

REGULAR MEETING AGENDA

September 21, 2021 AT 6:00 P.M.

THIS WILL BE AN ELECTRONIC MEETING via ZOOM

Members of the Public must register with the Ryerson Township Clerk's Office prior to the meeting for meeting access.

Members of the Public are not permitted in a Closed meeting.

To Members of the Public: If you have trouble with your connection during the meeting, you may notify the Host by e-mail at: treasurer@ryersontownship.ca

Meeting will be recorded.

1. CALL TO ORDER

- 1.1 Attendance: in person and electronic, late attendees
- 1.2 Announcement: This meeting is being recorded

2. ADOPTION OF MINUTES

- 2.1 Adoption of minutes from the regular meeting September 7 2021 and special meeting September 15 2021. (Resolution)

3. DECLARATION OF PECUNIARY INTEREST

4. DELEGATION AND PRESENTATIONS

- 4.1 Cathy Still, Mayor Burks Falls and Kevin MacLeod, Executive Director Burks Falls Family Health Team: funding request

5. REQUESTS FOR PROPOSAL

- 5.1 HVAC RFP Staff Report (Resolution)

6. REPORTS

- 6.1 DEPUTY CLERK: Planning: Validation Certificate (resolution)
- 6.2 TREASURER: Follow up re: Asset Management Plan

6.3 COUNCIL MEMBERS:

- Councillor Patterson re: ACED resolutions from Armour, Perry, Strong, Magnetawan (Resolution)

7. **NOTICE OF MOTION** (if required)

8. **COMMUNICATION ITEMS**

8.1 JBC Statistics

9. **BY-LAWS**

By-law for Validation of Title

By-law to confirm the meetings of Council

10. **CLOSED SESSION** (if required)

11. **IMPORTANT DATES**

October 5, 2021 Regular Meeting 6:00 p.m.

October 19, 2021 Regular Meeting 6:00 p.m.

12. **ADJOURNMENT**

CORPORATION OF THE TOWNSHIP OF RYERSON

LIST OF PROPOSED RESOLUTIONS

FOR COUNCIL MEETING: September 21, 2021

Item # 2.1 on Agenda Moved by Councillor Brandt Seconded by Councillor Marlow

Be it resolved that the minutes from the regular meeting September 7 2021 and special meeting September 15, 2021 be adopted as circulated.

Item # 5.1 on Agenda Moved by Councillor Finley Seconded by Councillor Patterson

Be it resolved that Ryerson Township Council accept the proposal under RFP 2021-012 HVAC Upgrades from Tebby Air Conditioning & Heating Ltd. in the amount of \$31,000.00 (plus HST), to be funded by the COVID-19 Resilience Infrastructure Fund.

Item # 6.1 on Agenda Moved by Councillor Marlow Seconded by Councillor Finley

Be it resolved that leave be given to introduce a Bill # 44 -21, being a By-law for the Validation of Title for Part Lot 14, Concession 7, Parts 12 & 13, Plan PSR 1894, and further; That By-Law # 44-21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 21st day of September 2021.

Item # 6.3 on Agenda Moved by Councillor Patterson Seconded by Councillor Marlow

WHEREAS on June 9, 2021, the Municipality of Magnetawan forwarded a resolution to the Administering Municipality advising they were giving one (1) year notice that they were withdrawing from the Almaguin Community Economic Development Agreement;
AND WHEREAS the Almaguin Community Economic Development, article 2 states that the Agreement will expire when the CIINO grant for regional economic development expires;
AND WHEREAS on June 10 2021 the Municipality of Magnetawan was advised by the Administering Municipality, that based on the present forecast the Almaguin Community Economic Development Agreement will only expire at the end of September 2023;
NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Ryerson acknowledges the resolution from the Municipality of Magnetawan, but requests that the Municipality of Magnetawan respect the engagement they made through the Almaguin Community Economic Development Agreement and continue to be part of the Almaguin Community Economic Development Board until the CIINO grant expires.

Item # 9. on Agenda Moved by Councillor Finley Seconded by Councillor Marlow

Be it resolved that leave be given to introduce a Bill # 45-21, being a By-law to confirm the meetings of Council and further; That By-Law # 45-21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 21st day of September 2021.

Item # 12 on Agenda Moved by Councillor Brandt Seconded by Councillor Finley

Be it resolved that we do now adjourn at _____. The next regular meeting is scheduled for October 5, 2021 at 6:00 p.m.

CORPORATION OF THE TOWNSHIP OF RYERSON

REGULAR COUNCIL MEETING

MINUTES

September 7, 2021

The regular meeting of Council of the Corporation of the Township of Ryerson was held Tuesday September 7, 2021, at 6:05 p.m. This was a hybrid meeting combining electronic meeting via Zoom and in person due to the COVID-19 Pandemic precautions.

Mayor George Sterling called the meeting to order at 6:05 p.m. Attendance was announced, and it was noted that the meeting is being recorded.

Mayor Sterling and Councillor Marlow participated from the municipal office.

Council members attending electronically via Zoom: Delynne Patterson, Celia Finley, Penny Brandt.

Staff in attendance at the municipal office: Brayden Robinson, Judy Kosowan.

Presenter Judy Kleinhuis from Grant Thornton attended electronically.

Public attending electronically: Nieves Guijarro, Paul Van Dam, Judy Ransome.

Notice of this meeting was posted on the website.

The minutes from the public meetings for the zoning by-law amendment for 1705 D Peggs Mountain Rd. and 629 Sieber Rd. August 10, 2021, and special and regular meetings August 10, 2021, be adopted as circulated, on a motion moved by Councillor Brandt and seconded by Councillor Patterson. (Carried)

There were no declarations of pecuniary interest.

PRESENTATION:

Judy Kleinhuis from Grant Thornton attended the meeting to present the 2020 Consolidated, Trust, and Fire Financial Statements to Council. There were no issues with the audit opinion and the 2020 statements. A resolution is noted below.

REQUEST FOR PROPOSALS

Council received information about the three proposals for Engineer of Record services and adopted a resolution as noted below.

STAFF REPORTS:

FIRE CHIEF: Dave McNay provided a written report noting that the 2006 Ford Explorer vehicle needs extensive repairs and recommended that it be taken out of service. A resolution was adopted as noted below.

TREASURER: Information was provided about two by-laws regarding funding agreements and two by-laws regarding financing for a new tandem truck. The by-laws were adopted as noted below.

A staff report regarding a 2021 budget amendment and the roadside mowing tender was discussed and resolutions adopted.

An update on the draft Asset Management Plan was provided and a date will be scheduled for a special Council meeting next week for a presentation of the Asset Management Plan.

CLERK: A staff report was provided regarding land use permission from the Magnetawan Ridge Runners Snowmobile Club and a resolution was adopted.

Council received a staff report about expansion of services to two industrial parks north and west of Burks Falls and resolutions of support were adopted.

Council received a staff report regarding consent applications B-044/21 and B-045/21 (196 James Camp Road) and a resolution was adopted.

A staff report for consent application B-046/21 (2118) South Horn Lake Road was provided, and a resolution was adopted.

It was noted that the Citizen Engagement Survey for the Municipal Digital Modernization Review is live on the website and Facebook page until September 17, 2021.

COMMUNICATION ITEMS:

- Information was received from the Association of Municipalities of Ontario (AMO) regarding municipal recognition of September 30th as National Day for Truth and Reconciliation (National Orange Shirt Day). Council adopted the below resolution of support.
- Brian Dumas, Chief Building Official, Joint Building Committee: report on Tiny Homes, July 31st Statistics.
- Village of Burks Falls: August Arena Report
- A funding request was received from the Burks Falls Family Health Team. A resolution of support was defeated as further information is required.
- Paul Van Dam re: Noise By-law/discharge of firearms. Council noted that this would be an OPP matter.

Note: There was a power outage at approximately 7:50 p.m. The connection to the electronic meeting was lost during the discussion of the last communication item. Meeting connection was restored at approximately 8:05 p.m. and the meeting resumed.

BY-LAWS

- By-law 39-21 to enter into the Investing in Canada Infrastructure Program (ICIP) COVID-19 Transfer Payment Agreement.
- By-law 40-21 to enter into the Municipal Modernization Program Intake 2 Transfer Payment Agreement.
- By-law 41-21 to enter into agreement with Infrastructure Ontario and Lands Corporation, temporary borrowing.
- By-law 42-21 to enter into agreement with Infrastructure Ontario and Lands Corporation capital works long term financing.
- By-law 43-21 to confirm the Meetings of Council.

CLOSED MEETING

Council moved to a closed meeting by resolution at 8:09 p.m.

In the closed meeting, Council discussed the matters it was permitted to under the resolution authorizing the public exclusions and returned to the open meeting at 8:19 p.m.

RESOLUTIONS

Moved by Councillor Brandt, seconded by Councillor Patterson, be it resolved that the minutes from the public meetings for the zoning by-law amendment for 1705 D Peggs Mountain Rd. and 629 Sieber Rd. August 10, 2021, and special and regular meetings August 10, 2021, be adopted as circulated.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Marlow, seconded by Councillor Finley be it resolved that Council of the Corporation of the Township of Ryerson accept the Township of Ryerson Consolidated Financial Statements for 2020 and the 2020 Burks Falls and District Fire Department Financial Statements.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Patterson, seconded by Councillor Marlow be it resolved that Ryerson Township Council accept the Request for Proposal from Tatham Engineering for provision of Engineer of Record Services for a two-year period ending October 31, 2023.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Finley, seconded by Councillor Brandt, be it resolved that Ryerson Township Council authorize that the Fire Prevention Vehicle, a 2006 Ford Explorer be taken out of service and deemed as a surplus asset for disposal.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Marlow, seconded by Councillor Brandt, be it resolved that leave be given to introduce a Bill # 39-21, being a By-law to enter into the Investing in Canada Infrastructure Program (ICIP) COVID-19 Transfer Payment Agreement and further; That By-Law # 39-21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 7th day of September 2021.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Finley, seconded by Councillor Patterson, be it resolved that leave be given to introduce a Bill # 40 -21, being a By-law to enter into the Ontario Transfer Payment Agreement for the Municipal Digital Modernization Program Intake 2 and further; that By-Law # 40-21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 7th day of September, 2021.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Brandt, seconded by Councillor Patterson, be it resolved that leave be given to introduce a Bill # 41-21, being a By-law to authorize the submission of an application to Infrastructure Ontario and Lands Corporation for financing capital works and authorize temporary borrowing; and further that By-Law # 41 - 21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 7th day of September 2021.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Finley, seconded by Councillor Marlow be it resolved that leave be given to introduce a Bill # 42 -21, being a By-law to approve the submission of an Application to Ontario Infrastructure and Lands Corporation for long term financing of certain capital works and entering into a rate offer agreement, and further

that By-Law # 42-21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 7th day of September 2021

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Marlow, seconded by Councillor Brandt, be it resolved that Ryerson Township Council approve the amendment of the 2021 Budget as per the Treasurer's Staff Report dated September 1, 2021.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Brandt, seconded by Councillor Patterson, be it resolved that Ryerson Township Council has considered the completion date for the roadside mowing tender.

Council will charge the penalty clause against the invoice from Derrick Johnstone Construction for the three-day period from August 14, 2021, until the completion date of August 16, 2021, at the rate of \$50.00 per day for a total of \$150.00 (pre-tax).

Recorded vote due to electronic meeting: Yes: Finley, Marlow, Patterson, Sterling.
No: Brandt. (Carried)

Moved by Councillor Patterson, seconded by Councillor Marlow be it resolved that Ryerson Township Council enter into the MOU agreement with the Magnetawan Ridge Runners

Snowmobile Club, in order for the Club to obtain insurance from the Ontario Federation of Snowmobile Clubs (OFSC). The MOU agreement from September 1, 2021, to August 31, 2022, between the Magnetawan Ridge Runners and the Township of Ryerson will only come into effect upon receipt of proof of insurance from the OFSC, including the indemnification and hold harmless clause wording, and a current insurance certificate naming the Township of Ryerson as additional insured.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Finley, seconded by Councillor Brandt Whereas Ryerson Township Council supports the expansion of natural gas, electricity, and broadband Internet to the industrial and business parks in the Township of Armour and Village of Burks Falls; Now Therefore Be It Resolved that Ryerson Township Council support, the application from the Township of Armour and the Village of Burks Falls to the NOHFC Community Enhancement Program, in principle.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Brandt, seconded by Councillor Marlow Whereas Ryerson Township Council supports the expansion of natural gas, electricity, and broadband Internet to the industrial and business parks in the Township of Armour and Village of Burks Falls; Now Therefore Be It Resolved that Ryerson Township Council support, the application from the Township of Armour and the Village of Burks Falls to FEDNOR for funding, in principle.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Marlow, seconded by Councillor Finley be it resolved that Ryerson Township Council supports Consent Applications: B-044/21, B-045/21 Lot 8, Concession 3, within the Township of Ryerson, 196 James Camp Road, subject to the following conditions: If the reference plan or other evidence discloses that either the severed property or the retained property owned by the Applicant contains a deviation road maintained by the Township as a public road, then the Applicant shall survey and transfer such deviation road to the Township as a condition of severance. The area to be surveyed and transferred shall generally be 66 feet in width and centered upon the center line of the present traveled road. In situations where this is impractical, the Applicant should discuss how this requirement will be fulfilled with the Municipality before the reference plan is finalized.

The Township requires one copy of the draft reference plan for review prior to registration, two copies of the Final Reference Plan and one digital copy of the Final Reference Plan.

As a condition of severance approval, the Applicant shall pay to the Municipality in which the land is located, or otherwise satisfy the requirement for donation of Parkland set out in Section 51.1 of the Planning Act.

The Township requires that for any proposed entrance: The Public Works Supervisor will be contacted to inspect the location to determine that a safe location for an entrance can be found. The Planning Board will be advised in writing that this condition has been met before the finalization of the consent is given.

That the Planning Board receive confirmation from the North Bay-Mattawa Conservation Authority that there is an area within the proposed retained lot and severed lot that is suitable for a conventional sewage disposal system (i.e., Class 4)

That the Township's Consent Application Fee and Deposit Fee be paid to the Township of Ryerson before the finalization of the consent is given.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Patterson, seconded by Councillor Marlow be it resolved that Ryerson Township Council supports Consent Application: B-046/21, Lot 11, and Part Lot 12 Concession 14, within the Township of Ryerson, at 2118 South Horn Lake Rd, subject to the following conditions:

If the reference plan or other evidence discloses that either the severed property or the retained property owned by the Applicant contains a deviation road maintained by the Township as a public road, then the Applicant shall survey and transfer such deviation road to the Township as a condition of severance. The area to be surveyed and transferred shall generally be 66 feet in width and centered upon the center line of the present traveled road. In situations where this

is impractical, the Applicant should discuss how this requirement will be fulfilled with the Municipality before the reference plan is finalized.

The Township requires one copy of the draft reference plan for review prior to registration, two copies of the Final Reference Plan and one digital copy of the Final Reference Plan.

As a condition of severance approval, the Applicant shall pay to the Municipality in which the land is located, or otherwise satisfy the requirement for donation of Parkland set out in Section 51.1 of the Planning Act.

The Township requires that for any proposed entrance: The Public Works Supervisor will be contacted to inspect the location to determine that a safe location for an entrance can be found. The Planning Board will be advised in writing that this condition has been met before the finalization of the consent is given.

That the Planning Board receive confirmation from the North Bay-Mattawa Conservation Authority that there is an area within the proposed retained lot and severed lot that is suitable for a conventional sewage disposal system (i.e., Class 4)

That the Township's Consent Application Fee and Deposit Fee be paid to the Township of Ryerson before the finalization of the consent is given.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Brandt, seconded by Councillor Patterson WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;

AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action;

AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;

AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;

AND WHEREAS the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a statutory holiday;

THEREFORE, BE IT RESOLVED THAT the Council of the Township of Ryerson does hereby commit to recognizing September 30th, 2021, as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families, and communities.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Marlow, seconded by Councillor Patterson WHEREAS Ryerson Township Council has considered the request from the Burks Falls Family Health Team for a contribution of \$11,123., one fifth of the estimated cost of repairs in the amount of \$55,615. for renovations required to accommodate an additional physician in the Almaguin Highlands Health Center;

NOW THEREFORE BE IT RESOLVED that Ryerson Township Council will contribute \$11,123. to the support the renovations and physician retention in our community.

Recorded vote due to electronic meeting: Yes: Brandt, Finley. No: Marlow, Patterson, Sterling. (Defeated)

Moved by Councillor Finley, seconded by Councillor Brandt be it resolved that leave be given to introduce a Bill # 43-21, being a By-law to confirm the meetings of Council and further;

That By-Law # 43-21 be read a First, Second, and Third time, Signed and the Seal of the Corporation affixed thereto and finally passed in Council this 7th day of September 2021.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Patterson, seconded by Councillor Marlow, be it resolved that we move to a closed session at 8:09 p.m., pursuant to the Municipal Act 2001, c. 25, Section 239 (2) (d)

as the subject matter being considered is regarding labour relations or employee negotiations;
The general nature of the closed meeting is to discuss human resources matters.
Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

Moved by Councillor Marlow, seconded by Councillor Patterson be it resolved that we do
now adjourn at 8:21 p.m. The next regular meeting is scheduled for September 21, 2021, at
6:00 p.m.

Recorded vote due to electronic meeting: Yes: Brandt, Finley, Marlow, Patterson, Sterling.
(Carried)

MAYOR

CLERK/DEPUTY CLERK

**CORPORATION OF THE TOWNSHIP OF RYERSON
SPECIAL COUNCIL MEETING
MINUTES**

Electronic Meeting via Zoom, the meeting was recorded.
September 15, 2021

A special meeting of Council was held Wednesday September 15, 2021, at 10:00 a.m., for:

1. A Closed Meeting; pursuant to the Municipal Act 2001, c. 25, Section 239 (2) (f) as the subject matter being considered is regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose. The general nature of the closed meeting is to discuss a human resources matter.
2. Return to the Open Meeting for the presentation of the draft Asset Management Plan.

Members of Council were notified of this special meeting by e-mail on September 10, 2021. The public was notified of this meeting by posting of this special meeting agenda September 10, 2021. This was an electronic meeting via Zoom.

Mayor Sterling and Councillor Marlow participated from the municipal office via Zoom.

Council members attending electronically: Delynne Patterson, Celia Finley and Penny Brandt.

Guest in attendance: Joshua Valler, Municipal Solicitor from Barriston Law.

Staff in attendance at the municipal office: Brayden Robinson, Nancy Field, Judy Kosowan.

Mayor Sterling called the meeting to order at 10:00 a.m.

Attendance was announced and it was noted that the meeting is being recorded.

DECLARATION OF PECUNIARY INTEREST: None declared.

CLOSED MEETING:

Council moved to a closed meeting by resolution at 10:03 a.m.

In the closed meeting, Council discussed the matters it was permitted to under the resolution authorizing the public exclusions and returned to the open meeting at 10:43 a.m.

There was a short recess and the open meeting resumed at 10:54 a.m.

ASSET MANAGEMENT PLAN:

Treasurer Brayden Robinson introduced the draft Asset Management Plan (AMP). Highlights were reviewed with Council. Paper copies will be provided to members of Council for their further review,

RESOLUTIONS:

Moved by Councillor Brandt seconded by Councillor Marlow be it resolved that we move to a closed session at 10:03 a.m., pursuant to the Municipal Act 2001, c. 25, Section 239 (2) (f) as the subject matter being considered is regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose. The general nature of the closed meeting is to discuss a human resources matter.

Recorded vote due to electronic meeting: Yes: Brandt, Marlow, Finley, Patterson, Sterling.
(Carried)

Moved by Councillor Patterson, seconded by Councillor Finley, be it resolved that we adjourn at 12:05 p.m.

Recorded vote due to electronic meeting: Yes: Brandt, Marlow, Finley, Patterson, Sterling.
(Carried)

MAYOR

CLERK/DEPUTY CLERK



Staff Report

| | |
|------------------|-----------------------------|
| To: | Ryerson Township Council |
| From: | Brayden Robinson, Treasurer |
| Date of Meeting: | September 15, 2021 |
| Report Title: | HVAC RFP |
| Report Date: | September 21, 2021 |

Engineer of Record

Recommendation: Be it resolved that Ryerson Township Council accept the proposal under RFP 2021-012 HVAC Upgrades from Tebby Air Conditioning & Heating Ltd. in the amount of \$31,000.00 (plus HST), to be funded by the COVID-19 Resilience Infrastructure Fund.

Background:

As Council is aware, we have received grant funding through the COVID-19 Resilience Infrastructure Fund for pandemic-related building retrofits, including upgrades to the HVAC system. We issued an RFP for these HVAC upgrades and received one response, from Tebby Air Conditioning & Heating, in the amount of \$31,000.00 plus HST.

The total cost in the RFP is below the maximum amount allowed in our grant agreement, and we have had good experiences working with Tebby since 2019. For those reasons, staff are recommending that this proposal be approved.



Staff Report

| | |
|------------------|------------------------------------|
| To: | Council |
| From: | Deputy Clerk, Nancy Field |
| Date of Meeting: | September 21, 2021 |
| Report Title: | Validation Certificate Application |
| Report Date: | September 13, 2021 |

Recommendation: I would recommend that Council support the validation certificate to correct the title issue for Victor Priestly because in the view of the Township these lots are considered to exist as separately assessed parcels.

Purpose/Background: *Planning Act* mistakes can occur if a transaction has been completed that did not comply with the *Planning Act*.

In this case on April 27th 1987, lots 12 and 13 Spring Hill Rd. were purchased by Russel Worth, and on that same day the title was transferred for lots 12 and 13 to George Willets. Before the transfer to Mr. Willets occurred lot 13 merged on title with the abutting properties, lot 14 and 15, that Russel Worth had already owned. The order in which the transfers were done created the properties being transferred to Mr. Willets without consent because they had already merged with the other lots that Mr. Worth owned.

Mistakes occur innocently; usually the municipality recognizes that a property is a viable separate parcel. When a transaction occurs that contravenes the *Act*, the mistake must be fixed because section 50 of the *Act* states that any transaction that does not comply will not transfer an interest in the land. This means that any deed, mortgage, transfer of easement, lease or other agreement affecting land that does not comply with section 50 is void.

Simply put, a breach of the *Planning Act* overrides registered title, and as a result, if a mistake has occurred it must be fixed for the benefit of the current rightful owner, purchaser, or lender, otherwise they do not own the land, or hold a mortgage on the land, or have an easement. If not fixed the current owner would not be able to sell the land or mortgage it.

The Certificate of Validation under Section 57 of the *Act* states that any contravention of the *Act* involving a specific parcel of land is deemed never to have prevented the creation of an interest in that land.

When a validation certificate is sought, its purpose is to fix an error that has already happened, not something that is happening in the future. Anyone with sufficient interest in the property may apply for a validation certificate.

The criteria for considering a validation certificate are not the same as the criteria for considering a consent. They are not governed by the same procedural rules and requirements and have a purpose very different from consents and land severances.

A request for validation is rare. Councils' careful consideration should be given before denying a request for validation of title since in most cases the parcel exists as a separately assessed parcel in the view of the municipality.



255 Manitoba Street
Bracebridge, ON
P1L 2A7
Phone: 705-645-3007
Fax: 705-645-3998
www.fallslaw.ca

Recd 06/03/21

June 2, 2021

Linda Moyer
Secretary-Treasurer
SE Parry Sound District Planning Board
1695 Emsdale Road
Emsdale, ON P0A 1J0

Dear Sir or Madam:

Re: Victor Priestly – Title Issue
Validation Certificate Application
Our File No.: 21-093

This letter serves as an application for validation. I have been retained as agent for the solicitor Michelle Hubert on behalf of her client Victor Priestly to assist in converting lands described as Pt Lt 14, Concession 7, Ryerson, designated as Pt 12 and 13, PSR1894 T/W RO77563 from Registry to Land Titles Conversion Qualified. In that regard I have reviewed a title search of the property that she provided. The following Planning Act issue has been located:

- PIN: 52137-0478 (R) being Part Lot 14, Con 7, Ryerson, designated as Parts 12 & 13, Plan PSR1894 T/W RO214928; Ryerson was purchased by Russel Clair Worth from the Township of Ryerson under Transfer No. RO113714 and RO113716 registered April 27, 1987.
- Russel Clair Worth owned the abutting lands described as PIN: 52137-0479 being Part Lot 14, Con 7, Ryerson, designated as Parts 14 & 15, PSR1894 and Parts 17-20 PSR1895; Ryerson.
- On the same day being April 27, 1987 Russel Clair Worth transferred Parts 12 & 13 to George Edward Willets under Transfer No. RO113715 and RO113717 registered April 27, 1987.
- The Registry Office has noted these documents as a contravention of the Planning Act, please see a copy of a retention report obtained from the registry office.
- If you review the order of registration, Part 12 in fact did not contravene as at no time did it merge in fee with the other lots, but Lot 13 would have merged with 14 and 15 and then it was transferred without consent.

I confirm that the lots were not created through a consent process but were created in 1969 and the Subdivision Control ByLaw for this area was not registered until 1970. The above transfers took place in 1987 and therefore Lot 13 requires a Validation Certificate with a notation that it merged with Lot 12.

I have located the lands in the zoning by-law schedules and the official plan schedules and it is noted as being in a provincially significant wetland and parts of the lot are identified as in a floodplain. Mr. Priestly purchased the land in 2019 and is seeking to simply clear up title for the future.

I can advise of the following further information:

Applicant information: Victor Priestly c/o Law Office of Michelle Hubert 10 Mosley St, Aurora, ON L4G 1G7

Subject Lands: Concession 7, Lots 12, 13, 14 & 15, Ryerson
Together with a right of way over Part 16, PSR1894 Part 35 PSR1454, Part 36, PSR1454, Part 16, PSR1453, Part 17, PSR1453

Purpose of application: R pin conversion

Frontage: 200 feet severed, 200 retained

Depth: Approximately 210 feet severed, 208 feet retained

Existing/proposed use: Cottage residential


Rights of way: see title documents

I attach the following:

1. Fee of \$800.00 payable to the Planning Board;
2. Plan PSR1894;
3. PIN 52137-0478;
4. PIN 5137-0479;
5. RO113714;
6. RO113715;
7. RO113716;
8. RO113717;
9. Retention Report; and
10. Title search records
11. Letter from Ryerson Township
12. Application of Victor Priestly

Il look forward to hearing from you in this regard. If you require any further information please do not hesitate to contact me.

Regards,



Cara Valiquette

CV:slm

Planning Report – Validation Certificate – Ryerson Township

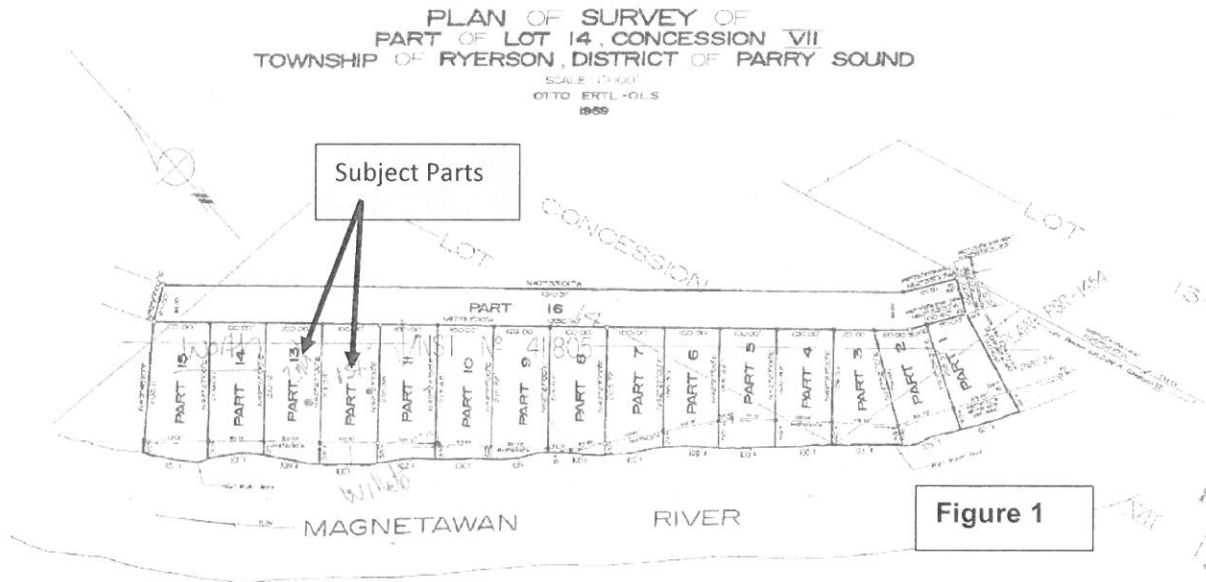
Application

A letter application was filed with the Southeast Parry Sound District Planning Board to request a validation certificate under Section 57 of the *Planning Act* for the following property:

PIN: 52137-0478 (R) being Part Lot 14, Con 7, Ryerson, designated as Parts 12 & 13, Plan PSR1894 T/W RO214928; Township of Ryerson.

Background

1. Parts 12 and 13 of Plan PSR1894 T/W Ro214928 (Part Lot 14, Concession 7) were purchased by Russel Worth from Ryerson Township on April 27, 1987.
2. The said lands were in turn transferred to George Willets on the same day.
3. Neither Parts 12 or 13 were/are in a registered plan of subdivision nor the abutting lands.
4. Parts 12 and 13 subsequently merged; however, Part 13 would have merged with the abutting Part 14, save the transfer that occurred from Worth to Willets
5. The said transfer of ownership (Worth to Willets) contravened the *Planning Act*, since the transfers occurred without consent under the *Planning Act*.
6. The lands in question are illustrated in **Figure 1**.



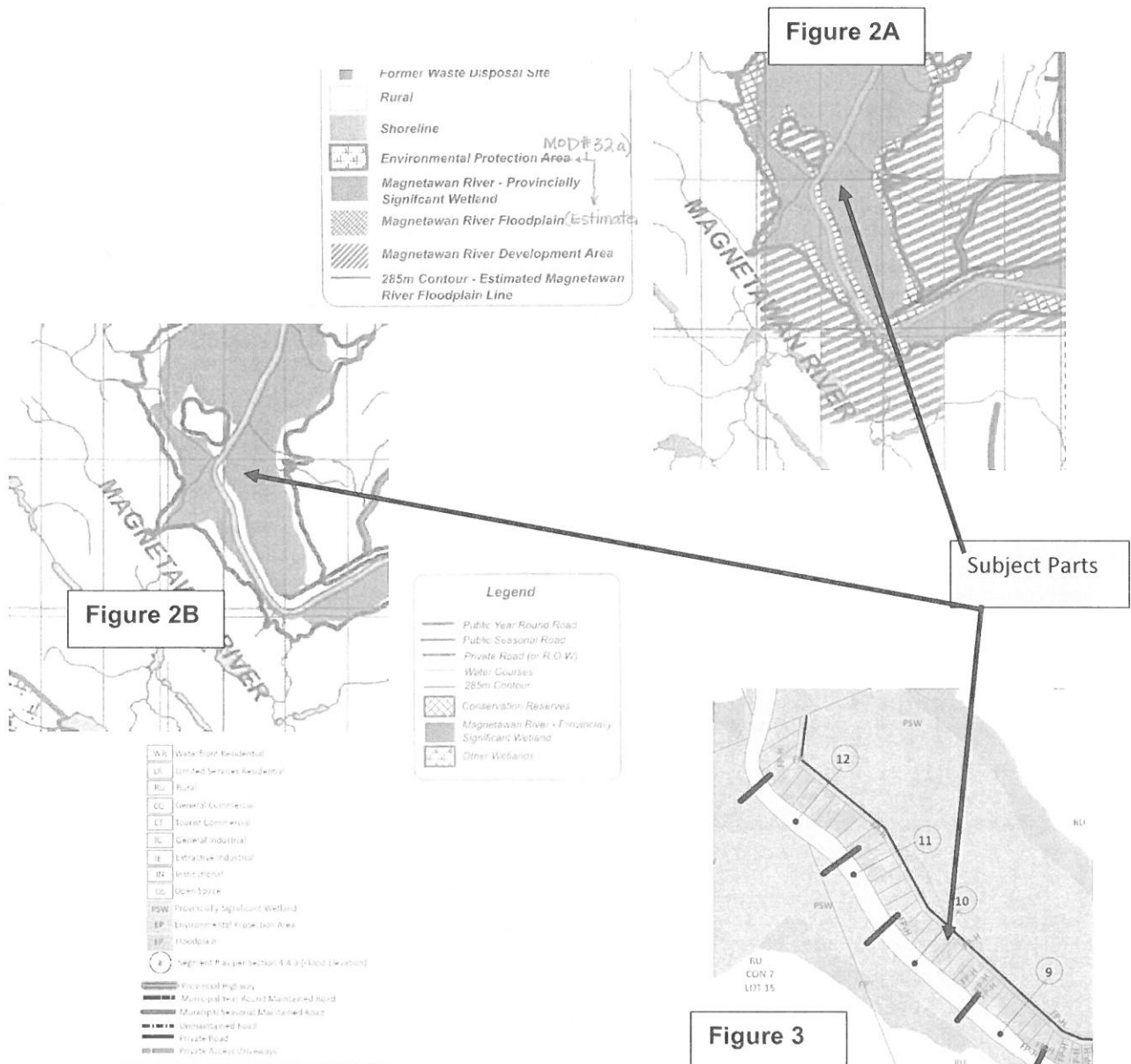
The combined parts 12 and 13 have a frontage of 60.96 m [200 ft.], a variable lot dept of 64.1 m [210.5 ft.] and a lot area of 3,907 m² [42,061 ft.²] or slightly less than 1 ac.

Planning Board is empowered to grant a Validation Certificate under circumstances of a contravention provided the land complies with the criteria set out in O. Reg. 144/95, which are summarized as follows:

1. The land complies with matters set out in Section 51(24) of the *Planning Act*;
2. The land conforms with the Official Plan
3. The land complies with the Zoning By-law, and
4. The land complies with any Minister's Zoning Order in effect.

Planning Context

The subject lands are designated a combination of Magnetawan Floodplain and Provincially Significant Wetland in Schedules A and B to the Official Plan (see **Figures 2A** and **2B**).



The policies of the official plan are restrictive with development to be directed outside of the regulated floodplain (Section 4.4.4) and development is not permitted on a provincially significant wetland (Section 4.5). Any development however, would be subject to the Shoreline Policies (Section 4.2.3) of the Plan. Existing lots that are developed, may be redeveloped where floodproofed and generally limited to the existing footprint albeit minor extensions are permitted.

The subject lands as shown in **Figure 3** zoning by-law, are zoned a combination of Environmental Protection Area and Provincially Significant Wetland. There appears to be a Floodplain Holding zone superimposed on the above zone categories. Existing uses are permitted in The EPA Zone and the PSW Zone including a single detached dwelling. Any land uses in the floodplain cannot be developed unless the reconstruction occurs on a part of the lot that is not in the floodplain. The existing cottage on the lot would appear to enjoy legal conforming status; however, the options for redevelopment are limited. The combined lots comply with the zoning by-law requirements since the zone regulations do not establish a minimum lot area, lot frontage or setbacks.

It is my opinion that the existing use complies with the official plan and zoning by-law.

With respect to the *Planning Act*, Section 51 (24) the following comments apply:

1. Matters of provincial interest have been addressed through the official plan with respect to flood plain and environmental management;
2. A subdivision is not required and the intent of subdividing the land through the Validation Certificate process under Section 57 of the *Planning Act* is to clear title;
3. The subject land complies with the policies of the official plan;
4. The land is developed and existing uses are granted conforming status;
5. Affordable housing policies do not apply;
6. The lands have an existing road access;
7. The lot area and configuration comply with the official plan policies and the zone regulations;
8. Restrictions on development are clearly controlled through existing zone regulations;
9. Measures related to land conservation (i.e., PSW) and floodplain management are also effectively governed through the zone regulations;
10. The lands are serviced by existing utilities and an accessible road network;
11. School site services do not apply;
12. No conveyance of parkland is applicable;
13. Policies with respect to energy conservation do not apply to the extent that the lands are already developed;
14. Site plan control does not apply to an existing development.

It is my opinion that the existing use complies with the relevant criteria set out in Section 51(24) of the *Planning Act*.

Recommendation

That a Validation Certificate be issued as follows:

CERTIFICATE OF VALIDATION

Under Section 57 of the Planning Act

TOWNSHIP OF RYERSON IN THE DISTRICT OF PARRY SOUND

A contravention of Section 50 of the Planning Act, or a predecessor thereof, or of a by-law passed under a predecessor of the said Section 50 or of an order made under clause 27(1)(b), as it existed on the 25th day of June, 1970 of the Planning Act, being Chapter 296 of the revised Statutes of Ontario, 1960, or a predecessor thereof, does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the parcel of land described as follows:

PIN: 52137-0478 (R), being Part Lot 14, Concession, Township of Ryerson, District of Parry Sound including Parts 12 and 13, PSR-1894.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Glenn Tunnock". The signature is written in dark ink and is positioned below the text "Respectfully submitted,".

Glenn Tunnock, MPA, RPP

CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW # -21

BEING A BY-LAW FOR VALIDATION OF TITLE

WHEREAS the Southeast Parry Sound District Planning Board has received an application to issue a Certificate of Validation under Section 57 of the *Planning Act* in respect to lands located in Geographic Township of Ryerson, Part Lot 14, Con 7, Parts 12 & 13, PSR-1894 (Roll No. 4924 000 002 06300 0000) (Victor Priestly);

AND WHEREAS The Council of the Corporation of the Township of Ryerson has no objection to the application;

NOW THEREFORE The Council of the Corporation of the Township of Ryerson hereby enacts as follows:

1. **THAT** the Council for the Township of Ryerson requests the Southeast Parry Sound District Planning Board issue a Certificate of Validation under section 57 of the *Planning Act* in respect of the lands described as Part Lot 14, Con 7, Parts 12 & 13, PSR-1894, known as 775 Spring Hill Rd. in the Geographic Township of Ryerson, District of Parry Sound (Roll No. 4924 000 002 06300 0000) (Victor Priestly)

2. **THAT** this By-law shall come into force and take effect on the date of passing.

Read a First, Second, and
Third time, Signed and the
Seal of the Corporation affixed
thereto and finally passed in
Council this 21st day of September 2021.

MAYOR

CLERK/DEPUTY CLERK



CORPORATION OF THE TOWNSHIP OF ARMOUR

RESOLUTION

Date: September 14, 2021

Motion # 13

WHEREAS on June 9, 2021, the Municipality of Magnetawan forwarded a resolution to the Administering Municipality advising they were giving one (1) year notice that they were withdrawing from the Almaguin Community Economic Development Agreement;

AND WHEREAS the Almaguin Community Economic Development Agreement, article 2 states that the agreement will expire when the CIINO grant for regional economic development expires;

AND WHEREAS on June 10, 2021, the Municipality of Magnetawan was advised, by the Administering Municipality, that based on the present forecast the Almaguin Community Economic Development Agreement will only expire at the end of September 2023;

NOW THEREFORE be it resolved that the Council of the Municipal Corporation of the Township of Armour acknowledges the resolution from the Municipality of Magnetawan, but requests that the Municipality of Magnetawan respect the engagement they made through the Almaguin Community Economic Development Agreement and continue to be part of the Almaguin Community Economic Development Board until the CIINO grant expires.

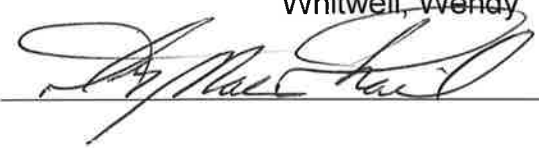
Moved by:

| | |
|-----------------|-------------------------------------|
| Blakelock, Rod | <input type="checkbox"/> |
| Brandt, Jerry | <input type="checkbox"/> |
| MacPhail, Bob | <input type="checkbox"/> |
| Ward, Rod | <input type="checkbox"/> |
| Whitwell, Wendy | <input checked="" type="checkbox"/> |

Seconded by:

| | |
|-----------------|-------------------------------------|
| Blakelock, Rod | <input type="checkbox"/> |
| Brandt, Jerry | <input checked="" type="checkbox"/> |
| MacPhail, Bob | <input type="checkbox"/> |
| Ward, Rod | <input type="checkbox"/> |
| Whitwell, Wendy | <input type="checkbox"/> |

Carried / Defeated



Declaration of Pecuniary Interest by:

Recorded vote requested by:

Recorded Vote:
 Blakelock, Rod
 Brandt, Jerry
 MacPhail, Bob
 Ward, Rod
 Whitwell, Wendy

| For | Opposed |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |



*The Corporation of the
Township of Perry*

Box 70 1695 Emsdale Road Emsdale, Ontario P0A 1J0

COPY

Date: September 1, 2021

Resolution No.: 2021- 337

Moved By: Margaret Ann MacPhail **Seconded By:** Joe Lumley

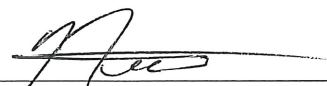
Whereas on June 9th, 2021, the Municipality of Magnetawan forwarded a resolution to the Administering Municipality advising they were giving one (1) year notice that they were withdrawing from the Almaguin Community Economic Development Agreement;

And Whereas the Almaguin Community Economic Development Agreement, article 2 states that the agreement will expire when the CIINO grant for regional economic development expires;

And Whereas on June 10th, 2021, the Municipality of Magnetawan was advised, by the Administering Municipality, that based on the present forecast the Almaguin Community Economic Development Agreement will only expire at the end of September 2023;

Be it resolved that the Council of the Corporation of the Township of Perry acknowledges the resolution from the Municipality of Magnetawan but requests that the Municipality of Magnetawan respect the engagement they made through the Almaguin Community Economic Development Agreement and continue to be part of the Almaguin Community Economic Development Board until the CIINO grant expires.

Carried: Defeated:


Norm Hofstetter, Mayor

| RECORDED VOTE | | |
|--------------------------------|-----|---------|
| Council | For | Against |
| Councillors Jim Cushman | | |
| Joe Lumley | | |
| Margaret Ann MacPhail | | |
| Paul Sowrey | | |
| Mayor Norm Hofstetter | | |



28 Municipal Lane,
P.O. Box 1120, Sundridge, Ontario P0A 1Z0
705-384-5819 Fax 705-384-5892
www.strongtownship.com

Township of Strong Council Resolution
September 14, 2021 Regular Meeting
6.0 Comments/Communications/Correspondence

6.3 Township of Perry – Support re: Almaguin Community Economic Development R2021-288

Moved By: Marianne Stickland Seconded by: Jeff McLaren

Be it resolved that the Council for the Township of Strong have hereby received and read resolution 2021-337 dated September 1, 2021 from the Township of Perry requesting that the Municipality of Magnetawan reconsider their withdrawal from ACED and continue membership until the CIINO grant expires; and

That the Council for the Township of Strong hereby support this resolution as circulated; and

That a copy of this support be forwarded to the Municipality of Magnetawan; and all member municipalities of ACED.

Carried

RESOLUTION NO. 2021- 171 **JUNE 09, 2021**

Moved by: Brad Kneller

Seconded by: [Signature]

WHEREAS, the Council of the Municipality of Magnetawan thanks the Almaguin Economic Development Committee (ACED) for their efforts in encouraging economic development within the Almaguin Region;

AND WHEREAS, Council is in agreement that a concerted, continuing effort towards economic development is necessary and supports that in some areas a regional approach may be warranted;

AND WHEREAS, Council has reviewed the cost benefit analysis on continuing to be a member of ACED;

AND WHEREAS, Council deems it in the best interest of the ratepayers within its Municipality to have a dedicated in-house employee overseeing Economic Development;

AND WHEREAS Council passed By-law 2019-54 to enter into an agreement for the provision of Regional Economic Development Services;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipality of Magnetawan respectfully gives its one (1) year notice to withdraw from the agreement.

Carried Defeated Deferred

[Signature]
Sam Dunnett, Mayor

Recorded Vote Called by: _____

Recorded Vote

| Member of Council | Yea | Nay | Absent |
|---------------------|-----|-----|--------|
| Brunton, Tim | | | |
| Hetherington, John | | | |
| Kneller, Brad | | | |
| Smith, Wayne | | | |
| Mayor: Dunnett, Sam | | | |



*Knowing our heritage
we will build our future*

**JOINT BUILDING COMMITTEE
ANNUAL PERMIT SUMMARY
2021**

| Month | No. of Permits | Permit Fees | Project Values | Size (sq.m) |
|---------------|----------------|---------------------|------------------------|-------------------------------|
| January | 5 | \$13,482.00 | \$865,500.00 | 786 |
| February | 2 | \$2,675.00 | \$165,000.00 | 247 |
| March | 10 | \$19,956.40 | \$1,263,560.00 | 1987 |
| April | 21 | \$40,309.75 | \$2,565,255.00 | 3413 |
| May | 21 | \$53,825.00 | \$3,367,000.00 | 1947 |
| June | 21 | \$54,682.00 | \$3,557,000.00 | 1398 |
| July | 18 | \$29,840.00 | \$1,860,000.00 | 1940 |
| August | 19 | \$48,662.50 | \$3,046,500.00 | 2375 |
| September | 0 | \$0.00 | \$0.00 | 0 |
| October | 0 | \$0.00 | \$0.00 | 0 |
| November | 0 | \$0.00 | \$0.00 | 0 |
| December | 0 | \$0.00 | \$0.00 | 0 |
| TOTALS | 117 | \$263,432.65 | \$16,689,815.00 | New Construction 14093 |
| | | | | Demolitions 99 |

**JOINT BUILDING COMMITTEE
ANNUAL PERMIT SUMMARY
2021**

| Month | No. of Permits | Permit Fees | Project Values | SFD'S, Seasonal Dwellings and Multi-Unit Dwellings | |
|--|----------------|---------------------|------------------------|--|-----------|
| | | | | 2020 | 2021 |
| Burks Falls | 11 | \$11,050.00 | \$657,000.00 | 0 | 2 |
| July | 2 | \$3,335.00 | \$209,000.00 | 3 | 1 |
| South River | 16 | \$24,490.00 | \$1,519,605.00 | 2 | 4 |
| Machar | 20 | \$40,032.50 | \$2,595,500.00 | 5 | 7 |
| Strong | 38 | \$83,166.75 | \$5,218,650.00 | 6 | 15 |
| Ryerson | 19 | \$80,301.40 | \$5,188,560.00 | 3 | 11 |
| Sundridge | 11 | \$21,057.00 | \$1,301,500.00 | 0 | 4 |
| TOTALS | 117 | \$263,432.65 | \$16,689,815.00 | | 44 |
| Permit activity at end of August 31, 2021 | | | | | |
| TOTALS | 89 | \$133,889.30 | \$8,114,740.00 | 22 | |
| Permit activity at end of August 31, 2020 | | | | | |
| TOTALS | 28 | \$129,543.35 | \$8,575,075.00 | | 17 |
| Difference from previous year | | | | | |