use of estimates and approximations. These have been made using careful judgements and actual results could differ from those judgements. Significant accounting policies adopted by the Trust Funds are as follows:

#### (a) Basis of accounting

Sources of revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of the receipt of goods and services and the creation of a legal obligation to pay.

#### 2. Due from Corporation of the Township of West Lincoln

The amounts due from the Corporation of the Township of West Lincoln are unsecured, interest bearing, with no specific terms of repayment.

#### 3. Statement of cash flows

A statement of cash flows has not been provided as the related information is readily determinable from the financial statements as presented.



Your Future Naturally

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# TOWNSHIP OF WEST LINCOLN MAYOR'S YOUTH ADVISORY COMMITTEE (MYAC)

**MEETING NO. FIVE: Wednesday,** June 7, 2023 Township Administration Building, 318 Canborough Street, and Smithville – **3:30 p.m. Council Chambers** 

Mayor Ganann Syd Kivell Carson McFarlane Carter Pataran Joshua Harkin Tamas Hunter Reighan Van Duzen

Absent: Seth Chechalk

Staff: Jacquie Thrower, Executive Assistant Beth Audet, Communications Specialist

- 1. Welcome and Introduction of members/guests Mayor Ganann welcomed the Committee Members to the meeting.
- 2. Business Arising from Minutes:
  - i) Goals for new membership (suggestions, ideas for discussion)

# 3. Education Presentation – Guest: Brad Keunen, Changes in Agricultural Jobs

Brad advised that he was not a fan of school and in high school he took shop classes and enjoyed hand on activities and now he works on a 4<sup>th</sup> generation family farm that is fully robotic. Brad stated that he had approximately 200 cows and the youngest is approximately 2 weeks old. Brad answered questions from the Committee and advised that when he started out he worked for neighbours and drove tractors and also fixed machinery. Brad advised that there are many agricultural jobs that are related to farming such as dairy nutritionist.

4. Corporate Christmas Card

The Committee Members worked on the Corporate Christmas Card.

5. Future topics of interest to MYAC – for discussion

Mayor Ganann advised that she recently attend the historical society open house at the Train Station and inquired if the Committee would like to attend the Train Station to view their archives as a field trip. Mayor Ganann advised that the Archives have displays such as trains, baggage carts and maps and advised that the Archives are open to the public. Jacquie confirmed that the Archives are open Tuesday and Wednesday 10:00 a.m. – 4:00 p.m.

6. Confirmation of Sam Oosterhoff - July 5th at 10:00 a.m. Bring a Friend or Two or Three

Mayor Ganann advised that MPP Sam Oosterhoff has confirmed his attendance at the July 5<sup>th</sup> MYAC Meeting at 10:00 a.m. Mayor Ganann invited Committee Members to bring a guests to the meeting.

Syd advised that she is not able to attend the August 2<sup>nd</sup> Meeting.

Mayor Ganann advised that she would like the Committee Members to take turns chairing the monthly meeting commencing in September.

7. Adjournment

The meeting adjourned at 4:35 p.m.

Mayor Cheryl Ganann

Jacquie Thrower, Executive Assistant



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**REPORT** COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** WLFD-10-2023

SUBJECT: Monthly Update - June 2023

**CONTACT:** Tim Hofsink, Acting Fire Chief

# **OVERVIEW**:

• This report will address June 2023 fire responses and activities

# **RECOMMENDATION:**

That, Information Report WLFD-10-2023 regarding "Monthly Update – June 2023", dated July 17<sup>th</sup>, 2023, be received for information purposes.

# ALIGNMENT TO STRATEGIC PLAN:

### Theme #1

• Build - a safe, connected, caring and active community

Theme #4

• Advance – organizational capacity and effectiveness

# **CURRENT SITUATION:**

# **Emergency Response Calls – June 2023**

Station # 1 - 35 Station # 2 - 8 GR- 1 PE- 3 LI-1

**District Legend:** 

Call Date	Call Time	Nature	District
06/30/2023	10:11:03	33 - BURNING COMPLAINT	STN 2
			STN 1 & STN
06/28/2023	10:21:07	104 - ELECTRICAL FIRE	2
06/28/2023	9:25:33	3 - GRASS FIRE	STN 1
06/26/2023	16:10:06	56 - OVERDOSE	STN 1
		6 - HAZARDOUS MATERIAL - SINGLE	
06/24/2023	13:31:08	RESPONSE	STN 1
06/24/2023	9:45:51	5 - EMERGENCY MEDICAL ASSISTANCE	PE2
06/24/2023	5:53:52	54 - VSA/UNCONSCIOUS	STN 1
06/23/2023	11:16:35	2 - VEHICLE FIRE	STN 1
			STN 1 & STN
06/22/2023	8:53:24	4 - MVC UNKNOWN EXTRICATION	2

Call Date	Call Time	Nature	District
06/22/2023	8:06:09	41 - MVC EXTRICATION	STN 1
			STN 1 & STN
06/20/2023	20:53:16	116 - RUPTURED/DAMAGED GAS LINE	2
06/19/2023	14:21:00	54 - VSA/UNCONSCIOUS	STN 1
06/17/2023	20:41:39	112 - DETECTOR ACTIVATION	PE & STN 1
06/17/2023	2:10:51	54 - VSA/UNCONSCIOUS	PE3
06/17/2023	0:50:54	41 - MVC EXTRICATION	STN 1
06/15/2023	17:18:31	5 - EMERGENCY MEDICAL ASSISTANCE	STN 1
06/14/2023	19:48:21	5 - EMERGENCY MEDICAL ASSISTANCE	STN 1
06/14/2023	9:43:49	5 - EMERGENCY MEDICAL ASSISTANCE	STN 1
			STN 1 & STN
06/13/2023	10:04:06	100 - SMOKE IN THE BUILDING	2
06/11/2023	22:27:56	54 - VSA/UNCONSCIOUS	STN 1
06/10/2023	10:11:53	41 - MVC EXTRICATION	STN 1
06/10/2023	8:57:13	11 - PRELIMINARY ASSIGNMENT	STN 1
			STN 1 & STN
06/10/2023	0:27:40	1 - STRUCTURE FIRE	2
		114 - REMOTE ALARM FROM SECURITY	
06/09/2023	18:20:25	COMPANY	STN 1
00/00/0000	47 50 00	114 - REMOTE ALARM FROM SECURITY	
06/09/2023	17:50:29		STN 1
06/09/2023	0:19:20	5 - EMERGENCY MEDICAL ASSISTANCE	STN 1
06/08/2023	9:04:19	33 - BURNING COMPLAINT	STN 1
06/07/2023	21:34:21	3 - GRASS FIRE	STN 1
00/07/2022	17:27:38		STN 1 & STN
06/07/2023		5 - EMERGENCY MEDICAL ASSISTANCE	2
06/07/2023	12:36:22	33 - BURNING COMPLAINT	STN 1
06/07/2023	12:14:09	33 - BURNING COMPLAINT	STN 1
06/06/2023	18:16:26	114 - REMOTE ALARM FROM SECURITY COMPANY	STN 1
06/06/2023	16:28:47	41 - MVC EXTRICATION	GR2
	15:15:05	33 - BURNING COMPLAINT	STN 1
06/06/2023			
06/03/2023	23:20:39	33 - BURNING COMPLAINT	STN 1
06/03/2023	21:15:42	5 - EMERGENCY MEDICAL ASSISTANCE	STN 1
06/03/2023	16:06:15		LI1
06/03/2023	12:22:33	200 - FIRE DEPARTMENT NOT REQUIRED	STN 1
06/03/2023	12:09:19	33 - BURNING COMPLAINT	STN 1
06/02/2023	11:44:59	32 - RUBBISH OR MISCELLANEOUS FIRE	STN 1
06/01/2023	10:30:47	4 - MVC UNKNOWN EXTRICATION	STN 1 & STN 2

Grimsby = GR, Pelham = PE, Haldimand = HD, Lincoln = L, Hamilton=HAM

### **New Retirees:**

• Nothing to report

### New Recruits:

• Nothing to report

### Promotion:

• Applicants for the Lieutenant-Mechanical position wrote promotional exams in the last week of June. Decision on the successful candidate will be made mid-July.

### **Station 2 Progress**

- Work is progressing at Station 2. There have been a number of delays which have pushed the completion date back. These include:
  - Major HVAC components had been delayed in manufacturing and delivery, they have now been delivered and are being installed.
  - Natural gas feed from road requires supply station to be assembled and installed, at this point the delay may be 8 to 10 weeks, potentially extending substantial completion until the end of August. Efforts are underway to work with Enbridge to shorten this timeline.
  - Work involving installation of the cisterns had resulted in delays, this has been resolved.
  - There had been a delay in the delivery of the standby generator, this has arrived and piping for fuel supply is being installed.
- Interior work has been largely completed, finishing work is being scheduled.
- No solid completion date is currently available, may be late August.

# Training:

- Recruits from the Spring 2023 class had a busy weekend at the end of June, performing their NFPA 1001 Firefighter I Testing on Saturday, June 24<sup>th</sup> and performing live fire training at the Grimsby Regional Training Centre the next day.
- Driver Training Program is underway to ensure that there is an appropriate depth to the team of drivers/pump operators, the Emergency Vehicle Operators Course was the first step taken.
- Training for standpipes, sprinklers and other complex building protection systems was undertaken.

### Fire Prevention:

- Working with local occupancies to complete Fire Safety Plans
- Scheduled inspection with owner of local multi-unit residential complex-to be performed in July.

# **Apparatus Fleet:**

• The new 2023 Tanker was put into service. Final decals are still to be installed, the crew performed a traditional apparatus push-in ceremony to celebrate its arrival, details of which were released to the public

• The apparatus previously used as Tanker 1 in Station 1 was moved to Station 2 and re-designated Tanker 2 for use until its replacement with the truck currently in the planning/pre-construction phase.

### **Fire Department Activities:**

- School visit to Cairns Christian School
- Two end of the year touch-a-truck public education events at Smithville Public and Caistor Gainsborough public schools were held in support of their Fun Fairs.

Prepared & Submitted by:

Approved by:

Tim Hofsink, Acting Fire Chief

tlerde

Bev Hendry, CAO



Your Future Naturally

REPORT ADMINISTRATION/FINANCE/FIRE COMMITTEE

**DATE:** July 17, 2023

**REPORT NO:** T-17-2023

SUBJECT: Financial Update as of June 30, 2023

**CONTACT:** Donna DeFilippis, Director of Finance/Treasurer

# OVERVIEW:

• Presentation and analysis of operating and capital expenditures as of June 30, 2023

# **RECOMMENDATION:**

That, Report T-17-2023, regarding the "Financial Update as of June 30,2023", dated July 17, 2023, be received for information.

# ALIGNMENT TO STRATEGIC PLAN:

# Strategic Priority #4

• **ADVANCE** organizational capacity and effectiveness

# BACKGROUND:

The Finance Department has completed a review of operating results up to the end of June 30, 2023. **Appendix A** is a summary of the Operating Revenues and Expenditures up to June 30, 2023. The analysis has taken into account the timing and seasonality of certain budget lines. The column titled "Budget" under the "Operating YTD" heading on the attached analysis indicates the portion of the budget that would be expected to be expended as of June 30, 2023. This report summarizes the actual operating expenditures up to June 30, 2023 by service area. **Appendix B** to this report is a presentation of June 30, 2023 results by "object" code and includes Capital expenditures. **Appendix C** to this report is a listing of the Township Reserve Balances projected to December 31, 2023.

# **CURRENT SITUATION:**

Council has approved the final 2023 tax rates and final property tax bills were issued in late June, with two instalment dates for the end of July and the end of September. The issuance of the final tax bills is of significance as Property Tax accounts for 71% of the Township's operating budget revenue. Staff is continually monitoring the operating expenses, and at this point there is nothing that requires Council's attention.

Staff is projecting that investment revenue will exceed the 2023 budget of \$290,000, which will assist in offsetting any operating items that may be of concern in the upcoming months.

# **Purchasing Activity:**

The Township's purchasing policy grants the CAO purchasing authority up to \$100,000. The CAO approved the following procurements in May and June, in accordance with the purchasing policy:

Vendor	Αmoι	unt	Project
Bogar Patterson/EHM Solutions	\$	21,173.00	Annual Maintenance for HVAC sytem at WLCC
Fence Con Inc.	\$	26,980.00	Fencing - Creekview and WLCC
Barco	\$	12,470.80	Tables for Leisureplex Pavilion
Suzanne Gibson and Associates	\$	15,000.00	Library Strategic Plan
Premergency		\$1,806.87 monthly	Learning Management Software
Crown Plumbing	\$	18,900.00	Station #1 Water Heater Replacement

The above purchases are within approved budget amounts. The purchase from Crown Plumbing was related to Budget Amendment BA2023-07 to replace the water heater at Station 2.

# FINANCIAL IMPLICATIONS:

Amendments to the approved budget are requested by staff when they become aware of changes to the original Council approved budget. As part of the 2023 budget approval, Council approved the following recommendation:

"7. That, Council delegate authority to the CAO to approve in year 2023 budget amendments up to \$20,000 per item and to report to Council on a monthly basis regarding such amendments; and, "

Any amounts over \$20,000 would go directly to Council for approval

To date, the following budget amendments have been approved:

Number	Description Road Rehabilitation Project		ount	Funding Source		
BA2023-01			ocation	reallocation only		
BA2023-02	CUPE Contract Negotiations	\$	21,380	operating budget		
BA2023-03	Cost of Living Adjustments-Council	\$	1,720	operating budget		
BA2023-04	Funding for Welcome Signage linked to PRIP application	\$	37,500	Regional Grant		
		\$	37,500	Transfer from Capital Reserve		
BA2023-05	Cost of Living Adjustments- other groups	\$	33,620	operating budget		
BA2023-06	Killins St., Barbara St., Brooks Circle Watermain Replacement Design	\$	35,000.00	Water Reserve		
BA2023-07	New Water Heater at Station 1		\$19,300	Facility Reserve		

# **INTER-DEPARTMENTAL COMMENTS:**

This report has been reviewed by the CAO.

# **CONCLUSION:**

Staff is recommending that Council receive this report as an item of information.

Prepared & Submitted by:

Approved by:

Donna De filippis

Donna DeFilippis, Director of Finance/Treasurer

Bev Hendry, CAO

### TOWNSHIP OF WEST LINCOLN

# For the Six Months Ending June 30, 2023

	Actuala	Operating Y		Variance (9()		perating Total	Variance (%)
General	Actuals	Budget	Variance (\$)	Variance (%)	Budget	Variance (\$)	Variance (%)
General	(\$9,492,645.29)	(\$5,411,340.00)	\$4,081,305.29	(75.%)	(\$10,822,780.00)	(\$1,330,134.71)	12.%
Equipment	621,381.27	40.00		(1553353.%)	(, , , , , , , , , , , , , , , , , , ,	-621,381.27	0.%
Total General	-8,871,264.02	-5,411,300.00	3,459,964.02	(64.%)	-10,822,780.00	-1,951,515.98	18.%
General Government							
Governance	209,026.29	191,400.00	-17,626.29	(9.%)	384,040.00	175,013.71	46.%
Corporate Management	765,408.83	1,002,060.00	236,651.17	24.%	2,003,650.00	1,238,241.17	62.%
Total General Government	974,435.12	1,193,460.00	219,024.88	18.%	2,387,690.00	1,413,254.88	59.%
Protection Services							
Fire	835,689.92	758,760.00	-76,929.92	(10.%)	1,497,860.00	662,170.08	44.%
Building Permit & Inspection Serv	211,266.86	52,860.00	-158,406.86	(300.%)	107,000.00	-104,266.86	(97.%)
Provincial Offences Act		-4,740.00	-4,740.00	100.%	-9,490.00	-9,490.00	100.%
Animal Control	-11,950.61	10,980.00	22,930.61	209.%	22,000.00	33,950.61	154.%
Total Protection Services	1,035,006.17	817,860.00	-217,146.17	(27.%)	1,617,370.00	582,363.83	36.%
Transportation Services							
Roads Paved & Unpaved	837,200.67	1,239,520.00	402,319.33	32.%	2,475,600.00	1,638,399.33	66.%
Traffic Operations & Roadside Ma	18,035.27	124,200.00	106,164.73	85.%	250,100.00	232,064.73	93.%
Winter Control	255,343.83	352,600.00	97,256.17	28.%	703,950.00	448,606.17	64.%
Crossing Guards	31,712.59	38,460.00	6,747.41	18.%	65,090.00	33,377.41	51.%
Streetlights	-28,627.11	14,400.00	43,027.11	299.%	29,230.00	57,857.11	198.%
Bridges & Culverts	183,252.92	125,940.00	-57,312.92	(46.%)	251,840.00	68,587.08	27.%
Total Transportation Services	1,296,918.17	1,895,120.00	598,201.83	32.%	3,775,810.00	2,478,891.83	66.%
Environmental Services							
Wastewater	354,785.26	40.00	-354,745.26	(886863.%)		-354,785.26	
Storm Sewer	18,381.64	57,780.00	39,398.36	68.%	115,500.00	97,118.36	
Water	341,975.79	-40.00	-342,015.79	855039.%		-341,975.79	0.%
Total Environmental Services	715,142.69	57,780.00	-657,362.69	(1138.%)	115,500.00	-599,642.69	(519.%)
Heath Services							
Cemeteries	59,940.17	85,700.00	25,759.83	30.%	171,440.00	111,499.83	65.%
Total Heath Services	59,940.17	85,700.00	25,759.83	30.%	171,440.00	111,499.83	65.%
<b>Recreation &amp; Cultural Services</b>							
Parks	143,254.47	272,980.00	129,725.53	48.%	545,660.00	402,405.53	74.%
Recreation Programs	162,409.49	242,580.00	80,170.51	33.%	486,960.00	324,550.51	67.%
Recreational Facilities	321,333.20	286,210.00	-35,123.20	(12.%)	569,960.00	248,626.80	
Libraries	359,880.29	394,470.00	34,589.71	9.%	789,400.00	429,519.71	54.%
Total Recreation & Cultural Services	986,877.45	1,196,240.00	209,362.55	18.%	2,391,980.00	1,405,102.55	59.%
Planning & Development							
Planning & Heritage	320,975.05	157,210.00	-163,765.05	(104.%)	313,950.00	-7,025.05	(2.%)
Drainage	16,956.20	20,280.00	3,323.80	16.%	40,620.00	23,663.80	
Farmers' Market	28,268.34	4,260.00	-24,008.34	(564.%)	8,420.00	-19,848.34	(236.%)
Total Planning & Development	366,199.59	181,750.00	-184,449.59	(101.%)	362,990.00	-3,209.59	(1.%)
=	-3,436,744.66	16,610.00	3,453,354.66	20791.%		3,436,744.66	0.%

# TOWNSHIP OF WEST LINCOLN Summary of All Units For the Six Months Ending June 30, 2023

1	YTD				Annual				
· · · · · · · · · · · · · · · · · · ·	Budget	Actual	Variance (\$)	Variance (%)	Budget	Remaining (\$)	Remaining (%)		
Operating Revenue			(1)			<b>3</b> (1)	<u> </u>		
Tax Levy	\$4,628,940.00	\$4,264,452.30	\$364,487.70	8.%	\$9,257,850.00	\$4,993,397.70	54.%		
Street Light Levy	36,600.00	36,983.23	-383.23	(1.%)	73,140.00	36,156.77	49.%		
Sidewalk Levy	57,600.00	55,875.74	1,724.26	3.%	115,160.00	59,284.26	51.%		
Supplemental Levy	30,600.00		30,600.00	100.%	61,200.00	61,200.00	100.%		
Payment In Lieu	358,620.00	727,246.49	-368,626.49	(103.%)	717,300.00	-9,946.49	(1.%)		
User Fees	3,134,850.00	2,652,869.87	481,980.13	15.%	6,270,180.00	3,617,310.13	58.%		
Government Transfers	575,400.00	555,907.13	19,492.87	3.%	1,150,620.00	594,712.87	52.%		
Other Revenue	556,020.00	77,289.63	478,730.37	86.%	1,112,040.00	1,034,750.37	93.%		
Allocation of Program Support	839,100.00	904,000.00	-64,900.00	(8.%)	1,677,970.00	773,970.00	46.%		
Funding From Reserves	535,980.00	004,000.00	535,980.00	100.%	1,071,870.00	1,071,870.00	100.%		
Total Operating Revenue	10,753,710.00	9,274,624.39	1,479,085.61	14.%	21,507,330.00	12,232,705.61	<b>57.%</b>		
	10,755,710.00	9,274,024.39	1,479,085.01	14.70	21,507,550.00	12,232,703.01	57.76		
Operating Expenses									
Salaries and Wages	3,133,610.00	2,793,852.18	339,757.82	11.%	6,256,030.00	3,462,177.82	55.%		
Benefits	942,020.00	775,391.88	166,628.12	18.%	1,857,400.00	1,082,008.12	58.%		
Debenture Interest	286,020.00	290,700.91	-4,680.91	(2.%)	572,190.00	281,489.09	49.%		
Administrative Expenses	149,640.00	112,910.98	36,729.02	25.%	300,350.00	187,439.02	62.%		
•	206,400.00	113,330.73	93,069.27	45.%	413,620.00	300,289.27	73.%		
Supplies and Equipment Repairs and Maintenance (Materials Only)	208,400.00 891,300.00	780,018.03	111,281.97	45.% 12.%			56.%		
	,	,			1,782,830.00	1,002,811.97			
Utilities	264,420.00	232,115.46	32,304.54	12.%	529,710.00	297,594.54	56.%		
Insurance	187,440.00	342,815.62	-155,375.62	(83.%)	375,090.00	32,274.38	9.%		
Subscriptions and Periodicals	6,720.00	8,507.71	-1,787.71	(27.%)	13,640.00	5,132.29	38.%		
Contracted Services	1,957,380.00	1,320,444.13	636,935.87	33.%	3,916,170.00	2,595,725.87	66.%		
Special Projects	278,220.00	336,162.32	-57,942.32	(21.%)	556,400.00	220,237.68	40.%		
Rents and Financial Expenses	21,180.00	10,977.68	10,202.32	48.%	42,410.00	31,432.32	74.%		
External Transfers	28,320.00	55,900.00	-27,580.00	(97.%)	56,560.00	660.00	1.%		
Internal Functional Adjustments	386,980.00		386,980.00	100.%	773,970.00	773,970.00	100.%		
Allocation of Program Support	451,920.00	904,000.00	-452,080.00	(100.%)	904,000.00		0.%		
Tax Write Off	42,480.00	17,754.69	24,725.31	58.%	84,700.00	66,945.31	79.%		
Debenture Principal	361,260.00	361,139.97	120.03	0.%	722,400.00	361,260.03	50.%		
Contribution to Reserves	1,175,010.00	2,349,860.00	-1,174,850.00	(100.%)	2,349,860.00		0.%		
Total Operating Expenses	10,770,320.00	10,805,882.29	-35,562.29	(0.%)	21,507,330.00	10,701,447.71	50.%		
Operating Surplus/(Deficit)	-16,610.00	-1,531,257.90	1,514,647.90	(9119.%)		1,531,257.90	0.%		
Capital Revenue									
User Fees	111,588.00		111,588.00	100.%	223,200.00	222 200 00	100.%		
	,	207 955 70			,	223,200.00			
Government Transfers	570,804.00	287,855.70	282,948.30	50.%	1,141,600.00	853,744.30	75.%		
Other Revenue	2,478.00	400.00	2,078.00	84.%	4,950.00	4,550.00	92.%		
TCA Sale Proceeds		1,500.00	-1,500.00	0.%		-1,500.00	0.%		
Proceeds From Debentures	600,000.00		600,000.00	100.%	1,200,000.00	1,200,000.00	100.%		
Funding From Reserves	1,021,926.00		1,021,926.00	100.%	2,043,850.00	2,043,850.00	100.%		
Total Capital Revenue	2,306,796.00	289,755.70	2,017,040.30	87.%	4,613,600.00	4,323,844.30	94.%		
Capital Expenditures									
Land Improvements	159,996.00	14,573.05	145,422.95	91.%	320,000.00	305,426.95	95.%		
Facilities	39,504.00				,	,			
	,	1,345,337.19	-1,305,833.19	(3306.%)	79,000.00	-1,266,337.19	(1603.%)		
Equipment	128,904.00	137,418.56	-8,514.56	(7.%)	257,800.00	120,381.44	47.%		
Rolling Stock	342,498.00	500,499.99	-158,001.99	(46.%)	685,000.00	184,500.01	27.%		
Transportation Infrastructure	1,568,496.00	156,513.55	1,411,982.45	90.%	3,137,000.00	2,980,486.45	95.%		
Environmental Infrastructure	67,404.00	29,902.18	37,501.82	56.%	134,800.00	104,897.82	78.%		
Total Capital Expenditures	2,306,802.00	2,184,244.52	122,557.48	5.%	4,613,600.00	2,429,355.48	53.%		
Capital Surplus/(Deficit)	-6.00	-1,894,488.82	1,894,482.82	(31574714.%)		1,894,488.82	0.%		
	0.00	.,	.,	(0.07 17 141/0)		.,	0.75		

		CLOSING	COMMITMENTS			UNCOMMITTED	
RESERVE FUNDS:							
BUILDING REVENUES RESERVE	-\$	131,373	\$	-	-\$	131,373	
LIBRARY	\$	342,924	\$	90,541	\$	252,383	
TOTAL RESERVE FUNDS	\$	211,551	\$	90,541	\$	121,010	
RESERVES:							
HOSPITAL RESERVE	\$	1,630,297	\$	-	\$	1,630,297	
CAPITAL	\$	2,491,744	\$	1,134,518	\$	1,357,226	
WATER DEPT. PROJECTS	\$	1,717,626	\$	579,800	\$	1,137,826	
FIRE RESERVE	\$	2,101,082	\$	965,369	\$	1,135,713	
SEWER PROJECTS	\$	2,268,982	\$	1,161,134	\$	1,107,848	
CONTINGENCIES	\$	1,546,113	\$	727,180	\$	818,933	
WINTER CONTROL	\$	643,110	\$	-	\$	643,110	
INDUSTRIAL PARK	\$	455,759	\$	-	\$	455,759	
BRIDGES	\$	595,087	\$	202,446	\$	392,64 <i>°</i>	
WLCC (WEST LINCOLN COMMUNITY CENTER)	\$	367,897	\$	35,000	\$	332,897	
EQUIPMENT RESERVE	\$	1,447,610	\$	1,128,060	\$	319,550	
FACILITY RESERVE	\$	498,322	\$	200,706	\$	297,616	
SIDEWALKS	\$	211,696	\$	-	\$	211,696	
NSURANCE	\$	166,655	\$	-	\$	166,655	
TECHNOLOGY	\$	163,789	\$	28,966	\$	134,823	
CEMETARIES	\$	117,979	\$	35,000	\$	82,979	
STREET LIGHTS	\$	64,752	\$	-	\$	64,752	
ELECTION EXPENSE	\$	63,373	\$	-	\$	63,373	
PLANNING RESERVE	\$	608,941	\$	557,295	\$	51,646	
WIND TURBINE COMMUNITY FUND RESERVE	\$	443,847	\$	394,981	\$	48,866	
SETTLEMENT ROAD AGREEMENT RESERVE	\$	438,338	\$	437,738	\$	600	
TOTAL RESERVES	\$	18,042,999	\$	7,588,193	\$	10,454,806	
TOTAL RESERVE FUNDS AND RESERVES					\$	10,575,816	

# **RESERVE FUND AND RESERVE BALANCES PROJECTED TO DECEMBER 31, 2023**


**DATE:** July 17, 2023

**REPORT NO:** HR-01-2023

SUBJECT: Health and Safety Policy

**CONTACT:** Cassandra Carey, Human Resources Coordinator Jessica Dyson, Director of Legislative Services/Clerk

#### OVERVIEW:

- The Township of West Lincoln will establish best practices to communicate the health and safety responsibilities of workplace parties, contractors and visitors.
- All Township operations will strive to be a model of high quality health and safety practices.

#### **RECOMMENDATION:**

- (1) That, Information Report HR-01-2023 "Health and Safety Policy" dated July 17, 2023 be received for information; and,
- (2) That, By-law 2023-02, being a By-law to establish a Municipal Health and Safety Policy Statement be repealed and substituted with the Health and Safety Policy as attached as Schedule A to this report.

#### ALIGNMENT TO STRATEGIC PLAN:

#### Theme #4

• Foundational – Advance Organizational Capacity and Effectiveness

#### **BACKGROUND:**

With the addition of the Human Resources Coordinator position, it was imperative to review current Policies, shape revisions that align with the strategic goals of the Township and construct future Policies to provide a foundational pillar of clear and concise practices for employee's.

The purpose of this Policy is to outline best practices of health and safety responsibilities of all Township parties. This Policy will define and promote Occupational Health and Safety programs, communicate the Corporation's commitment to a healthy and safe workplace while ensuring compliance with evolving legislation. It is believed that updated Policies will keep workplaces running efficiently, resulting in reduced workplace illness or injuries.

#### **Respecting Our Roots, Realizing Our Future**

#### **CURRENT SITUATION:**

As outlined in the Occupational Health and Safety Act, an employer shall prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy; and, post at a conspicuous location in the workplace a copy of the occupational health and safety policy.

This policy was reviewed by the Township's Joint Health and Safety Committee and no concerns were provided.

Current By-law 2023-02 supports the establishment of a Health and Safety Policy, and can now be repealed as the Health and Safety Policy has been written.

#### FINANCIAL IMPLICATIONS:

Not applicable to this report.

#### **INTER-DEPARTMENTAL COMMENTS:**

The Policy has been discussed by the Human Resources Coordinator at the Senior Management Team meeting. The Joint Health and Safety Committee was given an opportunity to provide comments, and none were given. This report was also reviewed by the CAO.

#### CONCLUSION:

Staff recommends that By-law 2023-02 be repealed, as the prescribed Health and Safety Policy has been completed.

Prepared & Submitted by:

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Cassandra Carey, Human Resources Coordinator

Herd

Approved by:

Bev Hendry, CAO

Jessica Dyson, Director of Legislative Services/Clerk

**Respecting Our Roots, Realizing Our Future** 

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TITLE:	Health and Safety Policy
POLICY NO:	POL-ADMIN-03-2023
APPROVAL DATE:	July 17, 2023
EFFECTIVE DATE:	July 17, 2023
SUPERCEDES NO:	By-Law 2023-02

#### PURPOSE

The Township of West Lincoln will establish best practices to communicate the health and safety responsibilities of all workplace parties, contractors and visitors. All Township operations will strive to be a model of high quality health and safety practices.

#### POLICY STATEMENT

The Township of West Lincoln is committed to conduct all site operations safely in the spirit of preventing occupational illnesses and injuries, including psychological harm. To fulfill this commitment, the Township will meet or exceed all applicable laws, regulations and standards by developing health and safety procedures that are easily accessible and understood.

#### SCOPE

This policy applies to every department, supervisor, and worker of the Township of West Lincoln.

#### DEFINITIONS

Competent Person: means a person who:

- Is qualified because of knowledge, training and experience to organize the work and its performance;
- Is familiar with the Act and the regulations that apply to the work; and
- Has knowledge of any potential or actual danger to health or safety in the workplace.

Due Diligence: taking all steps that are reasonable in the circumstance to avoid harm.

**Employee:** a person employed by the Township who provides work and services for remuneration, including full time, part time or contract Employees, as well as Volunteers.

**Employer:** means a person who employs one or more workers, or contracts for the services of one or more workers and includes:

- A contractor or subcontractor who performs work or supplies services; or
- A contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

Harm: an injury or damage to health.

Hazard: a potential source of harm to a worker; includes both physical and psychological.

**Health:** a state of complete physical, social and mental well-being, and not merely the absence of disease or infirmity.

**Internal Responsibility System (IRS):** a system within an organization, where everyone in the workplace shares responsibility for health and safety. These responsibilities are defined in the OHSA (and Section 3.1) and are integral part of every worker's role.

**OHSA:** The Occupational Health and Safety Act

**Organizational Culture:** a pattern of basic assumptions invented, discovered or developed by a given group, that are a mix of values, meaning and expectations that group members hold in common and use as behavioural and problem solving cues.

**Psychological Health:** a positive state of well-being in which an individual realizes their own abilities, can cope with the normal stresses of life, can work productively and is able to make contributions to their community (interchangeable with psychological well-being, mental health, mental well-being).

**Psychological Safety:** the absence of harm and/or threat of harm to a worker's psychological health.

**Psychologically Healthy and Safe Workplaces:** workplaces that promote worker psychological well-being and actively work to prevent harm to a worker's psychological health, including negligent, reckless or intentional ways.

**Psychosocial Risk Factors:** hazards, including elements of the work environment, management practices, and/or organizational dimensions that increase the risk to health. Include, but are not limited to the following:

- Psychological support
- Organizational culture
- Clear leadership and expectations
- Civility and respect
- Psychological job demands
- Growth and development
- Recognition and reward

- Involvement and influence
- Workload management
- Engagement
- Work/life balance
- Psychological protection from violence, bullying and harassment
- Protection of physical safety

**Regulations:** means the regulations made under the OHSA.

Supervisor: means a person who has charge of workplace or authority over a worker.

**Workplace:** means any land, premise, location or thing at, upon, in or near which a worker works.

#### Roles and Responsibilities

The following is consistent with the duties and responsibilities prescribed under the OHSA and the National Standard of Canada Psychological Health and Safety in the Workplace, and are intended to foster the principles of the Internal Responsibility System (IRS) and the Township of West Lincoln's Respect in the Workplace (Harassment and Discrimination), and Violence in the Workplace Policy.

#### Chief Administrative Officer (CAO) shall:

- Ensure the implementation of the Township of West Lincoln's Health and Safety policy and the integrity of the entire system of direct responsibility for health and safety within the organization, consistent with the IRS;
- Hold all levels of the organization responsible and accountable for their health and safety performance;
- Lead and influence the organizational culture in a positive way;
- Promote good physical and psychological health and well-being.

Supervisors – ALL levels (including Directors and Managers) Supervisors who have charge over an area or activity or any degree of authority over a worker, shall be responsible to the manager or director for ensuring:

- The competency and performance of the IRS within their operating area is achieved and maintained;
- Occupational health and safety policies, programs and procedures are implemented and maintained, including workplace inspections, monitoring, incident reporting and investigations;
- Any observed hazards or lapses in the functioning of the occupational health and safety processes or other occupational health and safety concerns are responded to promptly;
- All workers under their supervision are informed of hazards and instructed on the necessary risk control and emergency response measures;
- Leadership and influence of a positive occupational health and safety culture;
- Promotion of good physical and psychological health and well-being.

**All Workers** shall comply with the Occupational Health and Safety policies, programs and practices developed by the Township for performing work in a healthy and safe manner, which includes:

- Taking an active role in protecting and promoting health and safety at work;
- Ensuring timely reporting of any observed health and safety hazards, injuries, illnesses or lapses in the functioning of any health and safety measure or procedure;
- Co-operating with the Joint Health and Safety Committees, and Health and Safety Representatives;
- Taking reasonable care of their own physical and psychological health and wellbeing.

#### Joint Health and Safety Committees and Health and Safety Representatives shall:

- Foster an atmosphere of communication and co-operation between the employer and the workers;
- Identify situations that may be a source of danger or hazard and make recommendations for the improvement of worker health and safety;
- Recommend the establishment, maintenance and monitoring of health and safety programs;
- Obtain information from the employer on actual or potential hazards, and occupational health and safety testing;
- Inspect the workplace on a monthly basis, ensuring the entire workplace is inspected at least annually;
- Designate members to investigate work refusals and critical or fatal injuries.

#### Joint Health and Safety Committees shall:

- Meet at least every three months and keep minutes of these meetings and make the minutes available to all workers and the Ministry of Labour;
- Have at least two certified members; one representing management and one representing workers. If the requirement is not being met, a written plan must be in place to comply within a reasonable time;
- Establish a written Terms of Reference and review it annually;
- Complete the Township's Annual Joint Health and Safety Committee Functions Checklist at the beginning of each year and make every attempt to comply with all items

#### Visitors and General Public shall not be allowed to enter a work area that:

- Requires the use of personal protective equipment or where the operation or use of any equipment, materials or things that may endanger their health and safety or that of another person; and/or
- Is identified as Staff Only.
- Only enter a work area as described above, where a "competent" person can accompany the person at all times and is responsible for ensuring the person is

aware and complies with the relevant workplace health and safety rules, including the use of personal protective equipment.

#### Contractors shall:

• Comply with the OHSA;

#### **Related Policies**

- Respect in the Workplace (Harassment and Discrimination)
- Workplace Violence
- Work Refusal/Work Stoppage



REPORT COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** PW-22-2023

SUBJECT: Consolidated Linear Infrastructure Environmental Compliance Approval Update

**CONTACT:** Tray Benish, ORO, Manager of Operations (Acting) Mike DiPaola, P. Eng., Director of Public Works and Recreation

#### **OVERVIEW**:

- The Ministry of Environment, Conservation and Parks (MECP) has developed a new sanitary collection and stormwater management system approvals program referred to as the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA).
- Municipal participation in the CLI-ECA program is mandatory.
- Through the CLI-ECA program the Province is enabling municipalities to issue approvals for low risk publicly owned sanitary collection and stormwater management infrastructure projects on their behalf.
- Prior to this new program, all sanitary collection or stormwater management projects had to receive an Environmental Compliance Approval permit by the Ministry of Environment, Conservation and Parks (MECP).
- The CLI-ECA program will create a more efficient approval process, enhance environmental protection, reduce processing timelines and provide clear, transparent consistent requirements across all Ontario municipalities.
- The Township applied for the CLI-ECA program back in Q1 of 2022 and received both the sanitary collection and stormwater management system approvals as of December 2022.
- Staff are currently working through the permit / program requirements that were provided by the Province including the development of Operation and Maintenance Manuals, updating the GIS and mapping of any new sanitary collection/stormwater systems added throughout the year, and updating the Township development agreements to include the specified design criteria that was provided. This may lead to a possible budget increase in 2024, as the Township may need to outsource a portion of this work, and/or require more staffing resources in order to administer this new program.
- Township Staff are working collaboratively with the other Local Area Municipalities throughout the Region, as part of a CLI-ECA working group, to share resources and to better streamline this process for each municipality.

#### **RECOMMENDATION:**

1. That Information Report PW-22-2023, re: "Consolidated Linear Infrastructure Environmental Compliance Approval Update", dated July 17<sup>th</sup>, 2023, be received for information.

#### ALIGNMENT TO STRATEGIC PLAN:

Strategic Priority #1, #2 & #4

- **Build** a safe, connected, caring and active community
- Champion strategic and responsible growth
- Advance organizational capacity and effectiveness

#### BACKGROUND:

Starting in 2022, Ontario adopted a Consolidated Linear Infrastructure Permissions Approach for Environmental Compliance Approvals (CLI-ECA) for low-risk projects related to sewage collection and stormwater management.

Prior to the implementation of this new CLI-ECA, anytime the Township and/or developers had to alter, extend, or replace existing sanitary or stormwater management infrastructure, an Environmental Compliance Approval (ECA) Permit had to be received from the Ministry of Environmental, Conservation and Parks (MECP). Depending on the scope and type of project that was being undertaken, the application was either reviewed by the upper tier municipality under what was known as the "Transfer of Review Program" on behalf of the MECP or reviewed directly by the MECP.

The goal of the new CLI-ECA process is to advance important, low-risk public infrastructure projects sooner by reducing the time it takes for the review and approval of applications by the Ministry. The transition of the ECA review and approvals process to municipalities is mandatory and has introduced new responsibilities and/or work that municipalities have not previously undertaken.

Under the new CLI-ECA process, a municipality will no longer need to submit individual "pipe-by-pipe" applications for future alterations, provided they are built in accordance with specific design criteria and all other Ministry approved conditions. These preauthorizations allow municipalities and/or developers who are constructing infrastructure on behalf of municipalities, to proceed without first having to obtain an individual Ministry permission.

The CLI-ECA approach will:

- Create an efficient review/approval process for low-risk projects
- Provide clear, transparent and consistent requirements to obtain an ECA, which can be administered directly by the municipality
- Improve environmental protection through updated and consolidated terms and conditions (i.e., implementation of consistent design criteria)
- Establish a more holistic picture of sewage and stormwater works across the Province

**Respecting Our Roots, Realizing Our Future** 

All existing and future approvals will be incorporated into two CLI-ECAs for West Lincoln: One for municipal sanitary collection systems and one for stormwater management works.

#### **CURRENT SITUATION:**

The Township completed its application for this new program in Q1 of 2022 and received both of the CLI-ECAs for the sanitary collection and stormwater management systems in December 2022. All ongoing and future developments and/or sanitary and stormwater management projects will now fall under these two approvals.

As part of the Township's CLI-ECA permits there are various requirements and conditions associated with these permits. The Township went through a similar process when Drinking Water Licenses and Drinking Water Works Permits were mandated years ago. Staff are currently looking at the best methods to address the various requirements and conditions associated with the CLI-ECA permits.

Staff are in collaboration with all of the Region Local Area Municipalities through a CLI-ECA working group. The working group will help streamline this transition for all Regional municipalities through resource sharing, standardized form development, etc.

The scope of this work related to the new CLI-ECA permits and program is quite large, and outside consulting may be required to fulfil these obligations properly and/or additional Township staffing resources may be required. This may lead to budget implications in 2024.

#### FINANCIAL IMPLICATIONS:

There are no financial implications at this time as a result of this report, however input may be required from consulting engineers and/or additional staffing resources may be required. This is currently being reviewed and may have some budget implications in 2024.

#### **INTER-DEPARTMENTAL COMMENTS:**

This Report was reviewed by the CAO, the Director of Finance, and the Clerk's office.

#### **CONCLUSION:**

This report with respect to the new Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) outlining CLI-ECA's permits and program for sanitary collection and stormwater management systems, is being provided for information.

#### Prepared & Submitted by:

JB:D

Tray Benish, ORO Manager of Operations (Acting)

Approved by:

Herde

**Bev Hendry** Chief Administrative Officer

**Respecting Our Roots, Realizing Our Future** 

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Mike DiPaola, P.Eng. Director, Public Works and Recreation

Respecting Our Roots, Realizing Our Future

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**REPORT** COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** PD-38-2023

SUBJECT: Information Report - Application to Superior Court – Natural Severance Application between Evelyn and Jeff Duck and his Majesty the King in Right of Ontario as represented by MNDMRF, and Royal Bank of Canada – Application of Beds of Navigable Waters Act

**CONTACT:** Brian Treble, Director of Planning & Building

#### OVERVIEW:

- Application for a natural severance has been submitted for Pt Lot 2, Range Road 2 former Township of South Grimsby, now Township of West Lincoln being a 18.553 hectares (45.85 acres) property split into approximately 7.672 hectares hectares (18.96 acres) on the north side and 10.881 hectares (26.9 acres) on the south side, given the location of North Creek.
- The Beds of Navigable Waters Act required a survey be completed and evidence be provided that the creek was navigable at the time of the conveyance from the Crown in 1805. See attachments 1 and 2 to this report.
- Historically this property has existed as one 45.85 acre parcel since the 1950s at 7395 Twenty Road.
- The buildings have been situated on the south side of the creek since the early 1900s, with additions and renovations done over the years.
- The current application under the Beds of Navigable Waters Act proposes to declare that the natural channel results in a natural severance.
- Township staff have reviewed the file as circulated by the Province. Township staff and Legal Counsel support the original location of the bed of North Creek and recognize, based on Provincial input that the bed acts as a natural severance by nature of the bed of the original creek remaining in the ownership of the Crown.
- This means, should the Court support the application that the properties are conveyable. However, building permits will not be available as it is not a lot for the purposes of the Zoning By-law.
- The Township of West Lincoln was not named as a party in this Hearing and therefore the Court does not seek a position from the Township on this matter.

#### **RECOMMENDATION:**

That, Information Report PD-38-2023 regarding "Application to Superior Court – Natural Severance Application between Evelyn and Jeff Duck and his Majesty the King in Right of Ontario as represented by MNDMRF, and Royal Bank of Canada – Application of Beds of Navigable Waters Act" dated July 17, 2023, be RECEIVED for information purposes.

ALIGNMENT TO STRATEGIC PLAN: Strategic Priorities #2 & #3

- Champion strategic and responsible growth
- Enrich our strong agricultural legacy

#### **BACKGROUND:**

At least a dozen natural severances have proceeded to the Courts in the past decade with pressure for future such natural severance applications rising as natural severances are now one of the only remaining attempts to create lots in the agricultural area and as lots of record dwindle/disappear across the rural landscape.

It is widely known and understood that historic lot creation (retirement lots and/or surplus dwellings) results in more non-farmers living in the agricultural areas of the Township which has resulted in increased conflict with our farm community.

#### **CURRENT SITUATION:**

Presently, Township staff and Legal Counsel have been reviewing an application under the Beds of Navigable Waters Act to use North Creek at Pt Lot 2 Range Road 2, on the north side of Twenty Road as a natural severance by providing evidence to the Court that the bed of the creek was never conveyed from the Crown dating back to the time of the Crown Patent in 1805.

In this case the Township was not served Notice, but was provided Notice by the Province through the Ministry of Natural Resources and Forestry. There may be some merit to the natural severance application since the 1876 Historical Atlas of Welland and Lincoln Counties shows and labels North Creek and provides evidence of development along the water.

Legal Counsel of the Township and the Province have discussed this application and have concluded that the bed of North Creek should be supported by the courts as owned by the Crown, as this represents the bed of the watercourse on the date of the Crown Patent in 1805 and the watercourse was likely navigable on that date. Therefore, title to the bed of the watercourse would remain with the Crown. A provincial position was confirmed by email on July 6, 2023 and is found at attachment 4 to this report.

This report is not written to suggest that the Township staff is opposed to the use of the Beds of Navigable Waters Act, but to show the significance of such declarations and how the natural consent determination affects land ownership, agricultural usage of the lands and pressures for non-farm development in the agricultural area. Township staff if appreciative of the fact that the Province provided the Township with Notice as per a

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previous request, but is disappointed by the fact that the Township was not provided with Notice by the applicant in recognition of our interest in this matter. Township staff is pleased to be able to provide an opportunity for input into this application and are prepared to support such an application where it can be determined, on a case by case basis, that there is sufficient evidence to demonstrate that it is more likely than not that on the date of the Crown grant of the lands, the watercourse was navigable within the meaning of the Beds of Navigable Waters Act.

Further, staff have previously established some preliminary criteria to help evaluate this and all future applications. These include:

- a. Does documentation including past use and ownership confirm/substantiate the significance of a body of water in this location and its actual or potential use by the public as an aqueous highway;
- b. Does the historical Lincoln and Welland County atlas of 1876 indicate the feature and possible buildings on each side of the natural feature at that time;
- c. Is this legitimately an agricultural request or is the result of the creation of a non-farm residential building site in the country;
- d. Does the water course tributary have a known name;
- e. Amount of workable land area on each remnant parcel;
- f. Impact on municipal services including road maintenance; and
- g. Potential for future such natural severance declarations on this parcel or any surrounding parcels in the area.

Although this application does not meet all of these standards, a rezoning, will be required to comply with the definition of lot. A rezoning will be the time for an opportunity for the applicant to address any concerns including a desire for a building permit.

#### FINANCIAL IMPLICATIONS:

Limited Legal Counsel time has been incurred as this application has been reviewed with applicant's surveyor and Legal Counsel. Further, staff and Legal Counsel have worked jointly on the Township position and approach to determine how best to take a position on this application as well as on similar applications that the Township may receive in the future. Legal Counsel bills will be covered by the Planning Department Operating Budget.

Although both Legal Counsel and staff have been involved, Legal Counsel costs have been kept to a minimum.

#### **INTER-DEPARTMENTAL COMMENTS:**

This report has been discussed with Township Legal Counsel and our comments have been shared with Provincial Legal Counsel and staff as well.

#### **CONCLUSION:**

This application as currently submitted appears to be compliant with the Beds of Navigable Waters Act and can be supported by the Township of West Lincoln in its original natural location. A separate rezoning application will be required should development be anticipated and before a building permit can be issued.

#### **Respecting Our Roots, Realizing Our Future**

#### ATTACHMENTS:

- 1. Application to Courts
- 2. Natural Severance Survey
- 3. Provincial Email of July 6, 2023

#### Prepared & Submitted by:

Approved by:

Brian Treble Director of Planning & Building

Bev Hendry CAO

#### Court File No. CV-23-000061500-0000

#### *ONTARIO* SUPERIOR COURT OF JUSTICE

BETWEEN:

#### EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK

Applicants

- and -

#### HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry and ROYAL BANK OF CANADA

Respondents

#### **APPLICATION RECORD**

#### Hedley, McLachlin & Attema

Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4

#### Michael J. McLachlin

Tel: 905-774-9988 Fax: 905-774-6637 Email: mmchlachlin@hedleylaw.com

Solicitor for the Applicants

# TO: HIS MAJESTY THE KING IN RIGHT OF ONTARIO as represented by THE MINISTRY OF NATURAL RESOURCES AND FORESTRY 720 Bay Street, 11<sup>th</sup> Floor Toronto, Ontario M5G 2K1

#### **ROYAL BANK OF CANADA**

10 York Mills Road, 3<sup>rd</sup> Floor Toronto, Ontario M2P 0A2

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## Attachment No. 1 to PD-38-2023

## Flynn dated February 9, 2017

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#### Court File No.CV-23-000061500-0000

#### **ONTARIO SUPERIOR COURT OF JUSTICE**

BETWEEN:

**EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK** 

Applicants



- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry and ROYAL BANK OF CANADA

Respondents

IN THE MATTER OF the Beds of Navigable Waters Act, R.S.O. 1990 c.B-4;

And in the matter of the lands legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT).

#### **NOTICE OF APPLICATION**

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicants. The claim made by the applicants appears on the following page.

THIS APPLICATION will come on for a hearing (choose one of the following)

 $\Box$  In person

 $\Box$  By telephone conference

 $\boxtimes$  By video conference

- 2 -

at the following location

59 Church Street, St. Catharines, ON L2R 7N8

(Courthouse address or telephone conference or video conference details, such as a dial-in number, access code, video link, etc., if applicable)

on Wednesday, August 9, 2023 at 10:00 a.m

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the Application or to be served with any documentation in the Application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

DATE: MAY 18 , 2023

ISSUED BY \_\_\_\_\_

Local Registrar Address of Court Office:

59 Church Street St. Catharines, ON L2R 7N8



# TO:HIS MAJESTY THE KING IN RIGHT OF ONTARIO as represented by<br/>THE MINISTRY OF NATURAL RESOURCES AND FORESTRY<br/>720 Bay Street, 11th Floor<br/>Toronto, Ontario

M5G 2K1

#### **ROYAL BANK OF CANADA**

10 York Mills Road, 3<sup>rd</sup> Floor Toronto, Ontario M2P 0A2

#### - 4 -

#### APPLICATION

#### 1. THE APPLICANT MAKES APPLICATION FOR:

- (a) An Order declaring that the North Creek as it passes through the property of the Applicants, Evelyn Susan Duck and Jeffrey Lawrence Duck, legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4.;
- (b) An Order that the Crown, as represented by the Ministry of Natural Resources and Forestry for the Province of Ontario, has title of those lands which lie below the low water mark of the said North Creek as it crosses the said lands of the Applicants, being as shown in a draft reference plan survey of Rasch & Hyde Ltd. dated August 31, 2022;
- (c) An Order that the draft reference plan of Rasch & Hyde Ltd. of the lands described in paragraph 1 (a) and dated August 31, 2022, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30);
- (d) The costs of this Application on a substantial indemnity scale, if this Application is opposed;
- (e) Such further and other relief as this Honourable Court may deem just and proper.

#### 2. THE GROUNDS FOR THE APPLICATION ARE:

#### - 5 -

- (a) The grounds more particularly set out in the Affidavit of Evelyn Susan Duck, sworn May 12, 2023, and the Affidavit of Harold Hyde, sworn May 17, 2023;
- (b) The Beds of Navigable Waters Act, R.S.O. 1990, c.B.4; and
- (c) Rule 14.05 and Rule 38 of the Rules of Civil Procedure.

# 3. **THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of

the Application:

- (a) the Affidavit of Evelyn Susan Duck sworn May 12, 2023;
- (b) the Affidavit of Harold Hyde sworn 17, 2023; and
- (c) such further and other material as counsel may advise and this Honourable Court permit.

DATE OF ISSUE: May 17 , 2023

Hedley, McLachlin & Attema Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4

Michael J. McLachlin Tel:(905) 774-9988 Fax: (905) 774-6637 Email: mmclachlin@hedleylaw.com

Solicitor for the Applicants

EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK Applicants (Short title of proceeding)	- and - HIS MAJESTY THE as represented by the N Respondents	HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry, et al. Respondents
		<i>ONTARIO</i> SUPERIOR COURT OF JUSTICE
		PROCEEDING COMMENCED AT: St. Catharines
nent No. 1 to PD-38-2023		NOTICE OF APPLICATION Page 96 of 408
Attachm		<b>Hedley, McLachlin &amp; Attema</b> Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4
		<b>Michael J. McLachlin</b> Tel: (905) 774-9988 Fax: (905) 774-6637 Email: <u>mmclachlin@hedleylaw.com</u>
		Solicitor for the Applicants

Court File No.

#### ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

#### EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK

Applicants

- and -

#### HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry and ROYAL BANK OF CANADA

Respondents

IN THE MATTER OF the Beds of Navigable Waters Act, R.S.O. 1990 c.B-4;

And in the matter of the lands legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT)

#### AFFIDAVIT OF EVELYN SUSAN DUCK

I, EVELYN SUSAN DUCK, of the Regional Municipality of Niagara, in the Province of Ontario MAKE OATH AND SAY AS FOLLOWS:

1. I am one of the Applicants in this proceeding and as such have knowledge of the matters hereinafter deposed to.

2. Together with my spouse, Jeffrey Lawrence Duck, I acquired title to the property legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT) by way of the Transfer registered as Instrument RO660971 on January 15, 1993. A copy of the said Transfer registered as Instrument

-2-

RO660971 is attached hereto and marked as Exhibit "A" to this affidavit.

3. The Transferor in the said Transfer registered as RO660971, Jan De Groot, was my father. My father had acquired title to the property by way of Instrument RO435478, registered August 12, 1981, a copy of which is attached hereto and marked as **Exhibit "B"** to this affidavit. The Transferor in RO435478 was Harry De Groot, my grandfather, who in turn had originally acquired title in the property by way of Instrument 19429 registered August 8, 1957, a copy of which is also attached hereto and marked as **Exhibit "C"** to this affidavit.

4. As a youth, I grew up at the property at 7224 Twenty Road, which is located directly across the road from the lands to which this application relate. I was born October 15, 1969. As a consequence, I have been familiar with the subject property for many years, since I was very young.

5. The subject lands are designated in the Land Registry System as PIN 46056-0355 (LT). A copy of the parcel register for the said property is attached hereto and marked as Exhibit "D" to this affidavit. A copy of the Teraview PIN map is attached hereto and marked as Exhibit "E" to this affidavit.

6. Title to the property is subject to a mortgage in favour of Royal Bank of Canada registered as NR445803 on May 2, 2017, a copy which is attached and marked as **Exhibit "F"** to this affidavit. Royal Bank of Canada is named as a Respondent in the within proceeding as a consequence of its said registered rights in the property.

7. The property which I co-own with my spouse, Jeffrey Lawrence Duck, is traversed by the North Creek, which I have observed to be a substantial watercourse containing, for the majority of the year, a significant flow of water. When the water in the North Creek is not frozen, the Creek is ordinarily of such depth and width that it is not possible to cross it without wading through the creek, swimming or using a canoe or other small water craft. For the majority of the -3-

year, the North Creek, as it passes through the property, is navigable by a small boat.

8. It is not possible to walk from one side of the creek to the other side of the creek. The residence located on the property is along Twenty Road and located on Part 2 on the draft reference plan survey of Rasch & Hyde Ltd. of August 31, 2022. In order to access the lands which are Part 1 on the said survey (which are farmed by my family) one must exit on to Twenty Road and drive westerly, turning right on to South Grimsby Road 10 and accessing the said lands north of the creek where there is a separate entrance way on to Part 1 on the draft reference plan survey.

9. The creek, as it crosses through our property, is accessible from a public roadway where the creek crosses under South Grimsby Road 10.

10. Throughout our ownership of the property, the creek has regularly been used for recreational purposes. In the summer, family and friends have fished out of the creek and it is not uncommon to see people fishing the creek from the bridge where South Grimsby Road 10 crosses over it. In the past, as a child, family members would traverse the creek by canoe and my daughter also canoed the creek when she was a child.

11. Attached hereto and marked as **Exhibit "G"** to this affidavit are photographs which I or other family members have taken of the North Creek as it passes through the property. These photographs have been recently taken either from the rear of my residence which is located on the premises of the creek as it passes by or from South Grimsby Road 10 near where the creek crosses under the road.

12. This Affidavit is sworn in support of an Application for a declaration that the North Creek, as it passes through the property owned by myself and Jeffrey Lawrence Duck, is a navigable body of water and that, as such, the creek bed is owned by the Crown. The effect of such an Order would be that the North Creek forms a natural severance between the lands on the

- 4 -

north side of the creek and the lands on the south side of the creek and the lands on either side of North Creek would be separate parcels of land capable of being conveyed independently of one another.

13. I swear this affidavit in support of the within Application and for no other or improper purpose.

**SWORN BEFORE ME** at Haldimand County in the Province of Ontario on MAY 12,20 A Commissioner for Taking Affidavits

Evelyn Susan Duck

Exhibit A to the Affidavit of Evelyn Susan Duck sworn the 12<sup>th</sup> day of May, 2023 Commissioner

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#### SCHEDULE "A"

part of lot 2, Range 2, of the Gore South of the Twenty Mile Creek, in the said former Township of South Grimsby, and containing by admeasurement 47.66 acres be the same more or less, and which said parcel may be more particularly described as follows:

COMMENCING at an iron pin marking the southeast angle of said Lot 2; THENCE North 0 degrees 47 minutes 30 seconds West in and along a fence line marking the easterly limit of Lot 2, aforesaid, 1,512.0 feet to an iron pin;

THENCE North 81 degrees 09 minutes West in and along a fence line 1,749.9 feet to an iron pin planted in the easterly limit of a given road; THENCE South 0 degrees 59 minutes 30 seconds East in the said Easterly limit of the given road as fenced 898.4 feet to an iron tube planted in the southerly limit of said Lot 2;

THENCE South 63 degrees 01 minutes 30 seconds East in the said southerly limit of lot 2 being the northerly limit of the road allowance between the former Townships of South Grimsby and Caistor, 1,946.1 feet more or less to the POINT OF COMMENCEMENT.

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	To all instructions on reverse side. The MATTER OF THE CONVEYANCE OF Annual brief description of load Part of Lot 2, Range	af the Caus south of
-	the Twenty Mile Creek, in the Township of West Lincoln, Regional M formerly the Township of South Grimsby, County of Lincoln,	Aunicipality of Niagara,
NY 0	print names of all transitions in half)	
	JAN DE GROOT	
0 0	table Restruction 1 and pairs and and transformes in fall EVELYN SUSAN DUCK and JEFFREY LAWRENCE	DUCK
, pro	Jeffrey Lawrence Duck	
AAR	KE OATH AND SAY THAT:	Constant of the second s
·	am (place a clear mask within the aquare opposite that one of the following paragraphs that describes the capacity of the deponent(s): ( (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;	no kanuction 2)
- 22	<ul> <li>(b) A trustee named in the above-described conveyance to whom the land is being conveyed;</li> </ul>	
- 6	Ic) A transferer named in the above-described conveyance:	
2	(d) The authorized agent or solicitor acting in this transaction for (meet name(s) of principate)	
ſ	described in paragraph(s) (a), (b), (c) above; (e) The President, Vice-Prasident, Manager, Secretary, Director, or Treasurer authorized to act for (Assert au	
1		(strike out references to supplicable paragraphs)
ų	(f) A transferee described in paragraph (I.C.) (tever only one of paragraph (s), (s) or (c) above, as applicable) and arm	
	behalf of guest name of sponse) <u>Evelyn Susan Duck</u> in paragraph (1.c.) gesser only one of paragraph (e), (e) or (e) alone, as applicable) and as such, I have personal i	
	To be completed where the value of the consideration for the conveyance exceeds \$400,000).	
ĥ	have read and considered the definition of "single family residence" set out in clause 1(1) (ja) of the Act. The lan containant least one and not more than two single family residences.	
ì	does not contain a single family residence. cent upon the value of considerat	additional tax at the rate of one-half of one pu ion in excess of \$400,000 where the convey-
	Concerns more with two single remains resources. They manage a	t more than two single family residences.
	Interest and considered the definitions of "non-resident corporation" and "non-resident person" set out res and each of the following persons to whom or in trust for whom the land is being conveyed in the above-descript or a "non-resident person" as set out in the Act, these transmissions is and 5)	pectively in clauses 1(1)(r) and (g) or the Act bed conveyance is a "non-resident corporation
3	(a) Lians, legacles, annuities and maintenance charges to which transfer is subject	Filled &
( ( ( 5. )	LAND TRANSFER TAX ( <i>Trail of (a)</i> to ( <i>iii</i> ) <u>s</u> <u>125,000</u> (h) VALUE OF ALL CHATTELS - items of tangible personal property     (field Sale Tax is periode on the value of all challes unless example and/r     (b) VALUE OF ALL CHATTELS - items of tangible personal property     (field Sale Tax is periode on the value of all challes unless example and/r     (b) Protection of the "Read Sales Tax is periode on the value of all challes unless example and/r     (i) Other consideration for transaction not included in (g) or (h) above     (j) TOTAL CONSIDERATION     If consideration is nominal, describe relationship between transferor and transferee and state purpose of conve     (if the consideration is nominal, is the land subject to any encombrance?	s nil s nil s 125,000.00
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(d) If fex, do all individual transferres with to support the Prench Language School Soard (minite established) (i.e. [] (iv) [] (v) []

Exhibit B to the Affidavit of Evelyn Susan Duck sworn the 12<sup>th</sup> day of May, 2023 n Commissioner



THIS SPACE TO BE RESERVED FOR CERTIFICATE OF REGISTRATION



435478

THIS INDENTURE made in duplicate the 1st day of

JANUARY, 1981.

BETWEEN:

HARRY DE GROOT, of the Township of West Lincoln, in the Regional Municipality of Niagara, personally and in his capacity as Executor of the Estate of ELISABETH DE GROOT, late of the said Township of West Lincoln,

> hereinafter called "GRANTOR" of the FIRST PART;

AND:

JAN DE GROOT, of the said Township of West Lincoln,

hereinafter called "GRANTEE" of the SECOND PART;

AND:

CORNELIA JOHANNA DE GROOT, spouse of the Grantor, of the same place,

hereinafter called "SPOUSE" of the THIRD PART.

WHEREAS the said HARRY DE GROOT, ELISABETH DE GROOT . and JAN DE GROOT, own the hereinafter described lands in partnership;

AND WHEREAS the said Elisabeth De Groot died on or about the 8th day of February, 1977;

AND WHEREAS the Surrogate Court of the Judicial District of Niagara North did grant unto the said Harry De Groot Letters Probate of the Estate of Elisabeth De Groot on the 18th day of April, 1978.

AND WHEREAS the said Letters Probate of the said Estate are registered in the Registry Office for the Registry Division of Niagara North as No. N35409 on the 10th day of (Lugust 1981.

AND WHEREAS Certificate for Registration No. 978770 for the Estate of Elisabeth De GRoot was registered in the registry Office for the said Registry Division as No. 366373 on the 28th day of October, 1977;

AND WHEREAS the said Harry De Groot wishes to convey all his interest in the said lands and all interest of the estate to Jan De Groot.

WITNESSETH that in consideration of other valuable consideration and the sum of ONE DOLLAR of lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby by him acknowledged) he the said grantor DOTH GRANT unto the said Grantee in fee simple

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of West Lincoln, in the Regional Municipality of Niagara, formerly in the Township of Caistor, County of Lincoln, and being composed parts of lots 2 and 3, in the 7th Concession of the said Township and Part of lot 2, Range 2, Gore South of the Twenty Mile Creek in the Township of South Grimsby all as more particularly described in Schedule "A" attached Paget 107 of 408

# Attachment No. 1 to PD-38-2023

TO HAVE AND TO HOLD unto the said Grantee, his heirs, executors, administrators, successors and assigns to and for their sole and only use forever.

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said Grantor COVENANTS with the said Grantee that he has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor.

AND that the said Grantee shall have quiet possession of the said lands free from all encumbrances.

AND the said Grantor COVENANTS with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

AND the said Grantor COVENANTS with the said Grantee that he has done no act to encumber the said lands.

AND the said Grantor RELEASES to the said Grantee ALL his claims upon the said lands.

AND THE Spouse of the Third Part consents to this transaction as evidenced by this indenture.

PROVIDED that in construing these presents the words "Grantor" and "Grantee" and the pronouns "he", "his" or "him" relating thereto and used therewith shall be read and construed as "Grantor" or "Grantors", "Grantee" or "Grantees", and "he", "she", "it" or "they", "his", "her", "its" or "thie", or "him", "her", "it" or "them", respectively, as the number and gender of the party or parties referred to in each case require, and the number of the verb agreeing therewith shall be construed as agreeing with the said word or pronoun so substituted.

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Belivered IN THE PRESENCE OF

HARRY DE GROOT, in his personal capacity and in his capacity as Executor of the Estate of ELISABETH DE GROOT

CORNELIA JOHANNA DE GROOT
## SCHEDULE "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being, in the Township of West Lincoln, in the Regional Municipality of Niagara, formerly in the Township of South Grimsby, and formerly in the Township of Caistor, County of Lincoln, and being composed of

FIRSTLY:

part of lot 2, Range 2, of the Gore South of the Twenty Mile Creek, in the said former Township of South Grimsby, and containing by admeasurement 47.66 acres be the same more or less, and which said parcel may be more particularly described as follows:

COMMENCING at an iron pin marking the southeast angle of said Lot 2; THENCE North 0 degrees 47 minutes 30 seconds West in and along a fence line marking the easterly limit of Lot 2, aforesaid, 1,512.0 feet to an iron pin;

THENCE North 81 degrees 09 minutes West in and along a fence line 1,749.9 feet to an iron pin planted in the easterly limit of a given road; THENCE South 0 degrees 59 minutes 30 seconds East in the said Easterly limit of the given road as fenced 898.4 feet to an iron tube planted in the southerly limit of said Lot 2;

THENCE South 63 degrees 01 minutes 30 seconds East in the said southerly limit of lot 2 being the northerly limit of the road allowance between the former Townships of South Grimsby and Caistor, 1,946.1 feet more or less to the POINT OF COMMENCEMENT.

part of lots 2 and 3, in the 7th Concession, of the former Township of Caistor, County of Lincoln, now Township of West Lincoln, Regional Municipality of Niagara, and containing by admeasurement 234.87 acres be the same more or less and which said parcel may be more particularly described as follows:

COMMENCING at an iron pin marking the northwest angle of said lot 3; THENCE South 62 degrees 52 minutes east in the northerly limit of said Lot 3. being the southerly limit of the road allowance between the Townships of South Grimsby and Caistor, commonly known as the Town Line 1,174.5 feet to an iron pin;

THENCE South 0 degrees 56 minutes 30 seconds East in and along a fence line 2,118.1 feet to an iron pin;

Page 109 of 408

THENCE South 89 degrees 01 minutes 30 seconds East in and along a fence line 408.5 feet to an iron pin marking an angle therein; THENCE South 88 degrees 30 minutes 30 seconds East continuing in and along the said fence line 268.5 feet to an iron pin; THENCE North 1 degree 49 minutes West in and along a fence line 386.6 feet to an iron pin; THENCE North 88 degrees 57 minutes 30 seconds east, in and along a fence line, 33.0 feet to an iron pin; THENCE North 0 degrees 46 minutes 30 seconds West in and along a fence line 1,221.1 feet to an iron pin; THENCE South 82 degrees 20 minutes 30 seconds East in and along a fence line 422.7 feet to an iron pin planted in the said southerly limit of the Town Line; THENCE South 63 degrees 01 minutes 30 seconds East in the said southerly limit of the Town Line 513.0 feet to an iron pin; THENCE South 1 degree 17 minutes 30 seconds East in and along a fence line, 3,056.9 feet to an iron pin marking an angle therein; THENCE South 1 degree 19 minutes East continuing in the said fence line, 1,355.8 feet to an iron pin; THENCE North 63 degrees 06 minutes 30 seconds West in and along a fence line, 1,000.2 feet to an iron pin; THENCE North 1 degree 56 minutes 30 seconds West in and along a fence. line marking the limit between lots 2 and 3 aforesaid, 425.0 feet to an iron pin; THENCE South 88 degrees 12 minutes West in and along a fence line 1,733.5 feet to an iron pin; THENCE North 1 degree 08 minutes 30 seconds West in and along a fence line marking the westerly limit of Lot 3 aforesaid, 4,938.4 feet more or less to the POINT OF COMMENCEMENT. THIRDLY: the West half of the east half of the north 180 acres of lot 2, in the 7th Concession, of the said former Township of Caistor, containing by admeasurement 45 acres be the same more or less and which said 45 acres of land are butted and bounded or may be otherwise known as follows:

COMMENCING at the centre of the northerly limit of the said lot;

THENCE South 62 degrees 30 minutes East 495 feet;

THENCE South 4,449.94 feet;

Page 110 of 408

THENCE North 62 degrees and 30 minutes West 495 feet; THENCE North 4,449.94 feet to the place of beginning. ----FOURTHLY:

the East half of the East half of the North 180 acres of lot 2 of the 7th Concession of the said former Township of Caistor, containing by admeasurement 45 acres more or less, and being more particularly described as follows:

COMMENCING at the portheast angle of the said lot; THENCE North 62 degrees 30 minutes West 495 feet; THENCE South 4,450.16 feet; THENCE South 62 degrees and 30 minutes East 495 feet; THENCE North 4,450.16 feet to the place of beginning. ------

FIFTHLY: now Township of West Lincoln, Regional Municipality of part of lot 3, Concession 7, in the former Township of Caistor,/which Niagara said parcel is more particularly described by R. J. Matthews, OLS, of the office of R. Blake Erwin & Associates as follows: COMMENCING at an iron stake planted in the northerly limit of former Township Lot No. 3, Concession 7, being the northeast corner of the herein described lands, distant North 63 degrees 29 minutes West in the northerly limit of said Township Lot No. 3, 343.45 feet from an iron bar marking the northeast corner of said Township Lot No. 3; THENCE South 1 degree 31 minutes East in and along a fence line, 1,918.56 feet to an iron stake planted in a fence line; THENCE North 89 degrees 14 minutes 30 seconds West in and along said fence 407.42 feet to an iron stake planted in a fence line;

407.42 feet to an iron stake planted in a fence line;
 THENCE North 1 degree 24 minutes 30 seconds West in and along said fence,
 2,117.20 feet to an iron stake planted in the northerly limit of said Township
 Lot No. 3;

THENCE South 63 degrees 29 minutes East in the northerly limit of said Township Lot No. 3, 90.87 to an iron stake planted in a fence line; THENCE South 21 degrees 57 minutes West in and along said fence line 118.22 feet to an iron stake planted at an angle point in said fence line; THENCE South 64 degrees 29 minutes East in and along said fence line, 162.58 feet to an iron stake; THENCE North 26 degrees 31 minutes East, 115.0 feet to an iron stake planted in the northerly limit of said Township Lot Number 3; THENCE South 63 degrees 29 minutes East in the northerly limit of said Township Lot No. 3, 194.0 feet to the point of commencement, containing 18.32 acres.

DYE & DURHAM CO. LIMITED FORM NO. 613

## 25

## The Registry Act

## IN THE MATTER of the PLANNING ACT (as amended)

AND IN THE MATTER of the TITLE TO parts of lots 2 and 3, in the 7th Concession of the former Township of Caister, and part of lot 2, Range 2, Gore south of Twenty Mile Creek, in the Former Township of South Grimsby, now all in the Township of West Lancoln, Regional Municipality of AND IN THE MATTER OF A DEED Niagara

Deed, Morigage, Agreement of Sale, Lease, etc.

THEREOF, FROM HARRY DE GROOT

TO JAN DE GROOT

DATED 1st of January, 1981,

## I, WILLIAM NILES CALLAGHAN

of the

City of Hamilton in the Regional Municipality of Hamilton-Wentworth

## MAKE OATH AND SAY AS FOLLOWS:

1

To be made by one of the parties or by his solicitor 1. I am the solicitor for the grantor named in the above mentioned Instrument, and have knowledge of the matters hereinafter sworn.

 A consent under Section 29 of The Planning Act, as amended, in respect of the said Instrument is not required because

Delete if not applicable

State other reason if any (a) The present registered owner does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to any land abutting the land affected by the deed

SWORN before me	
at the City of Hamilton,	1
in the Regional Municipality of Hamilton-Wentworth this 10th day of August 19.81. Lynn Mar Lange 112 of	William Niles Callaghan
A Commissioner for Tabing Affidavits ato	408

Réler to all Instruction	ons on Reverse Side
Attac barent Alon Ster PDx 38320284	
AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATIO	N 26

	AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATION	26
~	THE MATTER OF THE CONVEYANCE OF (insert brief description of land)parts.lots.2.5.3,.7th.Concession Gore.South.of.20.mile.Creek,Township.South.Grimsby, .now.in.Township BY (print names of all transferors in full)of.West.Lincoln, .reg. Mun. Niagara HARRY.DE.GROOT	n
	ار (see instruction 2 and print name(s) in full)JAN. DE. GROOT, of. the Township. of West. Lincoln, in. the Regional Municipality of Niagara	
1.	MAKE OATH AND SAY THAT: I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see	
	instruction 2) (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed; (b) A trustee named in the above-described conveyance to whom the land is being conveyed;	
	<ul> <li>(c) A transferee named in the above-described conveyance;</li> <li>(d) The authorized agent or solicitor acting in this transaction for</li></ul>	
	described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)	
	(e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (Insert name(s) of corporation(s))	
	described in paragraph(s) (a). (b). (c) above; (strike out references to inapplicable paragraphs) (f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse)	ŝ
	(insert name of spouse) who is my spouse described in paragraph ( ); (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.	
2.	I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses f and g of subsection 1 of section 1 of the Act. (see instruction 3)	
3.	The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act. (see instruction 4)	
	none	
4.	THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:         (a) Monies paid or to be paid in cash        \$	
	(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	
	(c) Property transferred in exchange (detail below) \$nil	
	(d) Securities transferred to the value of (detail below)\$nil       \$nil         (e) Liens, legacies, annuities and maintenance charges to which transfer nil\$       Must be	
	(f) Other valuable consideration subject to land transfer tax (detail below) \$ nil	
	SUBJECT TO LAND TRANSFER TAX (total of (a) to (1))       \$ .143.,27643)       \$ .143.,27643)       \$ .143.,27643)         (h) VALUE OF ALL CHATTELS — items of tangible personal property (Retail Sales Tax ke, RS.0. 1970, c. 415, as amended)       \$ .1.43.,27643)       \$ .1.43.,27643)       \$ .1.43.,27643)	
	The Retail Sales Tax Act, R.S.O. 1970, c. 415, as amended)         \$           (i) Other consideration for transaction not included in (g) or (h) above         \$ 111           (j) TOTAL CONSIDERATION         \$ 143,276.41	
5.	If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 5)	
6.	n/a Other remarks and explanations, if necessary	
	nil	
	SWORN before me at the City of Hamilton,	
	in the Regional Municipality of Hamilton-Wentworth this 17th day of February 1981	
	A Commissioner to taking Atticants, etc. M Card new relation of the P. nice to the P. nice to the for	
A. B.	Describe nature of instrument	
а.	R. R. #1, Smithville, Ontario	
C	(ii) Assessment Roll # (if available)	
U.	R: R: #1; Smithville; Ontario	
D	(i) Registration number for last conveyance of property being conveyed (if available) .19429	
	(ii) Legal description of property conveyed: Same as in D.(i) above. Yes 🖄 No 🗋 Not Known 🗋	
E.	Name(s) and address(es) of each transferee's solicitor	
	MURGATROYD, CALLACHAN, For Land Registry Office use only	
	WILKINS & HOVIUS 11 FOREST AVENUE, REGISTRATION NO.	
	LAND REGISTRY OFFICE NO.	

Attachment No. 1 to PD-38-2023 nd Gilbert, Limited Deed 1, 115, 1161 or 1164 Page 3 27 July, 1979 AFFIDAVIT OF SUBSCRIBING WITNESS WILLIAM NILES CALLAGHAN Ι, of the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth make oath and say: I am a subscribing witness to the attached instrument and I was present and saw it executed by at Florida, U.S.A. HARRY DE GROOT and CORNELIA JOHANNA DE GROOT I verily believe that each person whose signature I witnessed is the party of the same name referred "See 'footnote to in the instrument. SWORN before me at the City of Hamilton, in the Regional Municipality of Hamilton 19 81 June this 8th day of LYNNE LOUISE McCAW, a Commissioner, etc., in and for the Province of Ontario for Murgatroyd, Callaghan, Wilkins & Hovius, Barristers & Solicitors. A COMMISSIONER FOR TAKING AFFIDAVITS, ETC. Expiry Date Oct. 15, 1982. COMMISSION #791346 \* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "ofter instrument had b and he appeared fully to understand it". Where executed under a power of altorney insert "frame of attorney is a attorney for (name of party) clause midmitting "(certify believe that the present whose similars at understand as automics) to extend the instrument or thereas the clause midmitting the certify believe that the present whose similars at understand as a submission to a viscous the instrument or thereas." d he appeared fully to understand it". W te of party!": AFFIDAVIT AS TO AGE AND SPOUSAL STATUS I MORE HARRY DE GROOT of the Township of West Lincoln, Regional Municipality of Niagara, in the (severally) make oath and say: When I /ZXXX executed the attached instrument, · If attorney see footnote I WAS / XWEOKEBRCRACHCXat least eighteen years old; and within the meaning of section 1(f) of The Family Law Reform Act, 1978, (dxckWA8x cxbWd2 cxcwcexc (a) I was a spouse. Strike out inapplicable (b) Cornelia Johanna De Groot was my spouse. (c) XCWEWRX BEREXHORONOMEXC I am not a non-resident of Canada within the meaning of SEction 116 of the Income Tax Act Canada. AT THE TIME OF THE DECEASE of ELISABETH . Not a DE GROOT, she was at least eighteen years old and was not a nonresident of Canada' within the meaning of Section 116 of the Income me. etc. Tax Act, Canada. Resident of (SEXCENCE) SWORN Detto Canada, etc. SWORN before me at the City of in the State of Florida HARRY DE GRO this day of A COMMISSIONER FOR TAKING AFEIDAVITS ETC. \* Note: Where affidavit made by an attorney mostilute: "When I executed the attached instrument as attorney for (name), helshe was (spousal status, and if applicable, name of other spouse) within the maxing of section 1(1) of The Family Law Reform Act, 1973 and when helshe executed the power of attorney. helshe had attained the age of majority". \*\* Note: See Section 42(3) of The Family Law Ref Pade 1971 14 of 408 not join in or consent; or complete a separate affidavit.

Exhibit C to the Affidavit of Evelyn Susan Duck/sworn the 12<sup>th</sup> day of May, 2023

Commissioner

3	Attachment	9 to PO1980	023	BOUTH-GRIMSBY	
CANADA	· } I, *	Mary Kichl	un the	DUULA-GRIMSEY	
Province of Ont	ario of the	City	of	Hamilton,	
County of Wentw	and the second sec			Wentworth,	
То	Wit: ) 🖉	Sunctary	make oa	th and say:	
2. THAT the sa	Margaret L. Murg id Instrument and	duplicate we	re execut	ed by the said	
	City of Hamilton, the said parties		y or went	worsh.	
	subscribing with		id Instm	mont and	
. duplicate.	Suborroring wron	600 00 011E 3a	TO THOULD	merro and	
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SWORN before me at the City of Hamilton, in the County of Wentworth, this of Colorado A.D. 1957. 4 A Commissioner, etc. 64.**\*** 4 1957. 40 352 situate in the Townships of South Grimsby and Caistor, in the County of ET AL ALICE MAUD MURGATROYD ET AL NURGATROYD'& CALLAGHAN 21 Hunter Street E., Hamilton, Ontario, 2nd February. HARRY DE GROOT EXECUTORS 1 DEED OF LAND Ì 10.7 and 4 ogality Lincoln 64 0.0.2 th. JAN DATED 17 1.53 223 ŝ 0 Sugar 3. a within instrument is duly to the Resistir Division of the Courty of i CERTER that the within instrument is duir unisies and neghtered in the Rostery Office to the Indiany Dynam of the Construction ter the first of the two county of the second of the Canada ter the the Technic of Canada ter the the technic of the second of official and Registered in the Restary Calles unter al ara municity of マナクロ here of Calyerrate 0.4.2 2 ņ Abstract Index bo 3 264 A. 6.0. 19 1. 2. 1. A. A 22600000 S. S. B. Oat. & I Folio No CERTTY 16 1

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N OF CANADA SOUTH ON DUTY ACT 194.25	TRANSFER OF PROPERTY DATE. JULY 23EQ 19.420 C. MUTGatroyd, 111e, Ontario. D F. R. MUTGatroyd, Esq., Hamilton, Ontario.	DELIVER. ASSIGN. TRANSFER. PAY OR PERMIT THE DELIVERY. ASSIGNMENT. TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. Is in the Township of Caistor, County of Lincoln, composed of those parts of Lot No. 3, Conces- y described in Instrument No. 7050, Caistor,	INSPECTOR OF SUCCESSION DUTIES AT HEMILICID, Ont. W. J. Callaway BV ANTHONIZED OFFICEN
NOT V R OR AUTHORIZED OFFICER VSPECTL CU CU	IN THE MATTER OF THE ESTATE OF Robert Smithy who died on Dec. 29th. 1944.	NS: WHO MAY ON CONSENT " MENT OF ANY PROPERTY" SFER OR PAYMENT OF- ROPERTY OR PAYMENT OF- ROPERTY OR PAYMENT Land <b>Dotario, being</b> <b>more particular</b>	DATE JULY 23rd, 1945. Len Mark of Succession Duries countesioner of succession Duries

## DOMINION SUCCESSION DUTY ACT

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SECTIONS 48-49

his representative capacity or shall furnish security satisfactory to the Minister for the payment of such duties and any executor who acts in contravention of this provision shall be personally liable for the duties, and in addition shall be liable to a penalty equivalent to double the amount offend instant offend other successor, the executor shall first pay all the duries assessed and levied under this Act to the extent to which he is liable in Before delivering or transferring any property of the deceased or any interest in such property to any heir, legates, conce of to double the amount offsdah duties." ₩ B

(1) On the death of any person, whether he dies domiciled in a province of Canada or elsewhere, unless the consent in **4**0.

Million bank, frust compared are made, register of transfer or payment often which payments are made, register of transfer or payment often which payments are made, register of transfer or payment often which payments are made, register of transfer or payment often which the decased at the time of his death read of its any monoy payable as a result of death under any contract of insurance either affected, contracted row with the decased, or the provinces of Canada; and the time of his death read of the provinces of Canada; and the time of this death any interest, where the decased was at his death domiciled, none of the provinces of Canada; and the time of this death any interest, where the decased was at his death domiciled, none of the provinces of Canada; and the capacity of executor shall deliver, assign, transfer, or pay or permit the decased and the time of his death any interest when the of his death any areased was at his and the transfer, or pay with the decased had at the time of his death any beneficial to the provinces of the provinces of canada; and the transfer of payment of any property in which the decased had at the time of his death any beneficial to the provinces of the provinces of canada; and the capacity of executor shall deliver, assign, transfer, or pay or permit to the the capacity or any property in which the decased had at the time of his death any beneficial to the the orthor of any property is which the decased had at the time of his death any beneficial to the the transfer of payment of any property of the provinces of the provi

contravention of this section, but such penalties shall not apply when the Minister is satisfied that the contravention was not

wijful and occurred through ignorance of such death.

o: PD-38-2023 DO 2 PRIL 1944-100,000 500 No. X 377602 32 SOUTH GRIMSBY 01 CONSENT TO THE DELIVERY, ASSIGNMENT, TRANSFER OR PAYMENT OF THE FOLLOWING PROPERTY, OR TO THE 259 THIS DOES NOT PERMIT THE DELIVERY OF ANYTHING FROM A SAFETY DEPOSITION OR OTHER REPOSITORY, OR AND ST SAL REASURER OF ONTARIO UUNE 11<sup>12</sup> (DECEASED) 19429 REGISTRATION OF ANY INSTRUMENT OR THE MAKING OF ANY ENTRY AFFECTING THE FOLLOWING PROPERTY. BION DUTY ACT, 1939, THE REGISTRY ACT OR THE LAND TITLES ACT. TORONTO, DEC 29/450 ROBERT COOK MURGATROYD reasurer of Onlario CAISTOR CONSENT OF HELD AS COLLATERAL OR FOR SAFE KEEPING. WHO DIED ON OR ABOUT E ESTATE OF MATTER **DANDISKATNUOD** donee is liable in ecutor who

° m	•	Attach	nment No. 1 to PD	-38-2023	
DA SOUTH GRIMSBY SOL 30 CT SOUTH GRIMSBY SOL 30 LOARD SERIAL NO. 483463	RTY DATE. JULY 23rd 10 45.	CAISTOR Vd. Esq., rio.	TRANSFER, PAY OR PERMIT THE DELIVERY. ASSIGNMENT. THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY.	Concession 7, Township of Caistor, , as more particularly described in ing approximately 90 acres, lands in	W. J. Callaway T. T. L. K.
DOMINION OF CANADA SUCCESSION DUTY ACT	CONSENT TO THE TRANSFER OF PROPERTY	TE OF Robert C. Murgatroyd, Smithville, Ontario. c/o F. R. Murgatroyd, Hamilton, Ontario.	•	Lot 2, Oncaric containi ns.	INSPECTOR OF SUCCESSIC W. J. Call
AUTHORIZED OFFICER	Ŭ	r	WHO DIED ON DEC. 29th, 1944. be to ALL PERSONS: WHO MAY ON CONSENT "DELIVER ASSIGN 150 150 150 150 150 150 150 150	County of Lincoln, Province of Un Instrument No. 5593, Caistor, con the name of R. Murgatroyd & Sons.	DATE JULY 23rd, 1945. USB C. Tauw Much

## DOMINION SUCCESSION DUTY ACT

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## SECTIONS 48-49

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acts in contravention of this provision shall be personally itable for the duties, and in addition shall be itable to a penalty equivalent to double the amount offstich duties? The second other successor, the executor shall first pay all the duties essessed and leyled under this Act to the extent to which he is liable in his representative capacity or shall furnish security satisfactory to the Minister for the payment of such duties and any executor who Before delivering or transferring any property of the deceased or any interest in such property to any heir, legateo, dones or ¥8.

(1) On the death of any person, whether he dies domiciled in a province of Canada or elsewhere, unless the consent in writing of the Minister is obtained:-<del>6</del>

(a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer in Canada, shall deliver, assign, transfer, or pay, or permit the delivery, assignment, transfer or payment of:-

Page 121 of 408

(i) any property situated in Canada in which the deceased at the time of his death had any beneficial interest; or

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied

for by the deceased, or in which the deceased had at the time of his death any interest, where the deceased was at his death domiciled in one of the provinces of Canada; and the capacity of oxecutor shall deliver, asign, transfer, of pey or permit (b) no person in Canada, other than a person acting in the capacity of oxecutor shall deliver, asign, transfer, of pey or permit the delivery, assignment, transfor of payment of any property in which the deceased had at the ilmo of his death any beneficial Interest.

not exceeding the amount of duty levied on or with respect to the transmission or disposition of any property dealt with in section shall be guilty of an offence, and shall, for each offonce, be liable to a penalty of one thousand dollars and an amount (4) Every bank, trust company, insurance company, or other corporation, and every other person who fails to comply with this contravention of this section, but such penalties shall not apply when the Minister is satisfied that the contravention was not wilful and occurred through ignorance of such death.

	Attachment No. 1 to PD-38-2023	Ċ
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THE LAND TITLES ACT. 194.89 TORONTO, JUNE 11 19, 4	DEC 29/44 SGUTH GRIMSB OR FAYMENT OF THE FOLLOWING PROPERTY, OR TO ANY ENTRY AFFECTING THE FOLLOWING PROPERTY, OR TO STER OF THE FOLLOWING PROPERTY, OR TO STER OF THE FOLLOWING PROPERTY STER OF THE FOLLOWING PROPERTY STER OF THE FOLLOWING PROPERTY, OR TO CAIST	R REPOSITORY, OR
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DOMINION OF CANADA CAISTOR SASTOR SUCCESSION DUTY ACT SERIAL NO. 483475 19429 SERIAL NO. 483475 CONSENT TO THE TRANSFER OF PROPERTY DATE. JULY 2370, 19.45.	ESTATE OF Robert C. Murgatroyd, Sull'H GRIMSBY Smilthryllle, Ontario. C.O F. R. Murgatroyd, Esq., Hamilton, Ontario. Recoverstime assistic that assist the name of the south Grimsby, County of PROPERTY TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. ASSIGNMENT. PROPERTY TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. ASSIGNMENT. ANNENT DELIVER ASSIGN TAKEN POTO THE DELIVERY. ASSIGNMENT. ANNENT DELIVER ASSIGN TAKEN POTO THE DELIVERY. ASSIGNMENT. ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. ASSIGNMENT. ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. ASSIGNMENT. ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. ASSIGNMENT. ANNENT OF MENT OF ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY. ASSIGNMENT. ANNENT OF ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN THE DELIVERY. ASSIGNMENT. ANNENT OF ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN THE DELIVERY. ASSIGNMENT. ANNENT OF ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN THE DELIVERY. ASSIGNMENT. ANNENT OF ANNENT TAKE NOTICE THAT CONSENT IS HEREBY GIVEN THE DELIVERY. ASSIGNMENT. ANNENT OF ANNENT OF ANNENT OF ANNENT OF ANNENT OF ANNENT AND	
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## **BOMINION SUCCESSION DUTY ACT**

## SECTIONS 48-49

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other successor, the executor shall first pay all the duties assessed and levied under this Act to the extent to which he is liable in his representative capacity or shall furnish security satisfactory to the Minister for the payment of such duties and any executor who acts in contravention of this provision shall be personally liable for the duties, and in addition shall be liable to a penalty equivalent Before delivering or transferring any property of the deceased or any interest in such property to any heir, legates, dones or to double the amount of such duties: 48.

On the death of any person, whether he dies domiciled in a province of Cenada or elsewhere, unless the consent in , F Writing of the Minister is obtained:-(1) ģ

(a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer in Canada, shall deliver, assign, transfer, or pay, or permit the delivery, assignment, transfer or payment of:-

Page 124 of 408

any property situated in Canada in which the deceased at the time of his death had any beneficial interest; or

(b) no person in Canada, other than a person acting in the capacity of executor shall deliver, esign, transfer, or pay or permit for by the deceased or in which the deceased had at the time of his death any interest, where the deceased was at his (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied

the delivery, assignment, transfer of payment of any property in which the deceased had at the time of his death any beneficial interests () interests () is a set of the destination of the death any beneficial interests () is a set of the destination of the death any beneficial interests () is a set of the death any beneficial interests () is a set of the death any beneficial interests () is a set of the death any beneficial interests () is a set of the death any beneficial interests () is a set of the death and the death any beneficial interests () is a set of the death and the death interests () is a set of the death and the death interests () is a set of the death and the (4) Every bank, trust company, insurance company, or other corporation, and every other person who fails to comply with this not exceeding the amount of duty levied on or with respect to the transmission or disposition of any property dealt with in section shall be guilty of an offence, and shall, for each offence, be liable to a penalty of one thousand dollars and an amount contravention of this section, but such penalities shall not apply when the Minister is satisfied that the contravention was not े द wilful and occurred through ignorance of such death.

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5 1 to Attachment No. PD-38-2023 No. X 377615 THE SUCCESSION DUTY ACT, 1939, THE REGISTRY ACT OR THE LAND TITLES ACT. DAISTURY 38 CONSENT TO THE DELIVERY, ASSIGNMENT, TRANSFER OR PAYMENT OF THE FOLLOWING PROPERTY, OR TO THE ていて THIS DOES NOT PERMIT THE DELIVERY OF ANYTHING FROM A SAFETY DEPOSITION OR OTHER REPOSITORY. OR TREASURER OF ONTARIO South Grimely 19229 JUNE 119 (DECEASED) REGISTRATION OF ANY INSTRUMENT OR THE MAKING OF ANY ENTRY AFFECTING THE FOLLOWING PROPERTY: Ureasurer of Onlario DEC 29/44 ROBERT COOK MURGATROYD いない。 CONSENT OF i.L. See HELD AS COLLATERAL OR FOR SAFE KEEPING. Party of the loss of HO DIED ON OR ABOUT STATE OF TTER COUNTERSIONED dones of Page ilable in 15 esstor who

ι.	Attachment No. 1 to PD-38-2023	
SDUTH GRIMBBY 30.30 SERIAL NO. 392176	pare. July 5, 1944. O. THE DELIVERY. ASSIGNMENT. EV GIVEN TO THE DELIVERY. BY GIVEN TO THE DELIVERY. BY GIVEN TO THE DELIVERY. Grimsby, County of in name of R.	Callaway Amilton, Unt. Callaway A Antel
DOMINION OF CANADA SUCCESSION DUTY ACT <sup>EDU</sup> 19429	TO THE TRANSFER OF PROPERT Ellis Ward Lurgatroyd, SMITHVILLE, Untario. 44. c/o F. R. Hurgatr MALILTON, Unt HALLITON, Unt Uptiven, ASSIGN, TRANSFER, RAY OR PRI- DELIVER, ASSIGN, TRANSFER, RAY OR PRI- TAKE NOTICE THAT CONSENT IS TAKE NOTICE THAT CONSENT IS TAKE NOTICE THAT CONSENT IS TOUTH-East part of Lot Inst. #2529, TWP. of Sou fouln, Province of Untari gatroyd and Sons.	INSPECTOR OF SUGCESSION
UTHORIZED OFFICER	CONSENT TO IN THE MATTER OF THE ESTATE OF EL WHO DIED ON FED. 24th, 1944. TO ALL PERSONS: MAN MAY ON CONSENT "DELIV TRANSFER OR PAYMENT OF- DESCRIPTION OF PROPERTY OR PAYMENT OF IN TAS DESCRIPTION OF PROPERTY OR PAYMENT. THE SOL	DATE JUILY 5th, 1944. AS Commissioner of succession duttes

# DOMINION SUCCESSION DUTY AC

SECTIONS 48-49

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his representative capacity or shall furnish security satisfactory to the Minister for the payment of such dulles and any executor who acts in contravention of this provision shall be personally liable for the duties, and in addition shall be liable to a penalty equivalent Batoro delivering or transferring any property of the deceased or any interest in such property to any heir, legates, dones of other successor, the executor shall first pay all the duties assessed and levied under this Act to the extent to which he is liable in to double the amount of such duties. On the death of any person, whether he dies domiciled in a province of Canada or elsewhere, unless the consent th writing of the Minister is obtained: Ç 49

(a) no bank, trust company; insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer in Canada, shall deliver, assign, transfer, or pay, or permit the delivery, assignment, transfer or payment of:-

(i) any property situated in Canada in which the deceased at the time of his death had any baneficial interest; or

Page 127 of 408

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the deceased was at his death domiciled in one of the provinces of Canada; and

(b) no person in Canada, other than a person acting in the capacity of executor shall deliver, easign, transfer, or pay or permit the delivery, assignment, transfer or payment of any property in which the decesed had at the time of his death any banaficial nterest

not exceeding the amount of duty levied on or with respect to the transmission or disposition of any property dealt with in (4) Every bank, trust company, insurance company, or other corporation, and every other person who fails to comply with this section shall be guilty of an offence, and shall, for each offence, be liable to a penalty of one thousand dollars and an amount contravention of this section, but such penalties shall not apply when the Minister is satisfied that the contravention was not wilful and occurred through ignorance of such death.

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	A	ttachment No. 1 to Pl	D-38-2023		· · · ·
SBUTH GRIMGBY S.D 30 SERIAL No 392163 CAISTORULLY 5, 10 44.		gatroyd, Untarlo, Permit the delivery. Assignment. s hereby given to the delivery.	#7, Twp. of Caistor, County of Untario, as per Inst. Hurgatppyd and Sons.		Callaway Callaway
DOMINION OF CANADA SUCCESSION DUTY ACT 1.0429	re of Ellis Ward Murgatroyd, SMITHVILLE, Untario.	O ON Feb. 24th, 19 44. C/O F. R. Hurgatroyd, Ersons; Ersons; who may on consent "deliver, assign transfer, pay or permit the delivery. Assignment. Dr payment of any property: TAKE NOTICE THAT CONSENT IS HEREBY GIVEN TO THE DELIVERY.	Part of Lot #2, Con. of Lincoln, Province #5593, in name of R.		INSFECTOR OF SUCCESSION DUTIES AT T. J. Callaway BY ANTHORITE
CC	IN THE MATTER OF THE ESTATE	WHO DIED ON FED. 24th, 19 Beto All PERSONS; WHO MAY ON CONSENT 15 15 15 15 15 15 15 15 15 15 15 15 15	DESCRIPTION OF PROPERTY OR PAYMENT.	рате Julv 5th. 1944.	AS AS ALLA THE ASSOCIATION OF SUCCE

DOMINION SUCCESSION DUTY DV B B

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## SECTIONS 48-49

other successor, the executor shall first pay all the duties assessed and levied under this Act to the extent to which he is liable in his representative capacity or shall furnish security satisfactory to the Minister for the payment of such duties and any executor who Before dolivering or transferring any property of the deceased or any interest in such property to any heir, legates, dones or acts in contravention of this provision shall be personally liable for the duties, and in addition shall be liable to a penalty equivalent to double the amount of such dutles.

(1) On the death of any person, whether he dies domiciled in a province of Canada or elsewhere, unless the consent in writing of the Minister is obtained:ę.

(a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer in Canada, shall deliver, assign, transfer, or pay, or permit the delivery, assignment, transfer or payment of :-

(i) any property situated in Canada in which the deceased at the time of his death had any banaficial interest; or

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied

for by the deceased, or in which the deceased had at the time of his death any interest, where the deceased was at his death domicited in one of the provinces of Canada; and

the delivery, assignment, stansfer or payment of any property in which the deceased had at the time of his death any beneficial no person in Canada, other than a person acting in the capacity of executor shall deliver, essign, transfer, or pay or permit Intorest. (**q**)

(4) Every bank, trust company, insurance company, or other corporation, and every other person who fails to comply with this not exceeding the amount of duty levied on or with respect to the transmission or disposition of any property dealt with in contravention of this section, but such penalities shall not apply when the Minister is satisfied that the contravention was not section shall be guilty of an offence, and shall, for each offence, be liable to a penalty of one thousand dollars and an amount wilful and occurred through ignorance of such death.

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CAISTOR SERIAL NO. 392162 DATE. JULY 5, 1844.	Attachment of R. Murgatroyd, ILTON, Untario. Y or PERMIT THE DELIVERY ASSIGNMENT. N OR PERMIT THE DELIVERY ASSIGNMENT. FOR IS HEREBY GIVEN TO THE DELIVERY. Con. #7, as described in Conty of Lincoln, in name of R. Hurgatroyd and Callaway AN AUTHORITED OFFICER AN AUTHORITED OFFICER
VION OF SSION DI THE TRANSFE	<pre>DN Feb. 24th, 19 44. C/O F. HAM SONS: HAM WHO MAY ON CONSENT "DELIVER. ASSIGN. TRANSFER. PA PAYMENT OF ANY PROPERTY" TAKE NOTICE THAT CONSI RANSFER OR PAYMENT OF. TAKE NOTICE THAT CONSI RANSFER OF PAYMENT OF. TAKE NOTICE THAT CONSI RANSFER OF PAYMENT OF. TAKE NOTICE THAT CONSI PAYMENT OF ANY PROPERTY" TAKE NOTICE THAT CONSI RANSFER OF PAYMENT OF. TAKE NOTICE THAT CONSI PAYMENT OF ANY PROPERTY" TAKE NOTICE THAT CONSI RANSFER OF PAYMENT OF. TAKE NOTICE THAT CONSI PAYMENT OF ANY PROPERTY" TAKE NOTICE THAT CONSI PAYMENT OF ANY PROPERTY" TAKE NOTICE THAT CONSI PAYMENT OF ANY PROPERTY OF ANY PR</pre>
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# DOMINION SUCCESSION DUTY ACT

## SECTIONS 48-49

Whis representative conactivor shall furnish security satisfactory to the Minister for the payment of such dutius and any executor who acts in contravention of this provision shall be personally liable for the duties, and in addition shall be liable to a penalty aquivalent other successor, the executor shall first pay all the duties assessed and levled under this Act to the extent to which he is likite in Bofore delivering or transferring any property of the deceased or any interest in such property to any help, legalase, down of to double the amount of such dutles. ₩ ¥

On the death of any person, whether he dies domiciled in a province of Canada or electricere, unleas the consent its . writing of the Minister is obtained:-0 Ę.

from which payments are made, register of transfers, or any place of transfer in Canada, shall deliver, anion, transfer, or pay, (a) no bank, trust company, insurance company or other corporation, having its head office, principal piece of business, office or permit the delivery, essignment, transfer or payment of-

any property situated in Canada in which the deceased at the time of his death had any beneficial interest of (I)

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or epolled

for by the deceased, or in which the decreased had at the time of his death any interest, where the deceased was at the (b) No person in Canada, other thanks person acting in the capacity of executor shall deliver, andon, transfer, or pay or permit death domicified in one of the provinces of Censide; and

the delivery, assignment, transfer or payment of any property in which the decessed had at the time of his death any bareficial Interest.

(4) Every bank, trust company, insurance company, or other corporation, and every other person who fails to comply with this not exceeding the amount of duty levied on or with respect to the transmission or disposition of any property dealt with in section shall be guilty of an offence, and shall, for each offence, be liable to a penalty of one thousand dollars and an amount contravention of this section, but such penalties shall not apply when the Minister is satisfied that the contravention was not wilkul and occurred through ignorance of such death.

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Attachment No. 1 to PD-38-2023 **SOUTH GRADIENT** THIS INDENTURE made in duplicate the second day of February, 1957, In Pursuance of The Short Forms of Conveyances Act and of The Devolution of Estates Act.

BETWEEN:

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ALICE MAUD MURGATROYD, of the Village of Smithville, in the County of Lincoln, Widow, and <u>FREDERICK ROBERT MURGATROYD</u>, of the City of Hamilton, in the County of Wentworth, Queen's Counsel, Executors and Trustees of the Estate of Ellis Ward Murgatroyd, late of the Village of Smithville, in the County of Lincoln, Gentleman, and the aforesaid <u>FREDERICK ROBERT MURGATROYD</u>, personally, and as Executor of the Estate of Robert Cook Murgatroyd, late of the Village of Smithville, in the County of Lincoln, Gentleman,

> hereinafter called the Grantors of the FIRST PART;

HARRY DE GROOT, of the Township of South Grimsby, in the County of Lincoln, Farmer, and <u>ELISABETH DE GROOT</u>, his wife, of the same place,

> hereinafter called the Grantees of the SECOND PART;

ALICE MAUD MURGATROYD, of the Village of Smithville, in the County of Lincoln, Widow,

> hereinafter called the Party of the THIRD PART;

AND

..

MARGARET L. MURGATROYD, of the Town of Burlington, in the County of Halton, wife of the aforesaid Frederick Robert Murgatroyd,

> hereinafter called the Party of the FOURTH PART:

WHEREAS the lands hereinafter described were owned by Robert C. Murgatroyd and Ellis W. Murgatroyd as R. Murgatroyd & Sons;

AND WHEREAS the said Ellis Ward Murgatroyd died on the 24th day of February, 1944;

AND WHEREAS Probate of his Will was granted out of the Surrogate Court of the County of Lincoln on the 10th day of July, 1944, to Alice Maud Murgatroyd and Frederick Robert Murgatroyd above named;

AND WHEREAS the said Probate is registered in the Registry Office for the Registry Division of the County of

-2-

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Lincoln on the 22nd day of July, 1944, as Number 6601 G.R; AND WHEREAS Ellis Ward Murgatroyd and Ellis W. Murgatroyd were one and the same person;

AND WHEREAS the said Robert Cook Murgatroyd died on the 29th day of December, 1944;

AND WHEREAS Probate of his Will was granted out of the Surrogate Court of the County of Lincoln on the 21st day of May, 1945, to Frederick Robert Murgatroyd above named;

AND WHEREAS the said Probate is registered in the Registry Office for the Registry Division of the County of Lincoln on the 11th day of June, 1945, as Number 6829 G.R.;

AND WHEREAS Robert Cook Murgatroyd and Robert C. Murgatroyd were one and the same person;

AND WHEREAS the said Robert Cook Murgatroyd died

AND WHEREAS for the purpose of administering the estates of the said Robert Cook Murgatroyd and the said Ellis Ward Murgatroyd it is necessary to sell the said lands;

NOW THIS INDENTURE WITNESSETH, that in consideration of other valuable consideration and the sum of ONE (§1.00) Dollar of lawful money of Canada now paid by the said Grantees to the said Grantors (the receipt whereof is hereby by them acknowledged), the said Grantors DO GRANT unto the said Grantees in fee simple, as joint tenants and not as tenants in common,

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being FIRSTLY:

in the township of South Grimsby, in the County of Lincoln and the Province of Ontario and being composed of part of Lot 2, Range 2 of the Gore South of the 20 Mile Creek and containing by admeasurement 47.66 acres, be the same more or less and which said parcel may be more particularly described as follows:-

## CAISTOR

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COMMENCING at an iron pin marking the south-east angle of said Lot 2; THENCE, north 0 degrees 47 minutes 30 seconds west, in and along a fence line marking the easterly limit of Lot 2, aforesaid, 1,512.0 feet to an iron pin; THENCE, north 81 degrees 09 minutes west, in and along a fence line 1,749.9 feet to an iron pin planted in the easterly limit of a given road; THENCE, south 0 degrees 59 minutes 30 seconds east, in the said easterly limit of the given road as fenced, 898.4 feet to an iron tube planted in the southerly limit of said Lot 2; THENCE, south 63 degrees 01 minutes 30 seconds east, in the said southerly limit of Lot 2, being the northerly limit of the road allowance between the Townships of South Grimsby and Caistor, 1,946.1 feet more or less to the point of commencement.

## SECONDLY:

in the Township of Caistor, in the County of Lincoln and Province of Ontario, and being composed of Part of Lot 2 and 3, in the Seventh Concession of the said Township and containing by admeasurement 234.87 acres, be the same more or less and which said parcel may be more particularly described as follows:-

COMMENCING at an iron pin marking the north-west angle of said Lot 3; THENCE, south 62 degrees 52 minutes east, in the northerly limit of said Lot 3, being the southerly limit of the road allowance between the Townships of South Grimsby and Caistor, commonly known as the Town Line, 1,174.5 feet to an iron pin; THENCE, south 0 degrees 56 minutes 30 seconds east, in and along a fence line, 2,118.1 feet to an iron pin; THENCE, south 89 degrees 01 minutes 30 seconds east, in and along a fence line, 408.5 feet to an iron pin marking an angle therein; THENCE, south 88 degrees 30 minutes 30 seconds east, continuing in and along the said fence line, 268.5 feet to an iron pin; THENCE, north 1 degree

SOUTH GRIMSBY

19429

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49 minutes west, in and along a fence line, 386.6 feet to an iron pin; THENCE, north 88 degrees 57 minutes 30 seconds east, in and along a fence line, 33.0 feet to an iron pin; THENCE, north O degrees 46 minutes 30 seconds west, in and along a fence line, 1,221.1 feet to an iron pin; THENCE, south 82 degrees 20 minutes 30 seconds east, in and along a fence line, 422.7 feet to an iron pin planted in the said southerly limit of the Town Line; THENCE, south 63 degrees 01 minutes 30 seconds east, in the said southerly limit of the Town Line, 513.0 feet to an iron pin; THENCE, south 1 degree 17 minutes 30 seconds east, in and along a fence line, 3,056.9 feet to an iron pin marking an angle therein; THENCE, south 1 degree 19 minutes east, continuing in the said fence line, 1,355.8 feet to an iron pin; THENCE, north 63 degrees 06 minutes 30 seconds west, in and along a fence line, 1,000.2 feet to an iron pin; THENCE, north 1 degree 56 minutes 30 seconds west, in and along a fence line marking the limit between Lots 2 and 3, aforesaid, 425.0 feet to an iron pin; THENCE, south 88 degrees 12 minutes west, in and along a fence line, 1,733.5 feet to an iron pin; THENCE, north 1 degree 08 minutes 30 seconds west, in and along a fence line marking the westerly limit of Lot 3, aforesaid, 4,938.4 feet more or less to the point of commencement.

TO HAVE AND TO HOLD unto the said Grantees their heirs and assigns, to and for their sole and only use for ever, as joint tenants and not as tenants in common.

AND the Grantors covenant with the Grantees that they have done no act to encumber the said lands.

AND the Grantors release to the Grantees all their claims upon the said lands.

AND the Party of the Third Part hereby disclaims dower in the said lands.

Attachment No. 1 to PD-38-202BAISTOR

SOUTH GRIMSBY

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- AND the Party of the Fourth Part hereby bars her dower in the said lands.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals.

SIGNED, SEALED and DELIVERED ) in the presence of

Lechlien Graham







CLOKE & SON, LTD., HAMILTON, ONT. AffiAttach Mann Norattaf PD-08-20231 SOUTH GRIMSBY IN THE MATTER OF THE LAND TRANSFER TAX ACT 55 19429 VINCE OF ONTARIO OUNTY OF CAISTOR of the as Urluortin the County of mle for the To Wit: Amed in the within (or appresed) transfer make oath and say to for ine This affidavit may be made by the purchaser or ven-dor or by any one acting for them under power of 2. I have a personal knowledge of the facts stated in this affidavit. 3. The true amount of the monies in cash and the value of any property or security included in the consideration is as follows: attor (a) Monies paid in cash ...... belo (b) Property transferred in exchange; Equity value \$ Encumbrances \$ (c) Securities transferred to the value of ... 5 (d) Balances of existing encumbrances with interest owing at date of transfer \$ (c) Monies secured by mortgage under this transaction .. (f) Liens, annuities and maintenance charges to which transfer is subject S. 34000 Total consideration .. 4. It-consideration is nominal, is the transfer for natural love affe 5. If so, what is the relationship between Granta 52. 6. Other remarks and explanations, if necessary inal 540003 4000 de utto ARE a Cm in 42260 billa 1. Sworn before me at the/ of famili in the County of of 91 contra usil this day of Commissioner, etc. A Commissioner, etc. Page 142 of 408

## 19429

SOUTH GRIMSBY 56

The Registry Act

CAISTOR

COUNTY OF WENTWORTH ) TO WIT )

AFFIDAVIT AS TO MARRIAGE STATUS

I, FREDERICK ROBERT MURGATROYD, one of the Grantors in the within instrument named make oath and say:

THAT at the time of the execution and delivery by me of the within instrument I was legally married to Margaret L. Murgatroyd, the person joining therein as my wife to bar her dower and was of the full age of twenty-one years.

SWORN before me at the City of Hamilton, in the County of Wentworth, this 2md day of the A. D. 1957.

A Commissioner, etc.

Exhibit D to the Affidavit of Evelyn Susan Duck sworn the 12<sup>th</sup> day of May, 2023 Commissioner
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IDENTIFIER PAGE 1 OF 2 PREPARED FOR jmclachlin ON 2022/09/01 AT 13:08:25 RESERVATIONS IN CROWN GRANT *	<u>PIN CREATION DATE:</u> 2003/02/24		PARTIES TO										DUCK, EVELIN SUSAN DUCK, JEFFREY LAWRENCE	ROYAL BANK OF CANADA	CIBC MORTGAGES INC.			CANADIAN IMPERIAL BANK OF COMMERCE
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NOTE. ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND REGISTRY OFFICE #30 Contario ServiceOntario

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NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY. NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

Exhibit E to the Affidavit of Evelyn Susan Duck sworn the 12<sup>th</sup> day of May, 2023 n

Commissioner



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Exhibit F to the Affidavit of Evelyn Susan Duck sworn the 12<sup>th</sup> day of May, 2023

# Attachment No. 1 to PD-38-2023

### LRO # 30 Charge/Mortgage

The applicant(s) hereby applies to the Land Registrar.

#### Registered as NR445803 on 2017 05 02 at 14:16

yyyy mm dd Page 1 of 2

### Properties

PIN	46056 - 0355 LT	Interest/Estate	Fee Simple
Description	PT LT 2 RANGE 2 SOUTH	H GRIMSBY AS IN RO	0660971; WEST LINCOLN
Address	7395 20 ROAD GRIMSBY		

### Chargor(s)

The chargor(s) hereby charges the land to the chargee(s). The chargor(s) acknowledges the receipt of the charge and the standard charge terms, if any.

Name	DUCK, EVELYN SUSAN
Address for Service	7395 20 ROAD, WEST LINCOLN, ON,
	LOR 2A0

I am at least 18 years of age.

DUCK, JEFFREY LAWRENCE and I are spouses of one another and are both parties to this document This document is not authorized under Power of Attorney by this party.

Name	DUCK, JEFFREY LAWRENCE
Address for Service	7395 20 ROAD, WEST LINCOLN, ON,
	LOR 2A0

I am at least 18 years of age.

DUCK, EVELYN SUSAN and I are spouses of one another and are both parties to this document This document is not authorized under Power of Attorney by this party.

Chargee(s)		Capacity	Share
Name	ROYAL BANK OF CANADA		
Address for Service	10 YORK MILLS ROAD, 3RD FLOOR, TORONTO, ON, M2F 0A2	5	

Provisions	2
1 1001310113	

Principal	\$700,000.00	Currency	CDN
Calculation Period	Monthly, Not in Advance		
Balance Due Date	ON DEMAND		
Interest Rate	See Schedule		
Payments			
Interest Adjustment Date			
Payment Date	ON DEMAND		
First Payment Date			
Last Payment Date			
Standard Charge Terms	200617		
Insurance Amount	Full insurable value		
Guarantor			

### Additional Provisions

Schedule Form 5 - Land Registration Reform Act (Ontario) - Prime Rate

ADDITIONAL PROPERTY IDENTIFIERS AND OTHER INFORMATION

Recitals:

(A)We are lending money or providing other forms of credit (either now or in the future) to EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK or either of them who is referred to in this Schedule and the Standard Charge Terms as the "Customer". If more than one person is the Customer, the term "Customer" refers to all such persons.

(B)In this document, we use the word "you" to describe the person who has signed, authorized or promised to be bound by this Mortgage. If more than one person has signed, authorized or promised to be bound by this Mortgage, then all of those persons will be jointly and Page 150 of 408 63

# Attachment No. 1 to PD-38-2023

### LRO # 30 Charge/Mortgage

The applicant(s) hereby applies to the Land Registrar.

#### Registered as NR445803 on 2017 05 02 at 14:16

yyyy mm dd Page 2 of 2

#### Additional Provisions

severally liable to comply with all Promises under this Mortgage.

(C)In this document, we use the word "we" or "us" to describe the financial institution lending money or providing other forms of credit to the Customer, which is the same as the mortgagee under this Mortgage.

(D)The term "Customer Liabilities" means all debts and other obligations the Customer owes to us, including:

1.All the Customer's debts and obligations, whether the debts are owing now or in the future, whether the debts are absolute or contingent, and whether they are due now or at some time in the future;

2. Any extensions, renewals or amendments of the debts or obligations;

3.Debts and obligations incurred or arising inside Canada or anywhere else;

4.Debts and obligations incurred with others; and

5. Obligations the Customer incurred as principal debtor or as a guarantor or surety.

(E)If the Customer Liabilities are reduced, or increased, or paid off, and then incurred again, the Customer Liabilities include all of those liabilities, up to the Principal Amount.

(F)Unless otherwise defined, any capitalized terms mean the same as they do in the set of standard charge terms that apply to this Mortgage.

#### This Mortgage

(1)You have agreed to grant this Mortgage of your Property as a continuing security for payment of all the Customer Liabilities.

(2)The parties agree that this Mortgage will secure an amount up to \$700,000.00 (the "Principal Amount") (together with interest and compound interest at the Interest Rate and our Costs). This Mortgage will not secure any amount of the aggregate principal part of the Customer Liabilities that exceeds this amount.

(3)You promise to pay us, on demand, the Customer Liabilities not to exceed the Principal Amount, together with interest on the amount demanded at a rate equal to the Prime Rate per annum in effect from time to time, plus SEVEN per cent (7.0000%) per annum (the "Interest Rate"). This interest will be calculated monthly, not in advance and is payable on demand, before and after Default and judgment. Interest will be charged on overdue interest at the Interest Rate.

Nicole	Susan Craig	4 Hughson St. South , Suite 901 Hamilton L8N 3Z1	acting for Chargor(s)	Signed	2017 05 02
Tel	905-577-4663				
Fax	905-525-1985				
		ument on behalf of the Chargor(s).			
Sub	mitted By				
	<i>mitted By</i> anadian Title Company Limited	4 Hughson St. South , Suite 901 Hamilton L8N 3Z1			2017 05 02
	-	4 Hughson St. South , Suite 901 Hamilton			2017 05 02

\$63.35	
\$63.35	

### File Number

Chargee Client File Number :

766423115/17093002476

Exhibit G to the Affidavit of Evelyn Susan Duck sworn the 12<sup>th</sup> day of Way, 2023

Commissioner



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Applicants	Respondents
(Short title of proceeding)	ONTARIO SUPERIOR COURT OF JUSTICE
	PROCEEDING COMMENCED AT: St. Catharines
nt No. 1 to PD-38-2023	AFFIDAVIT OF EVELVN SUSAN DUCK
Attachn	Hedley, McLachlin & Attema Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4
	Michael J. McLachlin Tel: (905) 774-9988
	Email: <u>mmclachlin@hedleylaw.com</u>

Court File No.

Court File No.

# ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

# EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK

Applicants

- and -

# HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry and ROYAL BANK OF CANADA

Respondents

IN THE MATTER OF the Beds of Navigable Waters Act, R.S.O. 1990 c.B-4;

And in the matter of the lands legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT)

# **AFFIDAVIT OF HAROLD HYDE**

I, HAROLD HYDE, of the Regional Municipality of Niagara, in the Province of Ontario MAKE OATH AND SAY AS FOLLOWS:

1. I have been a Professional Land Surveyor since 1999. I have surveyed the lands to which this court Application relates and as such have knowledge of the matters hereinafter deposed to.

2. Evelyn Susan Duck and Jeffrey Lawrence Duck are the registered owners of the lands and premises legally described as:

-2-

Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT);

The said lands are referred to herein as the "Property".

3. The Property of the Applicants is traversed by a branch of the North Creek, which enters the property along its westerly boundary and travels, in a meandering fashion, through the Property eventually exiting the Property along the northerly boundary.

4. Attached hereto and marked as **Exhibit "A"** to this Affidavit is a copy of a draft Reference Plan which I have prepared, which was completed on April 6, 2021 and which draft plan is dated August 31, 2022. The said draft plan shows the location of the said North Creek as it passes through the Property of the Applicants. The Property is shown as Parts 1 and 2, Part 1 being the lands north and west of the Creek and Part 2 being the lands east and south of the Creek.

5. Attached hereto and marked as **Exhibit "B"** to this Affidavit is an aerial image taken from Niagara Navigator website on which I have made notations to illustrate the location from which other images attached to this affidavit have been taken.

6. Attached hereto and marked as **Exhibit "C"** to this Affidavit is an aerial image taken from the Niagara Navigator website and noted as being taken in 1954-55 showing that portion of the North Creek lying within the subject lands. The water in the creek is clearly visible in both images which are Exhibit B and C, extending across the entire parcel as it meanders through the property.

7. Attached hereto and marked as **Exhibit "D"** are five photographs taken by myself or my employees of the subject property. Attached hereto and marked as **Exhibit "E"** are three images obtained from Google Maps showing the nature of the creek as it crosses South Grimsby Road -3-

10 looking both east and west as well as where it crosses South Grimsby Road 8, looking west. South Grimsby Road 8 is the next road to the east of the subject property a very short distance downstream. The image looks westerly in the direction of the Property.

8. Attached hereto and marked as **Exhibit "F"** to this Affidavit is a copy of part of the Tremaine Map, prepared by George R. Tremaine in 1862, for the area in which the Property is located. On the map I have marked at points A and B the westerly and easterly boundaries, respectively, of the property today. The significance of this map is that it shows that in the 1860s the Creek was a significant watercourse.

9. The Tremaine Map which is attached as Exhibit F also reveals the existence of a sawmill a short distance downstream from the Property, where the Creek passes through the property of the McCollom family.

10. Attached hereto and marked as **Exhibit "G"** to this Affidavit are excerpts from the Historical Atlas of Lincoln and Welland Counties, originally printed by H. R. Page & Co. in 1876. This diagram again shows the North Creek as passing through the properties, again indicating that it is a significant watercourse at the time of preparation of the atlas.

11. Attached hereto and marked as **Exhibit "H"** to this affidavit are old maps of Gainsborough Township and Grimsby Township acquired from the Ministry of Natural Resources. Both maps are signed by Thomas Ridout and dated September of 1811. These maps are not actual Crown Plans, but are common in many of the early Townships in the Niagara Peninsula. The plans do show many structures, road allowances, streams and settler names. The plans are of very poor quality and difficult to copy. Consequently, I have marked on both plans the North Creek in yellow. On the Gainsborough map I have marked the location of the McCollom sawmill shown on the Tremaine Map. The fact that the North Creek is shown on these plans confirms the significance of the Creek in the early settlement of these Townships. - 4 -

Attached hereto and marked as Exhibit "I" to this affidavit is an excerpt of pages 254 257 of "West Lincoln: Our Links With the Past, 1784 - 1984" a book published by West Lincoln
Historical Society in 1985. In the excerpt, the author states:

"The Twenty Mile Creek (Jordan River) was one of the streams which provided a route for relatively easy travel. Entirely above the escarpment as it flows through West Lincoln, with few portages it was navigable by canoes and small boats. So were, in part, its tributaries, the Sixteen Mile Creek and North Creek".

13. Attached hereto and marked as **Exhibit "J"** are Registry Office property index maps of the land in the area of the property on which it can be seen that there are two other sections of the North Creek a short distance downstream from the subject property for which court orders have been made determining that the North Creek is navigable and that the bed of the creek as it crossed through those properties, was vested in the Crown. Attached hereto and marked as **Exhibit "K"** is a copy of the court order of the Honourable Justice P. J. Flynn dated February 9, 2017, determining that the portion of the creek as it passed through the property of Carolyn Langley and Robert Mous was vested in the Crown.

14. Attached hereto and marked as **Exhibit "L"** is a copy of the Order of the Honourable Justice J.W. Quinn dated July 2, 2015, determining that the portion of the creek as it passed through the property of John Ivan Vuckovic, Evica Vuckovic also known as Eva Vuckovic and Green Horizon Ag. Inc. was vested in the Crown.

15. In addition to the foregoing, there is also the recent decision of the Honourable Justice M. D. Parayeski dated May 2, 2023 determining that a portion of the North Creek located a short distance upstream from the subject property is also navigable, which Order indicates it was made on consent of the parties to that proceeding. A copy of this Order is attached hereto and marked as **Exhibit "M"** to this affidavit.

- 5 -

16. The North Creek as it passes through the Property of the Applicants is a significant watercourse. During the preparation of the draft reference plan survey, I attended at the property on multiple occasions and generally observed the Creek to have a width of approximately 10 to 16 metres and a depth of approximately 1.0-1.5 metres. On those occasions, the Creek would certainly have been capable of travel by canoe or small boat.

17. Over the course of my career I have had many occasions to review and research the history of lands located within the Niagara Peninsula, including the historical purposes for which the lands were used. There are many texts and historical resources which refer to the importance of watercourses like the North Creek to early settlement and travel, as well as the importance of these watercourses for commercial purposes.

18. Timber was an important industry in the nineteenth century. Logs cut in an area would be floated downstream to sawmills wherever possible. The fact that a sawmill was located, for many decades, a short distance downstream from the Property in this case indicates that the North Creek was likely used for the floating of logs downstream to that sawmill. It is apparent from the historical maps and documents which are attached to this affidavit that the North Creek was a significant Creek at the time of original settlement of the area and at the time that the Crown patent in connection with the Property was issued.

19. It was very common during early settlement of lands in the Niagara Region that settlers would utilize watercourses such as the North Creek in order to access their property. Page 10 of the Historical Atlas excerpt attached hereto as Exhibit "N" describes early settlement in the area of the Property and contains numerous references to the early owners of the lands utilizing the watercourses to settle their property. For example, the Historical Atlas specifically contains the following passage:

"In 1787, Richard Griffin, with a family of seven sons and four daughters, from what was then called Nine Partners, N.Y., settled on the Jordan (20 mile creek) now Smithville. - 6 -

Before removing the whole family to the new home, they encamped at the mouth of the stream for a few weeks, while Abraham and Edward, two of the elder sons, followed the stream on Monday to their lands, where working to clear the ground and erect dwellings until Saturday returned to the encampment by the same crooked route. Soon however the whole family moved into their new mansion in the forest, each son and daughter almost immediately selected lots for themselves, settled in life and soon began amongst other duties to replenish the earth.

Charles Mereidth Thomas Harris, Thomas North, and Lieutenent Monroe, began their improvements soon after; Robert Lounsbury, Dr. Utter, John Beam, Solomon Hill, Wm. Lawrence, John Beamer, from N. Jersey; Peter Bronslaugh, from Virginia; D. Palmer, and others, including the Merritts, from Katskill, in what is known as the "Merritt settlement" and some of the McCollums, John Harris, Wm. and Thomas Bridgman, along the 20 mile creek".

The above passage refers to the sawmill established a short distance downstream from the Property. It would seem very likely that the North Creek was used by settlers in this area in order to access the lands which they settled.

20. Attached hereto and marked as **Exhibit "O"** to this Affidavit is a copy of the original Crown Patent issued to what appears to be William Chewith for all of the lands that are Lot 2, second range in the Gore south of 20 Mile Creek. These lands are now referred to as Part of Lot 2, Range 2, in the geographic Township of South Grimsby. What later became South Grimsby and North Grimsby Townships were originally one township simply known as "Grimsby". A review of the patent discloses that there is no explicit grant of the bed of any creeks, streams or other waterways or navigable waters relating to the lands patented.

21. I swear this Affidavit in support of the within Application for a declaration that the North Creek, as it passes through the Property of the Applicants, is a navigable body of water and that, as such, the said Creek bed is owned by the Crown, and for no other or improper

78

purpose.

**SWORN BEFORE ME** at Haldimand County in the Province of Ontario on MAN V7 , 2023/ ) A Commissioner for Taking Affidavits )

Harold Hyde

79

Exhibit A to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner

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Exhibit B to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner



Exhibit C to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023



Exhibit D to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023

Commissioner

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return to affidavit

Exhibit E to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner

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Exhibit F to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner



Exhibit G to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner

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Exhibit H to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner



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Exhibit I to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner

# WEST LINCOLN OUR LINKS WITH THE PAST

## 1784-1984



Haldimend County Public Library DUNNVILLE BRANCH

Published by The West Lincoln Historical Society, 1985

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#### **CHAPTER VII**

### **Transportation in West Lincoln**

### Waterways

It was the waterways of West Lincoln which provided a ready made means of transportation for the early settlers, long before most of the roads were cleared through the woods. The Twenty Mile Creek (Jordan River) was one of the streams which provided a route for relatively easy travel. Entirely above the escarpment as it flows through West Lincoln, with few portages it was navigable by canoes and small boats. So also were, in part, its tributaries, the Sixteen Mile Creek and North's Creek. The forests and swamps helped to keep a more even flow of water in these streams than today, so that canoes probably had some use of them even in the summer. Their winter ice provided the luxury of smooth travel for sleighs and cutters.



**Canoes on the Welland River near Wellandport.** *Photo, West Lincoln Historical Society* 

One river provides a waterway through the length of the township. This is the Welland River, also known by the Indian name Chippewa (Chippawa) Creek. From its source in the Ancaster hills, it flows a distance of some sixty miles (considerably farther if one includes all its windings) to empty into the Niagara River a few miles above Niagara Falls. The river and the footpaths on either side had been used by the Indians since ancient times, as indicated by the artifacts found along its banks. Up this river came many of West Lincoln's very early settlers, by canoes, small boats and rafts. The lower reaches of some of its tributaries within the township were large enough for small craft. Such were the Beaver Creek (and seasonally its tributaries the Black Ash and Parker Creeks) and Sucker Creek. These tributary streams were probably of fairly limited use for transportation, although they certainly were useful to pioneers for fishing and hunting and as a supply of water for livestock.

The slowly winding Welland River, on the other hand, was a much travelled waterway. The upper reaches were, with occasional portage, suitable for smaller craft. Hundreds of thousands of board feet of timber were carried on its spring flood waters as logs were sent on their way to Port Davidson or Wellandport. There they might be sawed into lumber and the lumber shipped on by boat, as downstream from Port Davidson the water was deep enough that the river became a commercial waterway. Probably more commonly they were assembled into rafts to be floated downstream to the mouth of the Welland where small steam tugboats would tow them up the Niagara River to Buffalo or to Tonawanda.

Historically the Welland River has been linked with the Welland Canal. The first canal, built in 1829, came from Port Dalhousie only so far as the Welland River at Port Robinson. From there, ships went down the Welland to the upper Niagara River. To supply enough water to raise ships over the height of land at Allanburg, a dam was built at Dunnville on the Grand River, and a feeder canal was dug across Wainfleet to carry this water to the Welland Canal at Port Robinson. The aqueduct was the means by which the feeder canal crossed over the Welland River. It was a trough-like structure of white pine timber

Page 190 of 408

and plank<sup>1</sup>. The river still flowed unhindered beneath the aqueduct, and there was no interference with its traffic. This traffic must have been considerable, as then a wooden lock was built near the aqueduct to join the river to the feeder canal. Of course, this gave river traffic access via the feeder canal to the Welland Canal, which in 1833 was extended to Port Colborne. The second Welland Canal, 1850<sup>2</sup>, continued this connection, replacing the wooden lock with one of cut stone, and somewhat later even adding another lock. The connection between river and canal was important to allow river traffic to develop the land upstream. The arrangement continued until 1926, when the two stone locks were torn down and the Welland Canal deepened<sup>3</sup>. This ended forever the shipping on the Welland River, which, at any rate, by then had been pretty well lost to the railways.

But the old Welland River had had its time of glory! It had developed commercial traffic to the Niagara River even before the building of the Welland Canal. This traffic had been increased many fold by the locks connecting river and canal, and was important roughly till the end of the century.

During this time ports developed upstream from Welland. The closest to Welland within what is now West Lincoln was known first as Port Fanny, later as Candasville. This river port developed into a small hamlet (See Hamlets, Candasville in this book).



The Welland River as it appears today near the site of old Candasville. *Photo, West Lincoln Historical Society* 

A few miles farther upstream was "The Narrows", soon to be known as Wellandport. Still farther west was Port Davidson, where the Canboro Road was bridged across the river (See Hamlets of Gainsboro' in this book). Many logs were sent downstream from Port Davidson, and it is said that here scows could pick up half loads of lumber or cordwood, finishing the load at Wellandport where the water was deeper.

At Wellandport the river and its riverbank roads were met by the early constructed Canboro Road which connected Niagara with Canboro. Dilly C. Holmes, on his retirement after long service as postmaster of Wellandport, wrote a letter in 1899 to the Welland Tribune. In it he tells us some about the river traffic, "... There were large quantities of lumber being sawn here. About 1841 two or three boats came up the river from Buffalo to take this lumber away, and being the first boats, many of the settlers went out to see them. In coming up they had taken all the bridges out to get through. This caused great excitement. On seeing the boats some suggested that the place be called Welland Port. My friend, Samuel Wiggins, who lived to be 87 years old, told me these particulars."

Mr. Harold Hodgkins remembers that his grandmother (born c.1866) used to tell him about the small tugboats that went up and down the river. Family accounts lead him to believe that at least some of them were built by the Ross family business in Port Robinson.

There is some interesting documentation of the shipments from Wellandport and of the boats which took the loads. The wheat purchase book of Samuel Holmes is a valuable source of information. It records purchases and shipments out for the years 1855 to 1873 (See also the Hamlet of Wellandport in this book). We learn that a scow loaded wheat in 1855, its master being George Grant. Other boats which loaded grain there in 1855 and 1856 were the "boat Empire" and the "Mary Alice".<sup>4</sup> It would be interesting to know more about just what type of boats these were, but attempts to learn more about them Page 191 of 408

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		John Doan		1	12			2	2.3		
		Lack Sangler	4	2,2	2.5			112,	2		
		Aaron Bradt	, ,	23	19			117	118		
		Samed Scholfield	"	19	37	9.9	5	36	77	185 740	
	3	Shipped p Boat " Wompine									4000 "
		James A. Smith	15/	5	5-			9	54		

Part of a page of the Wheat Purchase Account of Samuel Holmes. Courtesy of the Freure and Holmes families

have not been successful. However, the St. Catharines Museum has a record of a scow "Victoria" which may very well have been the same one as took wheat from Wellandport in 1872 and 1873. Built at Welland in 1870 by Moses Betts, it was a square sterned wooden scow with the registration number 90709. Its overall length was 109 ft., breadth 23 ft., depth 6.5 ft., and its gross tonnage was 156. The original owner was Allan J. Holloway of Bertie Township. Although "Victoria" was a very popular name for ships at that time, this particular Victoria would seem very likely to have been the one which came to Wellandport, as it is the only scow registered by that name which was built so close by and at that time.

Wellandfart fine 30 1873 Three Thousand ane Andred a Three Thousand ane Armdred a Twoe Bushels of Wheat for S Necton St Catharins. good order on recetaria In Janus Raymond

Receipt for grain shipped out by scow.

Courtesy of the Freure and Holmes families

Besides grain, great quantities of lumber, cordwood and barrel staves were shipped out. In 1899, D.C. Holmes wrote that a scow would carry from 200 to 250 cords of wood. He also noted that supplies for Mr. Humphrey's Store were "bought at old Niagara and Buffalo, carried here by boats or sleighs on the river".

Mrs. Hazel Ulman recalled that the blocks for the new basement under Wellandport Methodist Page 192 of 408

Church in 1911 were brought by boat and unloaded on the north shore of the river. They had come from Dunnville via the Feeder Canal to Welland and then up the Chippewa to Wellandport. This probably was the last delivery of freight to Wellandport by water. The railways made river and canal transport seem slow and awkward. According to the late Mrs. Reva Fulsom the last "large" ship to use the river at Wellandport was a show boat which, in 1912, came up the river, tied up at the fairgrounds, and the crew pitched a show tent. Without realizing it, they were marking the end of an era.

By 1925, when the new Welland Canal was built, it no longer was judged necessary to provide a lock to connect the river and the canal. The river itself endured the indignity of being run under the canal by six large siphon tubes. The river commerce was indeed finished.

Today it is pleasure craft which ply the waters of the Welland. Many of them start from the Chippawa Conservation Park, which is on the Wainfleet side of the river west of Wellandport. In winter, the roar of snowmobiles has replaced the bells of cutters and sleighs. The streams and the river have remained a recreational and fresh water resource, and the task and concern for some time has been to protect and conserve this resource.

#### Ellenor Black

References: 1, 2, 3. Adams, J.R. ed., Souvenir Booklet for Welland Centennial, 1858-1958, pp. 8, 9 & 15. 4. The Wheat Purchase Book of Samuel Holmes, by kind permission of the Freure and Holmes families.

### Railways

Many residents of West Lincoln cherish memories of the bygone era when one could go to a local station — to Grassie, Smithville, St. Ann's, Silverdale Station, Vaughan Station or Port Davidson — and catch a train for places near or far. There are memories of the mailbags being picked up or thrown off, sometimes even without the train's stopping — of farmers loading wheat — of housewives going to Hamilton market with baskets of produce — of farmers' sons driving cattle to the station stockyard. Some recall businessmen going to Hamilton, Welland or Buffalo, or young men boarding the train to go "out West" to work in the wheat harvest.

All this had come to pass following an act passed by the Ontario Legislature in 1884 granting the T.H.&B. Railway the right to build<sup>1</sup>. An interesting comment is made by Norman S. Helm, in the book of which he is author, *In the Shadow of Giants, the Story of the Toronto Hamilton and Buffalo Railway*. The author notes, "Clause 7 contained what were some of the earliest rumblings of what we would refer to today as environmental awareness. The clause read in part, 'The said company shall have power...to make use for the purposes of the said railway, of the water of any stream or watercourse, at or by which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse.'"

Train service began in this West Lincoln area on December 30, 1895, when the main line from Hamilton to Welland was completed. The main purpose of the line was to complete connections from Toronto and Hamilton to Welland and on to the United States. In so doing, it provided service through the midpart of the peninsula, passing through the old townships of South Grimsby and Gainsboro'. Frank E. Page in *The Story of Smithville*, notes that the Township Council (of South Grimsby) passed a bonus bylaw in order to ensure that the railway would come through Smithville (rather than about a mile north of it) and to specify a certain number of trains daily each way to stop at Smithville. Mr. Robert Murgatroyd Sr., who had fought hard to gain the service for Smithville, became one of the Provisional Directors of the new railway. A timetable shows that by the spring of 1896 there were two Hamilton to Buffalo "Express" (passenger) trains daily each way, and one "mixed" (passenger and freight) train which ran daily each way<sup>2</sup>.

**GRASSIE STATION** was the first inside South Grimsby Township as the trains came from the west. Grassie was a "flag-stop". To signal the approaching trains, there was a large pole with several boards, the "flags", near the top. The station agent pulled levers to raise various colours, and the train engineer knew what they meant. At country stations, one man was both the station master and dispatcher. The dispatcher sent and received messages by telegraph, station to station. The last station master at Grassie was Mr. Angus Johnson. return to affidavit

Exhibit J to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 an Commissioner



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Exhibit K to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May 2023

Commissioner

Court File No. 56951/16

111

#### ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE JUSTICE P.J. FLYNN BETWEEN: ) THURSDAY THE 9<sup>TH</sup> DAY ) ) OF FEBRUARY , 2017

CAROLYN LANGLEY and ROBERT MOUS

Applicants

- and -

#### THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, as represented by the Ministry of the Attorney General and CIBC MORTGAGES INC. and THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

Respondents

IN THE MATTER OF the Beds of Navigable Waters Act, R.S.O. 1990 c.B-4; and in the matter of the lands legally described as Part of Lot 14, Concession 9, Former Township of South Grimsby as in RO273224; Township of West Lincoln, being PIN 46055-0262 (LT);

And in the matter of an Application to interpret the provisions of By-Law 79 - 14, being a zoning by-law of The Township of West Lincoln.

#### ORDER

THIS APPLICATION made by the Applicants for an Order declaring that the North Creek which passes through the property of the Applicants legally described as Part of Lot 14, Concession 9, Former Township of South Grimsby as in RO273224; Township of West Lincoln, being PIN 46055-0262 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4; and for an Order declaring that the lands of the Applicants designated as Parts 1 and 2 on a draft reference plan of Rasch & Hyde Ltd. and which each are part of the lands

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which are Part of Lot 14, Concession 9, Former Township of South Grimsby as in RO273224; Township of West Lincoln, being parts of PIN 46055-0262 (LT), each constitute a "Lot" as defined in zoning by-law 79-14 of The Township of West Lincoln, was heard this day at the Courthouse, 59 Church Street, St. Catharines, Ontario.

ON READING the Application Record of the Applicant and on hearing the submissions of counsel for the Applicants, no one appearing for the Respondents although properly served,

1. THIS COURT ORDERS AND DECLARES that the North Creek as it passes through the property of the Applicants, Carolyn Langley and Robert Mous, legally described as Part of Lot 14, Concession 9, Former Township of South Grimsby as in RO273224; Township of West Lincoln, being PIN 46055-0262 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4.

2. THIS COURT ORDERS AND DECLARES that the Crown, as represented by the Ministry of the Attorney General for the Province of Ontario, has title of those lands which lie below the low water mark of the said North Creek as it crosses the said lands of the Applicants, being as shown in a draft reference plan of Rasch & Hyde Ltd. dated October 14, 2016 and attached to this Order.

3. THIS COURT ORDERS AND DECLARES that the lands designated as Part 1 on the draft reference plan of Rasch & Hyde Ltd. completed on September 19, 2016 and dated October 14, 2016 and being part of the lands which are Part of Lot 14, Concession 9, Former Township of South Grimsby as in RO273224; Township of West Lincoln, being part of PIN 46055-0262 (LT) constitute a "Lot" as defined in section 3.64 of Zoning By-Law 79-14 of The Township of West Lincoln and specifically, pursuant to subsection 3.64 (a) (ii) of the said zoning by-law. 4. THIS COURT ORDERS AND DECLARES that the lands designated as Part 2 on the draft reference plan of Rasch & Hyde Ltd. completed on September 19, 2016 and dated October 14, 2016 and being part of the lands which are Part of Lot 14, Concession 9, Former Township of South Grimsby as in RO273224; Township of West Lincoln, being part of PIN 46055-0262 (LT) constitute a "Lot" as defined in section 3.64 of Zoning By-Law 79-14 of The Township of West Lincoln and specifically, pursuant to subsection 3.64 (a) (ii) of the said zoning by-law.

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5. THIS COURT ORDERS that the draft reference plan of Rasch & Hyde Ltd. dated October 14, 2016, as attached to this Order, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30)

Entered al ST. CATHARINES Insort & ST. CATHARINES In BOOK No. au REGISTRE Nº as Document tia FEB 0 9 201720 00 Bγ



CAROLYN LANGLEY and ROBERT MOUS	- and - THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, as represented by the Ministry of the Attorney General, et al. Respondents
(Short title of proceeding)	ONTARIO SUPERIOR COURT OF JUSTICE
	PROCEEDING COMMENCED AT: St. Catharines
	ORDER
	HEDLEY & McLACHLIN Parieters and Solicitors
	311 Broad Street East Dunnville, Ontario
	Michael J. McLachlin Tel # (905) 774-9988 Fax # (905) 774-6637
	Solicitor for the Applicants

Exhibit L to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner

Court File No. 55837/15

ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR. . JUSTICE J.W. QUINN

THURSDAY THE 2nd DAY

OF JULY, 2015

#### BETWEEN:

#### JOHN IVAN VUCKOVIC, EVICA VUCKOVIC ALSO KNOWN AS EVA VUCKOVIC AND GREEN HORIZON AG. INC.

Applicants

- and -

THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, as represented by the Ministry of the Attorney General and FARM CREDIT CANADA and BELL CANADA

Respondents

IN THE MATTER OF the Beds of Navigable Waters Act, R.S.O. 1990 c.B-4; and in the matter of the lands legally described as Part of Lot 13, Concession 9 former Township of South Grimsby, as in RO571395;Township of West Lincoln, being PIN 46055-0048 (LT) and the lands legally described as Part Lots 12 and 13, Concession 9 former Township of South Grimsby, as in RO529754 except Part 1 30R14482; subject to SG6899; Township of West Lincoln being PIN 46055-1519 (LT)

#### ORDER

THIS APPLICATION made by the Applicants for an Order declaring that the North Creek which passes through the property of the Applicants legally described as Part of Lot 13, Concession 9 former Township of South Grimsby, as in RO571395;Township of West Lincoln, being PIN 46055-0048 (LT) and the lands legally described as Part Lots 12 and 13, Concession 9 former Township of South Grimsby, as in RO529754 except Part 1 30R14482; subject to SG6899;Township of West Lincoln being PIN 46055-1519 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4; was heard this day at the Courthouse, 59 Church Street, St. Catharines, Ontario.

ON READING the Application Record of the Applicant and on hearing the submissions of counsel for the Applicants, no one appearing for the Respondents although properly served,

 THIS COURT ORDERS AND DECLARES that the North Creek, as it passes through the property of the Applicants legally described as Part of Lot 13, Concession 9 former Township of South Grimsby, as in RO571395;Township of West Lincoln, being PIN 46055-0048 (LT) and the lands legally described as Part Lots 12 and 13, Concession 9 former Township of South Grimsby, as in RO529754 except Part 1 30R14482; subject to SG6899;Township of West Lincoln being PIN 46055-1519 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4.

2. THIS COURT ORDERS AND DECLARES that the Crown, as represented by the Ministry of the Attorney General for the Province of Ontario, has title of those lands which lie below the low water mark of the said North Creek as it crosses the said lands of the Applicant, being as shown in a survey of Rasch & Hyde Ltd. dated April 29, 2015 and attached to this Order.

 THIS COURT ORDERS that the said survey of Rasch & Hyde Ltd. dated April 29,
 2015, as attached to this Order, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30).

Entered at ST. CATHARINES EGISTRE Worth No.

fucues



			, .	John Ivan Vuckovic, Evica Vuckovic, etc. Applicants
			-	*
Solicitors for the Applicants	HEDLEY & McLACHIIN Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4 Tel # (905) 774-9988 Fax # (905)-774-6637	ORDER	ONTARIO SUPERIOR COURT OF JUSTICE PROCEEDING COMMENCED AT: St. Catharines	Court File No. 55837/15 The Queen in Right of the Province of Ontario, etc. Respondents

Exhibit M to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 h Commissioner

Court File No. CV-22-00060970-0000

#### ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.	)	TUESDAY, THE 2ND DAY OF
JUSTICE M. D. PARAYESKI	)	MAY, 2023

BETWEEN:



KELLY ANN STAPLES and MARK STEPHEN STAPLES

Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry, BANK OF MONTREAL and THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

Respondents

IN THE MATTER OF the Beds of Navigable Waters Act, R.S.O. 1990 c.B.4;

And in the matter of the lands legally described as Part of Lot 4, Range 2, Former Township of South Grimsby as in RO709924; Township of West Lincoln, being PIN 46056-0370 (LT);

#### ORDER

THIS APPLICATION made by the Applicants for an Order declaring that the North Creek as it passes through the property of the Applicants legally described as Part of Lot 4, Range 2, Former Township of South Grimsby as in RO709924; Township of West Lincoln, being PIN 46056-0370 (LT), was navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4, at the time of the original Crown grant; was heard this day at the Courthouse, 59 Church Street, St. Catharines, Ontario. **ON READING** the Application Record of the Applicants, the Supplemental Affidavit of Harold Hyde, and the Consent filed,

1. THIS COURT ORDERS AND DECLARES that the North Creek as it passes through the property of the Applicants, Kelly Ann Staples and Mark Stephen Staples, legally described as Part of Lot 4, Range 2, Former Township of South Grimsby as in R0709924; Township of West Lincoln, being PIN 46056-0370 (LT), was navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4, at the time of the original Crown grant.

2. THIS COURT ORDERS AND DECLARES that His Majesty the King in Right of Ontario, as represented by the Ministry of Natural Resources and Forestry, has title of those lands which lie below the water's edge at the original location of said North Creek as it passes through the said lands of the Applicants, being as shown in a draft reference plan of Rasch & Hyde Ltd. dated February 16, 2023 and attached to this Order.

3. **THIS COURT ORDERS** that the draft reference plan of Rasch & Hyde Ltd. dated February 16, 2023, as attached to this Order, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30).

4. **THIS COURT ORDERS** that this Application, as it relates to the claims of the Applicants set out in paragraph 1(d) and 1(e) of the Application, is discontinued by the Applicants, on a without prejudice basis.

5. THIS COURT ORDERS that the name of the Respondent, identified in the Notice of Application as "Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Northern Development, Mines, Natural Resources and Forestry" be amended to "His Majesty the King in Right of Ontario, as represented by the Ministry of Natural Resources and Forestry". 6. THIS COURT ORDERS that there shall be no costs of this Application.

Paylo



KELLY ANN STAPLES and MARK STEPHEN STAPLES Applicants	-and- HIS MAJESTY as represented b Respondents	HIS MAJESTY THE KING IN RIGHT OF ONTARIO as represented by the Ministry of Natural Resources and Forestry, et. al Respondents
		ONTARIO SUPERIOR COURT OF JUSTICE
		PROCEEDING COMMENCED AT:
		ST. CATHARINES
		ORDER
		HEDLEY, McLACHLIN & ATTEMA Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4 Michael J. McLachlin Tel # (905) 774-6637 Fax # (905) 774-6637
		Solicitor for the Applicants

return to affidavit

Exhibit N to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023

Commissioner

# Attachment No. 1 to PD-38-2023

#### VIII

<text><text><text>

were deer, moose, lattes, lynx and equirris, black, red. groy surfact, wordves, bears, forxe, lynx and equirris, black, red. groy surfact, and the flying squirrel, and along the streams, the ottor, mink and musicat. There are good fishing grounds at the mouth of the 40 mile creek. In 1780, Henry Nelles and two of his sons from Palestine on alled Newark) westward along the late beach in search of a place for a home, stopping over night at the mouth of the 40 place for a home, stopping over night at the mouth of the 40 place for a home, stopping over night at the mouth of the 40 place for a home, stopping over night at the mouth of the 40 place for a home, stopping over night at the mouth of the 40 place for a home, stopping over night at the mouth of the solid subscription of the sons "This land is good and this is mile oreach, he said to his sons "This land is good and the sin solid, subscription over stands. The excellent quality of the the village of Yoir cow stands. The excellent quality of the solid portions of this townable maks it very inviting, whilo solid portions of this townable maks of twery inviting, whilo sub portions of this townable maks of twery inviting, while such portions of a strong words and a series and the series of the strong strong wards. Legislative Councillory in 1784, and William Nelles in 1787. Robert Nelles, son of Henry above mentioned, settled no lot No. 11, con 1, in 1783, his brother Abraham (after wards Legislative Councillor) in 1784, and William Nelles in 1787. Robert Nelles was a person of strong will, great endur-ing desplatches during the American Revolution, of a highly ing desplatches during the American Revolution, of a highly ing desplatches during the American Revolution, of a highly ing desplatches during the American Revolution, of a highly ing desplatches during the American Revolution, of a highly ing desplatches during the american fill and only made good River and strough only escape by swimming the Oswego River and surrounded by a superior force of Contines w

From 1784 to 1790, several Loyalists such as Andrew Petitt, sometimes called Judge Pottitt, and others of the Petitt family. Smith, Walker, Nizco and others, settled along betwaen the mountain and the lake.

mountain and the lake. In 1787, Biohard Griffin, with a family of seven sons and four daughtors, from what was then called Nine Partners, N. X., settled on the Jordan, (20 mile creek) now Smithrills. Refere removing the whole family to the new home, they encamped at the moulh of the stream for a few weaks, while Abraham and Baward, two of the elder sons, followed the stream on Monday to their lands, where working to clear the ground and erech

dwellings until Saturday returned to the encampment by the same crooked route. Soon however the whole family moved into their new mansion in the forest, each son and daughter almost immediately velocated lots for themasives, settled in life and soon began amongst other duites to replenish the earth the state of the settle state of the sense of the settle for the sense of the settle state of the sense of the theorem floores, began their improvements soon alter; Robert neone shoures, began their improvements soon after; Robert theometary, Dr. Utter, John Seam, Solomon Hill, Wm. Law-rence, John Beamer, from N. Jersey; Poler Bronshurgh, from Virginis; D. Palmer, and others, including the Morritts, from Katakill, in what is known as the "Merrittsettlemont," and some of the McCollums, John Harris, Wm. and Thomas Bridge, obtimed lots 1 and 8 in the 5th concession, and 11, 13, 14, 16, 16 and 17 in the 7th concession, his son Ralph, one of the hard's its ozen singly while he carried the yoke and chains; he alos ourried on his back up the same steep accent, his provisions, furniture, seed grain, plough, harrow and farm implements of at day. .

Carried on his back up the same sleep ascent, his provisions, furniture, seed grain, plough, harrow and farm implements of that day. It is related that two children of the Petitit family (Riely deceased) were brought from New Jersey to Grimsby, one in a baket each side of the horse on which the mother also rode. The Muir's actiement, in 1815. The Coons, Halsteads, in the 8th and 9th concessions in 1825. Monogout the the test settled in the south-west part in the 8th and 9th concessions in 1825. Monogout the test settlement, were Lewis, Wilson, Wilcox, Monogout of the each side of the State settled in the south-west part in the 8th and 9th concessions in 1825. The Grees, St. Johns, and others were Lewis, Wilson, Wilcox, Monogout of the each settlet were the states were the states of the settlet were the states of the settlet in the south-west part in the 8th and 9th concessions in 1825. The first mills, as already stated, were built at Grimsby by John Green. The next grist and saw mills, built by Nathaniel Griffin, in 1194, on the 30 mile creek. The next in order of time were built in 1816 by Smith Griffin, on the Jordan, (or 20) Smithville. Smith Griffin, were built all the states built and signals are code stated, were built and by sleighing, the distance being, as the reads then were, nearly 500 miles. Henry Nelles and William Crooks, were both in the mercantile business in Grimsby village before the ware.

were, hearly but mines. Learry reenes and willing crooks, were both in the mercantile business in Grimsby village before the war. The first regular religious service in the township was the Church of England, preformed by Judge Petitit, in 1787, in his own and occasionally in his neighbors houses, until the building of the log church in 1794, where the stone church (Mothodisi) was lot 0, 11-built in 1812. The second church (Mothodisi) was built in 1862, on the moantain, 30 mile creek, firstresident Metho-dist minister Rev. Elijah Warren, at Smithville, 1818. The third church (Methodisi), built at Smithville in 1821, where the present brief church now stands. First resident church assigner, made pastoral visits to Grimsby. Rev. D. W. Gastman, (Presbyterian) in 1816, the first resident minister in the Township. The first school house made of logs in 1794, a little east of the village of Grimsby. The same year another in 1795 another was built at Smithville. In 1816, one built in the Merrit seitlement. In 1817, another school house built at Woolvetons, and another on the similar of an Baile white the workship. The first school house made of logs in 1794, a little east of the village of Grimsby. The same year another in 1795 another was built at Smithville. In 1816, one built in the Merrit seitlement. In 1817, another school house built at Woolvetons, and another on the minin noar Bonslaugh's in 1810. The first white child born in Grimsby was the late William Nixon, Esq., in 1792. Grimsby has now (including two villages) 14 public schools, two high schools, generally 2 or 3 private schools, 5 Mechodist-land, 1 Presbyterian, 1 Esplits, 1 Universalist, 1 Disciple, and i Union. This Township has expended large sums for im-provement of the roads, having sixteon miles of macadamized road.

provementot the roads, having sixteen miles of macadamized road. It may also boast of producing as many public mea, as any rural municipality of its size, which may be put down as fol-lows, viz: six members of Parliment, one Legislative Councillor, two ty ministers of the Gospel, eleven doctors, eight surveyous and engineers, six artists, one portrai tpainter and entomologies Grimsby furnished a member (Mr. Petil) to the First. Parliament of Upper Canads. In 1803, Soloman Hill; of Smithville, formerly from Coeymans, N. Y., (a very clover other candidates. Election was held four days; each candi-dato was required to pay a guinea each morning, at the open-ing of the polls. Some years afterwards, two other citizens, viz., William Grooks and Dennis Woolverton, were successive ly members of parliament. In 1830, Abraham Nelles, Esq. Mis Excellency, Governor Simcos, predicted that the village

was called to the Legislative Council. His Excellency, Governor Simcoe, predicted that the village of Grimsby, would, in a few years from the period of his ad-ministration, become a county town, as it had great natural advantages. Most unfortunately, the predictions of his Ex-cellency and the expectations of others, have not been re-strat

alized. Gvineby village is beautifully situated between the Moun-tain and the Late, having a delightfully romantic appearance, containing about at handced inhabitanta. Has 4 observaes C. of England, Methodist, Presbytorian, Roman Catholio, auc. Baplist. Tour resident ministers, three doctors, two survey-ors, one conveynment, and bigh school, one public actool, Mechanica' Institute, containing nearly 1,000 volumes, one Grange, one ledge of Guod Thomplan, a public hall, two Grange, one breweey, one fruit canning factory, two saw mills two grist mills, one foundry and machine works. Three mar-

chant shops, two butc boot and shos shops, two carriage makers, W. Railway, and a dr are inexhaustible que Snithvilla in the antir stimuted on b

antly sibuated on b tants; and is surrou horticultural country dist. Reiscopal MeU dist. Episcopal Meil Disciple; a high sc public school, two a mechanics' institu a mechanics internal chants and general druggists and static shoes and clothing mill, one carding mill and shingle fill contains one pot factories, one pot machine works, t machine works, t shops, two coopt tailors, two coopt one cabinet and u two painters, one c one baker and con: in horor of Smith whom the County

> Ts the extre contains 32,739 : Chippawa or We Oreak or Biver boundry. Tho chiefly olay. pine, ash, beech moose, bears, anh model, otter The first se mond," who in in the wilds o near the bank and kill his gr and cleared so to Henry De descendants ( The Dochsi Township, ob fownship, wa of Henry, wa in attending the Governe 1794-5-6 fou Mathew Lym settled.

In 1817 th viz, Joseph Lymburner, son, Elliot, John Tice B. Smith, Joseph Gall hildron, no Ryan posses some of the Once who during the ' with the A yelled, Yan Ryan. Bu disarmed, to surrend his promis superinten-ing the wa all remove after Rya Sentence which was at the tri acquittal. John Ly: Con. 2, on The fire No. 2 Con newspape The fir spring of near the dor, daug

The a had frog along In other for in stable could ou

as the c Eamfl. wool.

Page 215 of 408

Attachment No. 1 to PD-38-2023

wooden pitchforks; many of them made their own boots and shoes; and some tanned their own leather. Matrons as well as maidens, would walk ton or twelve miles, with a pail of butter on each arm, to Griffin's store, and re-turn in time to mills their cows. Law and law suits were very little known in those days; like the Israilites, at certain period of their history, "every man did what was right in his own eyes;" and to the honor of those noble pioneers, it can be said, they seldom did wrong.

wrong. Cnistor has now a population of 2,327, and her assessed value of property is \$390,000. She has 9 oburohes, 9 public schools, 5 saw mills and one grist mill.

#### GAINSBOROUGH.

CALMERCACUCH.

for and other places annually. Steam tugboats go nearly as far up the stream as the western boundry of the Township, generally understood as the "Deep Water" terminal.
The first settlers were along the Welland, on the south study, and along the 20 or Jordan on the north. Among the former, were John Dochstader, in 1752, at the southwest angle of the Township; and who was soon followed by the doces, His, McDowell, John Barker, Philip Henry, the Kobins, Heasilys and others, in 1755 to 1800.
Most of the first sotlers passed to their new homes in causes, Jacob Yaughn and others, in 1755 to 1800.
Most of the first sotlers passed to their new homes in the first and second concession, Jacob Yaughn and others, in 1755 to 1800.
Most of the first sotlers passed to their new homes in anotes from the mouth of the Welland at Niagara River; it was the best highway in summer in cances and boats, and in winter with aleighs on the ice.
The first school house in this part of the Township, was built at Wm. Dils' lane, about one mile work of the 30° (Wellandport; and the first teacher—Wilson to No. 2, or 4, sometimes known as the 'Log Jail'', a second church at H815, on 105 km, and other will age of Wellandport; and the Marrows, (now Village of Melland, only a few rods wide, where the Big Beaver creek marrowly escaped uniting with the Welland, but was competed or run nearly two miles further before doing it. The Big Beaver was dammed, and a cut or race made the will he and the waters of Big.
Beaver has before the mill whea their, some from New Fork and Penneylyman streng with the Welland, but was competed with the antrow figs, where the mill was receited distaged the water. Snyder and for many weak beilt in to the fore of the forwaship, the Snyders, Deans for the streng. Wrong 'Athendist's and the streng' song the southway and the waters of Big.
Beaver has doft from New York and Penneylynani, for the first shead for the streng' was of the forwaship, was of the

mile distant; and the opteooptic methods a the one, of lot No. 11. In 1788-9, occurred a scarcity of provisions, (at the end of the three years that Government farnished the settlers,) known as the "Hungry year." The cry for "bread! bread!" could not be met; great suffering prevailed throughout the

country, many people were compelled to live on roots, the bads and bark of trees, and occasionally game; but ammi-nition was very scarce, and money to buy it still more

country, many people were' compelled to live on rocks, the bads and bark of frees, and occasionally game; but ammu-rition was very source, and money to bary it still more so. In 1796, a sweeping Tornado, generally known as The Harricare," passed through the entire length of the Province, and in the northern parts of Caistor, Gainsborough and Pel-bain, mowed a swarth of timber from one and a half to two miles wide. In these days, the inhabitant had some times their own mills; perimes a stump or block of wood so hollowed out that the grain was pounded in it sufficiently to make "borning" or "mash," honce they were called "horning blocks." Sometimes the exploring sother would only the future home; some of them before ohin or compass had entered the Townsity. Two of the adventurous pionsers Peter Dils and John Mitonor, came from Infialo to the mouth of the Chippawa, travened the country from the mouth of the thence down the river to its north at Lake Erie; thores down to Nigara; and thence to the north of the Weilland; and thence up the stroam, to those fortiel hads in Gainsborougi; where they selected their respective homes, on the banks of this beaufild be made that the centre part of the Town-ship was considered very interior to the lands on sither the south or north horizer, so much so that the remark was often made, that some of the lands "were not worth the intras." Upwards of forty years ago, a man named Sunday and other Germans, began to settle on those lands; and now hor on orth horizer, so much so that the Township. The Township has elseen achools, and tweize elsurohes; vis: 2 Presbyterian, 2 United Brothers. Signe of Metho-diat, 1 Evangelist, and 4 Methodist: has produced in mile-ters of the Gospel, 7 doctors, ard 3 surgeons. Some of her citizes attimed greet longewity: the most romarkable was a worthy man anneed Dyrer, who, report says, was 107 years old and the ideate, i and many cheere may be classed as octogenari-ans or centonarians. This Township has elsense towas 100 inhabitants; two merethan

Standards, themarce, togethere, contains about 160 inhabitants; while. The village of St Anna contains about 160 inhabitants; two merchant alops, saw mill, grist mill, tavers, wegon makers abop, 2 blacksmith storg, tannery, ohurch, a brist class school house and nu ordage hall. The village of Wellandport, six miles from St. Anns, con-tains about 200 inhabitants. Three hotels, two merchant shops, one harness maker, one blacksmith, two physicians, one drug store, two churches, one eaw mill, and several me-chanics shops, one agricultural hall and grounds, where the County fairs are annually held. The village is handsomely situated, ou the north branch of the Welland, near the contro of the County, and surrounded by a good agricultural country. The inhabitant expect their village to become the County Town of the County of Monk.

#### THE TOWNSHIP OF HUMBERSTONE

The Township of Humberstone is about 71 miles long and 6

The Township of Humberstone is about 7½ miles long and 6 miles wido, and contains about 32,000 arcsa. It was first settled in the year 1765, when land in the town-ship was selling at ten couls per acre. In 1817 it contained 75 inbabited houses, one grist and one saw mill; and land had risen in value to 24 dollars per acre. In 1860, it contained 379 inhabited houses, 1 grist mill; 3 saw mills, 1 foundry, 2 ohurch-es, and 8 public sobools; and the population amounted to 2,377. The population now (1875,) amounts to 3,200, exclu-sive of Port Colborne which became an incorporated village in 1870 and contains about 1,200 inhabitants. Cultivated firm land in the Township is now worth from 40 to 60 dollars per acre. The greater portion of the soil is loam.

loam, The Welland Canal, projected in the year 1818, by the late Iloa, William H. Merritt, and commenced in 1824, is cut through the western pertion of the township; and the villages of Petersburg and Port Colborne are situated on it. Port Colborne contains 4 churches, 1 public school, 1 R. C. separate school, a village hall, 1 grist mill, 1 eaw mill, 3 plan-ing mills and sash and door factories, a branch of the Imperial Bank, Montreal and Dominion telegraph offices, and an exten-sive grain clevator, belonging to the Welland Railway Com-pany, capable of transforring 45,000 bushels of grain per hour from vessels to cars.

aive grain clerator, belonging to the Welland Railway Com-pany, capale of transforring 45,000 bushels of grain per hour from vessels to cars. Port Colborne is the southern terminus of the Welland Rail-way, and it is an important station on the Buffalo and Goderich Division of the Grand Trunk Railway. Petersburg or Rumberstone, sometimes called Stone Bridge, (the Post Office is called Humberstone) is about one utils out in 67-box Colborne. It contains 3 churches, 1 publicachool, 1 Lutherau school, a township hall, a tamperance hall, 1 machine shop, and deak and sout factory, 1 foundary, 1 aw mill, 1 planing mill and assh and door factory, 2 achinet school, 3 mill, etc. It is a studior on the Welland Railway, and is about 1 miles distant from Welland, the County Town, and about 22 miles from St. Cathorines. The population is about 50. About 4 mile west of the village is a Mennonite church, and about 4 miles east of the village is a Lutheran church and school. In the eastern-part of the township there is also a grist and saw mill.

The Loop Line of the through the northern portio station of this milway in the which is about 5 miles north

Which is about 5 miles nor in The Canada Southern Rai catefor portion of the townal The north-western portfor lower than the remaining marsh lands which yield larg aranhargia.

marsh lands which yield larg cranberries. The township contains fro lands, of which 800 or 800 as siderable quantifies of peak Ontario Peak Oompony. W canai is accomplished, as it w will be very easy to drain the no doubt, become very valuad The greater portion of the southern portion of the town

The greater portion of the town southern portion of the town row of hills, the principal o singular conical-shaped hill the township-lice between J was formerly and is still a pleasure parèies.

CE/I

GLI This good, if not Use how Ningara Peninania is bounded louth, and a small part of Fel ough, on the west by Grimaby tario, and entains almont 25,600 or River Jordan, runs through Dean's grist and saw million 25,000 will of the Twonty on lot No.5, Con-Mile Creek, Ifould's Crossit, Ri-etters in Grimbey, and running to the Twonty on lot No.5, Con-Mile Creek, Ifould's Crossit, Ri-etters in Grimbey, and running to the Twonty on lot No.5, Con-Mile Creek, Ifould's Crossit, Ri-etters in Grimbey, and running to the Twonty on lot No.5, Con-Mile Creek, Ifould's Crossit, Ri-or less full hito the Lake. The general face of the lows or less fully and irregular, one profiptious for enliveration. T yot variable, being composed to almestone base. The whole -tive being well adapted to ag the base of the mountain some the village of Beamsville is the "Ge spring." where ice is four summer, but none in the winte Mile Creek were once worked abadoned since the War. A less township about 8 miles from S) years ago, (the Government dollar to assist it.) but the met abandomed since the War. A lea-township about 8 miles from Si years ago, (the Government dollars to assist it,) but the met quantities to be remnnerative... bered, principally with oak and such as beech, maple, olm, at some parts black walnut; 1 nativo fruits are grapes, outh a ourrant, gooseherry, respherry in abundance. The wild anin raccoons, bears, wolvas, foxes, and all the varieties of squirrels otter, mink, and mustrat. Ono liam Walker a Loyalist from Vi and four daughters acame to the wildest state. All his sons exc further weet. About the same Heary's Tuffords, Culps, Koskle' Marlett, Clouse, Zinmorman, ... House, Hawn, and others, all in mountain, commencing in 178s. were the Books, Toeter, Lind Dawdy, Hitchcock, Bartram, E N. York and N. Jeurey. In 179 Mayors, who in 1800-12-and by the Grobbs, Hippies, Huss. Germans from Bucks co, Penney Tho first grist mill was buils in where is mile a mile a metand

The first grist mill was built in where Deap's mills now stand ; 

The first School house, used all built in 1790 where Beamaville n another in the Henry neighborho Crede astillamento on hon 18, o. 18, o. Malennes near where the present The first church built in 1776 ! de stillards Henrystille (Tenro

The first caurob built in 1976 f the village of Beamsville (Porum The Mannosites built a church or First readant minister flow. Wn presching in the townshib was b 1782.3, on lot 16 broken front as The pince where the house then i the Lake, so grout has been the or
Exhibit O to the Affidavit of Harold Hyde sworn the 17<sup>th</sup> day of May, 2023 Commissioner

Attachment No. 1 to PD-38-2023 (19/ **PROVINCE OF UPPER-CANADA** Hunter Alga GEORGE the THIRD by the grace of GOD of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith. To all to whom these Prefents shall come,-GREETING. Know DC, that we of out fpecial grace, cettain knowledge, mere motion have Given and Granted, and by thefe prefents DO GIVE and GRANT unto Wellison Chowith of the Town of South in the founty of Youton the Some Destored Equine his heirs and alligns for ever; ALL that parcel or tract of land lituate in the Soumship A Growiby in the founty of dome to in the Distant of Magaia in our faid Province, containing by admeafurement WANNAW HAT AND I WAS Two Hunaux Some the the came more a life being Lot Number Swo in the Second Brange of the Gove, In the of the Swinky mile freets in the sais country A Grimini together with all the Woods and Waters thereon lying, and being under the refervations, limitations and conditions herein after expressed: which faid Two Hunded Acus of Sand and bornamencing in front of the said Second Aringe at the North Bast Storgle . of the said Let The South Security fin Chains Auten tinks more or left, to the allowance for Road between the Sound hope of Grinsly and baistory Then North Praty hor Degrees Thaty alunaty west Thaty Chains more or life to the Simil between Lot Norm bit Swo and The The North Seventy fin Chains distin hints more or less to the allowance for And so front of the said Second Clange Then South Firsty Sur Degrees Thirty minutes East Thirty Chains more or life to the place of beginning Argeotinto 14 chas the faid William Chrovett TO HAVE AND TO HOLD the faid parcel or track of land hereby given and granted to here

hir heirs and affigns for ever ; faving neverthelels to us, our heirs and fucceffors, all mines of Gold, Silver, Copper, Tin, Lead, Iron and Coal that fhall or may be hereafter found on any part of the faid parcel or tract of land hereby given and granted as aforefaid; and faving, and referving to us, our heirs and fucceffors, all white Pine Trees that fhall, or may now, or hereafter grow or be growing, on any part of the faid parcel or track of land hereby granted as aforefaid. Provided always, that no part of the parcel or tract of land hereby given and granted to the faid Welliam. Chewillion

heirs, be within any refervation heretofore made, and marked for us, our heirs and fucceffors, by our Surveyor-General of Woods, or his lawful Deputy ; in which cafe, this our Grant for fuch part of the land hereby given and granted to the faid Milliam

he heirs for ever as aforefaid and which shall upon a survey thereof being made, be found within any such refervation, shall be null and void, and of none effect, he heirs or af-

any thing herein contained to the contrary notwithftanding.

figns ; shall and do within three years erect and build, or cause to be erected and built, in and upon some part of the faid parcel or tract of land a good and sufficient dwell-ing house ( the the faid Milliam Cheweft or Provided allo, that the faid William Chaunt

his affigns not having built, or not being in his or their own right lawfully poffeffed of an houfe in our faid Province) and be therein, or caufe fome perfon to

be therein refident for and during the space of one year, thence next enfuing the building of the same.

Provided alfo, that if at any time or times hereafter, the land to Ferry & 2014 goint Of the faid William Chewith and here beirs, thall come into the poffettion and tenure of any perfon or perfons whomfoever, either by virtue of any deed

#### Attachment No. 1 to PD-38-2023

of fale, conveyance, enfeofiment or exchange, or by gift, inheritance, defent, devife or marriage, fuch perfon or perfons that within twelve months next affer his, her, or their entry in to, and polloffion of the fane, take the oaths preferibed by law, before fame one of the Magillrates of our faid Province; and a certificate of fuch oaths having been fo taken thall caufe to be recorded in the Secretary's Office of the faid Province.

In default of all, or any of which conditions, limitations and reffrictions, this faid Grant, and every thing herein contained, fhall be, and we hereby declare the fame to be aull and void, to all intents and purpofes whatfoever, and the land hereby granted, and every part and parcel thereof, fhall revert to, and become veiled in us, our heirs and fueceffors in like manner as if the fame had never been granted; any thing herein contained to the contrary in any wife notwithflanding.

heirs and fueceflors in five manner at its the Parliament of Great-Britain, paffed in the thirty-firft year of his Majefly's reign, entitled, "An Act to repeal certain parts of an act a paffed in the Fourteenth year of his Majefly's reign, entitled, "An act for making more effectual provision for the Government of the Province of Quebec, in North-America, and to make forther provision for the Government of the faid Province," it is declated, "That no grant of-lands hereafter made fhall be valid or effectual unlefs the "fame fhall contain a fpecification of the lands to be allotted and appropriated folely to the maintenance of a proteflant clergy within the faid Province," in respect of the lands to be thereby granted; Now know ye, that we have cauled an allotment, or appropriation of

To be made in a Certain Let Numbered Sea of the Hirge Land for the founder of Lunch situate and being a a Certain Reserved Block in The war of the Sound to be Harbor and Buchy

GIVEN under the Great Scal of our Province of Upper-Canada: WITNESS our truthy and well-beloved Poter Nessator Deguna our Section of Least and Poter den de Comment Provence and Province on our Veronice of lepter and Lower Canada in the year of our Lord one thousand Eight dian and defice and forty fifth of our reign.

By Command of his bacelleney in Council. Sontened with the Justin 11: May 1905 Maron Self. Order in formie 15 April 1805 Pour Aufre All B. S. O. Nº 55 Valint fa paid Survey paid . GO Nº 55 Under the Regulations of g Con 7 1914 ON SO Nº 5673 & bi Suly 1914 -

The lora Fin' entertime befor the Sear of the Province afficia-

Tel:		1 to PD-38-2023	PROCEEDING	(Short title of proceeding) SUPER	EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK       - and - HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry, et al.         32 Applicants       Respondents
Michael J. McLachlin Tel: (905) 774-9988	Hedley, McLachlin & Attema Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4	AFFIDAVIT OF HAROLD HYDE	PROCEEDING COMMENCED AT: St. Catharines	ONTARIO SUPERIOR COURT OF JUSTICE	ile No. N RIGHT OF ONTARIO, of Natural Resources and Forestry, et al.
	Page 22	20 of 408	arines		1

Solicitor for the Applicants

		Attach	ment No. 1 to PD-38-2	2023	EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK
					- and -
					HIS MAJESTY THE as represented by the I Respondents
Solicitor for the Applicants	Michael J. McLachlin Tel: (905) 774-9988 Fax:(905)-774-6637 Email: <u>mmclachlin@hedleylaw.com</u>	Hedley, McLachlin & Attema Barristers and Solicitors 311 Broad Street East Dunnville, Ontario N1A 1G4	APPLICATION RECORD Page 221 of 408	SUPERIOR COURT OF JUSTICE PROCEEDING COMMENCED AT: St. Catharines	HIS MAJESTY THE KING IN RIGHT OF ONTARIO, as represented by the Ministry of Natural Resources and Forestry, et al. Respondents <i>ONTARIO</i>



# COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P3, D1, D2 AND D3 HAVE BEEN ROTATED 00° 48' 50" COUNTER-CLOCKWISE.

Page 222 of 408

		SCHEDU	JLI
PART	LOT	CONCESSION	
1 2	PART OF LOT 2	RANGE 2	4

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ALL OF 56-0355 (LT)	7.672 Ha± 10.881 Ha±	
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		<del>)</del>
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IBØ CC CM PB WIT OU	DENOTES CUT CF DENOTES CONCRE DENOTES PLASTIC	ETE MONUMENT C BAR S
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905-774-7188 (FAX 905-774-4000) 905-871-9757 (FAX 905-871-9748) HAROLD D. HYDE O.L.S. 
 SCALE
 1 : 1000
 SURVEY : 21-060
 DRWN BY : T. Matheson

#### ATTACHMENT NO. 3 TO PD-38-2023

From: Stroz, Jacqueline (MNRF) <<u>Jacqueline.Stroz2@ontario.ca</u>>
Sent: July 6, 2023 10:26 AM
To: Tom Richardson <<u>tarichardson@sullivan-mahoney.com</u>>; Andrea Mannell <<u>AMannell@sullivan-mahoney.com</u>>;
Subject: Duck v Ontario - Navigability Application

Tom and Andrea,

Further to my emails from the last few months, I am writing to provide you an update. Although the Town has not confirmed any interest in this application, I want to let you know that the Ministry is currently reviewing a draft order confirming navigability of the creek as it passes through the Applicant's property.

Best,

Jacqueline Stroz (she/her) Counsel Ministry of Natural Resources and Forestry Civil Law Division - MAG 99 Wellesley Street W, Room 3420 Toronto, ON M7A 1W3

Telephone: 647-286-1540 Fax: 416-314-2030



**REPORT** COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** PD-37-2023

#### SUBJECT: Recommendation Report - Minor Revisions to the Accessible Parking By-law

**CONTACT:** Brian Treble, Director of Planning & Building

# OVERVIEW:

- A By-law to establish an Accessible Parking By-law was approved as Bylaw 2020-97 and amended by by-law 2017-23 in 2017 to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act while updating the language and format of the existing by-law. A further update is now required to reflect proper parking space standards.
- A By-law to amend the Administrative Penalties By-law was also drafted in 2017 to add the Accessible Parking By-law as a Designated By-law to allow for enforcement of the By-law through the administrative penalty system.
- This report is written to recommend one further amendment of By-law 97-2020 as recommended by our Joint Accessible Advisory Committee (JAAC) Committee to update the parking standards of the Accessible Parking by-law.

# **RECOMMENDATION:**

- 1. That, Recommendation Report PD-37-2023, regarding "Minor Revisions to the Accessible Parking By-law", dated July 17, 2023 be RECEIVED and;
- 2. That the proposed draft By-law, as attached, be adopted to be in effect as of August 1, 2023.

# ALIGNMENT TO STRATEGIC PLAN: Strategic Priority #1

• **Build –** a safe, connected, caring and active community

# **BACKGROUND:**

The existing version of By-law 97-2020 has been amended a number of times. Most recently, in 2017, changes were made including a change to the fine from \$100 to \$500. During the review of the By-law and the applicable legislation which authorizes such a By-law, it was discovered that the Section 427 of the Municipal Act sets out that a fine for such an offence shall be "a fine of not less than \$300".

In 2014 a system was put in place to enforce municipal parking regulations through an administrative penalty system rather than through the Provincial Offences Act, effectively removing parking trials from the Provincial Courts system. In doing so the Township adopted a By-law to establish a process for the enforcement and processing of administrative penalties. The Accessible Parking By-law was last presented for amendment to update the by-law in 2017. Now, the By-law needs to be amended again to include the correct parking standards as the Joint Accessibility Advisory Committee (JAAC) has identified that the current standards are out of date.

# **CURRENT SITUATION:**

In 2017, the Township modified the schedule of fees to reflect the minimum required fine of \$300, Staff took the opportunity to also update the language of the By-law to both modernize the terminology and to reflect modifications to complimentary legislation. The Township also amended the by-law, in 2017, to change the parking provisions so that consistent wording exists across the Niagara Region. The Region has tried to maintain a universal by-law number for the various parking by-laws to make it uniform across the Region, thus making it easier when tickets are being issued through the Police services as they are not required to memorize different by-law numbers for the varying municipalities.

This report is written to update the parking standards as one existing standard in the amended by-law were out of date, as dated by our JAAC Committee.

Once the amendment is approved, the new standards will apply to parking stall sizes.

# FINANCIAL IMPLICATIONS:

The proposed by-law adjusts the parking standards to reflect current requests with no financial implications.

# **INTER-DEPARTMENTAL COMMENTS:**

Modifications to this By-law will have little to no impact on other departmental functions or staff.

# CONCLUSION:

Staff recommends the amendments to the Accessible Parking By-law be approved with an effective date of August 1, 2023.

# ATTACHMENTS:

1. By-law 2023-XX to amend By-law 97-2020, as amended.

Prepared & Submitted by:

Brian Treble, Director of Planning & Building

Approved by:

Bev Hendry, CAO

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

#### **BY-LAW NO. 2023 – XX**

A BY-LAW TO AMEND BY-LAW 97-2020, AS AMENDED, BEING A BY-LAW TO AUTHORIZE CERTAIN PARKING, STANDING OR STOPPING OF VEHICLES OPERATED BY OR CONVEYING PHYSICALLY HANDICAPPED PERSONS ON ANY HIGHWAY AND TO AUTHORIZE AND REQUIRE THE PROVISION OF DESIGNATED PARKING SPACES FOR THE SOLE USE OF VEHICLES OPERATED BY OR CONVEYING PHYSICALLY HANDICAPPED PERSONS

**WHEREAS** the Council of The Corporation of the Township of West Lincoln considers it desirable to amend By-law 97-2020, as amended, to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

**AND WHEREAS** the most effective and efficient way to amend By-law 97-2020, as amended, is to replace the existing language of the previous By-law including any and all attached schedules;

# NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

- 1. That Sentence (4) of Article 2.2.1 *Each and every accessible parking space shall:* of Sub Section 2.2 *Design Standards*, of By-law 97-2020, as amended, be deleted and the following and inserted in lieu thereof:
  - (4) be of a size not less than:
    - (a) 4.9 metres [16.08 feet] in perpendicular width; and
    - (b) 8 metres [ 19.03 feet ] in length.
- 2. In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of the by-law.
- 3. This by-law shall come into force and effect August 1<sup>st</sup>, 2023.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSES THIS 17<sup>TH</sup> DAY OF JULY, 2023.

CHERYL GANANN, MAYOR

JESSICA DYSON, CLERK



Your Future Naturally

**REPORT** COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** T-18-2023

# SUBJECT: 2022 Accumulated Operating Surplus

**CONTACT:** Donna DeFilippis, Director of Finance and Treasurer

# OVERVIEW:

- Closing Balance in the Accumulated Operating Surplus as of December 31, 2022 is \$747,518
- Council previously approved a \$150,000 transfer from the accumulated surplus to be used as revenue in the 2023 budget
- \$597,518 of the remaining surplus is recommended to be transferred to the 2024 Operating Budget and the Contingency Reserve as outlined in the report below

# **RECOMMENDATION:**

- 1. That, Recommendation Report T-18-2023, regarding "2022 Accumulated Operating Surplus", dated July 17, 2023 be received; and,
- 2. That, Council authorizes that \$150,000 of the 2022 Accumulated Operating Surplus be used as revenue in the 2024 Operating Budget; and,
- 3. That, Council authorizes that \$447,518 of the remaining Accumulated Operating Surplus be transferred to the Contingency Reserve.

# ALIGNMENT TO STRATEGIC PLAN:

# Strategic Priority #4

• Foundational – Advance organizational capacity and effectiveness.

# BACKGROUND:

The 2022 Financial Statements for the Township of West Lincoln have been audited and as such, the final surplus numbers are being communicated for Council's review. Council approved a 2022 Operating budget of \$19.7 million. The final 2022 financial results indicate a closing accumulated surplus of \$747,518, with various items contributing to this number. Council approved as part of the 2023 budget process that \$150,000 of the prior year closing surplus be treated as revenue in the 2023 budget. It is recommended that the remainder of the surplus of \$597,518 be utilized as discussed later in this report.

# **CURRENT SITUATION:**

There are several factors that have contributed to the 2022 closing surplus of \$747,518. \$150,000 of that amount is from prior years and was allocated by Council in report T-21-2022 to be used as revenue in the 2023 budget. As part of the 2023 Budget approval, the recognition of \$150,000 of prior year surplus as 2023 revenue was formally adopted.

The Township had the following positive revenue outcomes that contributed to the 2022 surplus as follows:

- Income from investments has exceeded budget by \$492,538. The Township was fortunate to have investments mature as interest rates started rising in the latter part of 2022. This allowed staff to secure investments at the new, higher rates of interest. In addition, the Township received a dividend of \$114,240 from Peninsula West Power Inc. that had not been included in the 2022 budget.
- Supplementary Property Taxes exceeded budget by \$83,558. Supplemental Property Tax Revenue represents additional revenue collected on assessment changes that were not reflected in the MPAC assessment roll received in December 2021, for 2022. This includes, for example, new homes and property enhancements such as additions.

Also contributing to the surplus was expenditure that was below budget, as outlined below:

- Governance and Corporate Services realized a combined savings of \$78,082 through decreased expenditures over various operating lines, including protocol, mileage, advertising, training, legal fees and consulting fees.
- 2) The Fire Department had savings in their operating budget, totalling approximately \$152,149. The main contributing factor was savings in the Volunteer Firefighter expenses as a result of lower calls compared to budget. In addition, the revenue collected from fire permits contributed to the positive results.
- 3) There was underspending within the operating budgets for Bridges of \$43,223, Storm Water of \$53,466 and Drainage of \$31,586. These savings are attributable to underspending on outside services. This is an area that fluctuates year over year dependent on in year events.
- 4) The balance of the surplus of \$62,916 is attributable to underspending within all of the other various departments within the municipality.

The above amounts total \$1,147,518. As part of report T-03-2023 2023 Draft Operating and Capital Budget Council approved a transfer of \$400,000 to the Capital Reserve as staff had advised Council that the 2022 Operating results would result in an accumulated surplus. The final amount of the accumulated surplus is net of the \$400,000, resulting in \$747,518.

#### FINANCIAL IMPLICATIONS:

The availability of surplus funds provides the Township the opportunity to once again review its financial needs and reflect on the best options in utilizing these funds.

The recommendations below are based on two important principles: avoiding large fluctuations from one budget year to another and ensuring our reserves have adequate balances.

#### Utilize \$150,000 of this surplus as revenue in the 2024 budget.

The current 2023 budget is using \$150,000 of prior year surplus as a revenue source. Using a portion of the current accumulated surplus towards the 2024 budget will avoid a large fluctuation in revenue in the 2024 budget. This will assist with managing any tax levy increase in 2024.

#### Transfer \$447,518 into the Contingency Reserve

The Contingency Reserve is used to fund in year funding shortfalls that may occur as a result of one time expenditures. The target balance for this reserve, as outlined in the reserve policy, is 10% of the previous year tax levy, which for 2023 is a target balance of \$835,200. The Contingency Reserve currently has an uncommitted balance of \$818,933, which is quite close to the target. However, the implementation of the non-union grid will require transfers from the Contingency Reserve totalling \$395,000 over the years 2024 to 2027. Using the accumulated surplus to increase this reserve will ensure that it does not fall short of its target balance in the upcoming years.

#### **INTER-DEPARTMENTAL COMMENTS:**

This report was reviewed by the CAO.

#### **CONCLUSION:**

Staff is recommending that Council approve Report T-18-2023 and the recommended usage of the 2022 operating surplus as outlined within this report.

Prepared & Submitted by:

Donna De filippis

Donna DeFilippis, Director of Finance/Treasurer

Approved by:

Bev Hendry, CAO



Your Future Naturally

**REPORT** COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** HR-02-2023

SUBJECT: Code of Conduct Policy

**CONTACT:** Cassandra Carey, Human Resources Coordinator Jessica Dyson, Director of Legislative Services/Clerk

# OVERVIEW:

• The Township of West Lincoln ensures there is a guideline for employee's to understand their commitment to ethical and respectful conduct. This level of integrity will maintain community trust by establishing fundamental principles, guided by the Township Values.

# **RECOMMENDATION:**

- (1) That, Recommendation Report HR-02-2023 "Code of Conduct Policy" dated July 17, 2023 be received; and,
- (2) That, the Code of Conduct Policy as attached as Schedule A to this report be approved.

# ALIGNMENT TO STRATEGIC PLAN:

# Theme #4

• Foundational – Advance organizational capacity and effectiveness

# **BACKGROUND:**

With the addition of the Human Resources Coordinator position, it was imperative to review current Policies, shape revisions that align with the strategic goals of the Township and construct future Policies to provide a foundational pillar of clear and concise practices for employee's. This policy was approved by the Corporation's legal counsel. All Policy updates and revisions will be brought to Council for approval or for information, as appropriate.

The purpose of this Policy is to outline the behaviour expected of employees and volunteers of the Township. This Policy was added to link the importance of the Corporation's commitment to professional values and principles, to the conduct of our employee's. A Code of Conduct Policy will keep employee's behavior at a favourable standard to support the Corporation's strategic goals.

# **CURRENT SITUATION:**

Currently, there is no Policy that supports employee Code of Conduct as the Township currently uses the Township Values to support their ethical viewpoints. It is important that an employee Code of Conduct be implemented in order to communicative corporate values that the organization wishes to foster in leaders and employees and, in doing so, defines desired behaviour.

Council is also being presented with a Whistleblower Policy, through a separate report and recommendation, which supports the disclosure of wrongdoing with respect to the Township's operations, the protection from reprisals against Employees for disclosing wrongdoing and the appropriate investigation and disciplinary actions in response to disclosures of wrongdoing, when made in good faith.

The Code of Conduct policy states that serious breaches of the policy must be reported in accordance with the Township's Whistleblower Policy and Procedure policy; therefore, the Code of Conduct Policy and the Whistleblower policy should be considered when reviewing each policy.

# FINANCIAL IMPLICATIONS:

Not applicable to this report.

#### **INTER-DEPARTMENTAL COMMENTS:**

The Policy has been discussed by the Human Resources Coordinator at the Senior Management Team meeting. Comments were received to support the Township's values. This report has also been reviewed by the CAO and the Township's solicitor.

#### **CONCLUSION:**

Staff recommends that the employee Code of Conduct Policy be approved as current practices to align with the Township Values.

# ATTACHMENTS:

Schedule A – Code of Conduct Policy

Prepared & Submitted by:

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Cassandra Carey, Human Resources Coordinator

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Jessica Dyson, Director of Legislative Services/Clerk

Approved by:

Bev Hendry, CAO



# EMPLOYEE CODE OF CONDUCT POLICY

TITLE:	Employee Code of Conduct Policy
POLICY NO .:	POL-ADMIN-01-2023
APPROVAL DATE:	July 17, 2023
EFFECTIVE DATE:	July 17, 2023
POLICY AMENDED:	N/A

# PURPOSE

The Township of West Lincoln ("Township") is committed to maintaining ethical and respectful conduct with integrity in order to maintain community trust. The Township is committed to the fundamental principles of accountability and transparency as a matter of good governance and will be guided by these principles. Employees and Volunteers are the Township's most valuable and important asset. Township Employees and Volunteers are expected to continue performing their duties in a manner that maintains public trust and confidence in the quality services, programs and facilities offered to the residents of the Township. As "Good Ambassadors", Employees and Volunteers should practice the fundamental values identified in the Township Values Policy through their interaction with community members receiving those services, and with co-workers sharing in the commitment to provide those services. It is with this in mind that every Employee and Volunteer is expected to comply with the Employee Code of Conduct Policy and all other policies and procedures that govern their behaviour.

# SCOPE

This policy applies to all Township Employees and Volunteers while on duty providing services to the community. This Employee Code of Conduct outlines the behavior expected of Employees and Volunteers of the Township. Employees and Volunteers are encouraged to direct any questions or concerns regarding the policy to their immediate Supervisor or the Human Resources Coordinator. Serious breaches of this policy must be reported in accordance with the Township's Whistleblower Policy and Procedure. Employees and Volunteers who report such breaches in good faith will be protected from reprisal in accordance with the terms of that policy.

#### DEFINITIONS

**Employee:** a person employed by the Township who provides services for remuneration (pay or benefits) (including full time, part time or contract employees).

Leader: a person in a leadership role (including supervisors, managers, directors and the CAO).

Volunteer: a person who freely and voluntarily provides time or service to the Township.

Worker: a person who is an Employee or Volunteer.

#### POL-ADMIN-01-2023 - Code of Conduct Policy

# **Disclosure of Confidential or Personal Information**

Workers may not use or disclose confidential, privileged, or personal information belonging to or in the custody or control of the Township except as necessary to perform their duties in accordance with the Township's policies and procedures, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, or as otherwise required by law. Where a Worker is uncertain whether information may be used or disclosed, they are to seek guidance from their immediate Supervisor or the Human Resources Coordinator.

# **Professionalism and Adherence to Core Values**

As ambassadors and representatives of West Lincoln, Workers are expected to conduct themselves professionally in all of their interactions with other Workers and third parties (including clients, community agencies, contractors, suppliers, and the public).

Workers should conduct themselves in a manner consistent with these values:

Respect	We treat everyone equitably with compassion, sensitivity, and respect	
Service	We serve West Lincoln with pride, dedication, and excellence	
Honesty	We value honest, integrity, and trust	
Community	We believe in social, environmental and economic choices that support our	
	diverse community.	
Partnerships	We foster collaboration and value partnerships	

Workers must also be respectful of their co-workers. They should be aware that improper behaviour in the workplace has a negative effect on others. Improper behaviour includes but is not limited to any conduct or comment that is unfriendly, discourteous, uncivil, unethical, dishonest, disrespectful, abusive, harassing or discriminatory in nature. The Workers are to be guided by the Workplace Harassment Program & Procedure Policy.

# Role of a Leader

Leaders set the tone and expectations across our organization. In addition to adhering to the Employee Code of Conduct as Workers, Leaders (including supervisors, managers, directors and the CAO) have an additional obligation to promote awareness of the Code of Conduct and be available to provide guidance regarding behavior. Any Leader that receives a complaint or becomes aware of a potential violation of the Code of Conduct must report it to their immediate Supervisor or the Human Resources Coordinator and take action based on the advice provided to them. Leaders must not independently investigate complaints or take disciplinary action without first seeking advice from Human Resources. Under no circumstances is retaliatory action to be taken.

# Respect, Truth, Honesty and Integrity

Workers shall respect the values of truth, honesty and integrity in all Township matters and activities.

POL-ADMIN-01-2023 - Code of Conduct Policy

Workers shall not impose their personal, moral or religious standards on others, as every person is an individual with specific rights, values, beliefs, and personality traits to be respected at all times.

Workers should respect the right to confidentiality and privacy of all co-Workers and third parties (including clients, community agencies, contractors, suppliers and the public) and must be aware of their responsibilities under relevant legislation, workplace policies, ethical standards, and, where appropriate, professional standards.

# Excellence

Workers shall at all times, act in the best interest of the Township, in a responsible manner, and be held accountable for their actions.

Workers shall strive to achieve the highest standards of ethical conduct.

Workers shall be cognizant of their position within the Township and recognize the trust placed in them. Workers shall ensure that they are performing their duties in a manner that does not violate trust relationships or abuse the power of their position.

# **Conflict of Interest**

Workers shall not use their position with the Township to gain any particular advantage or benefit (for themselves, their family, their friends or others) in utilizing any service provided by West Lincoln or in conducting any business on behalf of the Township of West Lincoln.

Workers shall not be involved in discussing, supporting, objecting to or deciding any matter in which they have a personal or familial interest. Any Worker involved in such a matter shall declare a conflict of interest as soon as such conflict is identified.

Workers of West Lincoln shall not use their position with the Township to gain any particular personal, business, educational, financial or political advantage; this includes a prohibition that Workers not use any Township property, assets, resources, tools, materials or for personal benefit or gain.

Workers who choose to become personally involved in any community board, agency, association or political body must clearly declare that such involvement is not as a representative of the municipality.

# **Political Activity**

Workers shall not be engaged in or involved with any political activity or election campaign (ie. Federal, Provincial, Regional or Municipal) in the workplace or during normal business hours. That includes campaigning, canvassing, fundraising or other activity intended to advance the particular interests of a person, party or other. All Workers have the right to participate in political activities on their own time. Recognizing that political views and activities may be divisive and disruptive it is important that during work time. Workers remain focused on performing their duties and responsibilities.

# Social Media

Participation on any social media site by any Worker shall not conflict in any way with the Worker's working relationship with the Township. A Worker's obligation to protect the Township's confidential information extends to anything posted on social media.

Workers must not:

- 1. refer to the Township on social media or otherwise be identified as a Worker of the Township;
- 2. harm the Township's reputation in using social media; or
- 3. make comment on Township business or the Worker's work.

# Public Criticism of the Township

Workers are expected to support policies, programs and the decisions of the Township and not publicly criticize the Township as an institution or employer, such that the public's perception is adversely affected. All Workers have a general right to freely express opinions on matters of public policy. However, this right is limited by the Workers' working relationship with the Township. Inappropriate public criticism may include, but is not limited to; letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.

# **Disclosure Process**

If a potential or real conflict of interest exists because of a Worker's personal or familial interests in a matter involving a service provided by the Township, a business dealing with the Township, or similar circumstances, the Worker must notify in writing of the situation, detailing their conflict, to their immediate Supervisor or Human Resources Coordinator. The Supervisor or Human Resources Coordinator will then ensure that someone who is not personally involved in the situation makes the judgment, inspection, or decision using the same objective criteria that would be used for that situation if a non-employee client were using the particular service or involved in the business dealing.

If a potential or real conflict of interest exists because a Worker is promoting a service or a product in an independent capacity but customers may perceive the Worker as a representative of the Township, the Worker will notify in writing of the situation to their Supervisor or Manager or Director or CAO (as appropriate). The Worker will inform each customer that they are acting in an independent business capacity rather than as a Worker or representative of the Township.

Whenever a Worker considers that he or she could be involved or appear to be involved in a conflict of interest, the employee shall immediately disclose the situation in writing to their immediate Supervisor or Human Resources Coordinator.

# NON-COMPLIANCE

Failure or refusal to adhere to the terms of this policy may result in discipline up to and including dismissal.

POL-ADMIN-01-2023 - Code of Conduct Policy

# COMMUNICATION

This policy will be communicated with staff via email and alternative methods as necessary. All staff will be notified of any changes if and when amendments are applied. Any concerns with the implementation of this policy, by any staff member, are to be directed to their Supervisor.

# **RELATED POLICIES AND LEGISLATION**

Whistle Blower Policy Township Values Policy Municipal Act, 2001 Municipal Conflict of Interest Act Municipal Elections Act, 1996 Municipal Freedom of Information and Protection of Privacy Act Human Rights Code Occupational Health and Safety Act Provincial Offences Act Criminal Code



Your Future Naturally



**DATE:** July 17, 2023

**REPORT NO:** HR-03-2023

SUBJECT: Whistleblower Policy

**CONTACT:** Cassandra Carey, Human Resources Coordinator Jessica Dyson, Director of Legislative Services/Clerk

# OVERVIEW:

• The Township of West Lincoln ensures there is a commitment to accountability, transparency, integrity and high ethical standards. The Policy will provide the process for employee's to report any wrongdoing with respect to the Township's operations or business.

# **RECOMMENDATION:**

- (1) That, Recommendation Report HR-03-2023 "Whistleblower Policy" dated July 17, 2023 be received; and,
- (2) That, the Whistleblower Policy as attached as Schedule A to this report be approved.

#### ALIGNMENT TO STRATEGIC PLAN: Theme #4

• Foundational: Advance Organizational Capacity and Effectiveness

# BACKGROUND:

With the addition of the Human Resources Coordinator position, it was imperative to review current Policies, shape revisions that align with the strategic goals of the Township and construct future Policies to provide a foundational pillar of clear and concise practices for employee's. All Policy updates and revisions will be brought to Council for approval or for information, as appropriate.

This Policy will support the disclosure of wrongdoing with respect to the Township's operations, the protection from reprisals against Employees for disclosing wrongdoing and the appropriate investigation and disciplinary actions in response to disclosures of wrongdoing, when made in good faith.

This Policy was added to encourage employees to report misconduct, support staff in understanding their duty to the Township and promotes corporate governance. This Policy will also encourage a culture where wrongdoing can be addressed quickly and effectively before any damage to the Township's reputation happens. This Policy will coincide in accordance with the Code of Conduct Policy.

# **CURRENT SITUATION:**

Currently, there is no Policy that provides direction for Whistleblowing in order to facilitate the disclosure of serious wrongdoing with respect to Township operations. There has been an active investment in the organization's commitment to accountability, transparency, and integrity. This is being achieved by implementing and enhancing corporate Policies to support all employees and assist with the corporations overall administrative and operational activities.

Council is also being presented with an employee Code of Conduct policy, through a separate report and recommendation, which outlines clear expectations, standards, values, ethical principles and behaviours expected for all Township staff. The Code of Conduct Policy states that serious breaches of the Policy must be reported in accordance with the Township's Whistleblower Policy and Procedure Policy; therefore, the Code of Conduct Policy and the Whistleblower Policy should be considered when reviewing each policy.

# FINANCIAL IMPLICATIONS:

Not applicable to this report.

# INTER-DEPARTMENTAL COMMENTS:

The Policy has been discussed by the Human Resources Coordinator at the Senior Management Team meeting. Comments were made to adjust the appropriate authority reporting system to remove Human Resources Coordinator from the Clerk, as it is a direct report.

In addition to the inter-departmental review and comments, this policy was also reviewed and approved by the Corporation's legal counsel.

# CONCLUSION:

Staff recommends that the Whistleblower Policy be approved as current practices to align with the Township Values.

# ATTACHMENTS:

Schdule A - POL-ADMIN-02-2023 Whistleblower Policy

Prepared & Submitted by:

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Cassandra Carey, Human Resource Coordinator

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Jessica Dyson, Director of Legislative Services/Clerk

Approved by:

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Bev Hendry, CAO



TITLE:	Whistleblower Policy	
POLICY NO.:	POL-ADMIN-02-2023	
APPROVAL DATE:	JULY 17, 2023	
EFFECTIVE DATE:	JULY 17, 2023	
POLICY AMENDED:	N/A	

# POLICY STATEMENT

The Township of West Lincoln ("Township") is committed to accountability, transparency, integrity and maintaining high ethical standards in the workplace. To maintain an organizational culture that is ethical, transparent and accountable, it is important to provide a process for Employees to report any allegations of wrongdoing, in good faith and without fear of reprisal.

This Policy recognizes that it is in the public interest to maintain and enhance public confidence in the Township and its Employees, by providing for:

- the disclosure of wrongdoing with respect to the Township's operations;
- the protection from reprisals against Employees for disclosing wrongdoing;
- appropriate investigation and disciplinary actions in response to disclosures of wrongdoing when made in good faith

All disclosures of wrongdoing will be investigated in accordance with the provisions set out in this policy.

All Employees have a duty to report any suspected acts of wrongdoing. The Township will not tolerate reprisal or retaliation against Employees who report acts of wrongdoing in good faith. Any employee who knowingly reports an alleged wrongdoing in bad faith, or who knowingly makes a false or misleading statement that is intended to mislead an investigation of wrongdoing, may be subject to legal action and/or disciplinary action, up to and including summary dismissal.

# PURPOSE

The purpose of this policy is to facilitate the disclosure of wrongdoing with respect to the Township's operations or business and provide a mechanism where Employees who disclose wrongdoing are protected from reprisal.

# SCOPE

This policy applies to all Township Employees. The Township prohibits wrongdoing and reprisals against Employees who report wrongdoing. Disclosures of wrongdoing will be investigated in accordance with the provisions set out in this policy and any procedures.

POL-ADMIN-02-2023 – Whistleblower Policy

Complaints about members of Council are addressed through the process outlined in the Code of Conduct for Members of Council.

The provisions set out in the policy address those matters that are in the public interest and for which there are no established mechanisms for consideration and investigation. Nothing in this policy is intended to conflict with any existing reporting rights, mechanisms, or procedures established by any other polices of the Township or by any collective agreement. This policy should be interpreted to be consistent with the Township's policies regarding workplace violence and harassment, and with the Ontario *Human Rights Code*.

Employees who do not comply with the provisions set out in this policy may be subject to legal action or disciplinary action up to and including summary dismissal.

# DEFINITIONS

**Allegation:** means a complaint submitted under this Policy alleging wrongdoing on the part of any Employee or alleging that any person has been a victim of retaliation for making a disclosure of wrongdoing.

**Disclosure:** means an oral or written allegation to an Appropriate Authority (see Appropriate Authority Chart below) by an Employee alleging an act of wrongdoing by another Employee.

**Employee:** a person employed by the Township who provides work and services for remuneration (pay and benefits) (including full time, part time or contract employees).

**Good Faith:** means an act which is done for a proper and honest purpose and is not done trivially, frivolously or for a vexatious purpose

Misconduct: means intentionally wrongful, improper or unlawful conduct.

Whistleblower: means a person who makes an allegation of wrongdoing.

**Wrongdoing:** refers to serious actions that are contrary to the public interest, which may include, but is not limited to, the following:

- A contravention of a federal or provincial statute or regulation, or Niagara Region by-law, the Township of West Lincoln by-law or policy
- An act or omission that results or is likely to result in the misappropriation or misuse of the Township of West Lincoln funds or assets
- A contravention of the Township of West Lincoln Code of Conduct Policy for Employees including any contravention that results or is likely to result in unjust profit, advantage, payment or compensation to the employee
- An act or omission that creates or is likely to create a substantial and specific danger or harm to the life, health or safety of any person
- Taking reprisal against someone for disclosing wrongdoing or otherwise acting in compliance with this policy
- An abuse of authority
- Breach of public trust

POL-ADMIN-02-2023 – Whistleblower Policy

• Directing or counselling someone to engage in wrongdoing

**Disciplinary Action:** means any consequence imposed upon an Employee as a result of the determination under this policy that they have committed an act of wrongdoing, which may include, but is not limited to, the following:

- Educational training on ethical conduct
- Removal of an employee from any place where the employee represents the Township of West Lincoln, including any committee, board, or corporation;
- Removal from any position of responsibility at the Township of West Lincoln;
- Suspension of duties;
- Termination of employment with the Township of West Lincoln summarily (without notice or severance);
- Termination of a contract;
- Legal action depending on the severity of the action
- Other acts of discipline as may be considered appropriate in the circumstances.
- Public or private apology

**Reprisal:** refers to any action or threat of action that is intended as retaliation for the good faith disclosure of actual or suspected wrongdoing, initiating or cooperating in an investigation into alleged wrongdoing, or otherwise acting in compliance with this policy, including but not limited to, the following:

- The dismissal, suspension, demotion, discipline, harassment or abuse of an Employee;
- The denial of a benefit of employment to an Employee;
- The intimidation, coercion or attempt to intimidate or coerce an Employee.
- Any punitive measure that adversely affects the employment or working conditions of the Employee
- Directing or counselling someone to commit a reprisal.
- Reprisal against an Employee is any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or co-operating in an investigation into an alleged wrongdoing.

# **Roles and Responsibilities**

# Employees shall:

- All Employees who become aware or suspect that an act of wrongdoing has occurred will
  notify their immediate supervisor or Human Resources Coordinator as soon as applicable
  and appropriate.
- Follow the internal processes established in making allegations of wrongdoing in the workplace
- Respect the reputation of individuals by not making trivial or malicious allegations or by making disclosures in bad faith
- Report incident(s) of reprisal to the Appropriate Authority if they believe they have witnessed an act(s) of wrongdoing in their work environment

POL-ADMIN-02-2023 - Whistleblower Policy

• Fully co-operate during the course of an investigation and will make all reasonable efforts to be available to assist with the investigation.

# Supervisors, managers, directors, or other persons in a position of authority (i.e. those directing work of others) shall:

- Inform their employees of this policy
- Reinforce the opportunity for all employees to report wrongdoing, unethical behaviour or illegal acts, including preventing any acts of retaliation against the whistleblower
- Promote ethical conduct and support ethical decision-making in their areas of responsibility
- Act promptly when information concerning an act of wrongdoing is brought to their attention
- Undertake investigations of alleged wrongdoing seriously and appropriately
- Report the results of investigations of alleged wrongdoing to the Appropriate Authority
- Be familiar with the types of wrongdoing that could occur within their area of responsibility and be proactive in taking steps to guard against such activities.
- Keep the information of a disclosure confidential and bring the matter to the immediate attention of the Human Resources Coordinator who may provide advice, consultation, and support under this policy
- Protect from reprisal the employees who disclose acts of wrongdoings in good faith
- Cooperate with any investigation and ensure that all relevant resources and information are made available

# The Chief Administrative Officer (CAO)/Human Resources Coordinator shall:

- Disseminate information on the policy, provide interpretation and related advice on the policy
- Ensure that a Whistleblower whose allegations of wrongdoing are made in good faith is protected from reprisal regardless of the outcome of the investigation process
- Ensure the following process:
  - a) Allegations received are reviewed
  - b) Allegations received are screened for legitimacy and potential investigation
  - c) Appropriate discipline is imposed when an allegation is substantiated
  - d) Adequate resources are made available to support all investigations
  - e) Advise Council of any allegations that, if sustained, may involve significant imminent risk to the Township or may involve past, present or imminent criminal activity that would affect the Township

# Council shall:

- Review allegations of wrongdoing made against the CAO and any applicable investigation reports
- Take disciplinary action against the CAO if the CAO is found to have committed acts of Wrongdoing

# Reporting Wrongdoing

- All Employees who become aware or suspect that an act of wrongdoing has occurred will immediately notify their immediate supervisor, or Human Resources Coordinator as applicable and appropriate (see Appropriate Authority chart below).
- Where a supervisor, manager is suspected of wrongdoing, reports should be directed to the Director
- Where a Director is suspected of wrongdoing, reports should be directed to the CAO or the Human Resources Coordinator
- Where the Clerk is suspected of wrongdoing, reports should be directed to the CAO
- Where the CAO is suspected of wrongdoing, reports should be directed to the Mayor
- In the interests of facilitating a timely investigation, Employees are encouraged to bring forward complaints at the earliest opportunity.
- When disclosing an allegation of wrongdoing, all Employees must provide sufficient evidence to substantiate the allegation through a signed and dated written communication or in the alternative, an email to the Appropriate Authority.
- If an Employee is uncomfortable disclosing an act of alleged wrongdoing to the Appropriate Authority, they can notify an Appropriate Authority a level above (see Appropriate Authority chart below).
- All Employees who report wrongdoing in good faith will be protected from reprisal.
- Any Employee who reports a wrongdoing in bad faith, or who knowingly make a false or misleading statement that is intended to mislead an investigation of wrongdoing, may be subject to legal action or disciplinary action up to and including dismissal.
- Any allegation related to the Township's Code of Conduct, Harassment, or Workplace Violence policies is to be in accordance with those policies.

# Investigation

- All disclosures of alleged wrongdoing shall be investigated by the Township or an independent investigator, including where appropriate, Niagara Regional Police.
- All disclosures of alleged wrongdoing will be investigated in an objective and thorough manner as expeditiously as possible with fair due process of all persons involved.
- Any individual against whom allegations are being made will be given a reasonable opportunity to respond to the allegations, as part of the investigation.
- All employees, including the individual making the disclosure of wrongdoing and the individual who is the subject of the investigation, will be required to cooperate.
- No individual shall obstruct or interfere with the investigation.
- If alleged wrongdoing by an Employee is substantiated through an investigation, the employee may be subject to disciplinary action up to and including dismissal.
- Upon conclusion of an investigation, recommendations may be made and implemented in order to minimize future risk.

# **Appropriate Authority**

Respondent of Complaint	Parties Responsible to Receive the Complaint
Employee	Supervisor, Human Resources Coordinator

POL-ADMIN-02-2023 - Whistleblower Policy

Supervisor or Manager	Director, Human Resources Coordinator
Director	CAO, Human Resources Coordinator
Clerk	CAO
CAO	Mayor, Human Resources Coordinator

# Protection from Reprisal

No person shall engage in a reprisal against a Township Employee acting in good faith for:

- Reporting an incident of actual or suspected wrongdoing;
- Seeking information or advice about making a disclosure;
- Initiating or cooperating in any subsequent investigation;
- Appearing as a witness, giving evidence, or participating in any proceeding relating to the wrongdoing;
- Acting in compliance with this policy
- An Employee informed of, or who becomes aware of a reprisal against another Employee must notify their immediate supervisor, or Human Resources Coordinator as applicable and appropriate. Refer to Appropriate Authority.
- Complaints of reprisal will be investigated and where allegations of reprisal are substantiated, any staff involved in the reprisal will be subject to appropriate disciplinary action, up to and including dismissal.

# Confidentiality

- The name of a complainant and the circumstances related to the complaint will not be disclosed except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures. Every effort will be made to keep the identities, details of the incident and circumstances confidential; however, there cannot be a guarantee of anonymity in association with a complaint.
- All records of workplace wrongdoing including reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.
- All Township Employees and officials aware of or participating in an investigation of wrongdoing shall treat all information received confidentially.
- It is recognized that in some cases absolute confidentiality cannot be guaranteed and disclosure may be required in order to properly assess and/or investigate any complaint. Any information obtained during any investigation will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident, or is otherwise required by law.
- Individuals who improperly breach confidential information may be subject to legal action or disciplinary action up to and including dismissal.

# NON-COMPLIANCE

Failure or refusal to adhere to the terms of this policy may result in discipline up to and including dismissal.



REPORT COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

**REPORT NO:** PW-18-2023

SUBJECT: Public Works Road Allowance Width and Land Dedication Policy Review

**CONTACT:** Mike DiPaola, P.Eng., Director of Public Works & Recreation Jennifer Bernard, C.E.T., Coordinator of Engineering Services

# OVERVIEW:

- Public Works routinely reviews planning applications and provides comment on the required road allowance for existing and proposed roads.
- Policy POL-PW-1-18 is specific to road widening requirements for Consent applications.
- OPA 63 allows for a reduced right-of-way on a local road, and guidelines need to be established to outline when this would be considered.
- Staff have revised policy POL-PW-1-18 to include guidelines for road allowance width requirements for all planning applications. The guidelines are based on the Township's Official Plan, Transportation Master Plan and Public Works Engineering Standards.

# **RECOMMENDATION:**

- 1. That, Recommendation Report PW-18-2023, RE: "Public Works Road Allowance Width and Land Dedication Policy", dated July 17, 2023 be received; and,
- 2. That, policy POL-PW-1-18, found as Attachment 'A' to this report, be repealed; and,
- 3. That, the revised policy POL-PW-1-23, found as Attachment 'B' to this report, be endorsed by Council.

# ALIGNMENT TO STRATEGIC PLAN:

# Strategic Priority #1, #2 & #4

- **Build –** a safe, connected, caring and active community
- **Champion –** strategic and responsible growth
- Advance organizational capacity and effectiveness

# BACKGROUND:

Public Works staff are routinely circulated planning applications for review. The Planning Act provides the authority to the Township to obtain a road widening on existing roads and to identify the required road allowance for a proposed road in a new development that will become a public road. This is done in accordance with the required road allowance

identified in the Official Plan. The Official Plan was informed by the Township's Transportation Master Plan and provides road classifications and the required road allowance for each.

Public Works provides comment on road allowance widths for the following planning applications: Consent, Site Plan, Plan of Condominium and Plan of Subdivision.

Policy POL-PW-1-18 Public Works Severance Application Condition Request Policy provides specific guidelines for road widening requirements on existing roads for Consent applications. To provide staff with guidelines for commenting on all planning applications, staff decided to revise and rename this policy.

# **CURRENT SITUATION:**

Staff reviewed the policy and propose a number of changes including that the policy be renamed Public Works Road Allowance Width and Land Dedication Policy to better encompass its use for planning application reviews. The new policy number will be POL-PW-1-23.

More information has been provided in this policy revision on the authority of the Township to require a road allowance widening or specify a new road allowance width and why these requirements are necessary.

OPA 63 was approved by Township Council on August 11, 2022 and Regional Council on April 20, 2023 and provides the following language with regards to the road allowance of local roads in Policy No. 6.11.7.4.4

g) All roads under the Township's jurisdiction in the Smithville Urban Area shall have a minimum right-of-way width of 20 metres, except as otherwise required in the Plan.

*h*) Notwithstanding Policy No. 6.11.7.4.4.g) above, the Township may reduce the minimum right-of-way width of any road under its jurisdiction without requiring an amendment to this Plan, provided the right-of-way width is to the satisfaction of the Township.

Staff have included criteria in the revised policy, POL-PW-1-23, where the public road allowance may be reduced to no less than 18m in consideration of future infrastructure and transportation needs. These criteria will provide clarity for proponents of Plan of Subdivision applications.

Although there is an appeal pending for OPA 63, it is not related to Transportation so staff believe it is appropriate to move forward with the policy revision as it aligns with the wording in the current OP which will be used until the appeal is resolved.

For a road widening that is greater than 150m in length, POL-PW-1-18 provides for a Township contribution of \$4.23/m for each metre in excess of the 150m to offset the cost of the survey. Staff have reviewed road widening policies of other municipalities and found this is not standard practice, all costs of the consent application including any imposed conditions are the responsibility of the Owner. Staff recommend removing this financial contribution from the policy.

The Sidewalk Contribution section of POL-PW-1-18 has been removed from the proposed policy. This section will be reviewed further to determine if this should be addressed in a separate Public Works policy or through a By-law.

Finally, the sections in POL-PW-1-18 dealing with Unopened Road Allowances, Development Agreements and Lot Grading and Drainage Plans have been removed from the proposed policy as there are now separate Township policies and standards that deal with those matters in further detail.

# FINANCIAL IMPLICATIONS:

There are no financial implications associated with this policy change.

# **INTER-DEPARTMENTAL COMMENTS:**

This report has been reviewed by the Clerk's Office, CAO, and the Planning Department.

# CONCLUSION:

In summary, Staff recommends that Council endorse the revised policy POL-PW-1-23 for staff to apply to current and future planning applications.

# **ATTACHMENTS:**

Attachment 'A' – POL-PW-1-18 Attachment 'B' – POL-PW-1-23

# Prepared by:

Approved by:

Bernarc

Jennifer Bernard C.E.T Coordinator of Engineering Services Approved by.

Herde

Beverly Hendry Chief Administrative Officer

Submitted by:

Mike DiPaola, P.Eng. Director of Public Works & Recreation

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TOWNSHIP OF WEST LINCOLN PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY

TITLE: POLICY NO: REPEALS NO: EFFECTIVE DATE: Public Works Severance Application Condition Request POL-PW-1-18 POL-PW-1-04 April 1<sup>st</sup>, 2018

#### **POLICY STATEMENT:**

The object of the Township of West Lincoln Public Works Department's Severance Application Condition Request Policy is to establish an outline of condition requests on severance applications.

#### **PURPOSE:**

The purpose of this policy is to develop a formal policy in order to officially outline the needs of the municipality to guide conditions requested on severance applications.

#### **ROAD WIDENING DEDICATION:**

1. Minimum right-of-way required by the municipality is 20 metres (66 feet), unless otherwise determined by Council.

Road widenings are requested as a condition of severance.

- 2. When a road width is deficient, a road widening shall be requested equal to one-half of the deficient width, whenever feasible. In specific circumstances, where factors such as topography, the location of existing buildings, etc. dictate, more than one-half of the widening on one side of the road may be required.
- 3. It is requested that the road widening be taken on both the severed and remnant parcel.
- 4. It is required that the parcel be dedicated to the Township of West Lincoln for road widening purposes free and clear of any mortgages, liens or encumbrances.
- 5. For a road widening greater than 150m (~500ft) in length, the Township shall contribute \$4.23/metre (\$1.29/foot) for each metre in excess of 150m.

This contribution shall serve as a one-time payment toward the increased cost of survey or the relocation of assets such as trees, fences, etc.

6. All costs to be borne by the owner.

#### DAYLIGHTING TRIANGLES:

1. Minimum daylighting triangles deemed necessary by Council is 7m x 7m at all intersections including railway crossings.

Skewed and offset intersections shall be evaluated on an individual basis and may require reconfigured daylighting triangles or land dedication for road realignment.

# PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY Page 2

- 2. Parcels to be dedicated to the Township of West Lincoln for daylighting triangle purposes shall be conveyed free and clear of any mortgages, liens or encumbrances.
- 3. All costs shall be borne by the owner.

#### **UNOPENED ROAD ALLOWANCES:**

1. Where Council has determined that an unopened road allowance is not required for the future purposes of the Township, such road allowance may be stopped up and closed and transferred to the adjacent property owners in accordance with the provisions of the *Municipal Act*.

#### SIDEWALK CONTRIBUTION:

- 1. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within the urban area of Smithville not currently serviced with adequate sidewalks, regardless of the side of road the sidewalk will be constructed on.
- 2. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within hamlet areas or urban clusters not currently serviced with adequate sidewalks, where such sidewalks are expected to be constructed in the foreseeable future, regardless of the side of road the sidewalk will be constructed on.

# **DEVELOPMENT AGREEMENTS:**

- 1. If an overall development of new lots is to exceed two new lots, a development agreement shall be entered into.
- 2. Development Agreements shall address the need for street lights, fire reservoirs, sanitary sewer collection service, water supply service, storm management, drainage plans, entrances, etc.
- 3. Development Agreements shall provide cost recovery for all municipal expenses.

# LOT GRADING AND DRAINAGE PLANS:

- 1. Detailed overall lot grading and drainage plans, prepared by a Professional Engineer, shall be requested for all severances creating two or more new lots in addition to the retained parcel.
- 2. The overall lot grading and drainage plan must be approved by the Township of West Lincoln's Public Works Manager or designate.
- 3. Each individual lot grading plan shall conform to the overall lot grading and drainage plan.


# TOWNSHIP OF WEST LINCOLN PUBLIC WORKS ROAD ALLOWANCE WIDTH AND LAND DEDICATION POLICY

TITLE: POLICY NO:	Public Works Road Allowance Width and Land Dedication Policy POL-PW-1-23
REPEALS NO:	POL-PW-1-18
EFFECTIVE DATE:	July 18 <sup>th</sup> , 2023

### **POLICY STATEMENT:**

The objective of the Public Works Road Allowance Width and Land Dedication Policy is to establish guidelines for: land dedication requests to widen an existing public road allowance, and road allowance requirements for proposed public roads, based on the needs of the municipality, for development applications, where permitted under the Planning Act and in accordance with the Township's Official Plan.

### ROAD ALLOWANCE WIDTH AND LAND DEDICATION:

1. The minimum width of the road allowance required for all roads under the Township's jurisdiction is 20 metres (66 feet), unless otherwise determined by the Township's Official Plan which was informed by the Township's Transportation Master Plan.

The purpose of establishing the road allowance width is to secure the land required for infrastructure needs to accommodate vehicular traffic, municipal services, utilities, sidewalks, boulevard trees, snow storage, roadside ditches and other requirements of the road network.

2. The widening of an existing road allowance and the required road allowance width for proposed roads are conditions of planning approvals for development applications including: Consent, Site Plan, Plan of Condominium, and Plan of Subdivision.

When an existing road allowance is determined to be deficient of the required width, a road allowance widening shall be required equal to one-half of the deficient width, whenever feasible, as a condition of a Consent, Site Plan, Plan of Condominium or Plan of Subdivision approval. In specific circumstances, factors such as existing land uses, topographic features, or other physical or environmental constraints may necessitate taking a greater widening on one side of the road.

For Consent applications, the road allowance widening shall be taken on both the severed and remnant parcel.

3. For a Plan of Subdivision application, the proposed public road allowance width shall be added as a condition of the development approval process as outlined in the Township's Official Plan, and shall be dedicated to the Township.

The Township's Official Plan allows for a reduced road allowance at the discretion of the Township. Public Works may consider accepting a reduced road allowance on a local road only in the following situations:

- For infill developments where the standard road allowance is found to be difficult to obtain because of building locations; and/or
- A cul-de-sac where traffic volume is low, and the road will remain a dead end road, and where underground infrastructure can be adequately accommodated.

In these cases, Public Works may accept a reduced road allowance of no less than 18m. However, the bulb of a cul-de-sac will continue to require a 20m road allowance measured from the radius.

- 4. Parcels to be dedicated to the Township of West Lincoln for road allowance widening purposes shall be conveyed free and clear of any mortgages, liens and encumbrances.
- 5. All costs shall be borne by the Owner.

#### DAYLIGHTING TRIANGLES:

1. A daylighting triangle is the area of land where two streets intersect that is to remain free of any obstructions to maintain horizontal lines of sight for vehicles approaching the intersection. Daylighting triangles are requested as a condition of various planning applications including Consent, Site Plan, Plan of Condominium and Plan of Subdivision.

The minimum size of daylighting triangles deemed necessary by Council is 7m x 7m at all intersections including railway crossings. However, intersections are evaluated on an individual basis to determine if a larger daylighting triangle is required considering the existing road classifications, road design and topography as well as any future needs for junction improvements (i.e. signalized intersection or roundabout) based on the Transportation Master Plan.

Skewed and offset intersections may require reconfigured daylighting triangles or land dedication for road realignment.

- 2. Parcels to be dedicated to the Township of West Lincoln for daylighting triangle purposes shall be conveyed free and clear of any mortgages, liens and encumbrances.
- 3. All costs shall be borne by the owner.



REPORT PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

**DATE:** July 17, 2023

**REPORT NO:** PD-39-2023

SUBJECT: Official Plan Amendment No. 67 – Official Plan Amendment No. 67 (File No. 1701-03-23) Application for Zoning By-law Amendment (File No. 1601-004-23)

**CONTACT:** Dave Heyworth, Planning Manager Brian Treble, Director of Planning & Building

# OVERVIEW:

- The Northwest Quadrant Secondary Plan was approved in June, 2017.
- Application for Draft Plan of Subdivision and rezoning was first submitted by P. Budd Developments in the summer of 2020 and was granted draft plan approval on May 24, 2021 with recent draft plan extension to May 24, 2026.
- A few amendments are now proposed by the applicant to the Official Plan and rezoning o address such things as market needs, affordability, road widenings, servicing requirements, etc. The actual subdivision design and layout is part of the application. Most changes as proposed only affect things internal to an undeveloped subdivision.
- The changes for the most part are reasonable and should help ensure a variety of quality product in mixed forms of housing.
- The OPA amendment proposes that a 6 storey building be permitted on Block 87. This block is on the east side of South Grimsby Road 5, north of the CPR tracks and is in the location as contemplated when draft plan of subdivision approval was granted in 2021. Staff support this application and Regional staff have informed the Township (see attachment 4) that local approval is final and commences the 20 day appeal period.
- The rezoning proposes numerous adjustments caused by better understanding of detailed design and the need for road widenings on South Grimsby Road 5 and Spring Creek Road that reduce the area of the overall property and causes a ripple effect throughout the proposed draft plan. By-law 2021-49 zoned the draft plan lands to R2 (low density residential), RM2-201 (medium density residential); RM3-203- (medium density residential and OS (Open Space)). The zoning changes proposed now can generally be summarized as:
  - o R2-XXX
    - 30% minimum of front yard to be landscaped.
    - Up to 70%, not exceeding 6 metre to be XX driveway
    - 1.5 metre planting strip adjacent to street line
    - Driveways can be paired
  - R3-XXX
    - 30% minimum of front yard to be landscaped.
    - Up to 70%, not exceeding 6 metre to be XX driveway
    - 1.5 metre planting strip adjacent to street line
    - Driveways can be paired

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# **OVERVIEW** continued:

- o RM2-201
  - Minimum lot area 130m<sup>2</sup>
  - Minimum lot frontage for towns 24 metres
  - Minimum setback from daylighting triangle 2.0 metres
  - Minimum separation distance from exterior townhouse end walls 2.4 metres
  - Plus same provisions as R2-XXX and R3-XXX
- o RM3-202
  - Minimum lot area of 75 m<sup>2</sup> for back to back towns
  - Minimum lot frontage for townhouses 24.0 metres
  - Minimum separation distance between end walls of towns 2.4 metres
  - Back to back and stacked back to back exempt from requiring balconies,
  - Plus same provisions as R2-XXX and R3-XXX
- o RM3-203
  - Minimum lot area of 75 m<sup>2</sup> per apartment unit
  - Minimum lot area per townhouse unit of 120m<sup>2</sup> minimum lot frontage for townhouse units 24.0 metres
  - Maximum height of apartment building 22 metres plus roof top mechanical
  - Minimum setback to daylighting triangle 2.0 metres
  - Minimum exterior side yard 1.2 metres
  - Minimum separation between townhouses exterior end walls 2.4 metre
  - Back to back and stacked back to back town houses do not require balconies
  - Plus provisions of R2-XXX and R3-XXX zones.
- A recommendation is being provided on Official Plan Amendment No. 67 because the amendment for height is not seen as a planning issue by staff for the reasons noted in the report.
- However, Planning staff are only providing technical background for the zoning amendment at this time. Further assessment will be carried out and a recommendation report will be brought forward on the zoning amendment in August.

### **RECOMMENDATION:**

- That, Recommendation Report PD-39-2023, regarding "Official Plan Amendment No. 67 – Official Plan Amendment No. 67 (File No. 1701-03-23) Application for Zoning Bylaw Amendment (File No. 1601-004-23), dated July 17, 2023, be RECEIVED; and,
- 2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
- 3. That, Official Plan Amendment No. 67 (File No. 1701-003-23) and a corresponding Bylaw be APPROVED and passed; and,
- 4. That, staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 67 to the agencies and public, to commence the 20 day appeal period as Regional Council approval is not required; and,

5. That, a recommendation report for Zoning By-law Amendment (File No. 1601-004-23) submitted by P. Budd Developments Inc. be presented at a future Planning/Building/Environmental Committee Meeting following the review of all agency and public comments and a full review of the planning application.

# ALIGNMENT TO STRATEGIC PLAN:

# Strategic Priority #2

• **Champion –** strategic and responsible growth

# BACKGROUND:

The proposed Official Plan Amendment seeks to amend the Official Plan to permit an apartment building with a maximum of 6 storeys, where a maximum of 4 storeys is currently permitted (up to 5 storeys by way of specific exception) for Block 87.

The current proposal seeks to amend the recently approved Zoning By-law Amendment (1601-021-19), approved on May 24, 2021 to permit the following:

- 56 single detached residential units;
- 144 conventional freehold townhouse units;
- 78 condominium townhouse units;
- 16 back-to-back townhouses;
- 64 stacked back-to-back townhouses;
- 54 apartment units;
- 1.24 hectares of neighbourhood park, and a multi-use trail.

Zoning By-law Amendment (1601-021-19) rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3- 202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for multiple forms of residential development and parkland purposes.

In addition to the Zoning By-law Amendment, the Subject Lands have also received draft approval for Draft Plan of Subdivision (2000-89-19) which was granted on May 24, 2021. On January 16, 2023, an extension and revisions to the draft approved of the plan of subdivision were granted. These revisions included reducing the area of Blocks 84 and 85 (Town Homes) to provide Block 87 (Apartment Block) with increased lot frontage along the proposed internal Street E.

# **CURRENT SITUATION:**

# **Official Plan Amendment**

The proposed Official Plan Amendment seeks to amend the existing policies that apply to the Subject Lands to permit development of the site to a maximum height of 6 storeys specifically as it applies to the proposed apartment building on Block 87, exclusive of mechanical penthouses. The current maximum permitted height set out in Section 6.11.5.2 (c) (vii) of the current Official Plan is 4 storeys. Section 6.11.5.2 (c) (viii) of the current Official Plan is 4 storeys. Section 6.11.5.2 (c) (viii) of the current Official Plan is 4 storeys. Section 6.11.5.2 (c) (viii) of the current Official Plan also notes; *"The Township may consider a maximum height of 5 storeys in the Medium Density Residential designation, on a site specific basis, provided the increased building height is compatible with the built form and physical character of the* 

neighbourhood and complies with the Township's urban design guidelines". The Official Plan Amendment does not require any mapping changes as the text of the proposed Official Plan Amendment references Block 87.

As demonstrated extensively in previous staff reports, relating to this development, the development complies with all policy considerations of Provincial, Regional and local planning documents. The proposed Official Plan Amendment to vary height by 1 storey on one Block is appropriate for the Subject Lands and is required to allow for the optimization of underutilized lands and a development which conforms with and implements the Growth Plan, Provincial Policy Statement, and Regional Official Plan. The proposed built form of the apartment building is intended to be 6 storeys in this area which exceeds the maximum height permitted in the NWQSP. The proposed Official Plan amendment proposes an increase in maximum height to accommodate the proposed apartment building in an area with little impact to the existing community of Smithville. It is desirable to have a mixture of housing types and a 6 storey apartment block is desirable to provide an alternative housing form not really present in West Lincoln.

### **Zoning Amendment**

As previously mentioned, a Zoning By-law Amendment (1601-021-19) was approved on May 24, 2021 under By-law 2021-49. The Zoning By-law Amendment rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for residential and parkland purposes. Through By-law 2021-49, a number of residential uses are permitted on the Subject Lands including, single detached, townhouses and apartment units.

The proposed Zoning By-law Amendment will improve the same zoning regulations across a number of zones that are proposed for the Subject Lands to account for the range and mix of dwelling types provided and will allow for flexibility to respond to shifts in market demand. The proposed zone changes are minor in the sense that they apply internal to currently undeveloped land and are the same provision repeated across zones. The changes are appropriate since staff drafted some of the zone regulations for this development originally.

# **Provincial Policy Statement (2020)**

The PPS encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Land use planning decisions, including those made on applications for Official Plan Amendments and Zoning By-law Amendments, must be consistent with the PPS. In assessing the current OPA and zoning provisions and the proposed amendments for the Subject Lands, conformity is still achieved as outlined in previous staff reports on this matter. These applications advance and implement the policies of the PPS beyond the current Township of West Lincoln Official Plan policies.

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# A Place to Grow (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") establishes a long-term framework for growth and development in the Greater Golden Horseshoe ('GGH') region, which encourages the efficient use of land through the development of complete communities that are compact, transit supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051.

The Growth Plan builds upon the policy foundations of the PPS and previous plans, as well as responds to key challenges in the GGH region by providing enhanced policy directions designed to achieve complete communities that are compact, transitsupportive, and make efficient use of investments in infrastructure and public service facilities, while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation. Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management.

# Niagara Region Official Plan (2022)

The Subject Lands are located within the Urban Boundary of Smithville and are identified as a Designated Greenfield Area in accordance with Schedule B, Regional Structure. The Subject Lands are easily accessed via Highway 20 (West Street) and Highway 14 (Station Street) which are identified as Regional Roads. A portion of Highway 20 located within the boundary of Smithville and Highway 14 are further identified as a forming part of the Regional Strategic Cycling Network in accordance with Schedule J2, Strategic Cycling Network.

The Subject Lands are located within a Designated Greenfield Area immediately adjacent to existing residential communities within the built boundary of Smithville. The proposal provides for orderly development that efficiently uses land and resources, including existing municipal water and sewage infrastructure, which has already been previously justified through the land swap/ exchange process. A phased approach may apply to the development, to ensure units are brought forward in an orderly manner. Ultimately, at full build out, the proposal will accommodate the anticipated forecast growth and provide for a gross residential density of 59.76 people per hectare, thereby meeting the Greenfield Density policies set out in the ROP which set a minimum density and encourage local municipalities to exceed the target where appropriate.

The development proposal incorporates a mix of housing types including single detached, townhouse and apartment dwelling units that are in close proximity with commercial services and open spaces and multimodal trails that encourage active transportation and reduce automobile dependency. The proposed street network provides several access points to surrounding areas and enhances pedestrian

#### **Respecting Our Roots, Realizing Our Future**

connectivity through the provision of pedestrian linkages by way of a multi-use path as well as internal sidewalks. Ultimately, the level of development proposed supports achieving a complete community aligned with the growth targets for the Township of West Lincoln and Niagara Region as a whole.

#### **Township of West Lincoln Official Plan**

Generally directs new forms of development and intensified growth to the settlement area of Smithville, on full services. It requires that greenfield lands (this property is greenfield) develop at not less than 50 people and jobs per hectare and support infill and intensification as well. In addition, the lands are part of the Northwest Quadrant Secondary Plan that was approved in 2017. This application is generally compliant, with Provincial, Regional and local policy requirements including the local Official Plan and zoning by-law, as follows:

- The development proposal includes a mixture of single-detached and townhouse dwelling units for a total 412 residential units over 14.85 hectares of land, which equates to a gross residential density (based on residential site area) of 30.27 units per hectare and a gross density of 59.76 people per hectare. The development, as proposed, is within the gross density target set out in the Secondary Plan and will achieve the Regional and Provincial targets in accordance with the Growth Plan. This is achieved through the provision of a compact development that provides a variety of housing unit types.
- The proposal provides for a level of development and land use pattern that generally corresponds with the land use designations set out in the NWQSP, and the underlying policies. Figures 14 of the consultant's report, provide a visual comparison of the layout proposed in the Secondary Plan with the layout of the proposed development and generally demonstrates that the general designations are in alignment, with medium density residential uses provided in the interior of the development and along the rail line and lower density residential uses and the neighbourhood park provided abutting the existing Station Meadows subdivision. While both single detached dwellings and townhouse dwellings are permitted in the low density residential and medium density residential designations, the portion of the lands maintaining a low density residential designation provide the majority of the single detached dwellings. Overall, the proposed density for the low density residential area is 22.0 net residential hectares and the medium density residential area is 45.04 net residential hectares, which meet the density maximums set out in those designations. Additional residential dwellings were able to be accommodated on the Subject Lands as a result of efficiencies through the consolidation of stormwater management with the existing subdivision. Design layout of the subdivision is not part of this public meeting. Additionally, the multi-use path and neighbourhood park are provided as identified on the land use schedule. The Plan of Subdivision that was approved on May 24, 2021 and revised January 16, 2023, had slightly revised the road system to allow for more favorable servicing and transportation conditions as well as ensure a connection to the future subdivision to the west can be provided. No additional changes are proposed to the road system.

 The Medium Density Residential designation permitted conventional freehold townhomes condominium townhomes, back-to-back townhomes, stacked backto-back townhomes and apartment units which are provided in this development, and are permitted in accordance with the policy. The net residential density for the lots and blocks forming part of the Medium Density Residential designation is 45.4 units per hectare, which is consistent with the designation. An overall gross density of 59.76 people per hectare will be achieved.

## FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application was submitted prior to July 1, 2023.

Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1st, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions and is the reason for a recommendation report at the public meeting.

Council must make a decision within 90 days of complete application or they will be required to refund.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 90 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

### **INTER-DEPARTMENTAL COMMENTS:**

Application of the proposed OPA and ZBA was deemed to be complete in June of 2023. Notice of Public Meeting was mailed to local owners within 120 metres on June 16<sup>th</sup>, 2023 and also emailed to the agencies.

# PUBLIC COMMENTS:

To date, one comment has been received from the public and two agency comments have been received from Region of Niagara Planning Department and Enbridge Gas. These comments can be found at attachment 4 to this report.

## CONCLUSION:

Staff recommend approval of Official Plan Amendment No. 67 and passage of the necessary By-law to commence the appeal period.

Further assessment will be carried of the Zoning By-law Amendment (File No. 1601-004-23) will be carried out and a recommendation report will be brought forward on the zoning amendment in August.

### ATTACHMENTS:

- 1. Draft Plan of Subdivision
- 2. Planning Justification Report
- 3. Draft Official Plan Amendment
- 4. Public and Agency Comments

# Prepared & Submitted by:

Approved by:

Dave Heyworth Manager of Planning

Bev Hendry CAO

Brian Treble, Director of Planning & Building





KITCHENER WOODBRIDGE LONDON BARRIE BURLINGTON

# PLANNING JUSTIFICATION REPORT

JUNE SO23

# **Station Meadow West**

Smithville, Township of West Lincoln

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Attachment No. 2 to PD-39-2023

**Date:** June 8, 2023

# **Prepared for:**

P. Budd Development Inc.

# Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited 442 Brant Street, Suite 204 Burlington ON L7R 2G4 T: 905 639 8686 F: 905 761 5589

Our file: 19112A

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# **APPENDICES**

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# 1.0 introduction

MacNaughton Hermsen Britton Clarkson Planning ("MHBC") has been retained by P. Budd Development Inc. to seek planning approvals to facilitate the development of the property legally known as Lot 1, Plan M-94, Township of West Lincoln, Regional Municipality of Niagara (the "Subject Lands").

A Zoning By-law Amendment (1601-021-19) was approved on May 28, 2021 under By-law 2021-49. The Zoning By-law Amendment rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for residential and parkland purposes.

In addition to the Zoning By-law Amendment, the Subject Lands have also received draft approval for Draft Plan of Subdivision (2000-89-19) which was granted on May 26, 2021. On January 16, 2023, revisions to the draft approved plan of subdivision were granted. These revisions included reducing the area of Blocks 84 and 85 (Town Homes) to provide Block 87 (Apartment Block) with increased lot frontage along the proposed internal Street E.

This Planning Justification Report has been prepared in support of the new proposed Implementing Zoning By-law Amendment and an Official Plan Amendment to facilitate the development of the Subject Lands to include a residential subdivision comprised of 56 single detached residential units, 144 freehold townhome units and 78 condominium townhouse units, 16 back-to-back units, 64 stacked back-to-back townhouse units, 54 apartment units in a six-storey apartment and a 1.24 hectare neighbourhood park and multi-use trail.

This report provides the following:

- A general description of the Subject Lands, existing conditions, surrounding uses, and nearby developments to provide an understanding of the physical and locational context;
- A description of the proposed development and its design elements;
- A summary of the technical reports and studies prepared to support the proposal;
- A description of the proposed Official Plan Amendment and implementing Zoning By-law Amendment;
- An evaluation of the current applicable policy and regulatory framework;
- An assessment of the proposed development's consistency and conformity with Provincial, Regional and City policies and regulations; and,

• A summary of key conclusions and recommendations related to the proposed development.

The required Pre-Consultation Meeting Request was submitted to the Township of West Lincoln on March 29, 2023. In review of this request, Township Staff determined a Pre-Consultation Meeting was not required and provided a list of material required in support of the proposed Official Plan Amendment and Zoning By-law Amendment. The following items were identified as required for a 'complete application' and are included as part of the application submission:

- 1. A Concept Plan of the proposed apartment building;
- 2. A Justification Letter/Brief; and,
- 3. Draft Zoning By-law Amendment.

Upon preparing the applications for submission, it was determined that given the height restriction of 4-storeys on apartments, an Official Plan Amendment would also be required to facilitate the development of a 6-storey apartment building. As such, in addition to the above items, we have also included the following:

4. A Draft Official Plan Amendment;

These items have been included with this submission of the Official Plan Amendment and Zoning-By-law Amendment Applications and illustrate the proposed development represents a wellplanned residential greenfield development which meets the Region and City's Official Plans policies and objectives.

# 2.0 SITE DESCRIPTION AND SURROUNDING CONTEXT

# 2.1 Site Description

The Subject Lands are located in the community of Smithville, in the Township of West Lincoln. The Subject Lands are located within the North West Quadrant Secondary Plan. The Subject Lands are legally described as Part of Lot 1, Registered Plan M-94, Township of West Lincoln, Regional Municipality of Niagara.

The Subject Lands are approximately 14.85 hectares in area, and are generally bound by South Grimsby Road 5 to the west, a Canadian National Rail corridor to the south, an existing low-density residential subdivision to the east and agricultural and rural areas to the north with a conceptual future collector road proposed in the vicinity of the northern boundary of the Subject Lands. This area is characterized by a mix of rural and agricultural areas and low-density residential development, indicative of the Subject Land's location on the periphery of the built boundary of Smithville. The Subject Lands are currently vacant.

A location map which identified the Subject Lands within the surrounding context is included in this report as **Figure 1**.

The Subject Lands are proposed to be developed as a residential community with a mixture of low-density and medium-density residential forms. The Subject Lands were formerly designated Good General Agricultural Lands and were brought into the Smithville Urban Boundary in 2015 through Official Plan Amendment 37 (OPA 37), which added approximately 34 hectares of additional residential land to the north-west boundary of Smithville through a Land Swap/Exchange process. Regional Official Plan Amendment 3 (ROPA 3) was initiated by the Region in coordination with OPA 37 and was approved by the Ontario Municipal Board on May 29, 2015. The North West Quadrant Secondary Plan was prepared for these additional lands, and approved by the Council of the Township of West Lincoln on June 26, 2017.

# 2.2 Surrounding Land Uses

An aerial photograph showing the Subject Lands and the surrounding land uses is included in this report as **Figure 2**.

A general description of the surrounding uses is as follows:

- **NORTH:** Currently rural and agricultural lands; these lands form part of the Smithville Master Community Plan which will expand the urban boundary and permit a variety of residential uses;
- **EAST:** Low density, single-detached residential development (existing Station Meadows Subdivision); open space and a stormwater management pond further east;
- **SOUTH:** Canadian National Railway corridor; low density, single-detached residential development and West Lincoln Arena & Community Centre further south; and
- **WEST:** Rural and agricultural lands (designated for future low and medium density residential development under the North West Quadrant Secondary Plan "NWSQSP").

# 2.3 Neighbourhood Context

The Subject Lands are immediately surrounded by a mix of low density residential buildings to the south. Future residential development to the north is anticipated where lands form part of the Smithville Master Community Plan (SMCP). The SMCP proposes medium density residential fronting the extended Spring Creek Road, with residential development further north and a mixed use medium density node and the corner of South Grimsby Road 5 and Spring Creek Road. Future residential development is anticipated to the west, where lands form part of the NWQSP Area. Medium density residential development (the Stepping Stones development by Phelps Homes) is also located within close proximity to the Subject Lands, along Regional Road 20.

The Subject Lands are immediately served by South Grimsby Road 5, which is identified as a Local Road. South Grimsby Road 5 connects to Highway 20 which is identified as an Arterial Road, approximately 390 metres to the south. An extension of a proposed collector road, is proposed to generally align north of the Subject Lands. Currently, no public transit is available in the community of Smithville.

The surrounding area amenities and services, and their proximity to the Subject Lands, are described in detail in **Table 1**, below, while **Figure 3** provides a Neighbourhood Context Map for visual reference.

Destination	Travel Distance (km)	Travel	Travel Time (minutes)		
		Walk	Cycle	Car	
Smithville Canadian Reformed	0.55	6	2	1	
Church					
John Calvin School	0.55	6	2	1	
Cornerstone Christian Assembly	0.85	10	3	2	
Pentecosta					
West Lincoln Historical Society	0.85	10	3	2	
Smithville Church of Christ	1.0	11	3	2	
St. Luke's Anglican Church	1.1	12	3	2	
Smithville United Church	1.4	14	4	2	
Saint Martin of Tours Roman	1.3	15	4	2	
Catholic Church					
St. Martin Catholic Elementary	1.0	12	4	2	
School					
West Lincoln Public Library –	1.4	16	5	2	
Smithville Branch					
West Lincoln Arena & Community	1.6	19	5	3	
Centre					

# Table 1: Proximity to Nearby Destinations

Smithville Public School	1.8	21	6	3
Township of West Lincoln	1.9	22	7	3
Administration Building and				
Library				

Note: Distance and travel time are approximate and based on Google Maps routing.

# 3.0 DESCRIPTION OF PROPOSAL

# 3.1 The Proposal

A Zoning By-law Amendment (1601-021-19) was approved on May 28, 2021 under By-law 2021-49. The Zoning By-law Amendment rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for residential and parkland purposes.

In addition to the Zoning By-law Amendment, the Subject Lands have also received draft approval for Draft Plan of Subdivision (2000-89-19) which was granted on May 26, 2021. On January 16, 2023, an extension and revisions to the draft approved plan of subdivision were granted. These revisions included reducing the area of Blocks 84 and 85 (Town Homes) to provide Block 87 (Apartment Block) with increased lot frontage along the proposed internal Street E.

The proposed Official Plan Amendment seeks to amend the Official Plan to permit an apartment building with a maximum of 6 storeys, where a maximum of 4 storeys is currently permitted (up to 5 storeys by way of specific exception).

The current proposal seeks to amend the recently approved Zoning By-law Amendment to permit the following:

- 56 single detached residential units;
- 144 conventional freehold townhouse units;
- 78 condominium townhouse units;
- 16 back-to-back townhouses;
- 64 stacked back-to-back townhouses;
- 54 apartment units;
- 1.24 hectares of neighbourhood park, and a multi-use trail.

Together, these elements form part of the "Station Meadows West" Subdivision. A copy of the proposed draft plan, in terms of overall density and population yield, is described in the tables below and visualized on the proposed Draft Plan of Subdivision (**Figure 4**).

Table 2: Summary of Proposed Concept Plan
---

Description	Block/ Lot	Units	Area (hectares)
Single Detached Residential	Lots 1 – 24	24	1.44
(15 metre lots)			
Single Detached Residential	Lots 25 – 56	32	1.10
(12.50 metre lots)			
Conventional Freehold	Blocks 57 -85	144	3.11
Townhouse			
(7.0 – 8.0 metre lots)			
Condominium Townhouse	Block 86	38	1.23
(7.7 metre lots)			
Condominium Townhouse	Blocks 89, 90	32	1.17
(6.5 metre lots)			
Back-To-Back Townhouses	Blocks 91, 92	16	0.62
Stacked Back-To-Back	Blocks 87, 88	64	1.71
Townhouses			
Apartment Units	Blocks 87, 88	54	
Condo Townhouses	Blocks 87, 88	8	
(6.5 metres lots)			
Roads	-	-	3.18
Neighbourhood Park / Trail	Block 93, 94	-	1.24
Servicing Corridor	Blocks 95	-	0.02
Road Widening / Daylight	Block 96, 97	-	0.03
Triangle			
Total	-	412	14.85

# Table 3: Summary of Proposed Unit Mix

Dwelling Type	Number of Units	Unit Mix (%)
Single Detached (15 metre lots)	24	5.83%
Single Detached (12.50 metre lots)	32	7.77%
Conventional Freehold Townhouse (7.2 –	144	34.95%
8.0 metre lots)		
Condominium Townhouse (7.7 metre lots)	38	9.22%
Condominium Townhouse (6.5 metre lots)	40	9.71%
Back-To-Back Townhouses	16	3.88%
Stacked Back-To-Back Townhouses	64	15.53%
Apartment Units	54	13.11%
Total	412	100%

Unit Type	Total Units at Full Buildout	Persons Per Unit (PPU)*	Population
Single Detached Dwellings	56	2.929	164.02
Townhouse Dwellings	302	2.093	632.09
Apartment Dwellings	54	1.690	91.26
Total Population	-	-	887.37

# **Table 4: Summary of Projected Population**

\*Note: Numbers for PPU derived from May 30, 2022 Niagara Region Development Charge Background Study (Source: https://www.niagararegion.ca/business/property/pdf/2022-dc-background-study.pdf)

# Table 5: Residential Density Calculation

Tuble 5. Residential Density Calculation	
Total Units	412
Total Population	887.37
Total Site Area (hectares)	14.85
Residential Site Area (hectares)	13.61
(excluding Neighbourhood Park)	
Net Development Area (hectares)	10.38
(excluding Neighbourhood Park, Roads, Daylight	
Triangle, Service Corridor) (hectares)	
Gross Residential Density Calculation	59.76 people per hectare
(people per hectare) (Based on Total Site Area)	
Gross Residential Density Calculation	27.74 units per hectare
(units per hectare) (Based on Total Site Area)	
Gross Residential Density Calculation	30.27 units per hectare
(units per hectare) (Based on Residential Site Area)	
Net Residential Density Calculation	39.69 units per hectare
(units per hectare) (Based on Net Development Area)	

# **Table 6: Phasing of Development**

Unit Type	Phase 1	Phase 2	Total
Single Detached	56	-	56
Freehold Townhouse	144	-	144
Condominium	-	78	78
Townhouse			
Back To Back	-	16	16
Townhouses			

Stacked back-to-back	-	64	64
Townhouses			
Apartment	-	54	54
Proposed Access	VanWoudenberg Way,	South Grimsby Road 5	-
	Street F via S Grimsby		
	Road 5, and Street B		
	and Street E via future		
	collector road extension		
Anticipated Completion	2025	2026	2028
Date			

Ultimately, at full buildout, the development will yield a total of 412 new residential units and provide a gross residential density (based on residential site area) of 30.27 units per hectare and 59.76 people per hectare, as highlighted in **Table 4 and 5** respectively.

Vehicle access for the subdivision is proposed to be maintained by four roadway connections to the surrounding road network: the extension of Van Woudenberg Way west of Las Road; two proposed connections to a westward extension of a future collector road (Spring Creek Road); and, a connection to South Grimsby Road 5.

# 3.2 Proposed Official Plan Amendment

The proposed Official Plan Amendment seeks to amend the existing policies that apply to the Subject Lands to permit redevelopment of the site to a maximum height of 6 storeys for the proposed apartment building on Block 87, exclusive of mechanical penthouses. The current maximum permitted height set out in Section 6.11.5.2 (c) (vii) of the current Official Plan is 4 storeys. Section 6.11.5.2 (c) (viii) of the current Official Plan also notes; "*The Township may consider a maximum height of 5 storeys in the Medium Density Residential designation, on a site specific basis, provided the increased building height is compatible with the built form and physical character of the neighbourhood and complies with the Township's urban design guidelines"*.

The Official Plan Amendment does not require any mapping changes.

A copy of the proposed Official Plan Amendment is included in this report as **Appendix A**.

As demonstrated in the following sections of this report, the proposed Official Plan Amendment is appropriate for the Subject Lands and is required to allow for the optimization of underutilized lands and a redevelopment which conforms with and implements the Growth Plan, Provincial Policy Statement, and Regional Official Plan.

# 3.3 **Proposed Zoning By-law Amendment**

As previously mentioned, a Zoning By-law Amendment (1601-021-19) was approved on May 28, 2021 under By-law 2021-49. The Zoning By-law Amendment rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for residential and parkland purposes. Through By-law 2021-49, a number of residential uses are permitted on the Subject Lands including, single detached, townhouses and apartment units.

The Subject Lands are zoned Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation by Zoning By-law No. 2017-70 (Per By-law 2021-49). The proposed Zoning By-law Amendment will apply a number of zoning standards to the Subject Lands to account for the range and mix of dwelling types provided and will allow for flexibility to respond to shifts in market demand. **Table 7** below outlines the current Zoning and proposed Zoning By-law Amendments.

Zone	Current Zoning Policies (Per By-law 2021-49)	Proposed Amendment
R2	Permitted Uses:	Zoning By-law Amendment proposes to spilt the
(Blocks 1-56)	As per parent zone.	current R2 Zone into R2 and R3 Zone and add
(00003 1-20)		additional site specific policies
	Regulations:	R2-XXX Zone (Blocks 1-24)
	As per parent zone.	RZ-AAA ZOIIE (DIOCKS 1-24)
	- F - F	Permitted Uses:
		As per parent zone
		Notwithstanding Section 3.9.1, only the following shall apply:
		<ul> <li>On residential zoned lots a minimum of</li> </ul>
		30% of the front yard shall be landscaped open space
		Notwithstanding Section 3.9.2, only the following shall apply:
		• A 1.5m planting strip shall only be required adjacent to the street line.
		Notwithstanding Section 3.12.2, only the following shall apply:
		<ul> <li>Driveways on abutting internal units can be paired together</li> <li>Maximum driveway width of 70% of front yard, to a maximum of 6 m</li> </ul>
		R3-XXX Zone (Blocks 25-56)
		Permitted Uses:
		As per parent zone
		Notwithstanding Section 3.9.1, only the following shall apply:
		<ul> <li>On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space</li> </ul>
		Notwithstanding Section 3.9.2, only the following shall apply:
		• A 1.5m planting strip shall only be required adjacent to the street line.
		Notwithstanding Section 3.12.2, only the following shall apply:
		<ul> <li>Driveways on abutting internal units can be paired together</li> </ul>

 Table 7: Current Zoning and Proposed Zoning By-law Amendments

		<ul> <li>Maximum driveway width of 70% of front yard, to a maximum of 6 m</li> </ul>
RM2-201	Permitted Uses:	Permitted Uses:
(Blocks 57-85)	As per parent zone	As per parent zone
	Regulations:	Regulations:
	As per parent zone, except for interior unit where a maximum driveway width of 70% if the unit frontage and a minimum front yard landscape area of 30% is permitted. Driveways on abutting internal units can be paired together. Minimum Separation distance between townhouse exterior unit side wall: 2.4 metres	<ul> <li>As per the parent zone, except for the following:</li> <li>Minimum lot area per townhouse dwelling unit: 130 square metres</li> <li>Minimum lot frontage for townhouse dwellings: 24.0 metres</li> <li>Minimum setback to a daylight triangle: 2.0 metres</li> <li>Minimum separation distance between townhouse exterior unit side walls: 2.4 metres</li> <li>Notwithstanding Section 3.9.1, only the following shall apply: <ul> <li>On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space</li> </ul> </li> </ul>
		<ul> <li>Notwithstanding Section 3.9.2, only the following shall apply:</li> <li>A 1.5m planting strip shall only be required adjacent to the street line.</li> </ul>
		<ul> <li>Notwithstanding Section 3.12.2, only the following shall apply:</li> <li>Driveways on abutting internal units can be paired together</li> </ul>
		<ul> <li>Maximum driveway width of 70% of front yard, to a maximum of 6 m</li> </ul>
RM3-202 (Blocks 91-92)	Permitted Uses: As per parent zone, and in addition, back-to-back townhouses	Permitted Uses: As per parent zone, and in addition, back-to-back townhouses and stacked back-to-back townhouse.
	Regulations: As per parent zone, except: a minimum lot area of 265 sq. metres per dwelling unit to be applied to the entire block. Minimum Separation distance between townhouse exterior unit side wall: 2.4 metres	<ul> <li>Regulations:</li> <li>As per parent zone, except for the following: <ul> <li>a minimum lot area of 75 sq. metres per dwelling unit to be applied to back-to-back townhouses</li> <li>Minimum lot frontage for townhouse dwellings: 24.0 metres</li> <li>Minimum separation distance between townhouse exterior unit side walls: 2.4 metres</li> <li>Back-to-back and stacked back-to-back townhouses do not require balconies</li> </ul> </li> </ul>

		<ul> <li>Notwithstanding Section 3.9.1, only the following shall apply: <ul> <li>On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space</li> </ul> </li> <li>Notwithstanding Section 3.9.2, only the following shall apply: <ul> <li>A 1.5m planting strip shall only be required adjacent to the street line.</li> </ul> </li> </ul>
		<ul> <li>Notwithstanding Section 3.12.2, only the following shall apply:</li> <li>Driveways on abutting internal units can be paired together</li> <li>Maximum driveway width of 70% of front yard, to a maximum of 6 m</li> </ul>
RM3-203 (Blocks 86-90)	Permitted Uses: As per parent zone, and in addition, stacked townhouses Regulations: As per parent zone, except for stacked townhouses where a minimum unit area of 120 sq. metres per dwelling unit to be applied within the entire block. Minimum Separation distance between townhouse exterior unit side wall: 2.4 metres	<ul> <li>Permitted Uses:</li> <li>As per parent zone, and in addition, back-to-back townhouses, stacked back-to-back townhouse.</li> <li>Regulations:</li> <li>As per parent zone, except for the following: <ul> <li>Minimum lot area per apartment unit: 75 square metres</li> <li>Minimum lot area per <i>townhouse</i> unit: 120 square metres</li> <li>Minimum lot frontage for townhouse dwellings: 24.0 metres</li> <li>Maximum height of apartment building: 21.5 metres (exclusive of MPH)</li> <li>Minimum Exterior side yard: 1.2 metres</li> <li>Minimum separation distance between townhouse exterior unit side walls: 2.4 metres</li> </ul> </li> </ul>
		<ul> <li>Notwithstanding Section 3.9.1, only the following shall apply:</li> <li>On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space</li> <li>Notwithstanding Section 3.9.2, only the following shall apply:</li> <li>A 1.5m planting strip shall only be required adjacent to the street line.</li> </ul>

<ul> <li>Notwithstanding Section 3.12.2, only the following shall apply:</li> <li>Driveways on abutting internal units can be paired together</li> </ul>
<ul> <li>Maximum driveway width of 70% of front yard, to a maximum of 6 m</li> </ul>

These site specific exceptions have been incorporated into the Draft By-law to allow for a variety of product types and flexibility in development across the site in order to respond to market shifts while maintaining conformity with the intent of the Secondary Plan.

A request to amend the Zoning By-law is warranted and appropriate as demonstrated throughout this report. A copy of the proposed Draft Zoning By-law Amendment can be found attached to this report as **Appendix B**, while a further summary respecting the Zoning By-law is provided in **Section 4.7** of this report.

# 3.4 **Public Consultation Strategy**

The public consultation process for the proposed Official Plan Amendment and Zoning By-law Amendment will follow the *Planning Act* statutory requirements and the general practices undertaken by the Township as set out in the Region's Official Plan (Consultation, Engagement and Implementation) as well as the overarching goal set out in the Township's Official Plan ("To encourage the engagement of residents, community groups, and other stakeholders, including Aboriginal groups, in the planning process"). Throughout the duration of this process, commenting agencies, members of the public and stakeholders will be given the opportunity to provide written comment with respect to the application.

Once the application has been deemed complete, Township staff will circulate the application, including all technical reports and supporting studies, for comment to commenting agencies and will provide notice of complete application in accordance with the Planning Act. A development application notice sign will be posted on the Subject Lands and updated throughout the process, as needed, to identify important dates (e.g. statutory meeting, recommendation meeting). We understand all application materials will be publicly available for viewing at the Township's

Planning counter and our contact information, as well as the Township staff contact information, will be available. Additionally, we understand news updates will be posted on the Township's website to identify visitors to the website of upcoming meetings.

A public information meeting under the Planning Act will be held in accordance with the regulations set out therein. At this meeting, staff will provide the Committee with a report summarizing all comments and feedback received from the public, agencies and stakeholders.

Additionally, members of the public will be provided with an opportunity to make oral comments at this meeting. We will be available to meet with the area residents and stakeholders, as needed, prior to the public information meeting.

The consultation strategy described herein will ensure that members of the public are given an opportunity to review, understand and meaningfully comment on the proposal.

# 4.0 POLICY CONTEXT OVERVIEW AND ANALYSIS

The following section of the Planning Justification Report provides a review and assessment of the land use policy and regulatory framework related to the Subject Lands and the proposed development. Each subsection describes the applicable policies and regulations and identifies how the proposed development as well as the proposed changes to the City's current Official Plan and Zoning By-law are consistent, conform to and implement Provincial and Regional policy. The following sections summarize the relevant policies and how they are addressed through the proposed development.

# 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (the "PPS"), issued under Section 3 of the Planning Act, is the guiding policy document that directs the use and development of land in Ontario. The PPS provides policy direction on matters of provincial interest related to land use planning and development, encouraging appropriate development that is compact and transit-supportive while protecting resources, public health and safety, and the quality of the natural and built environment. The most recent Statement came into effect on May 1, 2020, and applies to planning decisions made on or after the effective date.

The PPS strongly encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Land use planning decisions, including those made on applications for Official Plan Amendments and Zoning By-law Amendments, must be consistent with the PPS. In assessing the redevelopment proposal and the proposed amendments for the Subject Lands, this report further identifies how the proposal advances and implements the policies of the PPS beyond the current Township of West Lincoln Official Plan policies.

In assessing the development proposal and the proposed amendments for the Subject Lands, this report further identifies how the proposal advances and implements the policies of the PPS, beyond the current Township of West Lincoln Official Plan policies. An analysis of the policies contained in the 2020 PPS, and how the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with these policies is provided below.

#### Section 1.0 Building Strong Healthy Communities

Within Section 1.0 Building Strong and Healthy Communities, Policy 1.1, Subsection 1.1.1, describes how healthy, livable and safe communities are sustained. The following is a review of the relevant policies and how the proposed amendments address them.

#### Policy

a) promoting efficient development and land The Subject Lands are located within a well-being of the Province municipalities over the long term;

#### Evaluation

use patterns which sustain the financial Settlement Area, as defined by the PPS, and and are optimally situated for development given their immediate proximity within the built boundary of Smithville. The proposed development represents an efficient use of land and resources in the area and the optimization of development of а greenfield parcel, and will be developed on full municipal services.

residential (including types detached, additional residential units, multi-unit housing, affordable housing and (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

b) accommodating an appropriate affordable The proposed development envisions a and market-based range and mix of mix of housing types and densities single- including 56 single detached dwellings, 302 townhouse dwellings, and 54 apartment dwellings, which will provide housing for older persons), employment for an overall projected gross residential density of 30.27 units per hectare.

c) avoiding development and land use The Subject Lands are located in an area or public health and safety concerns;

patterns which may cause environmental of Smithville designated for growth and development, and not located in proximity to an- area where there are e) promoting the integration of land use A Public Transit system is not currently planning, growth management, transitsupportive development, intensification cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

f) Improving accessibility for persons with The disabilities and older persons by identifying, which restrict their full participation in required accessibility standards. society;

g) Ensuring that necessary infrastructure and The proposed development represents needs; and

*h)* Preparing for the regional and local impacts **The** of a changing climate.

environmental, public health, or safety concerns. The proposed redevelopment will introduce new residential units in an well-served by surrounding area commercial-retail, institutional, recreation, and parks and open space uses.

available for Smithville although, the proposed redevelopment will provide for and infrastructure planning to achieve transit-supportive residential density within the built boundary when one become available. The proposed development optimizes land through an integrated and compact residential community of varying dwelling types that minimizes land consumption and accessibility to enhances existing adjacent residential, recreational and commercial land uses.

proposed buildings will be constructed in accordance with the preventing and removing land use barriers Ontario Building Code, AODA and all

public service facilities are or will be an efficient use of land and resources in available to meet current or projected the area and the optimization of development of a greenfield parcel, and will be developed on full municipal services.

> redevelopment proposed will facilitate the compact redevelopment of the Subject Lands, improving residential density in the area.

Additional policies in **Section 1.1** include:

- 1.1.3.1 Settlement areas shall be the focus of The Subject Lands are located within a arowth and development Settlement Area and therefore the proposed redevelopment will provide for intensification of а currently underutilized site within a Settlement Area as supported by this policy objective.
- a mix of land uses which:
  - a) efficiently use land and resources;
  - *b)* are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - d) prepare for the impacts of a changing climate;
  - e) support active transportation;
  - f) are transit-supportive, where transit is planned, exists or may be developed; and
  - g) are freight-supportive.
- "1.1.3.4 Appropriate development standards The proposed development optimizes intensification, redevelopment and residential community safety."

should be promoted which facilitate land through an integrated and compact of varying compact form, while avoiding or dwelling types that minimizes land mitigating risks to public health and consumption and enhances accessibility to existina adjacent residential, recreational and commercial land uses. The proposed development provides for single detached, townhouse, back-toback townhouse, stacked back-to-back townhouse and apartment dwelling

1.1.3.2 Land use patterns within settlement The proposed redevelopment will reflect areas shall be based on densities and a density that will provide for the efficient use of land and resources and facilitates residential intensification that makes efficient use of existing water, wastewater, and stormwater infrastructure. The proposed compact built form also serves to minimize impacts to climate change and promote energy efficiency by providing additional density in proximity to a number of community services.

redevelopment of the Subject Lands that will not result in public health and safety issues. The proposed compact built form and site layout are intended to facilitate active transportation use, which will improve public health, reduce emissions, and lead to a healthier lifestyle for future residents.

units, which represent an efficient

"1.1.3.6New development taking place in The proposed redevelopment is located designated growth areas should occur adjacent to recently public service facilities."

development adjacent to the existing built-up area residential subdivision and provides for a and should have a compact form, mix compact form and mix of densities of uses and densities that allow for the consistent with the direction of the efficient use of land, infrastructure and **Provincial Policy Statement, as well as** the growth policies of the Township of West Lincoln Official Plan and Northwest Quadrant Secondary Plan.

### Section 1.4 – Housing

- area by:
  - a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans.
  - b) Permitting and facilitating:
    - i. All housing options required to meet the social, health and wellbeing required of current and future residents, including special needs requirements and needs arising from demographic

"1.4.3 Planning authorities shall provide for The proposed development represents a an appropriate range and mix of form of residential intensification in an housing types and densities to meet area where appropriate levels of projected requirements of current and infrastructure and public services exist. future residents of the regional market It will efficiently utilize land and infrastructure by providing 412 residential units in a compact urban built form on a site which currently vacant. The proposed development provides a mix of housing types (single detached, townhouse, back-to-back townhouse, stacked back-to-back townhouse and apartment dwellings), in order to ensure housing needs are met for a wide variety of occupants, including families. The development will also assist in supporting the use of active transportation due to the proximity to trails, parks, and walking paths. The
changes and employment opportunities; and

- *ii.* All types of residential intensification, including additional residential units and redevelopment in accordance with policy 1.1.3.3;
- *c) directing the development of new* housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- *e)* requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
- establishing development standards f) for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

development has been designed to integrate with the surrounding community and will contribute to a mix of housing types in the neighbourhood to meet current and future needs of residents and achieve a complete community.

#### Section 1.5 – Public Spaces, Recreation, Parks, Trails, and Open Space

- 1.5.1 promoted by:
  - a) *planning public streets, spaces* and facilities to be safe, meet the needs of pedestrians, foster

Healthy, active communities should be **The proposed redevelopment with** provided for a 1.24 ha public park and a public trail that runs along the adjacent rail line as promoted by the PPS.

social interaction and facilitate active transportation and community connectivity;

- b) *planning and providing for a full* range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and,
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

#### Section 1.6 – Infrastructure and Public Service Facilities

- public service facilities:
  - a) the use of existing *infrastructure and public service* facilities should be optimized; and,
  - b) opportunities for adaptive reuse should be considered, wherever feasible.

1.6.3 Before consideration is given to The Subject Lands are adequately developing new infrastructure and serviced by adjacent public services facilities and existing and planned municipal infrastructure including water and sewage that can accommodate the level of growth envisioned by the development proposal.

- 1.6.6.1 Planning for sewage and water The services shall:
  - a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
    - 1. municipal sewage services and municipal water services; and,

development proposed will introduce a level of intensity that is promoted and encouraged by the **Provincial Policy Statement and will be** fully serviced by municipal services. Stormwater management is an integral component of the development concept and the proposed storm pond is intended to be amalgamated with the existing Hornack Road (Station Meadows

- 2. private communal sewage services and private communal water services, where municipal water services are not available or feasible:
- b) ensure that these systems can be provided in a manner that:
  - 1. can be sustained by the water resources upon which services rely;
  - 2. prepares for the impacts of a changing climate;
  - 3. is feasible and financially viable over their lifecycle; and,
  - 4. protects human health and safety, and the natural environment:
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process."
- 1.6.6.2 Municipal sewage services municipal water services are the serviced safety. Within settlement areas with Hornack municipal water be promoted wherever feasible to runoff. optimize the use of the services.

Subdivision) storm pond adjacent to the Subject Lands which is capable of accommodating anticipated stormwater runoff.

and The proposed development will be fully bv municipal services. preferred form of servicing for Stormwater management is an integral settlement areas to support protection component of the development concept of the environment and minimize and the proposed storm pond is intended potential risks to human health and to be amalgamated with the existing Road (Station Meadows existing municipal sewage services and Subdivision) storm pond adjacent to the services, Subject Lands which is capable of intensification and redevelopment shall accommodating anticipated stormwater

1.6.7.2 Efficient use should be made of The proposed development offers existing and planned infrastructure, enhanced connectivity to the existing including through the use of residential community immediately to the east of the Subject Lands and to the strategies, where feasible.

1.6.7.4 A land use pattern, density and mix of access points via Van Woudenberg Way, transit and active transportation."

transportation demand management rest of Smithville. The proposed street enhances connectivity network to surrounding developments by providing uses should be promoted that minimize South Grimsby Road 5 and the planned the length and number of vehicle trips extension of a future collector road. The and support current and future use of planned multi-use trail adjacent to the existing corridor rail enhances pedestrian and cycling networks and opportunities active provides for transportation to nearby amenities and services.

#### Section 4.0 – Implementation and Interpretation

4.6 Provincial Policy official plans."

The official plan is the most important The proposed development optimizes vehicle for implementation of this the Subject Lands and represents an Statement. efficient use of land through the Comprehensive, integrated and long- provision of an appropriate level of term planning is best achieved through development and residential density on greenfield lands within an identified Settlement Area and adjacent to existing residential developments and the delineated built boundary. The introduction of 56 single detached dwellings, 302 townhouse dwellings, and 54 apartment units, of either freehold or condominium tenure, contributes to supporting a 25-year housing supply and supports Provincial policies promoting a range and mix of housing types.

> The proposed development will provide a gross residential density of 59.76 people per hectare and 30.27 units per gross hectare (based on Residential Site Area) which will contribute to the achievement of the Township's density targets as well as the Regional density target of 50 units per gross hectare across all designated greenfield areas.

The proposed Official Plan and Zoning **Bv-law** Amendment will allow refinements to the development, aligns development standards with those in the Official Plan and Secondary Plan to permit development as contemplated in these documents. The proposed Zoning Amendment will incorporate site specific refinements facilitate to the development of the subject lands for a range of low density residential and medium density residential uses and is aligned with Provincial, Regional and the Township's growth objectives for **Greenfield Areas.** 

#### Summary/Conformity Statement

For the reasons outlined above, it can be concluded that the proposed development and related Official Plan and Zoning By-law Amendments are consistent with the policies of the Provincial Policy Statement, 2020.

### 4.2 Provincial Policy Statement (2023 – Draft)

On April 6, 2023, the Province of Ontario released proposed revisions to the PPS. While these policies are not in effect, it is important to consider emerging Provincial policy in relation to the proposed redevelopment. This proposed Provincial Planning Statement takes policies from both A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, 2020 to support the achievement of housing objectives across Ontario.

The Provincial Policy Statement, 2020 is issued under the Planning Act and is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow is a growth plan issued under the Places to Grow Act, 2005. The Province is now seeking input on a proposed Provincial Planning Statement that would replace the existing Provincial Policy Statement and A Place to Grow.

Should the government adopt the proposed Provincial Planning Statement, the government would consequentially revoke the Provincial Policy Statement, 2020 and A Place to Grow, as well as amend regulations (O. Reg. 416/05 and O. Reg. 311/06) under the Places to Grow Act, 2005

The Province has combined the elements of A Place to Grow and the PPS into a new land use policy document that the Province is proposing for public feedback. Through this proposed new Provincial Planning Statement, the government is proposing policies grouped under five pillars:

- Generate an appropriate housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

The following section provides a summary of how the proposed redevelopment is in alignment with the emerging housing supply and mix policies of the proposed draft PPS.

**Section 2.0** of the proposed Draft PPS sets out Provincial direction for the management and direction of land uses in order to build strong and competitive communities. Similar to the current PPS, **Section 2.1** direction to ensure there is adequate housing supply to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 25 years and at all time, times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development is to be provided. **Section 2.2** provides direction for planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents by permitting all types of residential intensification which will result in a net increase in residential units. **Section 2.3** provides direction and maintains settlement area shall be the focus of growth and development and general intensification with supports the achievement of complete communities should be supported.

With respect to the proposed redevelopment and associated Official Plan Amendment Zoning By-law Amendment, the proposal is well positioned to provide for consistency with the Province's emerging policy framework, though not yet in-force. The development of the Subject Lands, as described throughout this report, will provide for increased residential density to assist the Township and Region in the provision of sufficient housing supply within the timeframes set out in the draft document. Finally, the proposed development will provide a variety of residential dwelling types to respond to market-based needs and provide options for a diverse workforce.

#### Summary/Conformity Statement

For the reasons outlined above, the proposed development and related Zoning By-law and Official Plan Amendment is in alignment with the proposed policy changes to the Provincial Policy Statement contained within the Proposed Draft New PPS (April 2023).

### 4.3 A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") establishes a long-term framework for growth and development in the Greater Golden Horseshoe ('GGH') region, which encourages the efficient use of land through the development of complete communities that are compact, transit supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051.

The Growth Plan builds upon the policy foundations of the PPS and previous plans, as well as responds to key challenges in the GGH region by providing enhanced policy directions designed to achieve complete communities that are compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities, while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation. Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management.

The Growth Plan provides policies for where and how to grow, stating that population and employment growth is to be directed to urban areas and rural settlement areas. Within these areas, the Growth Plan distinguishes between two different areas of growth: the Built-Up Area, where growth is to be directed and accommodated through intensification; and, Designated Greenfield Areas, which are generally undeveloped, vacant land, where growth and development should achieve a compact urban form. **The Subject Lands are considered a Greenfield Area, in accordance with the Growth Plan.** 

**Section 1.2.1** sets out a vision for the development of the Greater Golden Horseshoe. That vision is grounded in several principles that provide the basis for guiding decisions on how land is developed, resources are managed, and public dollars invested, including:

- Support the achievement of complete communities;
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

The proposal satisfies this vision for growth in the Greater Golden Horseshoe by contributing to compact, vibrant and complete communities. In addition, the proposal optimizes the use of existing water, wastewater and stormwater infrastructure to support growth in a compact and efficient form. The proposal will also provide for a mix of housing options.

#### Section 2.2 Policies for Where and How to Grow

**Section 2.2.1** of the Growth Plan provides direction on where and how growth is to occur and be managed. In accordance with **Policy 2.2.1.2 a**), the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities. The policies of the Growth Plan support the achievement of complete communities that feature a diverse mix of land uses; improve social equity and overall quality of life; provide a diverse range and mix of housing options; expand convenient access to transportation options, public service facilities, supply of safe, publically accessible open spaces, parks, trails, recreational facilities; and healthy, local and affordable food options (**Policy 2.2.1.4**).

The Subject Lands are located within a settlement area, as defined by the PPS and the Growth Plan, and the proposed development represents an appropriate level of growth that efficiently uses land and resources given its close proximity to existing development within Smithville. The proposal contributes to the development of complete communities by providing a mix of housing units and options and expanding access to transportation options via pedestrian connections and multi-use paths that promote active transportation. The proposed development will situate future residents within walking distance to a range of services, public service facilities, parks and food options that can meet residents' daily and long-term needs, as identified in Table 1 of this report.

#### Section 2.2.6 Housing

Policies respecting housing are contained within **Section 2.2.6** of the Growth Plan, including the requirement of a municipality to develop a housing strategy. **Policy 2.2.6.2** states that municipalities will support the achievement of complete communities by planning to accommodate forecasted growth; planning to achieve the minimum intensification and density targets; considering the range and mix of housing options and densities of the existing housing stock; and planning to diversity their overall housing stock access the municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

The proposed development will allow for a range of uses on the Subject Lands, all of which are currently permitted on the various blocks in accordance with the Secondary Plan, while achieving the minimum density target. The Amendments requested aim to provide greater flexibility to respond to shifts in market-based housing demands.

#### Section 2.2.7 Designated Greenfield Area

As noted above, the Subject Lands are located within a Designated Greenfield Area and, accordingly, the policies of the Growth Plan respecting development within Designated Greenfield Areas apply. These policies are set out in Section 2.2.7 of the Plan and direct that new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities; supports active transportation; and encourages the integration and sustained viability of transit services (**Policy 2.2.7.1**).

A minimum target for development across all Designated Greenfield Areas within a municipality is also provided in this section. In accordance with the policies contained therein, for municipalities the minimum density target applicable to the designated greenfield area of the Region of Niagara is not less than 50 residents and jobs combined per hectare, measured over the entire designated greenfield area, excluding natural heritage features and areas; natural heritage systems and floodplains, provided development is prohibited in these areas; rights-of-way for electricity transmission lines, energy transmission pipelines, freeways, and railways; employment areas; and, cemeteries (**Policy 2.2.7.2 a**) and **Policy 2.2.7.3 a**)-d)). With respect to this target, **Policy 5.2.5.1** of the Growth plan states that the density and intensification targets of the Plan are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan.

The policies of the Growth Plan place an emphasis on ensuring a compact built form is achieved in order to provide a level of development which optimizes existing and proposed infrastructure to support the achievement of complete communities and density targets. They also encourage municipalities to go beyond the minimum target, where appropriate.

The requested Official Plan and Zoning By-law Amendments are required to provide for the range and types of residential and open space uses permitted on the Subject Lands in accordance with the Secondary Plan and will introduce minor site specific changes to these zone standards in order to provide flexibility for certain blocks to develop with different product types than contemplated currently to respond to any potential changes in market demand. The proposed development supports the achievement of complete communities by incorporating a mix of housing types within close proximity to adjacent community services. Further, the neighbourhood park proposed will provide additional open space for existing residents of the Station Meadows Subdivision as well as for future residents of Station Meadows West. Additionally, the proposed multi-use path will provide an additional active transportation linkage to service existing and future residents. The proposed development will provide development at an appropriate scale given the local context and will result in a gross residential density of 59.76 people per hectare which conforms to the above-noted density policies set out in the Growth Plan and will assist the Region in achieving the residential target for Designated Greenfield Areas.

#### Section 3 Infrastructure to Support Growth

**Section 3** of the Growth Plan deals with planning for infrastructure for transportation, water and wastewater services and stormwater management. These policies direct the Province and municipalities to undertake an integrated and coordinated approach to land use planning, infrastructure investments and environmental objectives to achieve the outcomes of the Plan. These policies encourage more compact built form and higher density development. With respect to transportation, the Growth Plan emphasizes the importance of offering transportation options and multimodal access to jobs, housing schools, and goods and services (**Policy 3.2.2.2 a) to f**).

The proposed development will assist the Township in achieving the intent of the infrastructure and transportation policies of the Growth Plan by providing for a more compact built form that is within close proximity to a variety of amenities including community centres, churches, schools and employment opportunities. The level of development contemplated will support the economic vitality of the area and community infrastructure services, resulting in a more efficient and cost-effective use of existing public resources.

#### Summary/Conformity Statement

The 2020 Growth Plan guides development to achieve positive outcomes for the Region and Township with respect to the economy, environment, and quality of life. It focuses on ensuring growth and development is directed to appropriate areas with an emphasis on areas within Settlement Areas with existing and planned infrastructure. The analysis above demonstrates how the proposed development conforms to the Growth Plan, 2020 by allowing for an appropriate level of development, including assisting in the achievement of the minimum targets set out in the Plan, providing development that utilizes existing municipal services and promotes active transportation, contributing complete communities. The development proposes a range of housing opportunities which are well-connected to existing community services, parks and local businesses. As such, it can be concluded

that the development proposal and corresponding Official Plan and Zoning By-law Amendments provide conformity with and serve to implement the applicable policies of the Growth Plan, 2020.

## 4.4 Niagara Region Official Plan (2022)

The Niagara Region Official Plan (the "ROP") applies across the entirety of Niagara Region which is comprised of 12 local municipalities including the Township of West Lincoln. The ROP provides Regional Council with a long-term framework for decision making with respect to land use planning and development. It contains objectives, policies and mapping that provide for managing growth, growing the economy, protecting the natural environment, resources and agricultural land and providing infrastructure.

The Subject Lands are located within the Urban Boundary of Smithville and are identified as a Designated Greenfield Area in accordance with Schedule B, Regional Structure (**Figure 6**). The Subject Lands are easily accessed via Highway 20 (West Street) and Highway 14 (Station Street) which are identified as Regional Roads (**Figure 7**). A portion of Highway 20 located within the boundary of Smithville and Highway 14 are further identified as a forming part of the Regional Strategic Cycling Network in accordance with Schedule J2, Strategic Cycling Network (**Figure 8**).

#### Growth Management

**Section 2** of the ROP contains growth management policies that are intended to ensure that development throughout the Region occurs in the appropriate places. In this regard, the policies within **Section 2** provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation. ROP encourages development within existing settlement areas in a manner that promotes an efficient use of existing services. Further, the ROP promotes mixed and integrated land uses; making efficient use of land, resources and infrastructure; promoting compact, transit supportive development friendly to active transportation; supporting intensification; building better greenfield neighbourhoods; fostering development that conserves natural resources and maintains or enhances natural systems; integrating cultural programs and facilities in Urban Areas; and making prudent fiscal decisions. The objective of this section of the ROP is to coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.

The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Regional Growth Forecasts policies are set out in **Section 2.1** of the ROP and

provides Population, Household and Employment forecasts, which are to be used as the basis for planning and growth management. **Table 2-1** in this plan furcates the Township of West Lincoln to expect a minimum population growth of 38,370 people. As identified in **Section 2.1.1.4**, the Municipalities are required to plan to accommodate the forecasted growth and direct development predominantly to settlement areas.

**Sections 2.2.2.23 to Section 2.2.2.25** of the ROP provides policy direction with respect to intensification and Greenfield growth. Designated Greenfield Areas shall achieve minimum density of 50 residents and jobs combined per hectare. Municipalities are required to achieve this density target and are encouraged to exceed this minimum. In accordance with **Section 2.2.2.25** Designated Greenfield Development will be planned a complete communities by ensuring that development is sequential, orderly and contiguous with existing built-up areas; ensuring infrastructure capacity is available; and supporting active transportation and encouraging the integration and sustained viability of public transit service.

The Subject Lands are located within a Designated Greenfield Area immediately adjacent to existing residential communities within the built boundary of Smithville. The proposal provides for orderly development that efficiently uses land and resources, including existing municipal water and sewage infrastructure, which has already been previously justified through the land swap/ exchange process. A phased approach is being taken to the development, to ensure units are brought forward in an orderly manner. Ultimately, at full build out, the proposal will accommodate the anticipated forecast growth and provide for a gross residential density of 59.76 people per hectare, thereby meeting the Greenfield Density policies set out in the ROP which set a minimum density and encourage local municipalities to exceed the target where appropriate.

The development proposal incorporates a mix of housing types including single detached, townhouse and apartment dwelling units that are in close proximity with local stores and open spaces and multimodal trails that encourage active transportation and reduce automobile dependency. The proposed street network provides several access points to surrounding areas and enhances pedestrian connectivity through the provision of pedestrian linkages by way of a multi-use path as well as internal sidewalks. Ultimately, the level of development proposed supports achieving a complete community aligned with the growth targets for the Township of West Lincoln and Niagara Region as a whole.

#### Housing

**Section 2.3** of the ROP speaks to housing with that the provision of adequate supply of housing is key to good quality of life. As noted if Section 2.3, housing need change through our lifetimes. A divers housing stock with a range of tenures, sizes types, and supports should be made available

to meet the needs of our communities. The development of a range and mix of densities, lot and unit sizes and housing types, including affordable and attainable housing, will be planner throughout settlement areas to meet housing needs at all stages of life (**Section 2.3.1.1**). As per **Section 2.3.1.5**, new residential development should incorporate universal design standards to meet housing needs at all stages of life.

The proposed development conforms to the housing policies of the ROP and provide for a mix of single detached, townhouse dwellings of both freehold and condominium tenure and apartment dwelling units. The requested Official Plan and Zoning By-law Amendments generally applies the existing Low Density Residential and Medium Density Residential zone provisions to the development, with the exception of minor changes to address site specific issues; however, the general intent is maintained, including garage setbacks.

#### <u>Urban Design</u>

Section 6.2 of the ROP provides high level policy direction with respect to Urban Design and the Public Realm. In accordance with the policies contained therein, the Region shall promote:

- The creation of liveable and vibrant urban areas and streets;
- Community design that:
  - offers a range of transportation options, including public transit and active transportation;
  - respects the complete streets approach by creating safe and attractive interconnected streets; and
  - o encourages a mix of land uses, a vibrant public realm and compact built form;
- A context-specific design approach for areas surrounding strategic institutions, such as post-secondary institutions and hospitals, as well as public service facilities to ensure compatibility and connection;
- Well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;
- The integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place;
- The clustering of community facilities, services, and spaces to facilitate access to all modes of transportation and to promote community identity and civic pride; and
- The creation of public spaces near public transit stations and bus stops that enrich the urban design experience within areas strategically identified for intensification, including strategic growth areas, and local growth centres and corridors.

While the proposal is not yet at the detailed design (e.g. site plan) stage, the proposed concept plan demonstrates achievement with the urban design policies set out in the ROP as follows:

- A multi-use path, sidewalks and a neighbourhood park are provided within the development in order to enhance quality of life for residents;
- Private rear yard spaces are provided for the enjoyment of residents and designed in a way to contribute to the overall development in a positive manner;
- As identified on Figure 3 and Table 1 of this report, the Subject Lands are serviced by an number of amenities in the area including schools, churches, community centre and parks;
- Building heights are generally proposed in accordance with the established height parameters set out in the Secondary Plan and the Zoning By-law. A minor height increase is requested to allow for the opportunity to provide a greater apartment component to the proposed development and in turn, provide greater variety of housing options; and,
- The provision of the neighbourhood park will allow for social interaction at the neighbourhood level and provide a gathering space for residents.
- The proposed street network provides several access points to surrounding areas and enhances pedestrian connectivity through the provision of pedestrian linkages by way of a multi-use path as well as internal sidewalks.

#### Summary/Conformity Statement

The proposed development meets the applicable goals, objectives and policies of the Niagara Region Official Plan and represents a development opportunity that supports sustainable, cost-effective, growth. The development will provide a density and built form consistent and compatible with the surrounding area and give residents additional housing choice by providing a mix single detached, townhouse units of both freehold and condominium tenure and apartment dwelling units. As demonstrated throughout this report, the development proposal will provide for an overall gross density of 59.76 people per hectare, which aligns with the greenfield density target set out by the Region and, in fact, exceeds this minimum at an appropriate level given the surrounding development context of the area. The proposed development and associated Official Plan and Zoning By-law Amendments will contribute to the achievement of Regional objectives for Urban Areas, Designated Greenfield Areas, housing, transportation and healthy communities and is in conformity with the applicable policies of the Region of Niagara Official Plan.

# 4.5 Township of West Lincoln Official Plan (Consolidated July 2021)

The Official Plan of the Township of West Lincoln (TWLOP) applies to lands within the Township of West Lincoln. The TWLOP was established on January 1, 1970 and has undergone several amendments since this time to update policies in response to Provincial and Regional conformity requirements. The most recent OP Conformity exercise included Official Plan Amendments 15, 21, 37 and 38 (OPA 15, OPA 21, OPA 37 and OPA 38) which brought the TWLOP into conformity with the 2014 Provincial Policy Statement; 2006 Growth Plan; The Niagara Region Official Plan 2031 Growth Framework (RPPA 2-2009); and, provided for the addition of the Northwest Quadrant lands to the Urban Area Boundary of Smithville through the Land Swap/ Exchange process. These Amendments were approved by Regional Council in June 2014 and came into full force and effect on June 30, 2015.

In addition to the Provincial Conformity exercises, additional amendments have been made to the Official Plan since 2015 and have been incorporated into the Official Plan through a consolidation exercise. The most recent consolidation of the OP was prepared in July 2021 and was used for this report.

The TWLOP provides detailed development and land use policies for the Township, directing and guiding development to areas that best contribute to the long-term social, economic and environmental stability of the Township. It includes a series of goals, objectives and policies established to manage and growth within the Township's urban areas while maintaining and protecting and promoting the viability of the Township's rural and agricultural areas to the 2030 planning horizon.

The TWLOP sets out the land use designations and policies that apply to the Subject Lands. In accordance with the TWLOP, the Subject Lands are designated as follows:

- Smithville Urban Area Boundary- Schedule 'A' Municipal Structure (Figure 9);
- Northwest Quadrant Secondary Plan- Schedule 'B-4' Land Use Smithville (Figure 10);
- Greenfield Area- Schedule 'B-5' Urban Structure Smithville (Figure 11); and,
- Collector Road Schedule 'F' Infrastructure and Transportation (**Figure 12**)

The following is a summary of the TWLOP policies relevant to the proposed development and an analysis of how the proposal meets the Township's planning objectives of the Official Plan. A summary of how the proposed development meets the policies and objectives of the Secondary Plan for the Northwest Quadrant (Section 6.11.5 of the TWLOP) is provided separately and can be found at **Section 4.6** of this report.

#### General Land Use

**Section 3.4** of the TWLOP provides a summary of the variety of land uses within the Township. Based on the land use schedules, the Subject Lands are considered to fall within the 'Residential' land use category. The planned function of this category is described in **Section 3.4 (b)** as consisting of a range of housing types, with single-detached dwellings as the predominant built form in both the hamlets and Urban Area of Smithville. New development and infill development is to be promoted in Smithville, while the Hamlet Areas are not a focus of growth. **The proposed development will introduce a range and mix of housing types within the Urban Area of Smithville and contribute to the new development anticipated therein.** 

#### Healthy Communities

Section 3.5 of the TWLOP provides objectives and policy direction intended to ensure communities are designed in a way that positively impacts the quality of life of residents within the Township.

Objectives for healthy communities are contained within Section 3.5.1, the following of which apply to the Subject Lands:

- a) Ensure land use designations and zoning by-laws have a positive impact on health and protect the environment;
- d) Design roads and transportation networks that support all users;
- e) Improve road safety by reducing automobile dependency, while creating a safe environment for both pedestrians and cyclists;
- f) Ensure a built environment that supports safe active transportation as a priority travel option;
- g) Provide greenspaces, places to play and gather, and recreational facilities and opportunities for all;
- i) Create complete neighbourhoods that include mixed densities and affordable housing options for people of all ages and socioeconomic status; and,
- j) Provide public spaces, parks and greenspace where residents can meet, connect and congregate for social interaction.

The proposal achieves these objectives as follows:

• The intended principle land use for the Subject Lands has been determined through the secondary plan process and previously approved Zoning By-law Amendment (2021 under By-law 2021-49) and overall development consistent with this vision. The provision of a compact development that wisely uses resources and provides public open space and pedestrian connections will contribute to the overall health of future residents;

- The proposed internal road network allows for connections to the existing road network as well as future areas of development under separate ownership. Additionally, sidewalks are provided in order to support pedestrian use.
- Trail linkages and pedestrian connections to existing developments and areas of interest are provided throughout the development to support active transportation and reduced automobile dependency, where possible;
- A mixture of unit types and sizes are included as part of the development proposal to provide a variety of options for people of all ages and socioeconomic status; and,
- A neighbourhood park is provided as part of the development.

Policies for Healthy Communities are contained within **Section 3.5.2** of the Official Plan. In particular, these policies promote development patterns that achieve a compact urban form that incorporate a mix of land uses that promote and maximize active transportation (**Policies 3.5.2 b**) **and e**)). Land use and development is to be planned using a complete streets approach that considers the needs of all users, is accessible, connected to the street system and linked to various uses in the community, providing traffic calming and control measures, as appropriate, to ensure the protection of pedestrians and cyclists (**Policies 3.5.2 f) g**), **h**) **and i**)).

The proposal meets these objectives though the provision of a compact development that provides a density that is appropriate for the surrounding context while meeting provincial objectives for greenfield development. Further, the development includes a street system that provides connections to existing and future residential development on both the east and west sides of the site through road extensions and alignments, as well as connections to the broader transportation network via a future collector road (Spring Creek Road) and South Grimsby Road 5.

#### **Sustainability**

Achieving sustainable development is identified as having utmost importance in providing positive impacts on the natural environment, economy and social wellbeing of current and future residents of the Township. In this regard, the Township has adopted a 'four pillars' model of sustainable development which are to be considered when making decisions. The objectives for sustainability are set out in **Section 3.6.3** of the TWLOP, the following of which are applicable to the proposed development:

- h) Ensure the development of the Urban Area of Smithville as a complete community;
- k) Promote and encourage alternative forms of transportation such as bicycling and walking; and,
- I) Promote trails and corridors linkages across the Township.

The proposal achieves these objectives as follows:

• The proposed development provides ample connections to the built up area though pedestrian trails and linkages; and,

• A variety of unit types are provided throughout the development, in addition to a neighbourhood park helps to achieve a complete community.

With respect to policies for sustainability, the TWLOP notes that a comprehensive policy set will be developed in the future **(Policy 3.6.4 a))**.

#### Growth Management

**Section 5** of the TWLOP details the Township's Growth Management Strategy for urban growth. In accordance with the preamble of this section, Smithville and the Hamlet areas are intended for existing and/or future development and agriculture will remain the predominant use outside of these identified settlement areas. With respect to growth and development, the TWLOP aims to accommodate the majority of residential growth within Smithville in well planned residential areas with sufficient types of housing forms to accommodate the anticipated growth to the 2031 planning horizon.

Objectives for managing growth are contained in **Section 5.2**, the following of which are applicable to the proposed development:

- b) To develop as a complete, balanced community with a diverse mix of land uses, where residents have the opportunity to live, work and play in their community;
- c) To ensure an orderly and logical progression of urban development, and an efficient use of land, infrastructure and services; and,
- g) To direct the majority of the population growth to the Smithville Urban Area and a limited amount to the Hamlet Settlement Areas.

The proposal achieves these objectives as follows:

- The proposed development is identified as appropriate for both low density residential and medium density residential uses, in accordance with the Official Plan and Secondary Plan. In this regard, single detached dwellings, freehold townhouses and condominium townhouses, and apartment dwellings are provided. In addition, a neighbourhood park is included as part of the development, which allows for social interaction and recreational activities within the development itself. Additionally, the multi-use trail allows for further connections to additional areas of activity (e.g. larger recreational sites, community areas);
- The development proposal optimizes the use of the Subject Lands through the provision of 412 residential units that are able to efficiently use land, through the compact development, and infrastructure, through the utilization of the existing stormwater management facility located within the adjacent Station Meadows subdivision;
- A phasing strategy for the development has been prepared in order to ensure logical and orderly progression of development within the site; and,

#### The Subject Lands are located within an area identified as appropriate for population growth, being a Designated Greenfield Area located within the Urban Area of Smithville.

In terms of population growth, Policy 5.3 a) and b) provide population forecasts for the Township, identifying that a population of 16,990 people is to be achieved by the year 2031. In order to achieve this target, **Policy 5.3 d)** states that the Township shall forecast for an average gross density of fifty jobs and person per hectare within the designated Greenfield area.

**Table 5.4** of the TWLOP provides the projected housing growth by unit type for the Township, which is to form the basis for planning the Municipality's long-term land needs and housing growth. Table 5.4 is provided below, for reference:

Year	Low	Medium	High	Total Housing Starts
2006	N/A	N/A	N/A	N/A
2007-2011	136	1	6	143
2012-2016	178	9	12	199
2017-2021	289	25	27	341
2022-2026	253	36	36	325
2027-2031	214	49	44	307
2006-2031	1070	120	125	1315
2006-2031	81.4%	9.1%	9.5%	100%
Mix				

#### Table 8: Reproduction of TWI OP Table 5.4- Townshin Housing Forecast, Unit Mix

The TWLOP identifies that an alternative housing mix may be applied to secondary plan areas or on a site specific area, depending on characteristics and constraints, provided the alternative mix does not adversely impact the Township's ability to meet the overall housing mix (**Policy 5.5 a**)).

The proposed development provides for a range and mix of unit types and sizes, with an overall mix of 13.59% single detached dwellings, 73.30% townhouse dwellings and 13.11% apartment dwellings. These unit types are permitted in both the low density residential and medium residential designations of the Secondary Plan and this mix will ensure an appropriate distribution of housing options within the development for future residents and ultimately will not impact the Township's ability to meet the overall housing mix.

Policies respecting housing affordability are also contained within this section of the TWLOP and state that the Township will target 30% of all new housing units constructed over the long term to consist of affordable housing units which, in the case of ownership, do not exceed 30% of gross annual income for low and moderate income households; or, the purchase prices is at least 10% below the average purchase price of a resale unit in the regional market area (**Policy 5.5** c) and 5.5 d) i.- ii.).

#### Overall, the refinements to the approved subdivision are to allow a variety of unit types and sizes, which will generally assist affordability for various levels of income on a market basis.

The Urban Structure for the Township is described in Section 5.6 of the TWLOP. Within this section, the Plan identifies that Smithville is the Urban Settlement Area for the Township and therefore the focus for urban development on full municipal services (**Policy 5.6 a**)). The Smithville Settlement Area is comprised of the Built-up Area, which is to accommodate growth through infill and intensification; Greenfield Areas, which is to accommodate growth through the development of new communities in a compact manner; the core natural heritage system; and, transportation corridors (**Policies 5.6 b-f**). The Subject Lands fall within the Township's identified Greenfield Areas, which are required to meet an overall density of 50 persons and jobs per hectare (**Policy 5.6 d**).

#### The proposed development will achieve a gross residential density of 59.76 persons per hectare, which will ensure that the Township is on target to meet the stated density targets contained within the Official Plan, Regional Official Plan and Growth Plan.

Ultimately, the intent is that the Urban Structure directs new growth and development/redevelopment to the appropriate areas of the Urban Area and to guide the form and density of growth to achieve a complete community that is vibrant, well-connected and prosperous. In this regard, the TWLOP states that aesthetics of development are important in creating a livable community and urban design guidelines should be used to supplement the policies of the plan when assessing development applications (**Policy 5.6 g**).

#### While the proposed development is not yet in the detailed design stage, it is the intent that a high level of design detail will be incorporated into the development to ensure its vibrancy.

The Township's strategy for Greenfield development is set out in **Section 5.10**, where the **preamble** identifies that these areas are to be developed in such a way as to create a compact, multi-modal, mixed-use community with a range of housing types.

The policies of the TWLOP state that a minimum combined gross density target of 50 people and jobs per hectare, exclusive of wetlands, significant woodlands, significant valley lands, areas of natural and scientific interest, habitat of endangered species and threatened species, significant wildlife habitat, fish habitat, floodplain areas and any non-developable features designated in the TWLOP, will be achieved across all Designated Greenfield Areas in the Township (**Policy 5.10** 

a)). The Plan further states that all Greenfield Areas will require a Secondary Plan prior to development and that the Northwest Quadrant shall be developed as one secondary plan (**Policy** 5.10 b)).

As noted above, the proposal will achieve (and exceed) the minimum gross residential density target for Greenfield Areas. Further, given that the Secondary Plan for the Northwest Quadrant was approved in 2017 and is now in effect, the development of the lands for residential uses, in accordance with the approved Secondary Plan, is appropriate.

#### The Urban Settlement Area

Policies for development within the Urban Settlement Area are contained within Section 6 of the TWLOP. General policies are set out in **Section 6.1**, while policies specific to the Northwest Quadrant Secondary Plan Area are contained in **Section 6.11**. An analysis of the specific policies of the Northwest Quadrant Secondary Plan is included in **Section 4.6** of this report. An analysis of how the proposed development achieves the general residential policies of the TWLOP is included in this subsection.

In accordance with **Policy 6.1.1**, it is the intent of the Township that the various residential designations of the Urban Settlement Area protect and enhance the existing character of Smithville, while permitting development and redevelopment that is compatible with the existing area and can improve the quality of life of current and future residents. In this regard, the following objectives for settlement areas are set out in **Section 6.1.2**:

- a) Protect and enhance the character and image of the Urban Settlement Area;
- b) Promote higher density residential development and mixed use development/redevelopment in appropriate locations;
- c) Encourage and facilitate the production of a range of dwelling types and ownership forms, including housing that is more affordable to the existing and future residents of West Lincoln; and,
- d) Encourage high quality design that is environmentally sustainable and is compatible with the character and image of the adjacent buildings.

#### The proposal responds to and achieves these objectives as follows:

- The proposed development will include single detached dwellings, townhouse dwellings and apartment dwellings that are designed in a way to contribute to, and enhance, the overall existing character of the development;
- A mixture of densities on each block is provided, consistent with the upset limits of the respective designations. The location of the proposed dwelling types is appropriate and generally corresponds to the land use concept set out in the Secondary Plan;

- A number of tree plantings are proposed within the development, as well as a neighbourhood park, which will provide green space and enhance the tree canopy in the area, ultimately contributing to the environmental sustainability of the development;
- A number of sustainable development initiatives will be considered at the detailed design stage to ensure the development is environmentally sustainable; and,
- The design of the proposed dwelling units will be further refined during detailed design, however it is the intent that they be sympathetic to the existing surrounding developments and provide a variety in form and appearance to provide a visually appealing aesthetic.

In addition to the objectives noted above, the TWLOP requires that all instances of development be provided with municipal water and sewer services, and the adequacy of such services will be evaluated as part of any development or redevelopment proposal (**Policy 6.1.4**). A **Functional Servicing Report, Stormwater Management Report was reviewed and approved as part of the original Plan of Subdivision and Zoning By-law Amendment applications. The report demonstrates that there is sufficient infrastructure and capacity to accommodate the proposed development from a servicing perspective. Further, the phasing plan prepared in support of the proposed development will ensure the logical and orderly development of the area.** 

#### **Design Policies**

**Section 6.6** of the Official Plan provides the following design policies for Smithville's Residential Neighbourhoods which are applicable to the proposed development and are described in the following section

- a) Enhance the livability and physical appeal of Smithville through the quality, layout and attractiveness of the public streetscape and private spaces and buildings;
- b) Ensure development meets Township design criteria;
- c) Create a built environment within designated Greenfield areas and Intensification Areas which provides
  - i. Sensitive integration of new development with existing development;
  - ii. Visual diversity, interest and character through techniques such as façade and roofline composition, varied materials and colour separation;
  - iii. A well-defined public realm, including an interconnected open space network;
  - iv. Good transportation access and pedestrian oriented development patterns; and,
  - v. A road system that recognizes and preserves the historic character of Smithville (**Objectives 6.6.1 a) –c**)).

The proposed development responds to and achieves these objectives as follows:

- The proposed layout provides opportunity for priority lots at key focal points in the development, while the proposed landscape concept will ensure for an attractive streetscape;
- The design criteria will be considered in greater detail during detailed design;
- Many of the built environment elements will be considered in greater detail during detailed design, however, consideration has been given to ensuring appropriate transportation and access is available throughout the development and connections to the surrounding area are provided for both vehicular transportation and pedestrian transportation; and,
- A multi-use trail and neighbourhood park are provided which assist in defining the public realm and contributing to the Township's trails network.

In accordance with **Policy 6.6.2**, each development lot or block is to have frontage on a public road; and, be of a sufficient size and configuration to accommodate development that reflects the planning and urban design policies set out in the Official Plan. **The proposed layout of the lots and blocks within the concept allow opportunities for visual interest throughout, while avoiding rear-lotting and providing for sufficiently sized units.** 

The following development standards are set out in **Policy 6.6.3** of the Official Plan:

- a) New development shall be compatible with adjacent and neighbouring built form by ensuring that the siting and massing of new buildings does not result in undue adverse impacts;
- b) To ensure that compatibility is achieved, the implementing Zoning By-law shall establish appropriate setback and yard requirements which recognize the character of the existing build-form;
- c) For reasons of public safety, the main entrances to homes and multi-residential buildings shall be clearly visible;
- d) Access from sidewalks and public open space areas to primary building entrances shall be convenient and direct, with minimum changes in grade;
- e) To minimize disruptions to traffic flow and to maximize safety and the attractiveness of Arterial Roads, individual direct vehicular access shall be minimized, and, in some cases prohibited;
- f) To enhance the quality and safety of the public streetscape, the construction of parking lots which occupy significant proportions of the at-grade frontage of public roads, shall not be permitted;
- g) Location of Buildings will reinforce the road, land and block pattern by using the following measures:
  - a. Along the public street, buildings will be aligned parallel to the road;
  - b. Siting and massing of buildings will provide a consistent relationship, continuity and enclosure to the public roads; and,

c. Buildings located adjacent to, or at the edge of parks and open spaces and other natural features are encouraged to provide visual opportunities for the features.

#### The proposed development responds to and achieves these policies as follows:

- The proposed neighbourhood pattern provides single detached dwellings and a neighbourhood park along the eastern boundary of the site to align with the existing single detached lots within the Station Meadows Subdivision at Las Road to mitigate impacts on existing dwellings;
- The setbacks proposed generally align with the associated zones for the various dwelling types contemplated;
- It is the intent that the main entrances be clearly visible, which will be further articulated during detail design at a later stage in the planning process;
- The topography of the site is generally flat, and sidewalks are provided throughout to ensure safe public access throughout the subdivision and to the neighbourhood park; and
- Units are generally aligned parallel to the road;
- Massing details will be determined at later stages of the development, through detailed design.

Section 6.6.5 and Section 6.6.6 of the Plan provide development criteria for single detached/ semi-detached and townhouse dwellings within the Urban Settlement Area of Smithville, respectively. These criteria will be reviewed and assessed at a later date, when the development team enters the architectural design and site planning stages of the planning process.

#### Infrastructure and Transportation

Policies for Infrastructure and Transportation are contained within Section 14 of the TWLOP and are intended to ensure the growth of a healthy community through adequate water supply and sanitary infrastructure, along with effective stormwater management facilities to attenuate the impacts of development; and, encourage the provision of a safe, convenient, efficient, and useable transportation system for the movement of people and goods.

The TWLOP sets out the following objectives for infrastructure and transportation systems in Section 14.1.1

- a) Optimize the use of existing infrastructure and public service facilities, wherever feasible, before considering the development of new infrastructure and public service facilities;
- b) Ensure development incorporates the highest level of stormwater management in accordance with provincial, watershed and Township guidelines and standards;
- c) Ensure all development is adequately and appropriately serviced in a coordinated, efficient manner to meet current and future needs;
- d) Encourage active transportation such as walking and cycling; and,
- e) To encourage and promote water conservation and water use efficiency.

The proposal responds to and achieves these objectives as follows:

- The existing stormwater management pond used to for the Station Meadows subdivision will be upgraded to accommodate the proposed development, thereby optimizing the use of existing infrastructure;
- The stormwater management strategy has been prepared in accordance with provincial and Township guidelines and standards;
- A Functional Servicing Report, Stormwater Management Report was reviewed and approved as part of the original Plan of Subdivision and Zoning By-law Amendment applications .The report demonstrates that there is sufficient infrastructure and capacity to accommodate the proposed development from a servicing perspective. Further, the phasing plan prepared in support of the proposed development will ensure the logical and orderly development of the area.
- A multi-use trail, sidewalks and a neighborhood park are proposed in order to encourage active transportation and social interaction; and,
- Water conservation and other sustainability measures will be considered as part of the detailed design stage.

With respect to servicing, all new development within the Urban Settlement Area of Smithville are required to be connected to the municipal water system and municipal sewage system as a condition of approval (Policies 14.2.1 a), 14.3.1 a)). The proposed development will provide connections to both the municipal water system and sewage system. A Functional Servicing Report, Stormwater Management Report was reviewed and approved as part of the original Plan of Subdivision and Zoning By-law Amendment applications. The report demonstrates that there is sufficient infrastructure and capacity to accommodate the proposed development from a servicing perspective. Further, the phasing plan prepared in support of the proposed development will ensure the logical and orderly development of the area.

Additionally, the policies of the TWLOP require that a stormwater management plan be prepared as part of a development application which demonstrates how the proposal will address vegetation removal, grading and soil compaction, erosion and sedimentation and impervious services. **Policy 14.4.1 g)** includes generally accepted best management practices for stormwater management for which all new developments are to incorporate. The TWLOP also encourages that Low Impact Design (LID) approaches be applied at the individual lot level to reduce runoff volume and treat stormwater runoff on-site (**Policy 14.4.1 j**). Additionally, stormwater management ponds are to be naturalized with the opportunity for public pedestrian pathways located around the ponds while ensuring public safety (**Policy 14.4.1 i**). A **Functional Servicing Report, Stormwater Management Report was reviewed and approved as part of the original Plan of Subdivision and Zoning By-law Amendment applications.** 

Policies pertaining to the Township's transportation network are included in **Section 14.5** of the Official Plan and correspond with the road hierarchy identified on Schedule F. In accordance with Schedule F, South Grimsby Road 5 is identified as a local road. Schedule F also identifies a future collector road along the northern limit of the Subject Lands. Policies for collector roads are specifically identified in Section 14.5.4 and local roads in Section 14.5.5.

Collector roads are intended to be designed to promote efficient traffic circulation with 20 metre planned right of way widths (**Policy 14.5.4 b**) and **c**)). Along collector roads, direct access to abutting properties shall be minimized to the extent possible (**Policy 14.5.4 d**)). **Two access at the north boundary to allow traffic flow to and from the east-west collector road within the future road network north of the subject lands. A 20 metre right-of-way is provided on all the proposed internal public roads.** 

Local roads are intended to provide access to abutting properties and to discourage through traffic (**Policy 14.5.5 c**)). The planned right of way widths are to be 20 metres with sidewalks required on one side of the street, or two sides of the street in the vicinity of schools to ensure the safety of students (**Policy 14.5.5 b**) and d)). A 20 metre right-of-way is provided on all the proposed internal public roads. Sidewalk design will be determined at the site plan stage.

With respect to railway infrastructure, **Section 14.6** identifies that a CP Rail Mainline passes through the Township which is to be protected from incompatible uses. A portion of this railway runs adjacent to the Subject Lands. In accordance with **Policy 14.6 a) iii.**, proposed development adjacent to an active railway shall ensure that appropriate safety measures, such as setbacks, berms and security fencing, are provided to the satisfaction of the Township, in consultation with the appropriate railway. **A berm and fence is identified along the railway, which is intended to be prepared to CP and Township standards.** 

The TWLOP identifies improving accessibility of pedestrian and bicycle trails in order to encourage alternative modes of transportation. In this regard, Section 14.7 includes policies for pedestrian and bicycle trails within the Township. In particular, a continuous pedestrian and bicycle trail system linking parks and community facilities is desired (**Policy 14.8 a**)). Additionally, the Township requires development and redevelopment proposals to facilitate pedestrian and cycling opportunities and accommodate pedestrian and cycling connections (**Policy 14.8 b**)). The inclusion of sidewalks and a multi-use trail in the development will serve to improve accessibility of bicycle and pedestrian trails, ensure there are continuous linkages of trails throughout the Township and provide opportunities for active transportation.

#### Summary/Conformity Statement

The proposed development generally meets the applicable goals, objectives and policies of the Township of West Lincoln Official Plan and represents a development

opportunity that supports sustainable, cost-effective, growth. The development will provide a density and built form consistent and compatible with the surrounding area and give residents additional housing choice by providing a mix single detached, townhouse units of both freehold and condominium tenure and apartment dwelling units. The proposed development and associated Official Plan and Zoning By-law Amendment will contribute to the achievement of Regional objectives for Urban Areas, Designated Greenfield Areas, housing, transportation and healthy communities and is in conformity with the applicable policies of the Township of West Lincoln Official Plan.

## 4.6 Northwest Quadrant Secondary Plan

Following the land swap/ exchange process completed by the Township of West Lincoln and Region of Niagara to address development needs within the Township to the 2031 planning horizon, the Northwest Quadrant lands were brought into the urban area of Smithville in order to accommodate residential development.

The Secondary Plan for the Northwest Quadrant (NWQSP) was approved in July of 2017 with the intent to guide development in the Northwest Quadrant Neighbourhood in a manner that integrates new Greenfield development with the existing urban neighbourhoods and adjacent rural lands. The overall vision for the NWQSP Area is to provide a complete community with residential uses, integrated parks and open space system with local serving commercial uses at appropriate locations. Development within the NWQSP Area is to reflect the small town character of Smithville and provide an attractive, high-quality, safe, sustainable, interconnected and pedestrian-friendly community for future residents of all ages and abilities.

The following provides a summary of the NWQSP objectives and policies applicable to the proposed development and associated Official Plan Amendment and Zoning By-law Amendment and includes an analysis of how the proposal meets these policies and objectives.

#### Community Structure and Land Use Designations

**Section 6.11.5 a)** describes the Community Structure for the NWQSP Area, which is further articulated in Schedule E-4 of the Plan (**Figure 13**). The community structure is based around an identified future gateway node, a local road pattern and an integrated open space network. The lands within NWQSP Area are to be developed primarily as a low and medium density residential neighbourhood, with limited amounts of high density residential and local serving commercial uses at key locations. The gross density target for new residential developments is to be a maximum of 20 to 30 units per hectare and are to be planned to achieve the minimum targets set out by the Region and the Province through the Growth Plan. In order to achieve these targets, the NWQSP emphasizes compact, multi-modal, mixed use communities with a range of housing types. Ultimately, the community structure set out in the NWQSP would allow for a yield of approximately 550 and 570 units, however, development could achieve higher densities if individual development proposals provide for a level of development that reaches the maximum densities permitted by the various land use designations comprising the overall community structure.

#### The development proposal includes a mixture of single-detached and townhouse dwelling units for a total 412 residential units over 14.85 hectares of land, which equates to a gross residential density (based on residential site area) of 30.27 units

per hectare and a gross density of 59.76 people per hectare. The development, as proposed, is within the gross density target set out in the Secondary Plan and will achieve the Regional and Provincial targets in accordance with the Growth Plan. This is achieved through the provision of a compact development that provides a variety of unit types.

**Section 6.11.5 b)** sets out in detail the various land use designations within the NWQSP Area, which are identified on Schedule E-4 of the Official Plan. In accordance with Schedule E-4, the Subject Lands are primarily designated Low Density Residential and Medium Density Residential, with a 0.7 hectare park and 1.3 hectare stormwater management pond to be provided, in addition to a pedestrian pathway/ trail connection along the rail line.

The proposal provides for a level of development and land use pattern that generally corresponds with the land use designations set out in the NWQSP, and underlying policies therein. Figures 14 provide a visual comparison of the layout proposed in the Secondary Plan with the layout of the proposed development which demonstrates that the general designations are in alignment, with medium density residential uses provided in the interior of the development and along the rail line and lower density residential uses and the neighbourhood park provided abutting the existing Station Meadows subdivision. While both single detached dwellings and townhouse dwellings are permitted in the low density residential and medium density residential designations, the portion of the lands maintaining a low density residential designation provide the majority of the single detached dwellings. Overall, the proposed density for the low density residential area is 22.0 net residential hectares and the medium density residential area is 45.04 net residential hectares, which meet the density maximums set out in those designations. Additional residential dwellings were able to be accommodated on the Subject Lands as a result of efficiencies through the consolidation of stormwater management with the existing subdivision. Additionally, the multi-use path and neighbourhood park are provided as identified on the land use schedule. The Plan of Subdivision that was approved on May 26, 2021 and revised January 16, 2023, had slightly revised the road system to allow for more favorable servicing and transportation conditions as well as ensure a connection to the future subdivision to the west can be provided. No additional changes are proposed to the road system.

#### Community Design and Design Principles

**Section 6.11.5 c)** provides general guidance on community design and urban design elements aimed at establishing a complete community founded on the six key themes of safety, integration and phasing, housing mix and density, balance, open space network, and identity and urban design. It is the intent that a more fulsome analysis of how the proposal meets these

# objectives and elements be provided at the detailed design stage as part of future submissions (e.g. site plan).

**Section 6.11.5 d)** establishes a series of design principles which development within the NWQSP Area is to be consistent with. The following principles apply to the Subject Lands:

- Provide a diverse mix of land uses and unit types;
- Provide a neighbourhood design concept that considers safety and mitigates railwayoriented impacts;
- Provide a development which caters to the pedestrian scale to promote social interaction, active streetscapes and an overall walkable neighbourhood;
- Establish an open space network of integrated and connected public spaces including parks, trails, stormwater management facilities and natural features;
- Develop a well-connected network and hierarchy of streets, paths and trails that enhance connectivity and safely accommodate various modes of active transportation;
- Locate parks and recreation spaces that will serve all age groups and physical abilities throughout the neighbourhood and connect them with an integrated active transportation system;
- Promote compatibility of scale and form between new and existing adjacent development;
- Create focal points, corridors and activity nodes to enhance way-finding and establish an identifiable community structure; and,
- Promote sustainable design;

#### The proposed development responds to these as follows:

- Single detached dwellings of various sizes will be provided, both freehold and condominium townhouse dwellings of various sizes will be provided, apartment dwelling units of various sizes will be provided, as well as a neighbourhood park and multi-use trail, to ensure a diverse mix of land uses and unit types;
- The proposed development provides the appropriate 30 metre setback for sensitive uses from the rail line and will incorporate other mitigation measures (e.g. air conditioners);
- The proposed development provides sidewalks internally to ensure pedestrian safety;
- The proposed internal street network will provide for the flow of automobile traffic throughout the site as well as provide connections to adjacent developments and the surrounding collector road network;
- The provision of a multi-use trail will accommodate opportunities for active transportation;
- The proposed neighbourhood park is located so as to provide opportunities for existing residents of the Station Meadows subdivision and future residents of the Station Meadows West subdivision to have a place for social interaction and passive recreation within walking distance to their homes;

- The proposed location of the single detached dwellings adjacent to the existing residential to the east, townhouse dwellings generally within the interior of the developable area and the proposed apartment building located adjacent to S Grimsby Road 5 provides for a transition in scale and form between the existing single detached dwellings in the Station Meadows Subdivision and the proposed townhouse dwellings and apartment building;
- Opportunities for identifying particular focal points and including wayfinding within the development will be explored further during the detailed design stage of development;
- Sustainable design measures will be considered and incorporated, as appropriate, at the detailed design stage of development; and,
- There is no identified Gateway Node for the Subject Lands within the Secondary Plan.

#### Urban Design Policies

Urban design policies are contained in **Policy 6.11.5 e)** of the Secondary Plan and apply to development within the NWQSP Area. In this regard, any proposed development is to address the Urban Design policies of the Secondary Plan and, where appropriate, urban design policies of the Township's Official Plan and the applicable built form guidelines established in the Township's Urban Design Manual. **Urban design analysis at this stage is to be high-level in nature, given that the detailed site design is not yet underway. In this regard, many of the policies contained within this section would be better addressed through a detailed urban design brief submitted as part of a future site plan application.** 

#### Transportation Network

**Section 6.11.5 f)** describes the general transportation network for the NWQSP. It provides a local road pattern that connects to the existing collector road network and facilitates automotive transportation as well as active forms of transportation such as cycling and walking. In accordance with Policy **6.11.5 f) v.**, all local roads and collector roads and multi-purpose trails shall be designed to the Township's standards and the Region's standards. **The proposed development provides local roads and collector roads that will be built to Township standard. In this instance, Streets B and F will both provide a 20 metre right-of-way. Additionally, the multi-use trail has been provided and will be designed to the Township and Region standards.** 

#### General Land Use Policies

**Section 6.11.5.2** provides general policies for all lands within the NWQSP as well as specific land use policies for the various designation.

In accordance with **Policy 6.11.5.2 a) i.**, the Northwest Quadrant is planned to achieve an overall minimum density of at least 50 people and jobs per hectare. The policy further identifies that the Township promotes, and will support, development proposals which would result in increased density beyond the minimum target. The proposed development will provide a gross residential density of 59.76 people per hectare, which goes beyond the minimum target while providing for compatible development that considers the surrounding context, in accordance with Township policy.

In terms of built form, development is to be primarily in a low density and medium density residential form and will be planned, designed and zoned to achieve a variety of housing types and styles (Policies 6.11.5.2 a) ii. and v.). The proposed development includes both low density and medium density forms and the implementing zoning proposed will allow for a variety of unit layouts and styles.

**Policies 6.11.5.2 a)** and **iv)** provide direction with respect to development located adjacent to a rail line, noting that compliance with CP Rail Principle Main Line requirements is to be achieved and the Guidelines for New Development in proximity to Railway Operations document should be applied, where applicable and appropriate. **The proposed development provides the requisite 30 metre setback for residential uses from the rail line, as no dwellings will be constructed within the 30 metre rail setback, and will incorporate other mitigation measure as recommended in the noise and vibration study that forms part of the submission.** 

As noted previously, the Subject Lands are designated both Low Density Residential, Medium Density Residential and contain a 1.04 hectare park as well as 0.20 hectares of trail linkages. A summary of each land use designation and an analysis of how the proposal complies with each designation is provided below.

#### Low Density Residential

Within the Low Density Residential designation, single detached dwellings, semi-detached dwellings, duplex dwellings, linked semi-detached dwellings and townhomes and other forms of multiple unit ground related housing is permitted to a maximum density of 30 units per hectare and a maximum height of 2.5 storeys (**Policy 6.11.5.2 b**) **i.-v.**).

The proposed extent of the Low Density Residential designation is shown in Figure 4. Within this area, both single detached dwellings and townhomes are provided, in accordance with the policy. The net residential density for the lots and blocks forming part of the Low Density Residential designation is 22.0 units per hectare, which is consistent with the designation. Finally, the proposed built form is intended to be 2.5 storeys in this area.

#### Medium Density Residential

Within the Medium Density Residential designation, single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, townhomes and other forms of multiple unit ground related housing, low-rise apartment buildings and communal housing are all permitted. Development within this area shall have a maximum density of 45 units per hectare and a maximum height of 4 storeys. The Township may consider a maximum height of 5 storeys in the Medium Density Residential designation, on a site specific basis, provided the increased building height is compatible with the built form and physical character of the neighbourhood and complies with the Township's urban design guidelines. While low density housing forms are permitted within this designation, proposals must demonstrate that the overall density of the plan area is maintained at a minimum 50 people and jobs per hectare. Further, medium density residential development is subject to site plan control and is to be designed and located consistent with the direction of the Township's Urban Design Manual (**Policy 6.11.5.2 c) i. to ix.**).

The proposed extent of the Medium Density Residential designation is shown on Figure 4. Within this area, conventional freehold townhomes condominium townhomes, back-to-back townhomes, stacked back-to-back townhomes and apartment units are provided, and are permitted in accordance with the policy. The net residential density for the lots and blocks forming part of the Medium Density Residential designation is 45.4 units per hectare, which is consistent with the designation. An overall gross density of 59.76 people per hectare will be achieved. Finally, the proposed built form of the apartment building is intended to be 6 storeys in this area in this area which exceeds the maximum height permitted in the NWQSP. The proposed Official Plan amendment proposes an increase in maximum height to accommodate the proposed apartment building.

#### <u>Parks</u>

Policies pertaining to parks are contained within **Section 6.11.5.2 h)** of the NWQSP. In accordance with **Policies 6.11.5.2 h) v., vi., and viii.,** it is the intent that the park blocks have tail connections to promote connectivity and be strategically located and easily accessible to residents. **The proposed park is sized and located consistent with the intended land use schedule for the Northwest Quadrant.** 

#### Stormwater Management

The NWQSP provides a general stormwater management strategy and identifies that the location and size of stormwater management facilities identified on the Plan is approximate and to be confirmed by a stormwater management study submitted as part of a complete application for development (**6.11.5.2 i**) **ii**.). **In this regard, the Stormwater Management Plan prepared in support of this application confirms that the existing stormwater pond for the** 

# Station Meadows Subdivision can be upgraded to accommodate the proposed development and, accordingly, a stormwater management facility is not required to be provided on the Subject Lands.

#### **Sustainability**

Development of the Northwest Quadrant Community is encouraged to implement efficient and effective methods of providing energy and achieve the sustainability goals of the Official Plan by supporting and/or requiring compact development and efficient built form; transit supportive development; environmentally responsible design and construction practices; the use of green roofs; the integration, protection and enhancement of natural features; and, the reduction of resource consumption associated with development. Additionally, the incorporation of green building features is encouraged (**Policy 6.11.5.3 i., ii.** and **iii.**). The proposed development provides a compact and efficient lotting pattern and built form. The multi-use trail and neighbourhood park will allow opportunities for active transportation and provide pedestrian connections to other nearby locations. Further sustainability measures related to building design will be explored in greater detail during the detailed design stage.

#### **Development Phasing**

In order to ensure the orderly development of the NWQSP Area, the Secondary Plan requires the installation of water and sanitary sewer infrastructure which is to be supported by the appropriate engineering studies and reports (**Policy 6.11.5.4 i**) With respect to general servicing, the Secondary Plan notes that the lands located on the east side of South Grimsby Road 5 will generally be serviced by an extension of the servicing system in the subdivision located to the east and will be connected at Las Road (**Policy 6.11.5.4 ii. b.**). A Functional Servicing Report, Stormwater Management Report was reviewed and approved as part of the original Plan of Subdivision and Zoning By-law Amendment applications. The report demonstrates that there is sufficient infrastructure and capacity to accommodate the proposed development from a servicing perspective. Further, the phasing plan prepared in support of the proposed development will ensure the logical and orderly development of the area.

#### Implementation and Interpretation

With respect to implementation, the NWQSP requires that a pre-consultation meeting be attended by the applicant in advance of a formal submission (**Policy 6.11.5.5 c) ii.**).

A Pre-Consultation Meeting Request was submitted to the Township of West Lincoln on March 29, 2023. In review of this request, Township Staff determined a Pre-Consultation Meeting was not required and provided a list of material required in support of the proposed Official Plan Amendment and Zoning By-law Amendment. The following items were identified as required for a 'complete application' and are included as part of the application submission:

- 1. A Concept Plan of the proposed apartment building;
- 2. A Justification Letter/Brief; and
- 3. A Draft Zoning By-law Amendment.

Based on the revised apartment building height and the limitation on height in the Secondary Plan, **an Official Plan Amendment** was also prepared to allow the apartment building to be a maximum height of 6-storeys.

On the matter of interpretation, the parent Official Plan identifies that where the general intent of the Secondary Plan is maintained to the satisfaction of the Municipality, adjustments to the size and location of land use designations and adjustments to the size and location of new streets will not require an amendment to the Secondary Plan (**Policy 6.11.5. f) ii.**).

As noted previously in this report, the size and location of the low density residential and medium density residential designations have been modified slightly; however, these adjustments continue to generally align with the existing land use schedule and meet the established maximum densities set out within those designations, with 22.0 units per net hectare provided in the identified Low Density Residential designation; and, 45.4 units per net hectare provided in the identified Medium Density Residential designation and an appropriate blended density for the whole development of 30.27 units per gross hectare (Based on Residential Site Area) is provided and the mandated density target is achieved. Accordingly, it can be concluded that the intent of the Secondary Plan is maintained and no further amendment to the Secondary Plan is required to proceed with the proposed development.

## 4.7 Township of West Lincoln Zoning By-law 2017-70

As mentioned, a Zoning By-law Amendment (1601-021-19) was approved on May 28, 2021 under By-law 2021-49 amending Zoning By-law 2017-70. The Zoning By-law Amendment rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for residential and parkland purposes as outlined in the Northwest Quadrant Secondary Plan.

The current proposal seeks to amend the recently approved Zoning By-law Amendment to permit 56 single detached residential units, 144 conventional freehold townhouse units, 78 condominium townhouse units, 16 back-to-back townhouses, 64 stacked back-to-back townhouses, 54 apartment units, 1.24 hectares of neighbourhood park and a multi-use trail. Together, these elements form part of the "Station Meadows West" Subdivision.

**Figure 15** illustrate the current zoning and **Figure 16** illustrates the proposed zoning for the Subject Lands. The following tables outline the proposed amendments to the Zoning By-law

BLOCKS 1-24				
Policy	Regulation	Requested Amendment		
3.9.1	Landscaped Open Space	On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space		
3.9.2	Planting Strips	A 1.5m planting strip shall only be required adjacent to a public street line.		
3.12.2	Driveways and Parking Aisles	Driveways on abutting internal units can be paired together		
		Maximum driveway width of 70% of front yard, to a maximum of 6 m		

#### Table 9: R2 Zone – Blocks 1-24 – Zoning Review Table

#### Table 10: R3 Zone – Blocks 25-56 – Zoning Review Table

R3 – Residential Low Density Type 3					
BLOCKS 25-56					
Policy	Regulation	Requested Amendment			
3.9.1	Landscaped Open Space	On residential zoned lots a minimum of 30%			
		of the front yard shall be landscaped open			
		space			
--------	------------------------------	--			
3.9.2	Planting Strips	A 1.5m planting strip shall only be required			
		adjacent to a public street line.			
3.12.2	Driveways and Parking Aisles	Driveways on abutting internal units can be paired together			
		Maximum driveway width of 70% of front yard, to a maximum of 6 m			

### Table 11: RM2-201 – Blocks 57-85 – Zoning Review Table

	1 – Residential Medium De	ensity Type 2		
BLOCKS Policy	57 - 85 Regulatio		Required	Bronocod
-			-	Proposed
6.3	Lot Area (min) – Per	Townhouse	200 m <sup>2</sup>	130 m <sup>2</sup>
Table	Dwelling Unit	dwelling		
15	Lot Frontage (min) <sup>(2)</sup>	Townhouse dwelling	30 m	24.0 m
	Minimum separation	Between exterior	2.4 m	2.4 m
	distance between dwellings	side walls	(per current Site	(as per current Site
	on the same lot		Specific Policy)	Specific Policy)
	Setback to daylight triangle (	min)	-	2 m
Policy	Regulation		Proposed	
3.9.1	Landscaped Open Space		On residential zoned lots a minimum of 30%	
			of the front yard sha	all be landscaped open
			space	
3.9.2	Planting Strips		A 1.5m planting strip shall only be required	
	5 1		adjacent to a public	
3.12.2	Driveways and Parking Aisles		Driveways on abutti	ng internal units can be
			paired together	-
			Maximum drivewav	width of 70% of the unit
			-	ximum of 6.0 metres

### Table 12: RM3-202 – Blocks 91-92 – Zoning Review Table

RM3-202 – Residential Medium Density Type 3 BLOCK 91 - 92				
Policy	Re	egulation	Required	Proposed
6.3	Lot Area (min) – Per Dwelling Unit	Back-to-Back Townhouses (SS)	265 m²	75 m <sup>2</sup>

Table 15			(per current Site Specific Policy)	
	Minimum	Between exterior side	2.4 m	2.4 m
	separation distance	walls	(per current Site	(as per current Site
	between dwellings		Specific Policy)	Specific Policy)
	on the same lot			
	Back-to-back	Balconies	Requires balconies	May provide
	townhouse amenity		with an area of 5.5	balconies, not
	Area <sup>6</sup>		m <sup>2</sup>	required.
Policy	Regulation		Proposed	
3.9.1	Landscaped Open Space		On residential zoned lots a minimum of 30%	
			of the front yard shall	be landscaped open
			space	
3.9.2	Planting Strips		A 1.5m planting strip	shall only be required
			adjacent to a public st	treet line.
3.12.2	Driveways and Parking Aisles		Driveways on abutting internal units can be	
			paired together	
				vidth of 70% of the unit
			frontage, up to a maxi	imum of 6.0 metres

### Table 13: RM3-203 – Blocks 86-90 – Zoning Review Table

RM3-20	RM3-203 – Residential Medium Density Type 3					
BLOCK 86						
Policy	R	egulation	Required	Proposed		
6.3	Lot Area (min) –	Apartment Dwelling	160 m <sup>2</sup>	75 m <sup>2</sup>		
Table	Per Dwelling Unit	Townhouse Dwelling	180 m <sup>2</sup>	120 m <sup>2</sup>		
15	Lot Frontage (min)	Townhouse	30 m	24 m		
	Exterior Side Yard (Min)		3	1.2 m		
	Setback to daylight triangle (min)		-	2 m		
	Back-to-back,		Requires balconies	May provide		
	stacked	Balconies	with an area of 5.5	balconies, not		
	townhouses		m <sup>2</sup>	required.		
	Height (max)	1	12 m	21.5 m		
				(Exclusive of		
				Mechanical		
				Penthouse)		

	Minimum	Between exterior side	2.4 m	2.4 m	
	separation distance	walls	(per current Site	(as per current Site	
	between dwellings		Specific Policy)	Specific Policy)	
	on the same lot				
Policy	Re	egulation	Pr	oposed	
3.9.1	Landscaped Open Sp	ace	On residential zoned	l lots a minimum of 30%	
			of the front yard sha	all be landscaped open	
			space		
3.9.2	Planting Strips		A 1.5m planting stri	A 1.5m planting strip shall only be required	
			adjacent to a public	street line.	
3.12.2	Driveways and Parkir	ng Aisles	Driveways on abutti	ng internal units can be	
			paired together		
			Maximum driveway	width of 70% of the unit	
			frontage, up to a ma	ximum of 6.0 metres	

The proposed Zoning By-law Amendment will apply a number of zoning standards to the Subject Lands to account for the range and mix of dwelling types provided and will allow for flexibility to respond to shifts in market demand. Given the previous approval granted, this amendment is to clarify site specific regulations, and to ensure that the approved subdivision can be constructed without the need for additional zoning amendments.

With respect to the R2 zone, no changes are being proposed to the previously proposed lot areas. The intention of the proposed landscape, planting strip and driveway provisions is to ensure consistency is provided throughout the entire subdivision.

A copy of the Draft Zoning By-law Amendment is included in this report and can be found in **Appendix B.** 

The following table summarizes the proposed special exceptions to the zoning and rationale for these exceptions:

Exception	Rationale
Reduced Minimum Lot Frontage	The reduction in minimum lot frontage of the townhouse units will allow for the optimization
	of the Subject Lands and provide a greater
	variety of housing options and sizes to support the Provincial and Regional housing targets.
	The reduced minimum lot frontage will ensure
	that smaller blocks of townhouses (i.e. 4 units)

	are recognized and permitted as was originally
	contemplated.
Reduced Minimum Lot Area per Unit	The reduction in minimum lot area per unit of
	the townhouse units will allow for building
	efficiencies and the optimization of the Subject
	Lands and provide a greater variety of housing
	options and sizes to support the Provincial and
	Regional housing targets. The reduction in the
	Minimum Lot Area per unit recognizes the type
	of development that does not require an
	extensive lot area given the urban format of
	the townhouse units and apartment units. It
	will allow for development to require less land
	to build the same typology and is generally
	aligned with the lot areas/unit already found in
	the West Lincoln Zoning By-law.
Reduced Yards	The reduction in exterior side yard will still
	allow for maintenance of the building to occur.
	The additional setback to daylight triangles is
	required to account for the loss of frontage due
	to the intersection.
Amonity Aven Balanny Denvironmente	
Amenity Area – Balcony Requirements	The Zoning By-law is requesting flexibility on
	the requirement of balconies as it relates to
	back-to-back and stacked townhouses.
	Requiring a balcony limits the design flexibility
	being seeked with this unit typologies. Given
	the extensive public park in the immediate
	area being designed through this application,
	there is opportunity for alternative amenities
	on the subject lands.
Increased Maximum Height	The increase in height is specifically requested
	in order to properly design an apartment block
	which was requested by Council. This will
	allow property design of the building while
Amended Driveway Requirements	allowing for a variety of unit sizes. The West Lincoln Zoning By-law driveway
Amenaca Driveway Requirements	requirements are extensive. We are proposing
	to simplify them through the development
	proposal by allowing up to 6 metre driveway
	widths which will ensure diversity in one and
	two car garages and at the same time
	recognize construction efficiencies by allowing
	twinning driveways for internal lots.

Amended Landscape Strip Requirements	We have simplified the landscape
	requirements by requiring a 1.5 metre
	landscape strip along any public road frontage
	and a minimum of 30% of the front yard to be
	landscaped. This will allow for front yard
	amenity while at the same time ensuring
	driveway and garage spaces are functional.

A copy of the Draft Zoning By-law Amendment is included in this report and can be found at **Appendix B.** 

## 5.0 CONCLUSION AND SUMMARY

As outlined in this report, together with the supporting technical reports, the proposed development and associated Official Plan and Zoning By-law Amendments represent an appropriate development of the Subject Lands. Based on the existing physical context and surrounding neighbourhood, and an analysis of the proposal within the current policy and regulatory context, we conclude the following:

- The proposal provides an appropriately designed and compatible development for the area that will contribute to the provision of new residential units and the achievement of a complete community, including a range of housing types in close proximity to a number of services and amenities;
- 2. The proposal is consistent with the Provincial Policy Statement;
- 3. The proposal conforms to the Growth Plan;
- 4. The proposal is in conformity with the policies of the Niagara Region Official Plan;
- 5. The proposal conforms to the policies of the Township of West Lincoln Official Plan;
- 6. The proposal conforms to the Secondary Plan for the Northwest Quadrant;
- 7. The proposal conforms to the West Lincoln Zoning By-law; and,
- 8. The proposal can be adequately serviced and does not create any adverse impacts to the existing site and surrounding area.

The proposed development is appropriate, justified and represents good planning. Based on these conclusions, the applications for Official Plan and Zoning By-law Amendments are appropriate and recommended for approval.

Respectfully Submitted,

MHBC

Oz Kemal, BES, MCIP, RPP Partner

# Appendix A Draft Official Plan Amendment

### AMENDMENT NUMBER XX TO THE OFFICIAL PLAN OF THE TOWNSHIP OF WEST LINCOLN AS AMENDED

### PART 1 - THE PREAMBLE

### 1.1. <u>TITLE</u>

This Amendment when adopted by Council shall be known as Amendment Number XX to the Official Plan of the Township of West Lincoln.

### 1.2. <u>COMPONENTS</u>

This Amendment consists of the explanatory text. The preamble does not constitute part of the actual amendment, but is included as background information.

### 1.3. PURPOSE

The purpose of this Amendment is to introduce a site specific exception to an apartment building height to allow for 54 condominium apartment units on the Subject Lands.

### 1.4. BASIS OF THE AMENDMENT

- a) The proposed Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan).
- b) The proposal conforms to the Niagara Region Official Plan;
- c) The proposal can be adequately serviced and does not create any adverse impacts; and,
- d) The proposal appropriately transitions to, is compatible with the surrounding area, and provides an opportunity for intensification within the Smithville Urban Boundary.

### PART 2 – THE AMENDMENT

### 2.1. PREAMABLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. XX to the Official Plan of the Township of West Lincoln.

### 2.2. DETAILS OF THE AMENDMENT

The text of the Official Plan of the West Lincoln Planning Area is policy 6.11.5.2.c.vii as follows:

"vii) The maximum building height of the apartment building in the Medium Density Residential designation shall be 6 storeys.

### 2.3. <u>SCHEDULES OF THIS AMENDMENT</u>

No Schedule required for this amendment.

### 2.4. **IMPLEMENTATION**

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval unless a Regional exemption has been provided. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk's department to all interested agencies of the decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect.

### AMENDMENT NUMBER XX TO THE OFFICIAL PLAN OF THE TOWNSHIP OF WEST LINCOLN AS AMENDED

Official Plan Amendment Number XX was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2023-XX in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the XX day of XX, 202X.

JOANNE SCIME, CLERK

MAYOR CHERYL GANANN

### Appendix B Draft Zoning By-law Amendment

### THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

### BY-LAW NO. 2023- XX

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;

### NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

- 1. THAT Schedule 'A' Map 'S1' & 'S2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part of Lot 1, Registered Plan M-94; Part Lots 12 & 13 on Plans 30M300; Parts 1 and 2 on RP30R15516, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
- Map 'S1' & 'S2' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Residential 'R2' Zone to a Residential 'R2-XXX' Zone.
- 3. Map 'S1' & 'S2' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Residential 'R2' Zone to a Residential 'R3-XXX' Zone.
- 4. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

R2-XXX

Permitted Uses: As per the parent zone.

Regulations:

Notwithstanding Section 3.9.1, only the following shall apply:

• On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space

Notwithstanding Section 3.9.2, only the following shall apply:

• A 1.5m planting strip shall only be required adjacent to the street line (A driveway and sidewalk is permitted within the planting strip).

Notwithstanding Section 3.12.2, only the following shall apply:

- Driveways on abutting internal units can be paired together
- Maximum driveway width of 70% of the unit frontage, up to a maximum of 6.0 metres

R3-XXX

Permitted Uses: As per the parent zone.

Regulations:

Notwithstanding Section 3.9.1, only the following shall apply:

• On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space

Notwithstanding Section 3.9.2, only the following shall apply:

A 1.5m planting strip shall only be required adjacent to the street line. (A driveway and sidewalk is permitted within the planting strip)

Notwithstanding Section 3.12.2, only the following shall apply:

- Driveways on abutting internal units can be paired together
- Maximum driveway width of 70% of the unit frontage, up to a maximum of 6.0 metres
- 5. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby further amended by deleting the following to Part 13.2 Site-Specific Provisions, Table 29 Site-Specific Provisions, Site-Specific Provision #XX:

RM2-201

Permitted Uses: As per the parent zone.

**Regulations:** 

As per the parent zone, except for interior units where a minimum Driveway width of 70% of the unit frontage and a minimum front Yard landscaped area of 30% is permitted. Driveways on abutting Internal units can be paired together.

Minimum separation distance between townhouse exterior unit side walls: 2.4 metres

And replacing with the following to Part 13.2 Site-Specific Provisions, Table 29 Site-Specific Provisions:

### RM2-201

Permitted Uses: As per parent zone

**Regulations:** 

As per the parent zone, except for the following:

- Minimum lot area per townhouse dwelling unit: 130 square metres
- Minimum lot frontage for townhouse dwellings: 24.0 metres
- Minimum setback to a daylight triangle: 2.0 metres
- Minimum separation distance between townhouse exterior unit side walls: 2.4 metres

Notwithstanding Section 3.9.1, only the following shall apply:

• On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space

Notwithstanding Section 3.9.2, only the following shall apply:

 A 1.5m planting strip shall only be required adjacent to the street line. (A driveway and sidewalk is permitted within the planting strip)

Notwithstanding Section 3.12.2, only the following shall apply:

- Driveways on abutting internal units can be paired together
- Maximum driveway width of 70% of the unit frontage, up to a maximum of 6.0 metres
- 6. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby further amended by deleting the following to Part 13.2 Site-Specific Provisions, Table 29 Site-Specific Provisions, Site-Specific Provision #XXX:

### RM3-202

Permitted Uses:

As per parent zone, and in addition, back-to-back townhouses.

Regulations:

As per the parent zone, except: a minimum lot area of 265 sq. metres per dwelling unit to be applied to the entire block.

Minimum separation distance between townhouse exterior unit side walls: 2.4 metres

And replacing with the following to Part 13.2 Site-Specific Provisions, Table 29 Site-Specific Provisions:

### RM3-202

Permitted Uses:

As per parent zone, and in addition, back-to-back townhouses and stacked back-to-back townhouse.

### Regulations:

As per parent zone, except for the following:

- a minimum lot area of 75 sq. metres per dwelling unit to be applied to back-toback townhouses
- Minimum separation distance between townhouse exterior unit side walls: 2.4 metres

Notwithstanding Section 6.3, Table 15, Footnote 6:

 A back-to-back townhouse and stacked back-to-back may contain a balcony of approximately 5.5 m<sup>2</sup> in area, but is not required.

Notwithstanding Section 3.9.1, only the following shall apply:

• On residential zoned lots a minimum of 30% of the front yard shall be

landscaped open space

Notwithstanding Section 3.9.2, only the following shall apply:

• A 1.5m planting strip shall only be required adjacent to the street line. (A driveway and sidewalk is permitted within the planting strip)

Notwithstanding Section 3.12.2, only the following shall apply:

- Driveways on abutting internal units can be paired together
- Maximum driveway width of 70% of the unit frontage, up to a maximum of 6.0 metres
- 7. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby further amended by deleting the following to Part 13.2 Site-Specific Provisions, Table 29 Site-Specific Provisions, Site-Specific Provision #XXX:

### RM3-203

Permitted Uses: As per parent zone

Regulations:

As per the parent zone, except for stacked townhouses where a minimum unit area of 120 square metres per dwelling unit to be - applied within the entire block. Minimum separation distance between townhouse exterior unit side walls: 2.4 metres

And replacing with the following to Part 13.2 Site-Specific Provisions, Table 29 Site-Specific Provisions:

RM3-203

Permitted Uses:

As per parent zone, and in addition, back-to-back townhouses, stacked back-to-back townhouse.

### **Regulations:**

As per parent zone, except for the following:

- Minimum lot area per apartment unit: 75 square metres
- Minimum lot area per *townhouse* unit: 120 square metres
- Minimum lot frontage for townhouse dwellings: 24.0 metres
- Minimum setback to a daylight triangle: 2.0 metres
- Minimum exterior side yard: 1.2 metres
- Maximum height of apartment building: 21.5 metres (Exclusive of Mechanical Penthouse)
- Minimum separation distance between townhouse exterior unit side walls: 2.4 metres

Notwithstanding Section 6.3, Table 15, Footnote 6:

 A back-to-back townhouse and stacked back-to-back may contain a balcony of approximately 5.5 m<sup>2</sup> in area, but is not required. Notwithstanding Section 3.9.1, only the following shall apply:

• On residential zoned lots a minimum of 30% of the front yard shall be landscaped open space

Notwithstanding Section 3.9.2, only the following shall apply:

• A 1.5m planting strip shall only be required adjacent to the street line. (A driveway and sidewalk is permitted within the planting strip)

Notwithstanding Section 3.12.2, only the following shall apply:

- Driveways on abutting internal units can be paired together
- Maximum driveway width of 70% of the unit frontage, up to a maximum of 6.0 metres
- 8. THAT all other provisions of By-law 2017-70 continue to apply.
- 9. THAT notwithstanding Section 34(10.0.0.1) and Section 45(1.3) of the *Planning Act*, an application for a Zoning By-law Amendment or Minor Variance can be made within two years of the passing of Zoning By-law 2017-70, without further resolution of Council.
- 10. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXXXXX, 2023.

MAYOR CHERYL GANANN

JOANNE SCIME, CLERK

### EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX

### Location:

This By-law involves a parcel of land legally known as Part of Lot 1, Registered Plan M-94, Township of West Lincoln, Regional Municipality of Niagara.

### Purpose & Effect:

The proposed amendment will allow for the development of a residential subdivision consisting of 56 single detached residential dwelling units, 144 conventional freehold townhouse units, 78 condominium townhouse units, 16 back-to-back townhouses, 64 stacked back-to-back townhouses and 54 condominium apartment units, 1.24 hectares of park and a multi-use trail on the Subject Lands.

The intended future land use of the Subject Lands for a residential development was confirmed through the land swap/ exchange process and subsequent Secondary Plan for the Northwest Quadrant. The amendment is required in order to implement the Secondary Plan, and facilitate the development of the Subject Lands in a manner that is compatible with the surrounding context while providing for a level of development that conforms to and is consistent with the applicable Local, Regional and Provincial land use planning policies as well as assist in achieving the established Greenfield density target.

### Public Consultation:

The Public Meeting was held on DATE, 2023. The Township received verbal and written comments from XX neighbour(s) regarding this application. All written and oral comments were considered in the making of the decision by Council.

File:XXXXXXXApplicant:P Budd Development Inc.

### Attachment No. 2 to PD-39-2023



### THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

### **BY-LAW 2023-XX**

BEING A BY-LAW TO APPROVE AMENDMENT NO. 67 (TO AMEND THE HEIGHT PROVISION OF THE NORTHWEST QUADRANT SECONDARY PLAN) OF THE TOWNSHIP OF WEST LINCOLN OFFICAL PLAN TO ACCOMMODATE FOR A SIX (6) STOREY RESIDENTIAL BUILDING IN THE STATION MEADOWS WEST PLAN OF SUBDIVISION WITHIN THE TOWNSHIP OF WEST LINCOLN

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

- THAT, Amendment No. 67 (to amend the height provision of the Northwest Quadrant Secondary Plan) of the Official Plan for the Township of West Lincoln, is hereby adopted and implemented by amending policy to accommodate for a six (6) storey residential building in the Station Meadows West Plan of Subdivision, as detailed in Schedule 'A'.
- 2. THAT, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended, based on a Regional Municipality of Niagara exemption.
- 3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17<sup>TH</sup> DAY OF JULY, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

Attachment No. 3 to PD-39-2023

### **AMENDMENT NUMBER 67**

### TO THE

### **OFFICIAL PLAN**

### OF THE

### TOWNSHIP OF WEST LINCOLN

Attachment No. 3 to PD-39-2023

### AMENDMENT NUMBER 67

### TO THE

### **OFFICIAL PLAN**

### OF THE

### TOWNSHIP OF WEST LINCOLN

### AS AMENDED

### PART 1 – THE PREAMBLE

### 1.1 <u>TITLE</u>

This Amendment when adopted by Council shall be known as Amendment Number 67 to the Official Plan of the Township of West Lincoln.

### 1.2 <u>COMPONENTS</u>

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

### 1.3 <u>PURPOSE</u>

The purpose of this Amendment is to amend the height provision on a site specific basis as it applies to the Northwest Quadrant Secondary Plan.

### 1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the height provision of Northwest Quadrant Secondary Plan in the Township of West Lincoln's Official Plan to accommodate for a six (6) storey residential building on Block 87 of the Station Meadows West Plan of Subdivision.

### PART 2 – THE AMENDMENT

### 2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text constitute Amendment No. 67 to the Official Plan of the Township of West Lincoln.

### 2.2.1 DETAILS OF THE AMENDMENT

The text of the Township of West Lincoln Official Plan is hereby amended by adding to the policy of the Northwest Quadrant Secondary Plan to accommodate for a six (6) storey residential building in the Station Meadows West Plan of Subdivision as follows:

### 6.11 Secondary Plans

### 6.11.5 Northwest Quadrant Secondary Plan

### 6.11.5.2.(c) vii)

Further, on Block 87 of the Station Meadows West Draft Plan of Subdivision, a residential building of up to six (6) storeys shall be permitted (plus roof top mechanical/penthouse XX units).

### 2.3 LOCATION MAP

The location of this policy change is illustrated on the attached map.

### 2.4 IMPLEMENTATION

This amendment will be required to be adopted and approved by Township Council and forwarded to Regional Council for approval unless a Regional exemption has been provided. This amendment will be implemented through Notification of the Regional Clerk's Department of decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township's Clerks department to all interested agencies of the decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect. Delegation of approval to the Township has been granted for this Official Plan Amendment.

### AMENDMENT NUMBER 67

### TO THE

### **OFFICIAL PLAN**

### OF THE

### TOWNSHIP OF WEST LINCOLN

### AS AMENDED

Official Plan Amendment Number 67 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2023-**##** in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, and amendments made thereto on the 17<sup>th</sup> day of July, 2023.

Jessica Dyson, Clerk

Mayor Cheryl Ganann

I, Jessica Dyson, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 67.

Jessica Dyson, Clerk



From: Dave Ignatczyk Sent: July 5, 2023 3:57 PM To: Jessica Dyson <<u>idyson@westlincoln.ca</u>> Cc: charlene ignatczyk Subject: Public Input- 1701-003-23 (OPA), 1601-004-23 (ZBA) - P BUDD DEVELOPMENTS INC - S. Grimsby Road 5

Good Afternoon Jessica,

As per our conversation, please see my comments below for public input:

### **Storm Retention Pond Expansion & High Rise Apartment**

- 1. The current storm management pond has little to no attention dedicated to it currently by the municipality. In a conversation I had with Senior Planner Gerrit Boerma last year, He advised that the municipality plants vegetation so that the "pond takes care of itself". The current storm management pond covers a large area already and the standing water within this area creates a breeding ground for mosquitos and other wildlife that the residents have to deal with on a regular basis. The shores outside of the fence line have been eroded by animals burrowing and for over 2 years that I have lived here, this has not been attended to by the municipality leading to trip hazards for people and pets walking through the greenspace area. This is leading to increased liability on the municipality for failing to maintain current property, let alone expanding the storm retention ponds compounding these problems for residents to face.
- 2. It is my understanding that the original agreement between the residents of the properties that back onto this greenspace where the proposed retention pond expansion is planned to occur and P Budd, was that those residents had to pay an extra fee to the contractor in order for the contractor to guarantee this area remain a "greenspace" (I do not have paperwork, it is my understanding from previous residents). Now that this property has been turned over to the municipality, the plan is to utilize that greenspace for the newly proposed subdivision expansion storm retention ponds as it is now municipal property. This will allow the contractor P Budd to build more houses in the new development, however this property was established under one understanding and is now planning to be altered under a different understanding but in favor of the same developer. The storm retention ponds are relocated into the new subdivision, they will need to be connected to the current storm pond in the event of overflow, but the contractor will be required to install piping either way to move the storm water.
- 3. One of the big attractions to purchasing our home was the Greenspace behind our home, This along with the points mentioned above in section 2 of this email were some of the reasons for the purchasing costs of our home. This newly proposed storm retention pond expansion is planned to occupy the entire area behind our home, which will have a detrimental affect on our resale value, how will the municipality reimburse the property value decrease that this expansion will have for each of the residents?
- 4. With the railway so close to the current storm management pond, the railway has water sample test hole posts in the proposed "storm pond expansion area" to ensure no toxic chemicals are leaching from the railway into the surrounding area. This expansion will require the removal of the test hole posts and place the new storm water pond expansion for Clean water within

proximity of the rail line where there could be potential contamination from hazardous chemicals leaching in the ground. Instead of increasing the hazard that could be created, why not mitigate the potential hazard by locating the required storm ponds for the new subdivision in the area of the new subdivision and away from the rail line.

- 5. The current greenspace behind our home includes a tall berm that runs parallel to railway with a pressure treated fence at the top, During the winter, this hill is packed and provides many kids/ families a safe place to sled/ toboggan. There has been situations in the past that have ended with tragic outcomes because there was no safe area away from dangers like traffic, water hazards, etc where families can enjoy themselves or it requires families to travel long distances away from our municipality to seek enjoyment elsewhere, directly contradicting the municipalities goal of attracting families to the community.
- 6. When I spoke with Senior Planner Gerrit Boerma last year, I asked if other options were considered other than expanding the surface area of the current pond and he replied with the municipality takes advantage of current property and infrastructure when deciding on location for storm ponds. I understand these factors that are taken into consideration, but when I inquired if any other options were considered, no other options were identified during our conversation. I believe the municipality accepted the first and easiest option that was presented instead of investigating other options that would best suit the residents and visitors to the municipality.
- 7. The proposed zoning amendment to allow for a height exemption to 6 stories should be denied. Consideration by council for the municipalities long term projections need to be established and followed. Trying to fit more residences into smaller geographic spaces without consideration for the direction of the municipality, the infrastructure that services the area, the affect to the current residents is irresponsible. I can understand developers are trying to maximize their profits/ investments but it must balance out with the rest of the surrounding area. Developer has the ability to engineer the building to allow for additional floors at a later date, if it is the direction the municipality wishes to take. This will allow for a period of time to determine if the roads, parking and other infrastructure can support the additional apartments and not have a one off building within the subdivision

My contact info:

Dave Ignatczyk Smithville Ontario LOR 2A0 Email-

Thanks again for your time Jessica, as this is my first submission in this nature, please let me know if there are any concerns or additional information required.

### **Gerrit Boerema**

From: Sent:	Municipal Planning <municipalplanning@enbridge.com> June 28, 2023 1:09 PM</municipalplanning@enbridge.com>
То:	Gerrit Boerema
Subject:	RE: Application for Official Plan Amendment and Zoning Bylaw Amendment File No.
	1701-003-23 & 1601-004-23 P Budd Developments

Thank you for your circulation.

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur Municipal Planning Coordinator Engineering

ENBRIDGE TEL: 437-929-8083 500 Consumers Rd, North York, ON M2J1P8

enbridge.com Safety. Integrity. Respect. Inclusion.

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

From: Gerrit Boerema <gboerema@westlincoln.ca>

Sent: Friday, June 16, 2023 4:18 PM

To: ann-marie.norio@niagararegion.ca; 'Sue Mabee' <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; Meghan Birbeck <mbirbeck@npca.ca>; Pasquini-Smith, Alexsandria <Alexsandria.PasquiniSmith@ncdsb.com>; Notifications <Notifications@enbridge.com>; Municipal Planning <MunicipalPlanning@enbridge.com>;

landuseplanning@hydroone.com; rowcentre@bell.ca; Busnello, Pat <pat.busnello@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; CP Proximity-Ontario <CP\_Proximity-Ontario@cpr.ca>; mr18enquiry@mpac.ca; consultations@metisnation.org; tedc@metisnation.org; pontdj@hotmail.com; jocko@sixnationsns.com; hdi2@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; megan.devries@mncfn.ca; peter.epler@mncfn.ca; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@fenfc.org; executivedirector@nrnc.ca; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; KYLE, David E. <david.kyle@canadapost.postescanada.ca>; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; Joe Friedman <friedmanjoe21@gmail.com>; Jim Sorley

rewdevelopment@rcl.rogers.com; randy.leppert@cogeco.com; Joe Friedman <friedmanJoe21@gmail.com>; Jim Sorie <jim.sorley@npei.ca>; Ray Vachon <rvachon@westlincoln.ca>; info@niagarahomebuilders.ca; Fred vanderVelde

### Attachment No. 4 to PD-39-2023

<fredv@royallepage.ca>; West Lincoln Chamber <westlincolnchamber@bellnet.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca> Subject: [External] Application for Official Plan Amendment and Zoning Bylaw Amendment File No. 1701-003-23 & 1601-004-23 P Budd Developments

CAUTION! EXTERNAL SENDERWere you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good Afternoon,

Please find attached the notice of public meeting for Official Plan and Zoning Bylaw Amendment submitted by P Budd Developments.

The full submission can be found in the drop box link below:

https://urldefense.com/v3/\_\_https://www.dropbox.com/scl/fo/8zbsikfpa60sz61xpbei1/h?dl=0&rlkey=4ubja28mx5kl51 mzmzl0bxmo6\_\_;!!OME7ob65ag!rS1TKdWEz8i7tCpVtkL11N\_5CzGYOK63awdcN\_9qCgm5XS2bOWLS5IiYGKJeWLQDfGLZ MWGMt2AmJ75UIyW2BMRMRT5aPQo\$

If you have any questions please let me know.

Gerrit,

Gerrit Boerema Senior Planner Tel: 905-957-3346 ext.5133 Email: mailto:gboerema@westlincoln.ca

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### Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7 905-980-6000 Toll-free:1-800-263-7215

### Via Email Only

July 5, 2023

File Number: D.10.12.OPA-23-0031 D.18.12.ZA-23-0062

Dave Heyworth Manager of Planning Township of West Lincoln 318 Canborough Street Smithville, ON, LOR 2A0

Dear Mr. Heyworth:

Re: Regional and Provincial Comments Proposed Official Plan Amendment and Zoning By-law Amendment Township File: 1701-003-23 (OPA) and 1601-004-23 (ZBA) Owner: P. Budd Development Inc. Agent: MHBC Planning c/o Oz Kemal Station Meadows West – east of South Grimsby Road 5, north of the Canadian Pacific Railway, and south of Spring Creek Road allowance Township of West Lincoln

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the above-mentioned Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for lands legally described as Lot 1, Plan M94, Lots 12 and 13 of Plan 30M300 and Parts 1 and 2 of Plan 30R15516. The lands are located to the east of South Grimsby Road 5, north of the Canadian Pacific Railway, and south of the Spring Creek Road allowance and referred to as 'Station Meadows West'.

The OPA application proposes to permit a 6-storey apartment building on the west side of the subject property near South Grimsby Road 5, whereas the Township Official Plan only permits a maximum of 4-storeys (up to 5 storeys through a site-specific exception) within the 'Medium Density Residential' Designation. The ZBA application is proposed to modify the existing 'Residential (R2)', 'RM2-201', 'RM2-202', and 'RM3-203' zones to change a number of zoning regulations including, but not limited to, height, planting strips, lot area, lot overage, landscape open space and driveway widths. The residential subdivision will be comprised of 56 single-detached residential units, 144 freehold townhome units, 78 condominium townhouse units, 16 back-to-back units, 64 stacked D.10.12.OPA-23-0031 D.18.12.ZA-23-0062 July 5, 2023

back-to-back units, 54 apartment units in a 6-storey apartment, and a 1.24 hectare neighbourhood park and multi-use trail.

A pre-consultation meeting for the overall development was held on April 18, 2019. Regional staff have provided comments on previous Zoning By-law Amendment and Draft Plan of Subdivision applications on January 31, 2020, October 2, 2020, and May 4, 2021, respectively, as well as various engineering submissions. The following comments are provided from a Provincial and Regional perspective to assist Council in their consideration of the current applications.

### **Provincial and Regional Policies**

The subject lands are located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and within the 'Designated Greenfield Area' in A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

The Growth Plan and NOP identify that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built-up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. The NOP directs local Official Plans to have policies which ensure this target will be achieved on a municipal-wide basis.

Staff have reviewed the submitted 'Planning Justification Report', ("PJR") prepared by MHBC (dated June 8, 2023). The PJR identifies that while a phased approach is being undertaken for the development, the proposal will provide a gross residential density of 59.76 people per hectare. Staff note that the Township's Northwest Quadrant Secondary Plan is in-effect for the subject lands, which includes density targets developments within this area are required to achieve to ensure the municipal-wide Greenfield density target is met. Township staff are responsible for monitoring this and should be satisfied that the proposal conforms to the neighbourhood density targets in the Northwest Quadrant Secondary Plan.

### Land Use Compatibility

Regional staff previously noted that the subject lands are adjacent to the Canada Pacific rail line to the south. Policy 1.2.6.1 of the PPS and Policy 4.2.4.2 of the NOP states that major facilities (including transportation infrastructure and corridors and rail facilities) and sensitive land shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants in order to minimize risk to public health and safety in accordance

D.10.12.0PA-23-0031 D.18.12.ZA-23-0062 July 5, 2023

with provincial guidelines, standards, and procedures. Through the previous Zoning Bylaw Amendment application and Draft Plan of Subdivision applications, Regional staff reviewed a 'Noise and Vibration Feasibility Study, prepared by HGC Engineering (dated March 2, 2021), which predicted sound levels to be above the Ministry of the Environment, Conservation, and Parks' ("MECP") limits at the proposed development. As floor plans and elevation plans were not available when the study was completed, it was recommended by the consultant that a detailed noise study be completed when grading information for the proposed development was available, along with detailed floor plans and building elevations.

The submitted PJR notes that the proposed development provides the requisite 30 metre setback for residential uses from the rail line, as noted in the Guidelines for New Development in Proximity to Railway Operations. No dwellings are proposed to be constructed within the 30 metre railway setback, and incorporation of other mitigation measures as recommended by the Noise and Vibration study will be implemented prior to final approval of the Draft Plan of Subdivision. The approved Draft Plan conditions for the proposed development include a requirement that a detailed noise study be provided based on final grading, building floor, and elevation plans. Regional staff will review and provide comments on the detailed noise study prior to final approval of the Draft Plan of Subdivision.

### **Technical Comments**

Conditions related to servicing, stormwater management and waste collection were addressed as part of Regional staff's previous review of the Draft Plan of Subdivision application. Waste collection requirements will also be addressed at the time of the future Site Plan application for the proposed apartment building.

### Conclusion

In conclusion, Regional staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment from a Provincial and Regional perspective. The proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement (PPS) and conforms to Provincial Plans and the Niagara Official Plan (NOP). Accordingly, the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Please send copies of the staff report and notice of the Township's decision on these applications.

If you have any questions related to the above comments, please contact me at <u>amy.shanks@niagararegion.ca</u>.

D.10.12.OPA-23-0031 D.18.12.ZA-23-0062 July 5, 2023

Kind regards,

any Sh

Amy Shanks, MCIP, RPP Senior Planner

cc: Susan Dunsmore, P.Eng. Manager of Development Engineering, Niagara Region Katie Young, MCIP, RPP, Senior Planner, Niagara Region



**REPORT** ALL COMMITTEES

DATE: July 7, 2023

**REPORT NO:** PD-36-2023

SUBJECT:Recommendation Report - Zoning By-law Amendment Application<br/>Brad Snippe - 7005 Concession 4 Road (File No. 1601-005-23)

**CONTACT:** Dave Heyworth, Manager of Planning Brian Treble, Director of Planning & Building

### OVERVIEW:

- An application for rezoning was submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 7005 Concession 4 Road (see attachment 1 for a location map).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling severance application B2/2023WL, that was conditionally approved by the Township of West Lincoln's Committee of Adjustment on March 29<sup>th</sup>, 2023.
- This zoning amendment application proposes to rezone the severed residential lot from an Agricultural 'A' zone to a Rural Residential 'RuR' zone and the remaining agricultural lands from an Agricultural zone 'A' to an Agricultural Purpose Only zone 'APO' with a site specific provision to recognize the deficient lot area.
- Subject to any comments raised through the public meeting process, Planning Staff recommend approval of this application for zoning amendment as it meets the applicable provincial, regional and local planning policy.
- Staff have prepared this Recommendation Report without a Technical Report since the application is simple in nature and this is an approach that may need to be used to meet Bill 109 timelines.

### **RECOMMENDATION:**

- That, Recommendation Report PD-36-2023, regarding "Recommendation Report -Zoning By-law Amendment Application, Brad Snippe 7005 Concession 4 Road – File No. 1601-005-23", dated July 17<sup>th</sup>, 2023, be RECEIVED; and,
- The application for Zoning By-law Amendment 1601-005-23 submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 7005 Concession 4 Road be APPROVED in accordance with the attached Amending By-law.

### Respecting Our Roots, Realizing Our Future

3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

### ALIGNMENT TO STRATEGIC PLAN:

### Theme #2

• Champion – strategic and responsible growth

### BACKGROUND:

An application for a Zoning By-law Amendment has been submitted by Brad Snippe for the property municipally known as 7005 Concession 4 Road (see Attachment 2 for a survey sketch).

This application for Zoning By-law Amendment has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B2/2023WL, that was conditionally granted approval by the Committee of Adjustment on March 29<sup>th</sup>, 2023.

The Zoning By-law Amendment requests to rezone the severed residential lot (Parcel 1) from an Agricultural 'A' zone to a Rural Residential zone 'RuR' to recognize that the lot is no longer agricultural. This application also proposes to rezone the remaining agricultural land (Parcel 2) from an Agricultural zone 'A' to an Agricultural Purpose Only zone 'APO' with a site specific provision to recognize the deficient lot area, being 19 hectares, whereas the zoning bylaw requires 39 hectares. The APO zone is a requirement of Provincial, Regional and Local planning policy to preclude any future residential uses on the remaining farmland following a surplus farm dwelling severance.

Township staff had reviewed the consent application and provided a recommendation





of support to the Committee of Adjustment as the surplus farm dwelling severance met all the requirements set out in the Township's Official Plan.

### **CURRENT SITUATION:**

Township Staff have reviewed the application for zoning amendment to determine alignment with the relevant Provincial, Regional and Local policies.

### 1. Provincial Policy Statement (PPS) and Provincial Growth Plan

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and

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may only be permitted for a residence surplus to a farming operation as a result of farm consolidation. This support is provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The proposed zoning amendment is to ensure that provincial policy is being maintained and that no new residential dwellings will be permitted on the remaining farmland. As such, the proposed application meets the intent of the PPS and the Growth Plan as it provides long term protection of agricultural lands within the agricultural system.

#### 2. Niagara Official Plan

The Niagara Official Plan provides general policy direction for planning in the Niagara Region. The Plan, in alignment with the PPS, permits surplus farm dwelling severances provided they meet several criteria. Based on the review completed as part of the Committee of Adjustment hearing, the severance met the policies outlined in the Niagara Official Plan provided a condition be implemented through the severance requiring that the remaining farmland be rezoned to preclude residential uses.

As such, the proposed zoning meets the intent of the Niagara Official Plan.

#### 3. Township of West Lincoln Official Plan (OP)

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet a number of criteria including, the requirement that the residence is surplus to a farm operator, and that the remaining farmland be rezoned to Agricultural Purposes Only to preclude future residential uses.

This application for consent has been made by a bona-fide farmer and as a condition of consent the applicant is proposing a rezoning on the remaining farmland to preclude future residential uses. As such, the proposed zoning bylaw amendment maintains the intent of the Township's Official Plan.

#### 4. Township of West Lincoln Zoning By-Law (ZBL)

The property is currently zoned Agricultural 'A', 'A-215', A(H-10), Environmental Conservation 'EC', and Environmental Protection 'EP'. A condition of the consent application is for the applicants to apply for, and receive approval of, a Zoning by-law amendment application.

A Zoning By-law Amendment was submitted by former owners and approved by Council in 2022 to permit a home industry on the property. Since that time the property has been purchased by Mr. Snippe and all business activity has been removed. As Mr. Snippe only has interest in farming the remaining farmland, there is no need to retain the zoning that permits the home industry.



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The Zoning By-law Amendment proposes to rezone the severed parcel containing a dwelling (Parcel 1) from an Agricultural zone 'A' to a Rural Residential zone 'RuR'. This application also proposes to rezone the remaining agricultural parcel from an Agricultural zone 'A' Zone, 'A-215' Zone and 'A(H-10) Zone, to an Agricultural Purpose Only Zone 'APO-223' with a site specific provision to recognize the deficient lot area (Parcel 2). The existing environmental zoning in the northeast corner of the property is to be maintained.

The Township Zoning By-law requires that agricultural lots zoned APO have a minimum lot area of 39 hectares ( $\pm$ 96 acres), however, following the severance Parcel 2 will be only 19 hectares ( $\pm$ 47 acres). The total lot area is 20 hectares, so the remaining farm parcel, parcel 2, is not significantly smaller than what has existed.

#### FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application for zoning amendment has been submitted prior to July 1<sup>st</sup>, 2023. Under Bill 109, the *More Homes for Everyone Act, 2022*, starting on July 1<sup>st</sup>, 2023, the municipality will be required to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be required to refund.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 90 - 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

#### **INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting was circulated to all relevant agencies on June 20<sup>th</sup>, 2023. A yellow sign was posted on the property and a notice of hearing was also mailed out on June 20<sup>th</sup>, 2023.

The Niagara Region provided comments on the previous consent application which was made on March 30<sup>th</sup> 2022. The Regional Planning and Development Services staff have offer no objection to the proposed surplus farm dwelling severance. The Region does not provide separate comments on the associated zoning bylaw amendment to Agricultural Purposes Only.

Township Building Department, Septic Inspector, and Public Works Department, had no objections to the application during the consent process.

No members of the public provided comments with respect to the consent application or the zoning bylaw amendment application.

#### **CONCLUSION:**

Township staff have completed a preliminary review of this application against the applicable planning policy. This application has been submitted to fulfil a condition of consent for a surplus farm dwelling severance, to ensure that the remaining agricultural lands are not used for residential purposes in the future, as per the Provincial Policy Statement requirements. The consent was reviewed and conditionally approved based on the proposed severance meeting the general intent of the applicable planning policy.

As this application meets the applicable provincial, regional and local planning policy, Planning Staff are recommending that the application be approved, subject to any comments raised in the public meeting.

#### ATTACHMENTS:

- 1. Location Map
- 2. Survey Sketch
- 3. Draft Zoning Amendment Bylaw

Prepared & Submitted by:

Dave Heyworth Manager of Planning

Brian Treble, Director of Planning & Building

Approved by:

Bev Hendry CAO

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# Location Map 7005 Concession 4 Road

75

37.5



Legend
Subject Property
ZoneBoundary
Zone Boundary
EC
EP
EP

 Document Path: X:\pb-Planning\Committee of Adjustment\Consents\2023\B022023WL -Snippe\2. Notice of Hearing - B022023WL\7005 Concession 4 Road Zoning Map.mxd

150 Meters

earing - B022023WL\7005 Concession 4 Road Zoning Map.mxd Mar 2023



### BY-LAW NO. 2023- XX

#### A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

# NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

- 1. THAT Schedule 'A' Map 'D5' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Lot 39, Concession 5, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
- THAT Map 'D5' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agriculture 'A' and from an Agricultural A(H-10) zone to an Agricultural Purpose Only 'APO' zone with a site specific exception APO-223.
- 3. THAT Map 'D5' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agriculture 'A' and from an Agricultural A-215 zone to Rural Residential 'RuR' Zone.
- 4. THAT Part 13.1 of Zoning By-law 2017-70, as amended, is hereby amended by deleting the following:

A-(H-10)

Area of existing business A (H-10) shall be returned to active agricultural production prior to the return of securities collected as part of a site plan approval for the 'A-215' zone.

5. THAT Part 13.2 of Zoning By-law 2017-70, as amended, is hereby amended by deleting the following:

A-215

Permitted Uses:

As per the parent zone, plus a home industry use

**Regulations:** 

As per the parent zone, except:

Maximum ground floor area for accessory building – 300 sq. m.

Maximum distance from a main building for an accessory building – 60 metres

Maximum number of employees other than the residents of the dwelling – 3 employees

No machinery or processes relating to the home industry which emits noise, vibration, glare, fumes, odour, dust, or any other obnoxious activity, shall be permitted beyond the property boundary.

Prior to any works taking place on the subject property, site plan approval is required and will include:

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- The existing business operation within the A (H-10) zone shall be returned to active agricultural production; and
- Outdoor storage is to located in the rear yard and is to be screened as part of a site plan application; and,
- Securities collected for the required site works.
- 6. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

APO-223 Permitted Uses: As per the parent zone.

> Regulations: As per the parent zone, except: minimum lot area 19 hectares.

- 7. THAT all other provisions of By-law 2017-70 continue to apply.
- 8. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
## DAY OF MONTH, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

# EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX

#### Location:

This By-law involves a parcel of land located on the north side of Concession 4 Road, legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 7005 Concession 4 Road.

#### Purpose & Effect:

The subject lands were zoned Agricultural 'A', 'A-215', 'A(H-10), Environmental Protection 'EP' and Environmental Conservation 'EC'. The property has been rezoned to Agricultural Purposes Only 'APO-223' to recognize a deficient lot area, and Rural Residential 'RuR'.

#### Public Consultation:

The Public Meeting was held on Monday July 27<sup>th</sup> 2023. The Township received ## written and ## oral comments from members of the public in regards to this application. All written and oral comments were considered in the making of the decision by Council.

File:1601-005-23Applicants:Snippe





Your Future Naturally

**REPORT** COUNCIL (ALL COMMITTEES)

**DATE:** July 17, 2023

REPORT NO: WLFD-11-2023

SUBJECT: Squad 2 Replacement Recommendation

**CONTACT:** Tim Hofsink, Acting Fire Chief

### OVERVIEW:

- Squad 2, a truck at Station 2, has had an engine failure and as a result is currently out of service.
- Staff are recommending that Squad 2 be replaced with a smaller pick-up truck a year ahead of the capital budget timeline in order for Station 2 to operate at full capacity.
- Staff request Council's approval of a Budget Amendment (BA2023-08) in the amount of \$97,000.

## **RECOMMENDATION:**

- 1. That, Recommendation Report WLFD-11-2023 regarding "Squad 2 Replacement Recommendation" dated July 17<sup>th</sup>, 2023 be received; and,
- That, the replacement of the Squad 2 (smaller rescue vehicle) at Station 2 in Caistor Centre be advanced from the 2024 Capital Budget to the 2023 Fiscal year with a budget amendment; and,
- 3. That, Council approve a \$97,000 Budget Amendment BA2023-08 financed through a transfer from the Fire Reserve.

## ALIGNMENT TO STRATEGIC PLAN:

Strategic Priority #1 & #4

- **Build** a safe, connected, caring and active community
- Advance organizational capacity and effectiveness

#### BACKGROUND:

The current Squad 2 truck at Station 2 is a 2006 Ford F550 with a diesel engine and was budgeted to be replaced in 2024.

The Ten Year Capital Plan includes project 851 in 2024, which recommends the acquisition of a half-ton sized pick-up style truck to replace the 2006 Ford F550 Squad truck at Station 2 with a budget of \$68,000. A Squad truck is a smaller response unit used for the transportation of personnel and equipment to and from emergency scenes.

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It is also used for emergency responses that require smaller apparatus, and where a heavy rescue/pumper is not required or suitable, such as medical calls and carbon monoxide investigations.

#### **CURRENT SITUATION:**

Following a Fire Service call, the 2006 Ford F550 Squad truck returned smoking severely from the exhaust, leaking coolant from engine bay and tailpipe. The truck was assessed by mechanics and it was determined that the engine had developed an internal leak, possibly from the cylinder head or gasket or from the EGR cooler. Coolant had entered the oil reservoir, contaminating the oil and likely damaging vital engine components.

The job to fix this is a very large one, including the removal of the cab and replacement of the engine, switching useable components from the old engine to the new.

The truck is currently approximately 18 years old, has had some fairly significant repairs to date and is scheduled for replacement in 2024, according to the Fire 10-year Capital budget plan. The intention was to replace the truck in 2024 with a smaller pick-up style vehicle as is currently being used at Station 1 for calls of the types this vehicle is designated to run.

The current vehicle is out of service and the full-size heavy rescue is running in its place. This situation means that fewer spaces are available for firefighters on apparatus during calls. Certain equipment is carried on the Squad, for which there is not sufficient space on the heavy rescue.

## OPTIONS

Options include:

- 1. Replacing the vehicle in the current year and with a smaller pick-up style vehicle, one year ahead of the capital budget timeframe (**recommended option**)
- 2. Repairing vehicle in the current year, then replacing it the following year with the originally scheduled replacement (**not recommended** due to low resale value of the repaired vehicle, poor return on investment)
- 3. Taking no action (**not recommended** as too few seats on apparatus already an issue with some calls, some equipment is not currently available immediately on calls due to space constraints)

#### FINANCIAL IMPLICATIONS:

Estimates have been provided to address Option 2 with a replacement engine costing from \$21,000-\$37000.

To proceed with the recommended Option 1, and replace the vehicle with a smaller pick-up truck a year ahead of the capital budget timeline and including the associated costs of preparing a new vehicle for emergency vehicle use e.g., installing a warning light system, sirens, a truck box cap, decals and labeling, and other assorted equipment, the cost is estimated to be approximately \$95,000 plus hst.

However, it is important to note that this a rough estimate as supply shortages have made estimating costs difficult to predict.

Council is being asked to approve Budget Amendment BA2023-08 to accelerate the replacement of the 2006 Ford F550 from 2024 to 2023 (Project 851). The budget amendment approves a budget of \$97,000, financed through a transfer from the Fire Reserve.

#### **INTER-DEPARTMENTAL COMMENTS:**

The CAO and the Director of Finance have reviewed the contents of this report.

#### CONCLUSION:

It is recommended that Council approve Option 1 as the recommended option and Council is being asked to approve Budget Amendment BA2023-08 to accelerate the replacement of the 2006 Ford F550 from 2024 to 2023 (Project 851).

Prepared & Submitted by:

Tim Hofsink Acting Fire Chief

Approved by:

Bev Hendry CAO

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# BY-LAW 2023-52

## BEING A BY-LAW TO APPOINT A DEPUTY CLERK FOR THE TOWNSHIP OF WEST LINCOLN.

**WHEREAS** the Municipal Act, S.O. 2001, c.25, provides that a municipality may appoint Deputy Clerks who have all of the powers and duties of the Clerk;

**AND WHEREAS** Council deems it necessary to appoint a Deputy Clerk;

# NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

- 1. That Justin Paylove be and is hereby appointed as Deputy Clerk for the Corporation of the Township of West Lincoln.
- 2. That the Deputy Clerk shall have all the powers of the Clerk under the provision of the Municipal Act, 2001, c.25 and any other Act.
- 3. That, this Appointment By-law shall come into force and effect on the date of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17<sup>TH</sup>, DAY OF JULY, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

# BY-LAW NO. 2023-53

A BY-LAW TO AUTHORIZE A TEMPORARY USE AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, JONATHAN KELLY AND LOREEN KELLY, AND ANY MORTGAGEES FOR LANDS DESCRIBED AS LOT 16, CONCESSION 6, IN THE FORMER TOWNSHIP OF CAISTOR, NOW IN THE TOWNSHIP OF WEST LINCOLN (MUNICIPALLY KNOWN AS 9275 CONCESSSION 5 ROAD).

**WHEREAS** the Corporation of the Township of West Lincoln deems it expedient to enter into a Temporary Use Agreement with Jonathan Kelly, Loreen Kelly & any Mortgagees, for lands legally described as Lot 16, Concession 6, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 9275 Concession 5 Road);

**AND WHEREAS** approval and authority for such agreement is required;

# NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

- THAT the Council of the Corporation of the Township of West Lincoln enter into a Temporary Use Agreement with Jonathan Kelly, Loreen Kelly & any Mortgagees, for lands legally described as Lot 16, Concession 6, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 9275 Concession 5 Road);
- 2. THAT the Mayor and Clerk be and each of them is hereby authorized to sign the said Temporary Use Agreement and any other document or documents necessary to implement the intent of this By-law and the said Temporary Use Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
- 3. THAT a copy of the said Temporary Use Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A", and shall form part of this By-law, upon registration on title.

#### READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17<sup>th</sup> DAY OF JULY 2023.

CHERYL GANANN, MAYOR

JESSICA DYSON, CLERK

# BY-LAW 2023-54

# BEING A BY-LAW TO REGULATE ANIMAL CARE AND CONTROL WITHIN THE TOWNSHIP OF WEST LINCOLN

**WHEREAS** Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("Municipal Act") authorize a lower tier municipality to pass by-laws respecting animals;

**AND WHEREAS** Section 8(3) of the Municipal Act confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

**AND WHEREAS** section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under that Act is guilty of an offence;

**AND WHEREAS** section 434.1(2) of the Municipal Act provides that the purpose of a system of administrative penalties, and the Provincial Offences Act, R.S.O. 1990, c. P.33, shall be to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** Section 103 of the Municipal Act provides that if a municipality passes a by-law regulation or prohibiting with respect to the being at large or trespassing of animals it may provide for the seizure and impoundment of animals found at large or trespassing contrary to that by-law under certain conditions;

**AND WHEREAS** the Act, Section 105 provides, inter alia, for the muzzling of dogs;

**AND WHEREAS** Section 391 of the Municipal Act enables a municipality to pass a by-law imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Council deems it expedient and in the public interest to license dogs, to regulate and control animals in the municipality and to regulate the care and keeping of animals pursuant to its authority to do so under the Municipal Act;

# THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

#### 1. Short Title:

This by-law shall be known as the "Animal Control By-Law"

#### 2. DEFINITIONS

For the purposes of this By-law:

"Animal" means any member of the animal kingdom but excluding fish;

"At large" means being at any place other than the premises of the owner of the animal and not under the control of the owner, except where the owner of the property permits the animal to be on his or her property;

"Attack" means physical contact, other than accidental contact, by an Animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a Person or an Animal or damage to clothing worn by a Person, and the words "Attacked" or "Attacking" have a corresponding meaning;

"Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of an Animal;

"Bona fide farmer" means a farmer who is carrying on farming operations where his/her actions as well as his/her intentions are genuine intentions to develop land as a farming proposition in the hope, based on reasonable grounds, that an ultimate profit will be derived

"Cat" means a domesticated feline animal, male or female;

"Commercial kennel" means a premise where the primary purpose of the facility is for the boarding of Dogs for hire or gain;

"Council" means The Corporation of the Township of West Lincoln;

"Dog" means a domesticated canine animal, male or female;

"Domestic animal" means any tamed or domesticated Animal;

"Dwelling unit" means a building, structure, room or rooms occupied or intended for use for human habitation in which sanitary, cooking, living and sleeping facilities exist;

"Private kennel" is a Kennel where four or more dogs, excluding pups under ten weeks of age, are kept for personal uses as hunting Dogs, sled Dogs or show Dogs, kept for the purpose of training or kept as pets and where there is no boarding and no revenue derived from the Kennel;

"Keep" means to have temporary or permanent control or possession of an Animal, the words "Kept" or "Keeping" have a corresponding meaning;

"Kennel" means a building or structure or part thereof whereby animals are kept as pets or for remuneration for the purpose of breeding, boarding, housing, feeding and/or maintenance and excludes animal clinics, grooming establishments, Humane Societies and Pet Shops; "Leash" means a rope, chain or other restraining device for a dog that may not exceed 5 metres;

"Livestock" means any domestic or farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;

"Livestock Guardian Dog (LGDs) means a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose;

"Motor vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.0. 1990, c. H.8, as amended;

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal that does not interfere with the breathing, panting, ability to drink, or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting, the words "Muzzled" and "Muzzling" have a corresponding meaning;

"Officer" means a Person appointed by Council as a Municipal By-law Enforcement Officer, and Animal Control Officers employed by the Society including agents and inspectors designated as such under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O. 36 and all other enforcement officers as may be appointed by the Province of Ontario and the Region of Niagara.

"Owner" means any person who possesses, harbours or keeps an animal, and where the Owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal, the word "Owns" has a corresponding meaning;

"PAWS" means the Provincial Animal Welfare Services Act, 2019, S.O.2019, c. 13;

"Person" means an individual, corporation, association, or any other non-incorporated entity;

"Pet shop" means a shop or place where animals are sold or kept for sale for use as pets;

"Pound" means the part of the premises of the society used for the temporary housing and care of animals that have been impounded pursuant to this by-law, in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22;

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

"Premises" includes a Dwelling unit, a house or building and the land or Premises on which the building or house is situated or attached;

"Prohibited animal" means any Animal that is set out in Schedule "B" attached to this by-law and which may be amended by the Council from time to time as required;

"Redemption Period" is a period of seventy two (72) hours where an impounded animal may be claimed by the owner when in custody of the pound;

"Service dog" means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons;

"Shelter" means a structurally sound and sufficient, weather-proof, insulated enclosure of dimensions sufficient to protect the full body of the animal for whose use it is intended from the elements and in which the animal is able to fully stand up, sit down, turn around and lay down with its limbs fully extended;

"Society" means the Niagara SPCA and Humane Society;

"Sterilized" in respect of a dog means either spayed or neutered and

"Sterilization" has a corresponding meaning;

"Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents an animal from moving away from a localized area, the words "Tethered" and "Tethering" have a corresponding meaning;

"Township" means the Township of West Lincoln or the geographic area thereof and shall include all servants, agents and contractors;

"Urban boundary" means the urban boundary as set out and or as amended in Schedule "A" or as amended as provided in the Comprehensive Zoning By-law 2017-70, as amended, and its successor thereto;

"Wild animal" means all mammals other than domestic animals but does not include the domestic ferret; and

"Without provocation" when used in reference to a bite or attack on a person or animal, means in the absence of any abuse, assault, teasing, tormenting, unwanted physical contact or the like by the person or animal who sustained the bite or attack.

#### 3. CARE OF ANIMALS

#### **Responsibility to Care for Animals**

- 3.1 Every Person who keeps an Animal within the Township shall at all times provide the Animal, or cause it to be provided with:
  - 3.1.1 a clean and sanitary environment free from the accumulation of waste matter; and

- 3.1.2 adequate and appropriate care, food, water, Shelter, and the opportunity for physical activity.
- 3.2 Every Person who keeps an Animal that may reside outdoors, shall, in addition to complying with the requirements set out in Section 3.1 of this Bylaw, ensure that the animal is provided with:
  - 3.2.1 a Shelter that is of such a nature and condition that the Animal would not be harmed and its health would not be negatively affected for the reason of being in such a Shelter;
  - 3.2.2 a Shelter in a size and condition that will allow an Animal to extend its legs, wings and body to their full natural extent;
  - 3.2.3 an area separate from the Shelter that provides the Animal with shade and protection from direct sunlight at any time of the day; and
  - 3.2.4 an area that is dry and free from standing water.

#### Tethers

- 3.3 No Person shall keep an Animal Tethered unless:
  - 3.3.1 the Tether is a minimum of four metres in length;
  - 3.3.2 the Animal has unrestricted and unobstructed movement within the range of the Tether;
  - 3.3.3 the Animal has access to food, water and Shelter;
  - 3.3.4 it is attached to a permanently fixed object;
  - 3.3.5 the Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and
  - 3.3.6 the Animal is Tethered in a way that it will not injure itself.
- 3.4 No Person shall tether an Animal in such a way as to permit the Animal to go beyond the limits of the Person's Premises, or the Premises of another Person from whom the Owner of the Animal has received prior consent from the Owner of that Premises.

#### Sanitary Conditions

- 3.5 Every Person who keeps an Animal within the Township shall keep the Animal, or cause the Animal to be kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that may endanger the health of any Person or Animal.
  - 3.6 Section 3.5 does not prohibit a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1.

# 4. DOGS

### Registration

- 4.1. Every owner of a Dog within the Township shall:
  - 4.1.1. register the Dog annually with the Township and pay an annual dog registration fee as set out in Schedule "C";
  - 4.1.2. provide proof of Sterilization from a qualified veterinarian at the time of registration to qualify for a discounted annual Dog registration fee;
  - 4.1.3. ensure that the Dog identification tag, issued by the Township at registration is on the Dog's collar, and the said collar is affixed to the Dog at all times;
  - 4.1.4. promptly purchase a replacement Dog identification tag from the Township, in the event that such tag is lost, damaged or destroyed;
  - 4.1.5. not use a Dog identification tag for any Dog other than the Dog for which it was issued;
  - 4.1.6. notify the Township within seven (7) days of the sale or death of a registered Dog; and
  - 4.1.7. not provide the Township with any false information in respect of the registration, or renewal of a registration of a Dog.
- 4.2. Every Owner of a Dog shall provide the Township the following information upon registration and renewal:
  - 4.2.1. name, address, and telephone number of the Dog Owner;
  - 4.2.2. name, age, gender, breed, and colour of the Dog; and
  - 4.2.3. proof of Sterilization from a qualified veterinarian, if applicable;
  - 4.2.4. information provided under Section 4.2 changes, the Owner shall notify the Township within seven (7) days.
- 4.3. Dog registration shall be valid until December 31<sup>st</sup> of the year it was purchased, and shall be renewed annually.
- 4.4. Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential *lot* or in any *building* or *structure* in a Residential *Zone is prohibited*, but this shall not prevent the keeping of up to three (3) of any type of Domestic Animal, such as dogs, cats, hamsters, mice, rabbits, turtles.

## Dog Kennel

- 4.5. No person shall construct, establish, maintain or operate a Dog Kennel in the Township unless:
  - 4.5.1. the Kennel is in compliance with the provisions of this By-law, any other applicable municipal by-law and any applicable Act or Regulation including, without restricting the generality of the foregoing, the Township's Zoning By-law No. 2017-70, as amended, and any successor thereto, the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7, the *Building Code Act*, 1992, S.O. 1992, c. 23, and the *Fire Protection and Prevention Act*, 1997, S. O. 1997, c. 4;

- 4.5.2. the Kennel and its surrounding environment prevents escape by any Dog from the Kennel;
- 4.5.3. the Owner or operator of the Kennel registers the Kennel annually with the Township and pays the annual Kennel registration fee as set out in Schedule "C";
- 4.5.4. the Owner or operator of the Kennel renews the Kennel registration annually before January 1st of each year any time after January 1st the Owner or operator may be subject to a registration surcharge as set out in Schedule "C"; and
- 4.5.5. the Kennel is clean, secure and operated in a humane manner including compliance with the current Canadian Veterinary Medical Association (CVMA) Code of Practice for Canadian Kennel Operations.
- 4.5.6. Every Kennel licence shall expire on the 31<sup>st</sup> day of December in the year for which it was issued and shall be renewable yearly.
- 4.6. If an Owner or operator registers a new Kennel after July 1st, the Owner operator shall pay one-half of the applicable annual registration fee as set out in Schedule "C".
- 4.7. To register a Kennel every Owner or operator shall provide the Township with the following information:
  - 4.7.1. the name, address and telephone number of the Kennel Owner;
  - 4.7.2. the name, address and telephone number of the Kennel operator;
  - 4.7.3. the name, age, gender, breed, color and sterilization status of all Dogs Kept at the Kennel; and
  - 4.7.4. the Canadian Kennel Club registration number, if applicable.
  - 4.7.5. Correspondence from the Director of Planning and Building that the Kennel, as a land use, conforms to the Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.8. The issuance of a kennel licence entitles an owner to a dog tag for each dog that he or she keeps as a pet.
- 4.9. Every person who purchases a dog from a kennel is individually responsible to obtain the appropriate licence for the dog.
- 4.10. Approval or renewal of a Kennel licence shall be conditional upon receipt of confirmation from an Officer that the Kennel meets all legal current requirements for the humane treatment of dogs in a Kennel and confirmation of compliance with applicable current codes of practice as published under direction of the Canadian Veterinary Medical Association (CVMA).
- 4.11. Every Owner of a Kennel and every person who operates or manages a Kennel shall ensure that the Kennel is kept in a clean and sanitary condition, is free of refuse of any kind at all times so as to prevent the arising of excessive odours therefrom, has a fly prevention program and is kept free of vermin at all times.

- 4.12. Every Owner of a Kennel shall maintain a log of all dogs contained in the Kennel in accordance with the requirements as determined by the Society and/or the Township.
- 4.13. No person shall own, control, possess or harbor or board more than three (3) dogs in a dwelling unit unless they first procure a Kennel Licence.
- 4.14. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an Officer if, in his/her opinion, the Kennel does not comply with the provisions of this By-Law and/or any other Municipal By-Law.
- 4.15. Where the Township or an Officer refuses a Kennel licence or suspends or revokes a Kennel registration, the owner or operator of a Kennel may appeal to Council in accordance with Council's procedures.
- 4.16. When an appeal is filed, Council shall hear the appeal in accordance with its procedures and shall have all the powers and functions of an officer in deciding the appeal.
- 4.17. No Owner or operator of a Private kennel shall permit more than twenty (20) Dogs, excluding pups under ten weeks of age, to be Kept at the Private kennel unless correspondence from the Director of Planning and Building confirms that the Kennel, as a land use, conforms to the Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.18. An Owner or operator of a Commercial Kennel shall conform to all relevant regulations required in Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.19. A person will be exempt from purchasing a kennel licence for the ownership of Livestock Guardian Dogs (LGDs) if three (3) or less LGDs are on a property provided that:
  - 4.19.1. the owner is keeping sheep (or other livestock) upon the same premises;
  - 4.19.2. the premise is on land that is zoned Agricultural;
  - 4.19.3. the owner provides proof of producer registration in the name recorded by the Ontario Sheep Farmers, Beef Farmers of Ontario, Ontario Goat;
  - 4.19.4. the dogs are registered/licensed annually in accordance within the Animal Control by-law;
  - 4.19.5. and that the dogs are LGDs and or herding dogs.
- 4.20. Every Owner or operator of a Kennel shall, upon request by an Officer, permit the Officer to inspect the Premises at any reasonable time for the purpose of determining compliance with this By-law.
- 4.21. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an Officer if, in his/her opinion, the Kennel does not comply with the provisions of this By-law.

- 4.22. In the event that the Township refuses a Kennel registration or suspends or revokes a kennel registration, the Owner or operator of such Kennel may appeal to Council in accordance with Council's procedures.
- 4.23. If an appeal is taken, Council shall hear the appeal in accordance with its procedures and shall have all powers and functions of an Officer in deciding the appeal.

#### Leashing and Running at Large

- 4.24. For the purposes of this By-law, a Dog shall be deemed to be running at large if it is found in any place other than on the Premises of its Owner while not on a Leash held by any Person and not under the control of any Person.
- 4.25. No owner of a Dog shall permit the Dog to run at large in the Township except in designated off-leash areas.
- 4.26. No Owner of a Dog shall use a Leash on the Dog that exceeds three (3) metres in length, but in no case shall an Owner use a Leash of a length that does not enable him or her to properly control the Dog.
- 4.27. Every Owner of a Dog shall, while the Dog is not on the Owner's Premises, control the Dog by means of a Leash that is held or affixed to their person or another competent person.
- 4.28. A Dog shall not be deemed to be controlled by a Leash if the Leash is attached to an inanimate or immovable object, a motor vehicle or a bicycle.
- 4.29. No Person shall use a collar on a Dog that restricts, or may restrict, the Dog's ability to breathe or swallow, or that causes, or may cause, the Dog discomfort.
- 4.30. Sections 4.24 to 4.29 of this By-law shall not apply to:
  - 4.30.1. police working Dogs or LGDs while they are in the course of fulfilling their duties; and
  - 4.30.2. hunting Dogs that are under the direct supervision of a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997,S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township and provided that such Person has obtained the prior consent of the Owner of the parcel of land on which the hunting Dogs are at Large, which consent is obtained not more than one year prior to the date of the occasion on which the Dogs are at large.

## Impounding of Dogs

- 4.31. An Officer may seize any Dog that is found running at large in the Township and may cause such Dog to be delivered to the Pound.
- 4.32. Any Person may seize any Dog that is found running at large in the Township and shall immediately thereafter cause such Dog to be delivered to the Pound or, if known, returned to its Owner.
- 4.33. A Dog seized pursuant to sections 4.31 or 4.32 of this by-law shall be considered impounded at the time and place when it comes under the control of the Officer or, in any other case, when delivered to the Pound.
- 4.34. Upon seizing or taking possession of any Dog, the Pound shall impound the Dog and make reasonable efforts to determine the identity of the Owner of the Dog and inform such Person that his or her Dog has been impounded.
- 4.35. The Pound shall keep any Dog impounded pursuant to this By-law for a redemption period of up to three days. This redemption period shall be calculated by excluding:
  - 4.35.1. the day on which the Dog was impounded;
  - 4.35.2. statutory holidays; and
  - 4.35.3. days on which the Pound is closed.
- 4.36. During the redemption period, the Pound:
  - 4.36.1. may provide such veterinary or other care for an injured or ill impounded Dog as may be necessary to sustain its life or relieve any distress;
  - 4.36.2. shall be entitled to recover from the Owner of the Dog, the cost of any veterinary or other care provided while the Dog was impounded; and
  - 4.36.3. shall be entitled to recover from the Owner of the Dog, any Pound fees for the redemption of the Dog.
- 4.37. During the redemption period, the Pound may euthanize an impounded Dog without delay if, in the opinion of the Pound, such action is warranted for humane reasons.
- 4.38. During the redemption period, the Owner of an impounded Dog may obtain release of such Dog by first:
  - 4.38.1. providing evidence to the Pound that the Dog is registered in accordance with the requirements of this By-law or if the Dog is not registered, by registering the Dog with the Township in accordance with this By-law;
  - 4.38.2. paying the costs and fees provided for in Section 4.36 of this By-law; and
  - 4.38.3. taking any other action in relation to the care or control of the Dog that the Township or Pound may direct.

- 4.39. After the expiration of the redemption period, the Pound may:
  - 4.39.1. release the Dog to its owner upon compliance with Section 4.38 of this by-law; or
  - 4.39.2. Keep, sell or dispose of the Dog in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.
- 4.40. Whenever an impounded Dog is released to its Owner, a record of such release shall be kept by the Pound.

#### Dog Bites & Muzzling of Dogs

- 4.41. No Owner of a Dog shall willfully cause the Dog, or permit the Dog through neglect or failure to control, to Without Provocation Bite, Attack or chase a Person or another Animal, or to damage public or private property.
- 4.42. No Owner shall Muzzle a Dog in any manner that restricts or may restrict the Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.
- 4.43. Where an Officer becomes aware, either through his own investigation or as a result of information received by him/her from any source, that a Dog has Bitten or Attacked a Person or Animal Without Provocation, the Officer may, by written notice served upon the Owner, require the Owner to comply with the requirements set out in Sections 4.45 and 4.46 of this By-law within the time stipulated in said notice, and the Dog shall thereafter be deemed to be a dangerous Dog.
- 4.44. Every Owner of a dangerous Dog shall, at all times while the dangerous Dog is not in the Owner's Dwelling Unit, but is otherwise within the boundaries of the Owner's Premises, ensure that the dangerous Dog wears a Muzzle in accordance with Section 4.42 of this By-law and ensure that:
  - 4.44.1. the Dog is securely Tethered in accordance with Sections 3.3 and 3.4 of this By-law;
  - 4.44.2. the Dog is contained within an area enclosed by a fence of an appropriate height for the breed of Dog, or an area enclosed by other means such that the Dog cannot come into contact with any other Person or Animal; and
  - 4.44.3. a sign, no smaller than 5" x 7", is displayed at all entrances to the property upon which the Dog is Kept, bearing words and a symbol that warn that there is a dangerous Dog on the property.
- 4.45. Every Owner of a dangerous Dog shall, at all times while the Dog is not within the boundaries of the Owner's Premises, keep the dog:
  - 4.45.1. Muzzled in accordance with Section 4.42 of this By-law;
  - 4.45.2. under the control of a competent Person capable of handling the Dog who is sixteen years of age or older; and
  - 4.45.3. on a Leash that does not exceed two (2) metres in length.

- 4.46. Every Owner of a dangerous Dog shall immediately notify the Township of the following:
  - 4.46.1. any change in ownership or residence of the dangerous Dog and provide the name, current address and telephone number of the new Owner or residence;
  - 4.46.2. if the Dog runs at large, Attacks or Bites any Person or Animal; or
  - 4.46.3. if the Dog dies.
- 4.47. An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with Sections 4.41 and 4.46 of this By-law.
- 4.48. Sections 4.41 through 4.45 of this By-law shall not apply to police working Dogs while they are carrying out their duties.

#### Stoop and Scoop

- 4.49. Every Owner of a Dog shall immediately remove any feces left by the Dog in any place other than the Premises of the Owner and dispose of it in a proper waste receptacle.
- 4.50. Section 4.49 of this By-law shall not apply to:
  - 4.50.1. the handler of a Service Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment;
  - 4.50.2. a blind or visually impaired handler of a Service Dog if the feces were left while the Dog was off the Premises of the handler and carrying out its duties; or
- 4.51. a police working Dog while they are carrying out their duties.

#### Number of Dogs Restricted

- 4.52. No Person shall Keep on their Premises more than three (3) Dogs over ten weeks of age, unless:
  - 4.52.1. the Premises is registered as a Kennel in accordance with the provisions of this By-law and the comprehensive Zoning By-law 2017-70, as amended, and any successor thereto;
  - 4.52.2. the Premises is a Pet shop;
  - 4.52.3. the Premises is used by the Society; or
  - 4.52.4. the Premises is an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.

#### 5. GENERAL ANIMALS

#### **Rabies Immunization**

5.1. Every Owner of a Dog that is four months of age or older shall ensure that the Dog is duly immunized against rabies and that the immunization is maintained as current.

#### Transporting Animals

- 5.2. For the purpose of this By-law, "Roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is permitted to use for the passage or parking of vehicles.
- 5.3. No Person transporting an Animal shall allow the Animal to be outside of the passenger cab of a Motor Vehicle on a Roadway, regardless of whether the Motor Vehicle is moving or stationary.
- 5.4. Notwithstanding Section 5.3, a Person may allow an Animal to be outside the passenger cab of a Motor Vehicle while on a Roadway, including riding in the bed of a pick-up truck or flatbed truck, if the Animal is:
  - 5.4.1. in a fully enclosed trailer;
  - 5.4.2. in a fully enclosed bed area of a truck, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down; or
  - 5.4.3. contained in a crate or similar device manufactured for the confinement or transport of an Animal, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down and which is securely fastened to the bed of the truck.
- 5.5. Notwithstanding Section 5.3, a Person may transport an Animal in the bed of a pick-up truck or flatbed truck provided that the Animal is securely Tethered in such a manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the bed of the truck.
- 5.6. No Person shall Keep an Animal in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes or may cause the Animal illness, pain, injury or suffering or to become subject to undue or unnecessary distress, hardship, privation or neglect.
- 5.7. An Officer may use any means as are necessary to remove an Animal in need of assistance from a Motor Vehicle or any enclosed space and the Township shall be entitled to recover its costs for such removal from the registered owner of the Motor Vehicle or enclosed space.

#### **Tormenting Animals**

5.8. No Person shall annoy, assault, batter, tease or torment an Animal or willfully and recklessly kill or cause injury, pain or suffering to an Animal.

- 5.9. Section 5.8 of this By-law shall not be interpreted so as to prohibit:
  - 5.9.1. a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, as amended and other applicable law; or
  - 5.9.2. a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997,S.O. 1997, c.41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township.

### **Trapping Animals**

5.10. No Person shall trap any Animal unless:

- 5.10.1. the Animal is causing a nuisance to, or damaging, the aggrieved Person's property;
- 5.10.2. the Animal is trapped in a live trap;
- 5.10.3. the Animal is trapped in a humane manner;
- 5.10.4. once trapped, the Animal is not Kept in a trap for more than 24 hours;
- 5.10.5. once trapped, the Animal is Sheltered from the elements, including the sun; and
- 5.10.6. the Animal is trapped on the property of the aggrieved Person.
- 5.11. No Person shall set out any trap that causes or may cause injury, pain or suffering to an Animal including, without limiting the generality thereof, conibear traps, killer traps, leg-hold traps and snares.
- 5.12. Any Person who traps a Domestic Animal, in addition to the provisions of Sections 5.10 and 5.11 of this By-law, shall only release the Animal to:
  - 5.12.1. the rightful Owner of the Animal;
  - 5.12.2. an Officer; or
  - 5.12.3. the Pound.
- 5.13. Sections 5.10 and 5.11 of this By-law shall not apply to a Person trapping an Animal where the Person is licensed by the Ontario Ministry of Natural Resources or is otherwise authorized by law to trap the Animal, and such trapping shall be conducted in accordance with such applicable law.

#### Livestock

5.14. No Person shall Keep Livestock on any Premises in the Township unless the Premises is zoned to permit the Keeping of Livestock by Township of West Lincoln Zoning By-law No. 2017-70, as amended, and any successor thereto, and/or any Provincial Regulation(s).

- 5.15. For the purposes of this By-law, Livestock shall be deemed to be running At large if found in any place other than the Premises of the Owner of the Livestock and not under the control of any Person.
- 5.16. No Owner of Livestock shall permit any Livestock to run at large in the Township.
- 5.17. An Officer may seize any Livestock that is found running at large in the Township and may cause such Livestock to be delivered to the Pound, and/or retain the services of a third party, the Society shall invoice the Township separately for each occurrence. The Township shall be responsible for recovering costs from the owner.
- 5.18. Any Person may seize any Livestock that is found running at large in the Township and shall immediately cause such Livestock to be delivered to the Pound or, if known, returned to the Owner.
- 5.19. Any Livestock seized pursuant to Sections 5.17 or 5.18 of this By-law shall be considered impounded at the time and place when it comes under the control of an Officer or, in any other case, when delivered to the Pound.
- 5.20. The Pound may seize and impound any Livestock running at large in the Township and shall make reasonable efforts to determine the identity of the Owner of the Livestock and to inform the Owner that the Livestock has been impounded, in accordance with the *Pounds Act*, R.S.O. 1990, c. P. 17, as amended.
- 5.21. The Pound:
  - 5.21.1. may provide such veterinary or other care for any injured or ill impounded Livestock as may be necessary to sustain its life or relieve any distress;
  - 5.21.2. shall be entitled to recover from the Owner of the Livestock, the cost of any veterinary or other care provided while the Livestock was impounded; and
  - 5.21.3. shall be entitled to recover from the Owner of the Livestock, any Pound fees for the redemption of the Livestock.
- 5.22. The Pound may euthanize any impounded Livestock without delay if, in the opinion of the Pound, such action is warranted for humane reasons.
- 5.23. The Owner of any Livestock impounded may obtain release of such Livestock by first:
  - 5.23.1. paying all costs and fees incurred by the Pound; and
  - 5.23.2. taking any other action in relation to the care or control of the Livestock that the Township or Pound may direct.
- 5.24. The Pound may, in accordance with the *Pounds Act*, R.S.O. 1990, c. P.17, as amended:
  - 5.24.1. release the Livestock to its Owner upon compliance with Sections 5.23 and 5.25 of this By-law; and

- 5.24.2. Keep, sell or dispose of the Livestock.
- 5.25. The Owner of any Livestock found running at large shall be liable for all damages caused by such Livestock and for the costs incurred by the Pound and or Township in seizing and or impounding such Livestock.
- 5.26. Whenever any impounded Livestock is released to its Owner, a record of such release shall be kept by the Pound.

#### Wild Animals

- 5.27. No Person shall remove any Wild animals from any public land in the Township unless authorized to do so by the Township or by law and provided that the removal is done in a humane manner.
- 5.28. No Person shall Keep, or cause to be Kept, any Wild animal in the Township unless they are authorized to do so by law.
- 5.29. Despite Section 5.28 of this By-law a person who comes into the possession of any Wild animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case no longer than 24 hours after coming into possession of the Wild animal:
  - 5.29.1. release the Wild animal back into the wild within 1 kilometre from where it was found;
  - 5.29.2. surrender the Wild animal to the care of the Society; or
  - 5.29.3. surrender the Wild animal to a Person or facility licensed by the Ministry of Natural Resources to care for wildlife.

#### **Prohibited Animals**

- 5.30. No person shall Keep, either temporarily or permanently, any Animal listed in Schedule "B", as may be amended by Council from time to time, unless the Premises on which the Animal is Kept or is to be Kept is zoned by Township of West Lincoln Zoning By-law No. 2017-70, as amended and any successor thereof, to permit a Kennel and:
  - 5.30.1. the Person is authorized to Keep the Animal by the Government of Canada or the Province of Ontario; or
  - 5.30.2. the Animal is a bird used for falconry.
- 5.31. Despite Section 5.30 of this By-law, a Person who is lawfully Keeping a Prohibited animal on the date this By-law comes into effect shall be permitted to Keep such Animal on his or her Premises provided that the Animal is Kept in an environment which is appropriate for the species and the Owner has registered the Animal by advising the Township in writing of the species of Animal, the name, current address and phone number of the Owner and providing a photograph clearly depicting the Animal within ninety (90) days of the date that this By-law comes into effect.
- 5.32. The onus of proving the exemption provided for in Section 5.31 of this By-law is upon the Person seeking the exemption.

- 5.33. The exemption provided for in Section 5.31 of this By-law is for the life of the Prohibited animal.
- 5.34. The Township may maintain a list of all Prohibited animals for which written notice has been received in accordance with Section 5.31 of this By-law.
- 5.35. Section 5.30 of this By-law shall not apply to:
  - 5.35.1. any Premises used by the Society;
  - 5.35.2. any Premises of the Government of Canada, the Province of Ontario, the Region of Niagara or the Township of West Lincoln;
  - 5.35.3. any lawful fair, circus or other entertainment event where Animals are displayed;
  - 5.35.4. Premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians *Act*, R.S.O. 1990, c. V.3, as amended;
  - 5.35.5. Premises owned or operated by any zoo or exhibit, permanently and lawfully located in the Township, and where such Premises or facilities are accredited by the Canadian Association of Zoos and Aquariums (CAZA);
  - 5.35.6. areas of the Township in which professionally produced films are being lawfully made using such Animals, provided that there is supervision by an agent or inspector of PAWS;
  - 5.35.7. any area of the Township in which educational programs are being lawfully conducted with such Animals, provided that the Animals are Owned by institutions accredited by the CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually being conducted;
  - 5.35.8. Premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended;
  - 5.35.9. Premises owned or operated by an Ontario College or University;
  - 5.35.10. Premises that are authorized by the Ontario Ministry of Natural Resources; or
  - 5.35.11. Premises owned and legally operated by an animal rescue organization registered with the Society or pursuant to other legislation.
- 5.36. For the purposes of this By-law, a Prohibited animal shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Prohibited animal and not under the control of any Person.
- 5.37. No Person shall permit a Prohibited animal to run at large.

### **Animal Noise**

5.38. No Owner shall permit or allow the persistent barking, calling, whining or other similar persistent sound made by a Domestic animal or any other Animal Kept or used for any purpose other than agriculture which sound(s) is clearly audible at the point of reception.

#### Rabbits

5.39. No Owner shall fail to comply with the regulations set out in Schedule "D" as it pertains to the Keeping of rabbits within the Township.

#### Coyotes

5.40. "Coyote" is an Animal that is, or appears to be, of the species Canis latrans and any Animal that is a cross breed of a member of the species Canis latrans and a domestic Dog. The singular of this word shall be deemed to include the plural with all necessary changes in detail; as set out in Schedule "E".

### 6. ADMINISTRATION

#### Enforcement

- 6.1. Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined in this By-law.
- 6.2. An Officer may issue a direction or order requiring that a Person comply with the provisions of this By-law.
- 6.3. An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
  - 6.3.1. the provisions of this By-law are being complied with; or
  - 6.3.2. a direction or order under this By-law is being complied with.
- 6.4. No Person shall hinder or obstruct any Officer, or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.

#### Offences and Penalties

- 6.5. No person shall fail to comply with any provision or standard of this By-law;
- 6.6. The Township's Administrative Monetary (Non-Parking) Penalty By-law No.
   2021-84 as amended, applies to each administrative penalty issued pursuant to this By-law;
- 6.7. Each person who contravenes any provision of this By-law shall, upon the issuance of a Penalty Notice in accordance with the Township's Administrative (Non-Parking) Penalty By-law, be liable to pay the Township an administrative penalty in the amounts specified in the applicable schedule of the Township's Administrative (Non-Parking) Penalty By-law, as amended from time to time;
- 6.8. Each person who contravenes any provision of this By-law is guilty of an offence and is liable on conviction to a fine recoverable pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, of:

- 6.8.1. not more than \$10,000.00;
- 6.8.2. not more than \$25,000.00 for a second or subsequent conviction for the same offence;

#### 7. REPEAL

7.1. By-Law 2011-44 is hereby repealed: (Dog Control By-Law)

#### 8. EFFECT

8.1. This By-law shall become effective on the date of passage.

#### READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17TH DAY OF JULY, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

### SCHEDULE "A"



#### WEST LINCOLN URBAN BOUNDARY

# SCHEDULE "C" SCHEDULE "B"

### **PROHIBITED ANIMALS**

- 1. All protected or endangered Animals being all Animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the Animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the Animal is not identified in this Schedule.
- 2. All Canids, except the domestic Dog;
- 3. All Felids, except the domestic Cat;
- 4. All Marsupials (such as, Kangaroos and Opossums);
- 5. All Non-human Primates (such as, Gorillas and Monkeys);
- 6. All Viverrids (such as, Mongooses, Civets and Genets);
- 7. All Mustelids (such as, Skunks, Weasels, Otters, Badgers), except the domestic Ferret;
- 8. All Ursids (Bears);
- 9. All Artiodactylus Ungulates, except domestic Goats, Sheep, Pigs and Cattle;
- 10. All Procyonids (such as, Raccoons, Coatis and Cacomistles);
- 11. All Hyaenas;
- 12. All Perissodactylus Ungulates, except the domestic Horse and Ass;
- 13. All Elephants;
- 14. All Pinnipeds (such as, Seals, Fur Seals and Walruses);
- 15. All Snakes of the Families Pythonidae and Boidae;
- 16. All Families of Venomous Snakes;
- 17. All Ratite Birds (such as, Ostriches, Rheas, Cassowaries);
- 18. All diurnal and nocturnal Raptors (such as Eagles, Hawks and Owls);
- 19. All Edentates (such as, Anteaters, Sloths and Armadillos);
- 20. All Bats;
- 21. All Crocodilians (such as, Alligators and Crocodiles);
- 22. All families of Venomous Spiders;
- 23. All other Snakes that reach an adult length larger than three (3) meters; and
- 24. All other Lizards that reach an adult length larger than two (2) meters;

# SCHEDULE "C"

# FEES AND CHARGES

# 1. Early purchase discount rate (December 1st to December 31st of preceding year)

	(a)	Unspayed or unneutered dog	\$	25.00			
	(b)	Spayed or neutered dog (Production of a certificate of a veterinary surgeon may be required to show proof)	\$	14.00			
	(c)	Vicious Dog	\$	100.00			
2.	January 1st to November 30th of each year						
	(a)	Unspayed or unneutered dog	\$	30.00			
	(b)	Spayed or neutered dog (Production of a certificate of a veterinary surgeon may be required to show proof)	\$	17.00			
	(c)	Vicious Dog	\$	100.00			
3.	Kenn	Kennel Licence Fee					
	Base	Fee Plus: per spayed and neutered dog per unspayed and unneutered dog	\$ \$ \$	100.00 5.00 10.00			
4.	Replacement of lost or destroyed dog tag		\$	3.00			
5.	Appli	cation for Hearing – Fee	\$	150.00			
## SCHEDULE "D"

## RABBITS

### 1. In this Schedule:

- 1.1 The maximum number of rabbits permitted within the Urban boundary (Schedule "A") shall be six (6).
- 1.2 All rabbits must be Kept only in the rear yard and in a rabbitry that fully encloses the rabbits and prevents them from escaping.
- 1.3 The rabbitry must be designed and constructed to ensure proper ventilation and sufficient space for the rabbits and maintained in accordance with good animal husbandry practices and must keep all vermin out.
- 1.4 All dead rabbits must be disposed of immediately and in any event, within 24 hours.
- 1.5 Rabbit feces shall be hygienically stored and promptly removed from the premises;
- 1.6 The rabbit's food supply must be secured against vermin.
- 1.7 All Premises on which rabbits are Kept must have:
  - 1.7.1 detached dwellings on them;
  - 1.7.2 a frontage of at least forty feet; and
  - 1.7.3 a depth of at least 100 feet.
- 1.8 The rabbitry shall be located at least 25 feet from the rear lot line of the lot on which the rabbitry is located.
- 1.9 The rabbitry shall be located at least 15 feet from any side lot line of the lot on which the rabbitry is located.

## SCHEDULE "E"

## COYOTES

WHEREAS Coyotes are wild animals native to the Niagara Region.

### 1. PURPOSE

1.1 The purpose of this Schedule is to reduce the number of interactions between humans, their pets and property, and Coyotes that result in injury or inconvenience to humans, their pets and property.

### 2. INTERPRETATION

- 2.1 "Feed" includes any manner of providing or delivering Food, whether passive or active;
- 2.2 "Food" includes any matter or thing that can be consumed by a Coyote for sustenance;
- 2.3 managing Food or an Animal feeder in such a way as to attract Animals which Animals, in turn, attract a Coyote, is deemed to be managing Food or an Animal feeder in such a manner as to attract a Coyote; and
- 2.4 without limiting the generality of the definition of Food set out above, managing Food shall include the disposal of waste, garbage and refuse.

## 3. **REGULATIONS**

- 3.1 No Person shall Feed a Coyote.
- 3.2 No Person shall place, expose or allow to be placed or exposed, Food that is consumed by a Coyote.
- 3.3 No Person shall manage Food or an Animal feeder intended to attract or feed Animals other than Coyotes, in such a manner that the Food or feeder attracts a Coyote.

#### THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN SCHEDULE "F" TO BY LAW NO. 2023-54

# BEING A BY LAW TO REGULATE ANIMAL CARE AND CONTROL IN THE TOWNSHIP OF WEST LINCOLN PART 1 PROVINCIAL OFFENCES ACT

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to provide an animal with clean and sanitary environment	S. 3.1.1	\$250.00
Failing to provide an animal with adequate/appropriate care	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate food	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate water	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate shelter	S. 3.1.2	\$250.00
Failing to provide an animal opportunity for sufficient physical activity	S. 3.1.2	\$250.00
Failing to provide an animal with enclosure of sufficient size	S. 3.2.2	\$100.00
Failing to provide an animal with sufficient shade	S. 3.2.3	\$200.00
Failing to provide an animal with an area dry and free from standing water	S. 3.2.4	\$150.00
Improper tethering of an animal - Tether less than 4 metres	S. 3.3.1	\$150.00
Improper tethering of an animal- failing to give animal unrestricted/unobstructed movement within range of the tether	S. 3.3.2	\$150.00
Improper tethering of an animal - no access to (food/water/shelter)	S. 3.3.3	\$250.00
Improper tethering of an animal - permitting animal to injure itself	S. 3.3.6	\$100.00
Improper tethering of an animal- permitting animal to reach beyond limits of premises	S. 3.4	\$100.00
Improper tethering of an animal- tying (rope/chain/cord/restraining device) directly around animals neck	S. 3.3.5	\$100.00
Keeping an animal in unsanitary conditions	S. 3.5	\$250.00
Failing to register a dog with the Township	S. 4.1.1	\$100.00
Failing to renew a dog registration with the Township	S. 4.3	\$100.00
Failing to display a dog identification tag on collar affixed to the dog	S. 4.1.3	\$50.00
Failing to obtain replacement dog identification tag	S. 4.1.4	\$50.00
Failing to notify the Township within seven(7) days of the (sale/death/change of ownership) of a dog	S. 4.1.6	\$50.00
Improper use of a dog tag- use of tag on dog other than one for which tag was issued	S. 4.1.5	\$75.00
Provide false information respecting a dog registration/renewal of dog registration	S. 4.1.7	\$100.00

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to construct/establish/maintain/operate a kennel in compliance with the By-Law	S. 4.5.1	\$250.00
Operate kennel where escape is not prevented	S. 4.5.2	\$100.00
Failing to pay kennel registration fee	S. 4.5.3	\$200.00
Failing to renew kennel registration	S. 4.5.4	\$200.00
Failing to comply with Kennel Operations Standards	S. 4.5.5	\$200.00
Owner of a Private Kennel permit more than twenty (20) dogs to be kept	S. 4.17	\$250.00
Owner of a Commercial Kennel permit more dogs than Zoning By-Law 2017-70, as amended/or its successor, allows	S. 4.18	\$250.00
Failing to permit an officer to inspect kennel premises	S. 4.20	\$250.00
Permitting a dog to run at large	S. 4.25	\$150.00
Improper use of a leash on a dog- Leash longer than three (3) metres	S. 4.26	\$150.00
Failing to properly control a dog on a leash	S. 4.27	\$150.00
Failing to use leash on a dog	S. 4.27	\$100.00
Failing to control a dog with a leash- affixing leash to (an/a) (Immovable structure/motor vehicle/bicycle	S. 4.28	\$100.00
Improper use of collar on a dog- restricts the dogs ability to (breathe/swallow)	S. 4.29	\$250.00
Improper use of collar on a dog- causes the dog discomfort	S. 4.29	\$250.00
Failing to turn over found dog to the pound	S. 4.32	\$100.00
Failing to turn over found dog to its owner	S. 4.32	\$100.00
Permitting a dog to (bite/attack/chase) a person	S. 4.41	\$250.00
Permitting a dog to (bite/attack/chase) an animal	S. 4.41	\$250.00
Permitting a dog to damage (public/private) property	S. 4.41	\$250.00
Improper muzzling of a dog- restricts dogs ability to (breathe/drink water)	S. 4.42	\$250.00
Improper muzzling of a dog- muzzle causes dog (pain/suffering/injury)	S. 4.42	\$250.00
Failing to comply with a notice respecting a dangerous dog	S. 4.43	\$500.00
Failing to muzzle a danger dog on owners premises	S. 4.44	\$300.00
Failing to securely tether a dangerous dog	S. 4.44.1	\$500.00
Failing to properly confine a dangerous dog with an appropriate fence	S. 4.44.2	\$500.00
Failing to display a danger dog sign on property	S. 4.44.3	\$200.00
Failing to display a danger dog sign at least 5" X 7" in size	S. 4.44.3	\$200.00
Failing to muzzle a dangerous dog	S. 4.45.1	\$400.00
Failing to keep a dangerous dog under control of a competent person when off owner's premises	S. 4.45.2	\$400.00
Failing to keep a dangerous dog under control of persons eighteen years of age or older when off owner's premises	S. 4.37.2	\$400.00

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Using leash of more than two(2) metres on dangerous dog	S. 4.45.3	\$400.00
Failing to notify town of change in (ownership/residence) of a dangerous dog	S. 4.46.1	\$300.00
Failing to provide town with current information for a new owner of a dangerous dog	S. 4.46.1	\$300.00
Failing to notify the town of dangerous dog (running at large/attacking a person/biting a person)	S. 4.46.2	\$400.00
Failing to notify town of a dangerous dog (attacking an animal/biting an animal)	S. 4.46.2	\$400.00
Failing to notify the town operator of the death of a dangerous dog	S. 4.46.3	\$150.00
Failing to immediately remove dog feces	S. 4.49	\$100.00
Failing to dispose of dog feces in a proper waste receptacle	S. 4.49	\$100.00
Keeping more than three (3) dogs over ten (10) weeks of age on a premises	S. 4.52	\$150.00
Failing to register additional dog(s) for three (3) dog limit exemption within the first ninety (90) days of this by law	S. 4.52.1	\$100.00
Failing to have a dog immunized against rabies	S. 5.1	\$110.00
Failing to maintain a dog with current immunization against rabies	S. 5.1	\$110.00
Failing to keep an animal inside of a passenger cab of a motor vehicle while the motor vehicle (parked/moving)	S. 5.3	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed trailer	S. 5.4.1	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed bed area of truck	S. 5.4.2	\$250.00
Animal in fully enclosed bed area of truck of insufficient dimensions	S. 5.4.2	\$150.00
Animal outside of passenger cab of motor vehicle- not in crate	S. 5.4.3	\$150.00
Animal confined in crate on the bed of a truck of insufficient dimensions.	S. 5.4.3	\$150.00
Improper transportation of animal failure to securely tether the animal in bed of a (pickup truck/flatbed truck	S. 5.5	\$150.00
Improper transportation of animal- (causing/permitting)(illness/pain/injury/suffering) or undue or unnecessary (distress/hardship/privation/neglect) to an animal while in bed of a (pickup truck/flatbed truck	S. 5.6	\$250.00
(Annoying an Animal/assaulting an animal/battering an animal/teasing an animal/tormenting an animal) or willfully and recklessly (kill/causing injury to/causing pain to/cause suffering to) an animal	S. 5.8	\$250.00
Trapping an animal when the animal is not (causing a nuisance/damaging property)	S. 5.10.1	\$150.00
Trapping an animal in other than a live trap	S. 5.10.2	\$250.00
Trapping an animal in an inhumane manner	S. 5.10.3	\$250.00
Keeping a trapped animal in a trap for more than 24 hours	S. 5.10.4	\$250.00
Failing to shelter a trapped animal from the elements	S. 5.10.5	\$250.00
Trapping an animal on property not owned by the aggrieved person	S. 5.10.6	\$150.00
Trapping an animal- using trap that (causes/may cause) the animal (injury/pain/suffering)	S. 5.11	\$250.00
Failing to release a domestic animal to the owner	S. 5.12.1	\$150.00

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to release a domestic animal to an officer	S. 5.12.2	\$150.00
Failing to release a domestic animal to the pound	S. 5.12.3	\$150.00
Keeping livestock in area not zoned to permit the keeping of livestock	S.5.14	\$200.00
Permitting livestock to run at large	S. 5.16	\$300.00
Failing to turn over found livestock to the pound	S. 5.18	\$200.00
Failing to turnover found livestock to its owner	S. 5.18	\$200.00
Did remove a wild animal from public lands in the Township where unauthorized to do so	S. 5.27	\$150.00
Did remove a wild animal from public lands in the Township in an inhumane manner	S. 5.27	\$150.00
Did (keep/cause to be kept) a wild animal	S. 5.28	\$150.00
Failing to release a wild animal after possessing it for more than twenty-four (24) hours	S. 5.29	\$150.00
Failing to release a wild animal within one (1) kilometer from where it was found	S. 5.29.1	\$150.00
Failing to surrender a wild animal to the Society	S. 5.29.2	\$150.00
Failing to surrender a wild animal to a (person/facility) licenced by the Ministry of Natural	S. 5.29.3	\$150.00
Resources to care for wildlife		
Keeping a prohibited animal	S. 5.30	\$300.00
Failing to register a grandfathered prohibited animal	S. 5.31	\$150.00
Failing to keep a grandfathered prohibited animal in an appropriate environment for the species	S. 5.31	\$300.00
Permitting a prohibited animal to run at large	S. 5.37	\$300.00
Owner-(allow/permit) persistent barking by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent whining by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent calling by any domestic pet	S. 5.38	\$200.00
Owner- fail to comply with the Regulations in Schedule "D" as it pertains to the keeping of Rabbits	S. 5.39	\$250.00
Obstructing an officer in the execution of (his/her) duties	S. 6.4	\$300.00

#### THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN SCHEDULE "G" TO BY LAW NO. 2023-54

# BEING A BY LAW TO REGULATE ANIMAL CARE AND CONTROL IN THE TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY (NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to provide an animal with clean and sanitary environment	S. 3.1.1	\$250.00
Failing to provide an animal with adequate/appropriate care	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate food	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate water	S. 3.1.2	\$250.00
Failing to provide an animal with adequate/appropriate shelter	S. 3.1.2	\$250.00
Failing to provide an animal opportunity for sufficient physical activity	S. 3.1.2	\$250.00
Failing to provide an animal with enclosure of sufficient size	S. 3.2.2	\$100.00
Failing to provide an animal with sufficient shade	S. 3.2.3	\$200.00
Failing to provide an animal with an area dry and free from standing water	S. 3.2.4	\$150.00
Improper tethering of an animal - Tether less than 4 metres	S. 3.3.1	\$150.00
Improper tethering of an animal- failing to give animal unrestricted/unobstructed movement within range of the tether	S. 3.3.2	\$150.00
Improper tethering of an animal - no access to (food/water/shelter)	S. 3.3.3	\$250.00
Improper tethering of an animal - permitting animal to injure itself	S. 3.3.6	\$100.00
Improper tethering of an animal- permitting animal to reach beyond limits of premises	S. 3.4	\$100.00
Improper tethering of an animal- tying (rope/chain/cord/restraining device) directly around animals neck	S. 3.3.5	\$100.00
Keeping an animal in unsanitary conditions	S. 3.5	\$250.00
Failing to register a dog with the Township	S. 4.1.1	\$100.00
Failing to renew a dog registration with the Township	S. 4.3	\$100.00
Failing to display a dog identification tag on collar affixed to the dog	S. 4.1.3	\$50.00
Failing to obtain replacement dog identification tag	S. 4.1.4	\$50.00
Failing to notify the Township within seven(7) days of the (sale/death/change of ownership) of a dog	S. 4.1.6	\$50.00
Improper use of a dog tag- use of tag on dog other than one for which tag was issued	S. 4.1.5	\$75.00
Provide false information respecting a dog registration/renewal of dog registration	S. 4.1.7	\$100.00

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to construct/establish/maintain/operate a kennel in compliance with the By-Law	S. 4.5.1	\$250.00
Operate kennel where escape is not prevented	S. 4.5.2	\$100.00
Failing to pay kennel registration fee	S. 4.5.3	\$200.00
Failing to renew kennel registration	S. 4.5.4	\$200.00
Failing to comply with Kennel Operations Standards	S. 4.5.5	\$200.00
Owner of a Private Kennel permit more than twenty (20) dogs to be kept	S. 4.17	\$250.00
Owner of a Commercial Kennel permit more dogs than Zoning By-Law 2017-70, as amended/or its successor, allows	S. 4.18	\$250.00
Failing to permit an officer to inspect kennel premises	S. 4.20	\$250.00
Permitting a dog to run at large	S. 4.25	\$150.00
Improper use of a leash on a dog- Leash longer than three (3) metres	S. 4.26	\$150.00
Failing to properly control a dog on a leash	S. 4.27	\$150.00
Failing to use leash on a dog	S. 4.27	\$100.00
Failing to control a dog with a leash- affixing leash to (an/a) (Immovable structure/motor vehicle/bicycle	S. 4.28	\$100.00
Improper use of collar on a dog- restricts the dogs ability to (breathe/swallow)	S. 4.29	\$250.00
Improper use of collar on a dog- causes the dog discomfort	S. 4.29	\$250.00
Failing to turn over found dog to the pound	S. 4.32	\$100.00
Failing to turn over found dog to its owner	S. 4.32	\$100.00
Permitting a dog to (bite/attack/chase) a person	S. 4.41	\$250.00
Permitting a dog to (bite/attack/chase) an animal	S. 4.41	\$250.00
Permitting a dog to damage (public/private) property	S. 4.41	\$250.00
Improper muzzling of a dog- restricts dogs ability to (breathe/drink water)	S. 4.42	\$250.00
Improper muzzling of a dog- muzzle causes dog (pain/suffering/injury)	S. 4.42	\$250.00
Failing to comply with a notice respecting a dangerous dog	S. 4.43	\$500.00
Failing to muzzle a danger dog on owners premises	S. 4.44	\$300.00
Failing to securely tether a dangerous dog	S. 4.44.1	\$500.00
Failing to properly confine a dangerous dog with an appropriate fence	S. 4.44.2	\$500.00
Failing to display a danger dog sign on property	S. 4.44.3	\$200.00
Failing to display a danger dog sign at least 5" X 7" in size	S. 4.44.3	\$200.00
Failing to muzzle a dangerous dog	S. 4.45.1	\$400.00
Failing to keep a dangerous dog under control of a competent person when off owner's premises	S. 4.45.2	\$400.00
Failing to keep a dangerous dog under control of persons eighteen years of age or older when off owner's premises	S. 4.37.2	\$400.00

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Using leash of more than two (2) metres on dangerous dog	S. 4.45.3	\$400.00
Failing to notify town of change in (ownership/residence) of a dangerous dog	S. 4.46.1	\$300.00
Failing to provide town with current information for a new owner of a dangerous dog	S. 4.46.1	\$300.00
Failing to notify the town of dangerous dog (running at large/attacking a person/biting a person)	S. 4.46.2	\$400.00
Failing to notify town of a dangerous dog (attacking an animal/biting an animal)	S. 4.46.2	\$400.00
Failing to notify the town operator of the death of a dangerous dog	S. 4.46.3	\$150.00
Failing to immediately remove dog feces	S. 4.49	\$100.00
Failing to dispose of dog feces in a proper waste receptacle	S. 4.49	\$100.00
Keeping more than three (3) dogs over ten (10) weeks of age on a premises	S. 4.52	\$150.00
Failing to register additional dog(s) for three (3) dog limit exemption within the first ninety (90) days of this by law	S. 4.52.1	\$100.00
Failing to have a dog immunized against rabies	S. 5.1	\$110.00
Failing to maintain a dog with current immunization against rabies	S. 5.1	\$110.00
Failing to keep an animal inside of a passenger cab of a motor vehicle while the motor vehicle (parked/moving)	S. 5.3	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed trailer	S. 5.4.1	\$150.00
Animal outside of passenger cab of motor vehicle- not in fully enclosed bed area of truck	S. 5.4.2	\$250.00
Animal in fully enclosed bed area of truck of insufficient dimensions	S. 5.4.2	\$150.00
Animal outside of passenger cab of motor vehicle- not in crate	S. 5.4.3	\$150.00
Animal confined in crate on the bed of a truck of insufficient dimensions.	S. 5.4.3	\$150.00
Improper transportation of animal failure to securely tether the animal in bed of a (pickup truck/flatbed truck	S. 5.5	\$150.00
Improper transportation of animal- (causing/permitting)(illness/pain/injury/suffering) or undue or unnecessary (distress/hardship/privation/neglect) to an animal while in bed of a (pickup truck/flatbed truck	S. 5.6	\$250.00
(Annoying an Animal/assaulting an animal/battering an animal/teasing an animal/tormenting an animal) or willfully and recklessly (kill/causing injury to/causing pain to/cause suffering to) an animal	S. 5.8	\$250.00
Trapping an animal when the animal is not (causing a nuisance/damaging property)	S. 5.10.1	\$150.00
Trapping an animal in other than a live trap	S. 5.10.2	\$250.00
Trapping an animal in an inhumane manner	S. 5.10.3	\$250.00
Keeping a trapped animal in a trap for more than 24 hours	S. 5.10.4	\$250.00
Failing to shelter a trapped animal from the elements	S. 5.10.5	\$250.00
Trapping an animal on property not owned by the aggrieved person	S. 5.10.6	\$150.00
Trapping an animal- using trap that (causes/may cause) the animal (injury/pain/suffering)	S. 5.11	\$250.00
Failing to release a domestic animal to the owner	S. 5.12.1	\$150.00

SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
Failing to release a domestic animal to an officer	S. 5.12.2	\$150.00
Failing to release a domestic animal to the pound	S. 5.12.3	\$150.00
Keeping livestock in area not zoned to permit the keeping of livestock	S.5.14	\$200.00
Permitting livestock to run at large	S. 5.16	\$300.00
Failing to turn over found livestock to the pound	S. 5.18	\$200.00
Failing to turnover found livestock to its owner	S. 5.18	\$200.00
Did remove a wild animal from public lands in the Township where unauthorized to do so	S. 5.27	\$150.00
Did remove a wild animal from public lands in the Township in an inhumane manner	S. 5.27	\$150.00
Did (keep/cause to be kept) a wild animal	S. 5.28	\$150.00
Failing to release a wild animal after possessing it for more than twenty-four (24) hours	S. 5.29	\$150.00
Failing to release a wild animal within one (1) kilometer from where it was found	S. 5.29.1	\$150.00
Failing to surrender a wild animal to the Society	S. 5.29.2	\$150.00
Failing to surrender a wild animal to a (person/facility) licensed by the Ministry of Natural	S. 5.29.3	\$150.00
Resources to care for wildlife		
Keeping a prohibited animal	S. 5.30	\$300.00
Failing to register a grandfathered prohibited animal	S. 5.31	\$150.00
Failing to keep a grandfathered prohibited animal in an appropriate environment for the species	S. 5.31	\$300.00
Permitting a prohibited animal to run at large	S. 5.37	\$300.00
Owner-(allow/permit) persistent barking by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent whining by any domestic pet	S. 5.38	\$200.00
Owner-(allow/permit) persistent calling by any domestic pet	S. 5.38	\$200.00
Owner- fail to comply with the Regulations in Schedule "D" as it pertains to the keeping of Rabbits	S. 5.39	\$250.00
Obstructing an officer in the execution of (his/her) duties	S. 6.4	\$300.00

## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW NO. 2023-55

A BY-LAW TO AMEND BY-LAW 97-2020, AS AMENDED, BEING A BY-LAW TO AUTHORIZE CERTAIN PARKING, STANDING OR STOPPING OF VEHICLES OPERATED BY OR CONVEYING PHYSICALLY HANDICAPPED PERSONS ON ANY HIGHWAY AND TO AUTHORIZE AND REQUIRE THE PROVISION OF DESIGNATED PARKING SPACES FOR THE SOLE USE OF VEHICLES OPERATED BY OR CONVEYING PHYSICALLY HANDICAPPED PERSONS

**WHEREAS** the Council of the Corporation of the Township of West Lincoln considers it desirable to amend By-law 97-2020, as amended, to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

**AND WHEREAS** the most effective and efficient way to amend By-law 97-2020, as amended, is to replace the existing language of the previous By-law including any and all attached schedules;

# NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

- 1. That Sentence (4) of Article 2.2.1 *Each and every accessible parking space shall:* of Sub Section 2.2 *Design Standards*, of By-law 97-2020, as amended, be deleted and the following and inserted in lieu thereof:
  - (4) be of a size not less than:
    - (a) 4.9 metres [16.08 feet] in perpendicular width; and
    - (b) 8 metres [19.03 feet] in length.
- 2. In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of the by-law.
- 3. This by-law shall come into force and effect August 1<sup>st</sup>, 2023.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSES THIS 17<sup>TH</sup> DAY OF JULY, 2023.

CHERYL GANANN, MAYOR

JESSICA DYSON, CLERK

## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW 2023-57

BEING A BY-LAW TO APPROVE AMENDMENT NO. 67 (TO AMEND THE HEIGHT PROVISION OF THE NORTHWEST QUADRANT SECONDARY PLAN) OF THE TOWNSHIP OF WEST LINCOLN OFFICAL PLAN TO ACCOMMODATE FOR A SIX (6) STOREY RESIDENTIAL BUILDING IN THE STATION MEADOWS WEST PLAN OF SUBDIVISION WITHIN THE TOWNSHIP OF WEST LINCOLN

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

- 1. THAT, Amendment No. 67 (to amend the height provision of the Northwest Quadrant Secondary Plan) of the Official Plan for the Township of West Lincoln, is hereby adopted and implemented by amending policy to accommodate for a six (6) storey residential building in the Station Meadows West Plan of Subdivision, as detailed in Schedule 'A'.
- 2. THAT, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended, based on a Regional Municipality of Niagara exemption.
- 3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17<sup>TH</sup> DAY OF JULY, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK