

# TOWN OF KEARNEY

## AGENDA

**AMENDED Tuesday July 9<sup>th</sup>, 2024**

**REGULAR COUNCIL MEETING**  
**Council Chambers**  
**Thursday July 11, 2024 – 6:00 p.m.**

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*A Moment of Silence may be observed if requested*

**1. Call the Meeting to Order**

**2. Approval of Agenda**

**3. Disclosure of Interest**

*[At this time, Members of Council shall declare pecuniary interest, if any, with items on the agenda.]*

**4. Delegations/Presentations**

4.1 Geoff Ross - Muskoka Watershed Foundation Pg.1

**Public Meeting – Shore/Road Closures and Purchases**

Zoning By-law Amendment RZ 05-23 – Waffle (LT 1, CON 8,  
Bethune, Town of Kearney) Pg.15

**5. Consent List**

5.1 June 20, 2024 Council Meeting Minutes Pg.122

5.2 Payment Register Pg.128

5.3 Transfer Station Report Pg.130

**5.4 Q2 Reports**

1. SR 2024-45 - Planning Pg.131

2. SR 2024-46 - Treasury Pg.133

3. SR 2024-47 - Building Pg.135

4. SR 2024-48 – Administration Pg.136

5. SR 2024-49 - Fire Pg.139

6. SR 2024-50 - Public Works Pg.141

**7. SR 2024-51 – By-Law Pg.144**

5.5 Resolution Report Pg.146

5.6 JWMC June 26, 2024 Meeting Minutes Pg.148

## **6. Items Referred from the Consent List**

### **7. Items for Discussion**

- |  |        |
|--|--------|
| 7.1 DRAFT Agreement with Jennifer Joiner – Swimming Instructor | Pg.151 |
| 7.2 DRAFT CBO Appointment By-law                               | Pg.156 |
| 7.3 Agreement with Tatham Engineering to continue as Town EOR  | Pg.157 |
| 7.4 ACED request for support RCIP                              | Pg.162 |
| 7.5 ACED Update on Almaguin Community Bus                      | Pg.166 |
| 7.6 Discussion regarding Hosting a Town Hall Meeting           |        |

### **8. Other Business**

### **9. Correspondence for Information**

- |                            |        |
|----------------------------|--------|
| 9.1 DPSSSB June CAO Report | Pg.171 |
|----------------------------|--------|

### **10. Bylaws**

- |   |        |
|---|--------|
| 10.1 2024-28 Trailer By-law   | Pg.190 |
| 10.2 2024-29 CBO Appointment By-law                                     | Pg.198 |
| 10.3 2024-30 Enter into Agreement with Tatham Engineering Inc.          | Pg.199 |
| 10.4 2024-31 Enter into Agreement with Jennifer Joiner for Swim Lessons | Pg.200 |

### **11. Closed Session**

Under Section 239 of the Municipal Act, Council moves into closed session under the following subsections:

- (2)(b) Personal Matters about an Identifiable Individual;
- (2)(d) Labour Relations or Employee Negotiations; and
- (2)(c) a Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board;

### **12. Confirming Bylaw**

### **13. Adjournment**



8 Main Street, P.O. Box 38 Kearney, ON P0A 1M0

**Telephone:** 705 636-7752

**Fax:** 705 636-0527

**Email:** [admin@townofkearney.ca](mailto:admin@townofkearney.ca)

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE NO: \_\_\_\_\_

COUNCIL MEETING DATE: \_\_\_\_\_

GENERAL NATURE OF DELEGATION: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**A WRITTEN COPY OF THE PRESENTATION IS REQUIRED WITH ALL DELEGATION REQUESTS**

The personal information contained in communications directed to Council and its Advisory Committees is collected under the authority of the Municipal Act, 2001, as amended, and will be used to assist Council and Committee Members in their deliberations. Questions about this collection should be addressed to the Town Clerk at 8 Main Street, Box 38, Kearney, Ontario, P0A 1M0, by telephone 705 636 7752, or by email [nicole.gourlay@townofkearney.ca](mailto:nicole.gourlay@townofkearney.ca)

**Communications addressed to Council and its Advisory Committees will become part of the public record and will be placed on a public agenda and made available electronically through the Town of Kearney internet website. Anonymous communications sent to Council or to its committees will NOT be accepted.**

**I acknowledge that personal information contained within my communication(s) may become part of the public record and may be made available to the public through the Council/Committee process.**

\_\_\_\_\_  
(Initials)

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



*Muskoka*  
**WATERSHED COUNCIL**

# ENHANCED ENVIRONMENTAL MANAGEMENT IN OUR WATERSHED

Geoff Ross  
Muskoka Watershed Council

11<sup>st</sup> July 2024

Town of Kearney

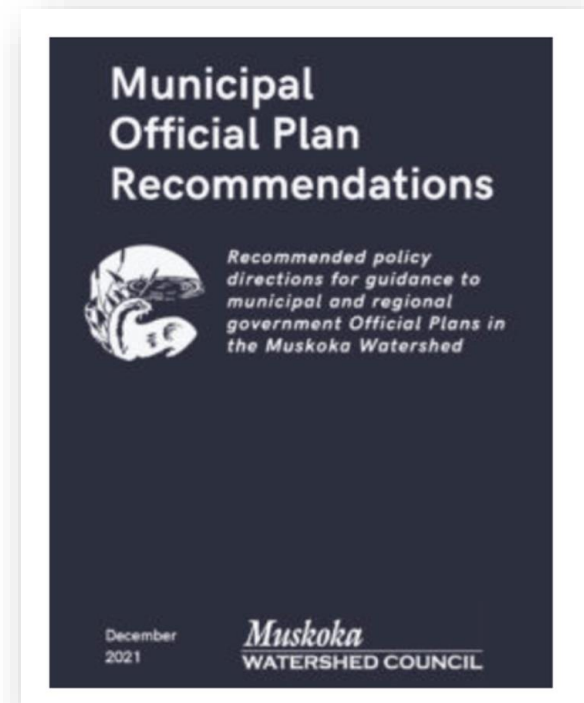
# TODAY

- Who we are
- An update on the plan to bring advanced environmental management to this region
- Value of your engagement



# WHO WE ARE

- Not-for-profit environmental NGO with 20+ years of service to the wider Muskoka community
- Volunteer driven, independent, but strong relationship with District of Muskoka
- We routinely provide non-partisan, apolitical, science-based, environmental advice to municipalities



# OUR MISSION

To empower our community to protect and enhance watershed health through;

1. Outreach, communication, & hands-on stewardship
2. Providing policy advice & information to municipalities and the broader community
3. Contributing to environmental knowledge



# OUR GOAL: BRING IWM TO THE WATERSHED

- We need to take better care of our environment
- Let's build a collaborative, "Made-in-the-Watershed" integrated management system
- Let's keep municipalities in control of development



# 2023 REPORT CARD – THE REASON WHY

- 6<sup>th</sup> report card since 2004
- Muskoka's watersheds "are gradually degrading in several ways, and our existing management systems seem incapable of halting or reversing this."

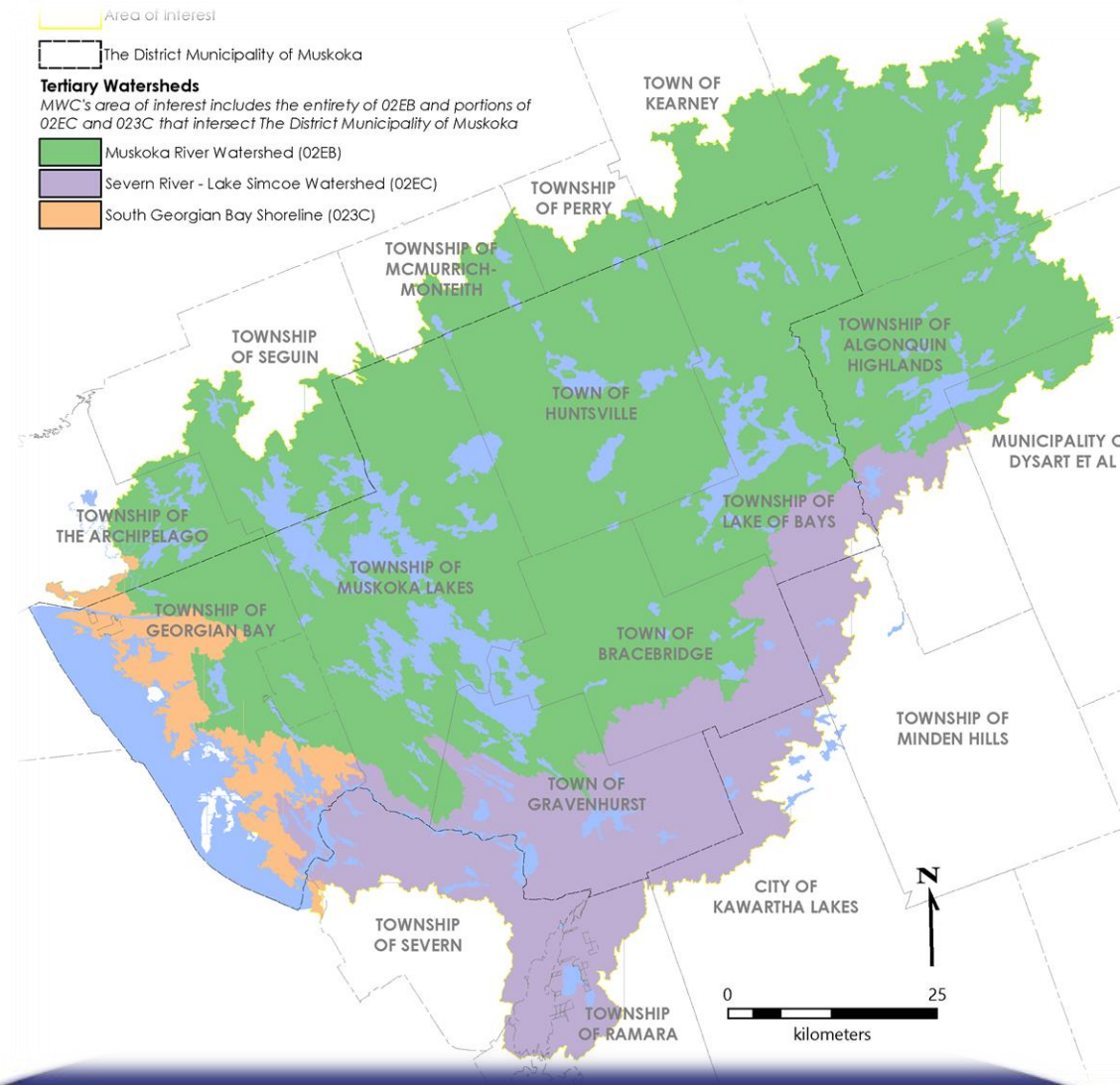


# WHAT DO WE NEED?

More effective, properly integrated management to meet the challenges of the 21<sup>st</sup> Century

Integrated among problems & across boundaries

(Only one of 13 lower tier municipalities, is completely within Muskoka River watershed)



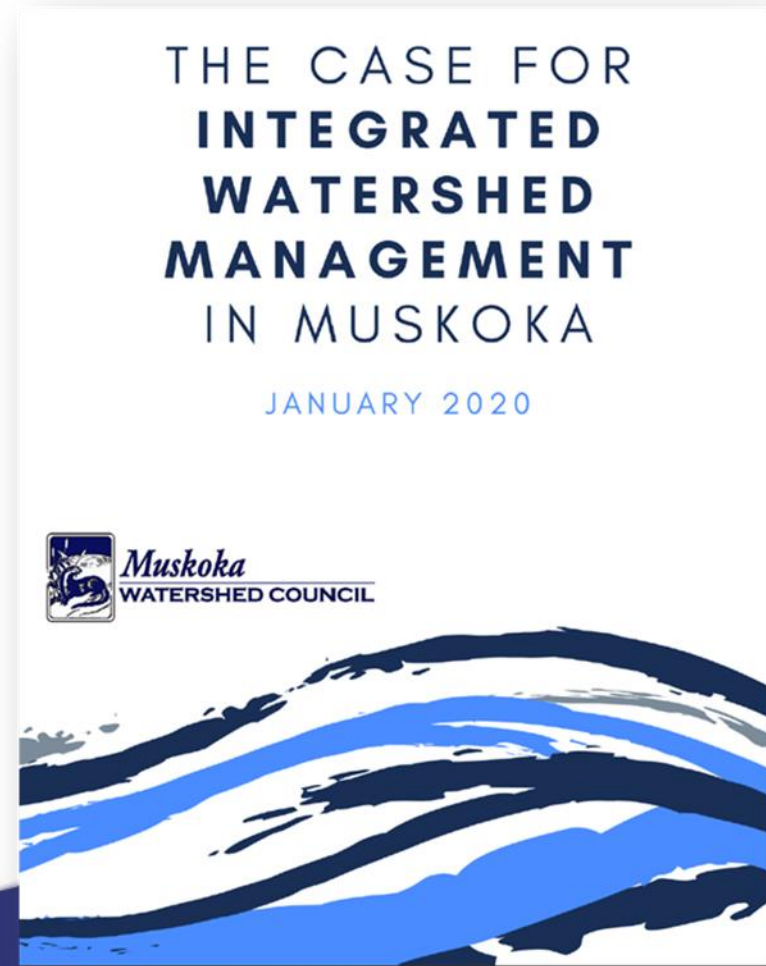
# Problems exist in your municipality...

- We found few data for your municipality
- The identified trends are not restricted to particular parts of the watershed
- Trends vary from site to site
- The watershed is interconnected and not just by flow of water



# WHAT ARE WE SUGGESTING?

- Implementing advanced management is beyond what any municipality can do alone.
- IWM is successful globally but has yet to be attempted in this region



# VALUE OF THIS PROJECT FOR YOUR MUNICIPALITY?

- MWC's approach retains municipal autonomy
- Long-term cost savings and economies of scale
- Constituents become better informed: they accept or demand action to strengthen environmental management
- Revised planning policies and processes improve environmental outcomes without adding new layers of bureaucracy



# WHAT ARE WE ASKING OF YOU?

- Active engagement in this decade-long process.
- Participation in our 2nd conference for staff and councillors, in Huntsville, Fall 2024
- A \$2-3K grant in 2025 supporting the project would also be appreciated



## **Watershed governance**

A selection of case studies for informing integrated watershed management in the Muskoka River watershed.



January 2023 | Full report



*Muskoka*  
WATERSHED COUNCIL

# MWC 2024 BUDGET FOR THIS PROJECT

- Guidance for Municipalities \$30,000
- Communications for Public Education \$20,000
- Summit on IWM in 2024 \$40,000
- Community Round Table \$15,000
- IWM Planning \$25,000





*Muskoka*  
**WATERSHED COUNCIL**

**THANK YOU**

Learn more at  
[www.muskokawatershed.org](http://www.muskokawatershed.org)



**NOTICE OF COMPLETE APPLICATION AND NOTICE OF PUBLIC MEETING  
PROPOSED BY-LAW TO AMEND ZONING BY-LAW 2022-20**

**TAKE NOTICE** THAT the Town of Kearney has deemed application **RZ-05-23 (WAFFLE)** to amend the Town Zoning By-law(s) to be a “Complete” Application under Subsection 34 of the Planning Act, R.S.O. 1990, c. P.13.

**AND TAKE NOTICE** THAT the Corporation of the Town of Kearney will be holding a Public Meeting pursuant to Section 34 (12),(13),(14) of the Planning Act, R.S.O. 1990, c.P.13 as amended, to consider an Amendment to Zoning By-law No. 2022-20, as amended. **The Public Meeting will be held in-person on Thursday, July 11, 2024 at 6:00pm during the regular Council Meeting, and will also be available electronically, through the Town’s website at <https://www.townofkearney.ca/council-meeting-information> .**

A copy of the proposed draft By-law, a copy of this notice and any additional information and material about the proposed By-law will be available to the public for inspection at the Municipal Office during regular office hours. Anyone wishing to address Council with respect to the proposal may do so at the Public Meeting. Persons unable to attend the Public Meeting may provide written comments to Council up until the time of the Public Meeting.

**Purpose of the By-law**

The purpose of the proposed zoning by-law amendment is to rezone lands described as PT LT 1, CON 8, BETHUNE, TOWN OF KEARNEY

Being a portion of the lands described with Assessment Roll #(491802000100602), in the Geographic Township of Bethune, now in the Town of Kearney, from the Residential Waterfront (RWF) Zone to a site-specific Residential Waterfront Exception-64 (RWF-64) Zone.

**Effect of the By-law**

The effect of the amendment is to rezone the subject lands from the RWF Zone to a site-specific RWF-XX Zone to permit the construction of a residential dwelling with a 20-metre shoreline setback to Perbeth Lake, where 30 metres is required. The applicant is also requesting to construct an accessory detached garage and a residential loft with a 24-metre shoreline setback to Perbeth Lake, where 30 metres is required.

**Additional Statements**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Kearney before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Town of Kearney to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Kearney before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Council of the Town of Kearney on the proposed Zoning By-law Amendment you must make a written request to the Town of Kearney at the address below. For more information about this matter, including information about preserving your appeal rights, contact:

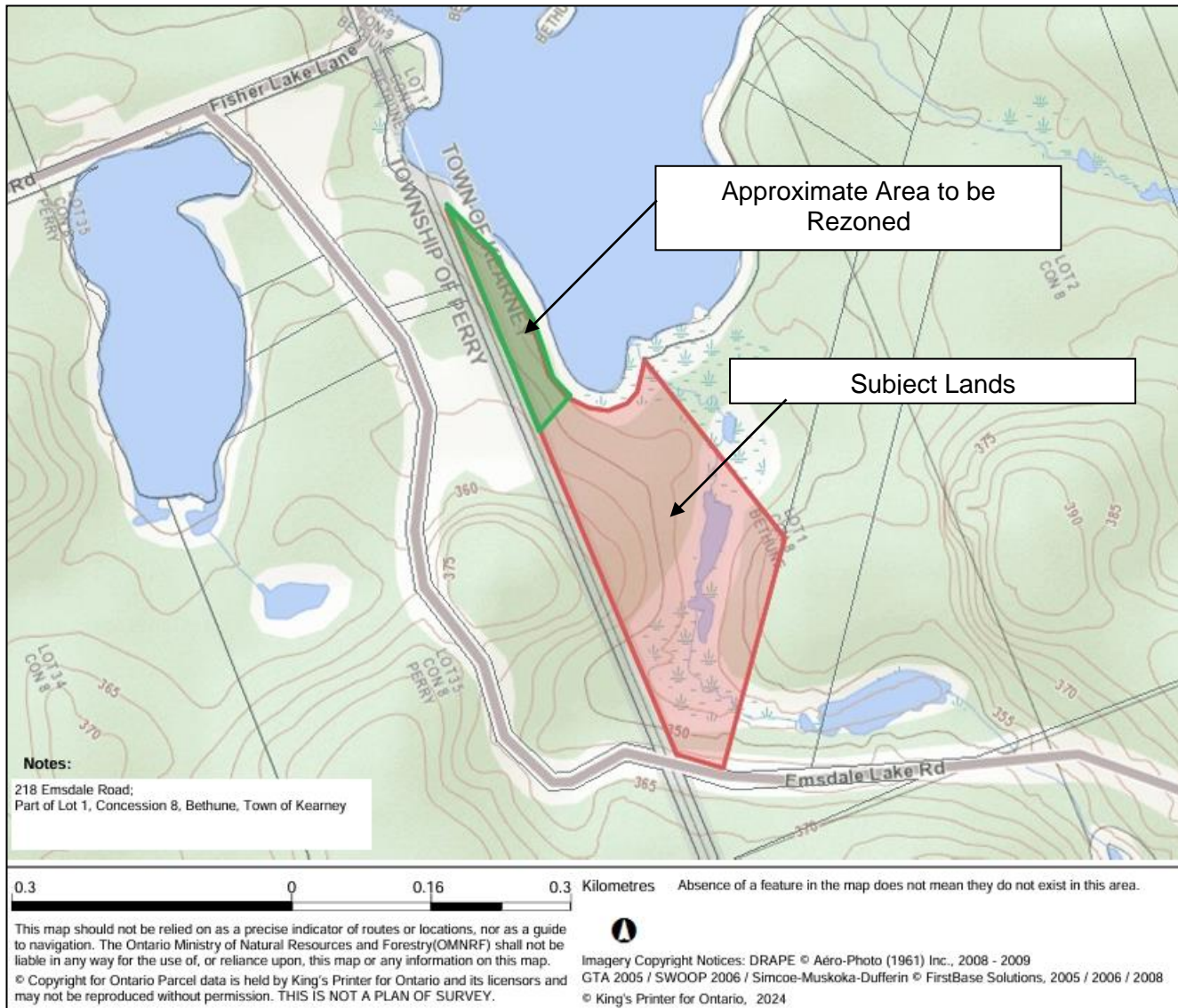
**Town of Kearney  
P.O. Box 38, 8 Main Street  
Kearney, Ontario P0A 1M0**

**Telephone: (705) 636-7752  
Fax: (705) 636-0527  
Email: [cindy.filmore@townofkearney.ca](mailto:cindy.filmore@townofkearney.ca)**

**Dated at the Town of Kearney this 31<sup>st</sup> day of May, 2024.**

## Lands Affected by the By-law

The lands affected by this By-law are shown in the key map below.



218 Emsdale Lake Road; Part of Lot 1, Concession 8, Bethune  
Town of Kearney, District of Parry Sound



# Planning Report

**To:** Mayor and Council, Town of Kearney

**From:** Kent Randall & Jessica Rae Reid (EcoVue Consulting)  
Township Planning Consultants

**Subject:** Application for Zoning By-law Amendment  
RZ-05-23 (Waffle)

**Property** 218 Emsdale Lake Road  
**Location:** Part of Lot 1, Concession 8, Town of Kearney (Bethune)

**EcoVue**  
**File No.:** 24-2095-06

**Date:** July 5, 2024

## 1.0 Recommendation

It is recommended that Council receive the report dated July 5, 2024 from EcoVue Consulting Services regarding application RZ-05-23 (Waffle).

It is recommended that Council defer the proposed amendment to Zoning By-law No. 2022-20, until such a time that peer review comments related to natural heritage, particularly the reduced water yard setback and fish habitat, have been resolved.

## 2.0 Subject Lands

The lands subject to this application are known municipally at 218 Emsdale Lake Road and is legally known as located in Part of Lot 1, Concession 8, in the Geographic Township of Bethune, now in the Town of Kearney.

A summary of the lands proposed to be rezoned are as follows:

	Subject Lands
<b>Lot Area</b>	6.9 hectares (17 acres)
<b>Lot Frontage</b>	~45.7 metres on Emsdale Lake Road; ~152 metres on Perbeth Lake
<b>Lot Depth</b>	>285 metres



<b>Current Zone</b>	Residential Waterfront Exception-27 (RWF-27) and Hazard Lands (HZ)
<b>Current Uses</b>	Vacant
<b>Proposed Uses</b>	Residential
<b>Road Access</b>	Emsdale Lake Road*
*Although the subject lands have municipal frontage on Emsdale Lake Road, the development is proposed to be accessed via private Right of Way. It is our understanding that confirmations of ownership and/or legal access have been provided to the Town of Kearney.	

### 3.0 Purpose of Application

The Zoning By-law amendment (ZBA) application is required to amend the Residential Waterfront Exception-27 (RWF-27) Zone in order to permit the site-specific characteristics of the proposed development, including a reduced water yard setback of 20 metres and to permit a guest cabin above a detached garage.

According to the submitted ZBA Application and subsequent Planning Justification Report from the property owner’s agent, Melissa Markham Planning & Associates, the application is being submitted in order to:

*“permit a minimum front (abutting a navigable waterway) yard setback of 20 metres (65.6 ft) to a proposed dwelling and detached garage with guest cabin above, where Zoning By-law 2022-20 requires a minimum of 30 metres (98.4 ft); and, to permit a guest cabin above a detached garage, having a maximum height of 7.0m and a rear yard setback of 3.0 metres. The owners are proposing to construct a dwelling, detached garage with a guest cabin above and a well and septic”.*

The Town of Kearney Zoning By-law requires a minimum setback of 30 within the Residential Waterfront-27 (RWF-27) Zone, as per Section 4.2.3. The proposed dwelling and accessory detached garage with guest cabin are proposed to be located 20 metres and 24 metres from Perbeth Lake, respectively.

The garage/guest cabin are also proposed at a height of 7.0 metres, where 6.0 metres is required, as well as having a total floor area of 54 square metres where 23 square metres in the minimum.

Lastly, the overall development is proposing an interior yard setback of 2.5 metres, where 5.0 metres is required by the RWF Zone.



Therefore, an amendment to the Town of Kearney Zoning By-law is required to permit the proposed development.

### **3.1 Pre-Consultation with the Town of Kearney**

The property owner and their agent at the time attended an in-person Pre-Consultation meeting with Town of Kearney staff and the Planning Consultants on December 2, 2022. A summary of the meeting and a summary of the technical requirements was provided following the meeting and has been provided with this Report.

Overall, the Town of Kearney and the Planning Consultants were supportive of the site-specific reductions to accommodate the proposed development, based on the necessary works (as listed in the summary) being completed.

It should be noted that, included in the Pre-Consultation application package submitted to the Town of Kearney in November 2022, was a Natural Features Evaluation (NHE), prepared by Riverstone dated August, 2012. At the time of the meeting, it was believed that the NHE would provide sufficient ecological justification for a reduction in the water yard setback that would address Natural Heritage policies in the Provincial Policy Statement (PPS) and Town of Kearney Official Plan (TKOP). However, upon further review of the Report, it was determined that age of the report, and the details contained within, did not provide sufficient information related to environmental impacts, particularly those potential impacts resulting from a reduced water yard setback. It should be noted that the 2012 NHE did not speak to reducing the required water yard setback in the TKOP at the time was 20 metres.

## **4.0 Analysis**

### **4.1 Provincial Policy Statement (2020)**

The subject lands are not located within a settlement area and are therefore subject to Section 1.1.4 (Rural Areas) and 1.1.5 (Rural Lands) of the PPS. Specifically, Section 1.1.5.2 outlines permitted uses on *rural lands*, which includes “*b) resource-based recreational uses (including recreational dwellings) [...]*”.

The proposed ZBA is required to permit the establishment of residential/resource-based recreational uses on the subject lands. appropriate for the surrounding resource-based recreational and residential



characteristic of the area as the Residential Waterfront (RWF) Zone allows for a single-detached dwelling. The proposed development on the subject lands is consistent in size compared to other parcels on Emsdale Lake Road, Perbeth Lake, and the surrounding shoreline/rural area and is therefore locally appropriate.

Policies contained in Section 2.1 of the PPS prohibit development and site alteration within or on lands adjacent to natural heritage features including, but not limited to: wetlands, significant wildlife habitat, fish habitat, etc. Development or site alteration is only permitted if it has been determined that there will be no negative impact on these features.

According to the available Provincial mapping the subject lands contain large portions of unevaluated wetlands and portions of intermittent streams. Additionally, due to the property's location on Perbeth Lake, there is potential for fish habitat to exist near the proposed development. This potential is further confirmed in Schedule 'C' of the Town of Kearney Official Plan, which shows the entire shoreline frontage beyond the subject lands being within Type 1 Fish Habitat.

Applicable policies from Section 2.1 of the PPS are included below (non-applicable policies have been omitted):

*"2.1.4 Development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E1; and [...]"*

*2.1.5 Development and site alteration shall not be permitted in: [...] d) significant wildlife habitat; [...]"*

*2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

*2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*



In order to determine “no negative impact”, particularly where a reduction to a setback is proposed, an evaluation of the feature and adjacent lands must be undertaken. As noted, a Natural Features Evaluation (NHE) was prepared by Riverstone in August 2012 in support of severances on the subject lands, which were approved in 2012/2013. As stated above, a peer review of this report was undertaken by Cambium Inc. The peer review comments have been provided to the applicant on June 13, 2024, and a copy has been included with this Report.

As of the writing of this report, the Town has not yet received a response to the peer review comments. However, it is our understanding that the applicant is working towards obtaining a response from the author of the 2012 NHE in due course. Until confirmations from the biologist are received, the Consultant cannot confirm that the proposal is consistent with Section 2.1 of the PPS.

Section 3.1.1 of the PPS states that *“[d]evelopment shall generally be directed [...] to areas outside of: [...] b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; [...]”*.

Section 3.1.2 reiterates this: *“[d]evelopment and site alteration shall not be permitted within: [...] c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.”*

As denoted by the current designation and zone that a portion of the subject lands are within (i.e. Floodplain Overlay Based on Aerial Interpretation and Hazard Lands, respectively), the property has been identified as having a high potential to contain hazardous features, i.e. features that pose threats to human safety. This could include unstable soils associated with the unevaluated wetlands, intermittent streams, steep slopes, etc. Notwithstanding, the proposed development will be located more than 60 metres away from any lands designated/zoned for these features.

As such, it is our opinion that the proposed application is consistent with Section 3.1 of the PPS.

It is our opinion that, provided there are no negative impacts to the shoreline related to the reduced setback, the proposed rezoning will be consistent with the policies of the PPS. However, the undersigned and staff will require confirmation from our peer review consultant that the setback reduction can be supported from an ecological perspective.



## 4.2 Town of Kearney Official Plan

The subject property is currently designated Shoreline and Rural according to Schedule 'A' to the Town of Kearney Official Plan (TKOP). Additionally, Schedule 'C' of the TKOP locates a portion of the subject property within a Flood Plain Overlay Based on Aerial Interpretation as well as the entire shoreline frontage being directly adjacent to Type 1 Fish Habitat. The lands proposed for development are entirely designated Shoreline and are adjacent to Type 1 Fish Habitat.

Policies related to the Shoreline designation are contained in Section 3.0 of the TKOP. Within this designation, Section 3.3.2 states that “[*l*]ow-density residential development, with structures setback from the shoreline in order to achieve a natural appearance, is envisioned for the Shoreline designation.” Subsection 3.3.2.1 goes on to state that “residential uses will be limited to single detached dwellings in the form of shoreline development and back lot development”.

As such, it is our opinion that the proposed amendment to permit the proposed development conforms to the policies of the Shoreline designation.

Speaking to the proposed reduction to the water yard setback and height increase to the detached garage (to accommodate the guest cabin), the Town of Kearney Official Plan does not contain explicit policies that speak to bunkies as a permitted use within the Town of Kearney. However, bunkies are accessory uses to single detached dwellings, and should be considered an extension of the primary use.

Regarding the water yard setback, and the adjacent Type 1 Fish Habitat, Section 6.4.4 addresses policies related to development in close proximity (within 30 metres) to these features. Specifically, Section 6.4.4.1.5 states that

*[d]evelopment and site alteration shall be set back a minimum of 30 metres (100 feet) from a waterbody or watercourse. Decreases to the 30 metre setback shall only take place where it has been demonstrated through a fish habitat assessment that there will be no negative impacts to the fish and its habitat. In this a fish habitat biologist shall be required to provide a detailed impact analysis exploring options in design and location of the undertaking for the purpose of clearly demonstrating avoidance of any predicted harmful impacts. Decreases shall only be considered when there is no other practical alternative for development of the land.* [bold emphasis added]



Based on the above policy, it is imperative that proposals to reduce the water yard setback within 30 metres of identified fish habitat are evaluated for “no negative impact” through an assessment. As was noted, the 2012 NHE does not contain such an assessment and the Town’s peer review consultant has confirmed that additional information from the author of the 2012 NHE is required.

Speaking to the potential floodplain on the subject lands, Section 7.2 states that:

*[t]he elevation of the regulatory flood plain has been determined from information provided by the Ministry of Natural Resources (MNR), where available. These are shown on Schedule ‘C’ by way of reference to a specific policy. Other areas have been identified through aerial imagery interpretation and are identified on Schedule ‘C’ as “Flood plain overlay based on aerial image interpretation”. Where engineered flood plain mapping has not been completed, proponents may be required to complete such mapping to the satisfaction of the appropriate agency prior to development. Such mapping will be completed at the proponent’s expense.*

Section 7.2.1(1) goes on to say that “[w]here the boundaries of the flood plain are defined by an elevation, the location of these boundaries will be determined on-site by the survey of flood elevations by an Ontario Land Surveyor [OLS]”. It is our opinion that, due to the proximity of the proposed development to the flood plain, a Topographic Survey prepared by an OLS is not required.

Overall, the proposed development is generally in conformity with the TKOP. However, additional information is required from the applicant regarding an assessment of impact to the fish habitat vis a vis the reduced water yard in order to demonstrate conformity with Section 6.4.4.

### **4.3 Town of Kearney Zoning By-law No. 2022-20**

According to Schedule ‘A’ of the Town of Kearney Zoning By-law the entirety of the subject property is currently within the Residential Waterfront Exception-27 (RWF-27) and Hazard Lands (HZ) Zones.

#### **4.3.1 Residential Waterfront -27 (RWF-27) and Residential Waterfront (RWF) Zone**

According to the RWF-27 Zone provisions, permitted uses include residential uses in the form of a single-detached dwelling. However, the RWF-27 has site-specific provisions in Section 4.2.5.27 state that, “Notwithstanding the provisions of this By-law to the contrary, on lands within the Rural Exception Fifteen (RU-15) Zone:



- i) *Minimum Required Lot Frontage on the road* *45.7 metres*

The property owner has proposed to amend the RWF-27 Zone in order to permit the proposed residential development; however, the above site-specific regulation will remain unchanged as the frontage is not being affected by the proposed development.

Section 4.2.5 of the TKZBL outlines the lot provisions for the RWF Zone. The RWF Zone requires a minimum lot area of 0.4 hectares. The subject lands have a minimum lot area of 1.76 hectares with 45.7 metres on Emsdale Lake Road. As such, the severed lots will exceed the minimum lot area and frontage of the RWF-27 Zone.

However, the application requests the following site-specific regulations be added to the RWF-27 Zone:

- Water Yard Setback – 20 metres (where 30 metres is required)
- Interior Side Yard Setback – 2.5 metres (where 5.0 metres is required)

#### **4.3.2 Guest Cabin**

As part of the proposed development, the applicants are proposing to construct a guest cabin above the accessory detached garage. Provisions related to guest cabins are contained in Section 3.2.7 where it states that, “[w]here a guest cabin is permitted on a lot the following provisions shall apply:

- i) no cooking facilities are located in the building;*

Based on the Planning Justification Report prepared by the applicants, no cooking facilities are located in the building.

- ii) the building may be connected to a sewage system or pressurized water system subject to North Bay – Mattawa Conservation Authority and Building Department approvals;*

Septic confirmations are to be received from NBMCA prior to Building Permit approval;

- iii) the building has a maximum ground floor area of 23 square metres;*

Part of the proposed amendment has requested to increase the maximum ground floor area of the guest cabin from 23.0 square metres to 54.0 square metres, which will be included as a site-specific regulation



in the amended RWF-27 Zone. It is our opinion that, due to the guest cabin being jointly used as a garage as well, the additional ground coverage is appropriate. Additionally, the development will be well below the maximum permitted lot coverage (0.34% where 30% is permitted).

*iv) the building has a height not greater than 6.0 metres; and,*

The proposed height of the garage of 7.0 metres is required in order to accommodate the joint garage/guest cabin use. It is our opinion that the 1.0 metre overage is appropriate to accommodate the proposed development.

*v) the building complies with all of the setbacks that apply to the principal building on the lot.*

The submitted ZBA application requests amendments to the above-summarized provisions of the RWF Zone. It is our opinion that the spirit and intent of the provisions is still being met.

As such, it is our opinion that the proposed site-specific requests are appropriate, provided the applicant can confirm no negative impact in relation to the water yard setback.

#### **4.3.3 Hazards Lands (HZ) Zone**

Speaking to the portions of the severed lands zoned HZ – the HZ Zone permits uses including: *agricultural uses (excluding buildings), cannabis production and processing (excluding buildings), conservation use (excluding buildings), outdoor recreation, recreational trail, and resource management activities*, but does not permit residential or recreational uses in any form. As such, the proposed rezoning will not change the boundaries of the HZ Zone.

### **5.0 Budget Implications**

The Zoning By-law Amendment application was submitted with the application fee of \$650.00 + HST and the deposit fee of 1,200.00.

### **6.0 Next Steps**


Based on the results of the peer-review of the NHE, the undersigned are recommending that Council defer a decision on the application until Town staff and environmental consultant can confirm that the information provided by the applicant sufficiently addresses comments related to the reduced water yard setback.



## 7.0 Notice and Communications

Public Notices for the Zoning By-law Amendment applications are issued by the Town. Notice of Complete Application and Public Meeting has been circulated to neighbouring properties within 120 metres of the subject lands, as well as the applicable agencies.

Respectfully Submitted,  
**ECOVUE CONSULTING SERVICES INC.**



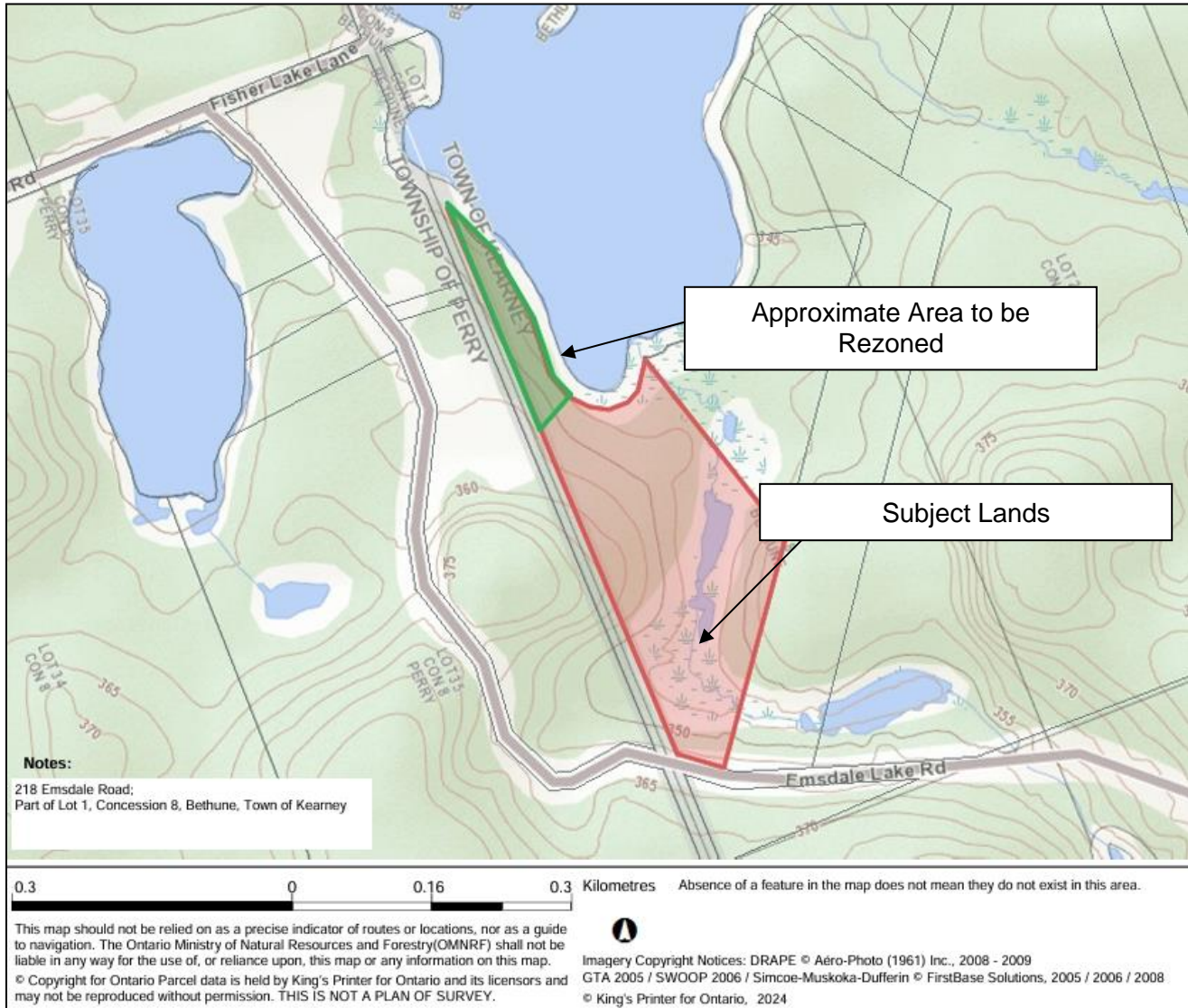
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J. Kent Randall B.E.S. MCIP RPP  
Township Planning Consultant



### Lands Affected by the By-law

The lands affected by this By-law are shown in the key map below.



218 Emsdale Lake Road; Part of Lot 1, Concession 8, Bethune  
Town of Kearney, District of Parry Sound



Environmental

Geotechnical

Building Sciences

Construction Testing & Inspection

**Telephone**

(866) 217.7900  
(705) 742.7900

**Facsimile**

(705) 742.7907

**Website**

cambium-inc.com

**Mailing Address**

P.O. Box 325,  
Peterborough, Ontario  
Canada, K9J 6Z3

**Locations**

Peterborough  
Kingston  
Barrie  
Whitby  
Ottawa

**Laboratory**

Peterborough



May 31, 2024

**Town of Kearney**  
**8 Main Street, P.O. Box 38**  
**Kearney, ON P0A 1M0**

Attn: Jessica Rae Reid  
Planner, EcoVue Consulting Services Inc.  
Sent via email to: [jreid@ecovueconsulting.com](mailto:jreid@ecovueconsulting.com)

**Re: Peer Review of the Environmental Impact Study Report for 218  
Emsdale Lake Road, Town of Kearney  
Part Lot 1, Concession 8, Geographic Township of Bethune, Town of  
Kearney, Ontario  
Cambium Reference: 20430-001  
Town of Kearney Reference: 42R20148**

---

Dear Ms. Reid,

Cambium Inc. (Cambium) conducted a peer review pertaining to the proposed single-lot severance and development of the subject lands referenced as Part Lot 1, Concession 6 in the Town of Kearney, Ontario (Site) on behalf of the Town of Kearney.

The following documents from the submission were reviewed on behalf of the Town of Kearney, as reflected herein:

- Report: “Natural Features Evaluation Nightingale Property, Town of Kearney” prepared by RiverStone Environmental Solutions Inc. (the Author), dated August 8, 2012, herein referred to as the NFE.
- Site Plan: “Waffle Lake House”, prepared by Larocque Elder Architects, Architects Inc., dated Fall 2022), herein referred to as the Site Plan.

Cambium’s Peer Review comments for the project are enclosed in a tabular format; the comment table is also provided in a separate spreadsheet (Microsoft Excel file), to allow the Author to add columns as needed to facilitate the comment response process.



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Peterborough



May 31, 2024

**Closing Statement**

Cambium trusts that the information presented above meets the needs of the peer review for this proposed development. If you have any questions or require clarification of the information presented herein, please contact the undersigned at 705-742-7900.

Best regards,

**Cambium Inc.**

DocuSigned by:  
  
2C38292BECC5413...

Robin LeCraw, Ph.D.  
Project Manager / Senior Ecologist

DocuSigned by:  
  
29FC8ECFB08446D...

Kristina Domsic, B.E.S.  
Project Coordinator / Ecologist

KV/kd/rl

*Encl. Comment Matrix, May 30, 2024  
Cambium Qualifications and Limitations*

*P:\20400 to 20499\20430-001 Town of Kearney -ENV- 218 Emsdale Lake Road\Deliverables\LTR - EIS Peer Review\2024-05-31 LTR - EIS Peer Review - 218 Emsdale Road, Kearney.docx*

May 31, 2024

Comment Number	NFE Section Reference	Subject	Cambium Comment - May 30, 2024	Recommended Action
1	Title Page	Report Date	The report is dated August 2012. Cambium's understanding is that Environmental Impact Studies and similar reports such as the NFE for this project, are typically considered to be valid for up to 5 years following completion (industry standard). This report is approximately 12 years old.	A. An overall update of the NFE is strongly recommended in order to ensure that the report reflects the current state of the ecological features on the Site, as well as current applicable federal, provincial, and local policies and regulations.
2	Environmental Assessment Non-technical Summary	Purpose of the Study	The upfront summary states that "the purpose of this study was to address federal, provincial, and municipal requirements pertaining to the protection of significant natural features such as Species at Risk [SAR], wetlands, and fish habitat through the submission of Planning Act application...", however, given the date of the report and the lack of SAR assessment within, the purpose was not met.	A. An overall update of the NFE is strongly recommended, per comment 1. In particular, SAR need to be addressed.
3	2.1	Methods: Guiding legislation and policy	Only the Federal Fisheries Act and the local Official Plan (OP, 2006) are referenced.	A. The NFE should be updated to reflect the current OP, dated 2016. B. Other critical guiding legislation, policies, and regulations should be listed and addressed within the report, including at a minimum: the Provincial Policy Statement (PPS, the Endangered Species Act (ESA) and its regulations, the Migratory Birds Convention Act (MBCA) and its regulations, and the Species at Risk Act (SARA). C. All text and figures throughout the NFE should be revised to address adjacent lands to the Site (i.e., within 120 m, per the policies of the PPS).

May 31, 2024

Comment Number	NFE Section Reference	Subject	Cambium Comment - May 30, 2024	Recommended Action
4	2.2	Methods: Information Sources	Given the historical date of the NFE, several relevant background sources are missing from the list of sources reviewed.	A. Update the NFE with current background data sources, including but not limited to: the current OP mapping, current orthoimagery, Land Information Ontario (LIO) mapping layers, Natural Heritage Information Centre (NHIC) Element Occurrence records, and the MNRF Fish ON-line website (which Cambium has confirmed includes a fish species list for Fisher Lake). B. Updated consultation with the MECP may be helpful in addressing SAR.
5	2.3	Methods: Soil mapping reference	The text indicates that soil mapping was reviewed, however, no source is provided.	A. Update the NFE to include a reference to the appropriate soil mapping.
6	2.4	Methods: Ecological Land Classification (ELC)	The text indicates that "further [ELC] designations have been developed... we provide the new [ELC] descriptions and codes where applicable, followed by the old codes from Lee et al. (1998) in brackets"; however, there is no reference to the source of the 'new' codes in the NFE text or figures.	A. Update the NFE text and Figures to include a reference to the appropriate ELC codes. C. Clarify whether soil samples were taken to verify community types; if not, please state the rationale.
7	2.5.1	Methods: Fish Habitat	Table 1, or the information contained within, cannot be found in the current version of the Natural Heritage Reference Manual (NHRM); Cambium staff are generally familiar with the assessment framework presented, but believe it may be detailed in a different MNRF document.	A. Confirm and update the source for Table 1.

May 31, 2024

Comment Number	NFE Section Reference	Subject	Cambium Comment - May 30, 2024	Recommended Action
8	2.6	Methods: Site Investigations	Cambium notes that a single site visit was conducted, on May 29, 2012. The timing of the visit was appropriate to address the majority of features on the Site, at the time; the visit is now considered historical (see comment #1).	A. At a minimum, one additional/new Site visit should be conducted in order to confirm the current state of features and habitats on the Site. Additional Site visits may be required in order to adequately address SAR (pending habitat-based SAR screening and/or consultation with MECP - see comment #4, action B).
9	3.3	Biophysical: ELC	The text indicates that the ELC mapping is presented on Figure 3.	A. The text should be updated to provide the correct reference to Figure 2.
10	3.3	Biophysical: ELC	the ELC mapping on Figure 2 shows a gap of approximately 20 m between the terrestrial habitats on the Site and the fish habitat in Fisher Lake; the riparian vegetation description in Section 3.4.1 appears to indicate that this is comprised of thicket swamp (i.e., an unmapped wetland/hazard).	A. Additional field work is required to confirm the vegetation type present in the shoreline gap. Any additional wetlands/hazards should be given appropriate consideration in the impact assessment portion of the NFE (e.g., buffer, mitigation measures, etc.).
11	3.3 / 3.3.1	Biophysical: ELC	The ELC system used is unclear.	A. Define the acronym FEC (used in Section 3.3.1), and add a reference to the appropriate document. B. Add the ELC code in brackets in the text, as indicated in Section 2.4. C. Add the ELC code in brackets to Figure 2, as indicated in Section 2.4.
12	3.3.2	Biophysical: ELC	There is no comment in the ELC/wetland section about the provincial unevaluated wetland mapping.	A. Update the NFE to include a description of the provincial mapping and clarify whether or not the provincial mapping differs from the field verified wetland boundary in the results section (this is currently only mentioned briefly in the impact section of the report).

May 31, 2024

Comment Number	NFE Section Reference	Subject	Cambium Comment - May 30, 2024	Recommended Action
13	3.4.1	Biophysical: Fish Habitat	The shoreline was characterized as having sparse aquatic vegetation; however, the vegetation survey was conducted at an inappropriate time (late May) to assess aquatic vegetation density; the majority of aquatic vegetation becomes visible at the surface later in the growing season.	A. An additional survey is recommended to take place in July or August in order to adequately verify fish habitat cover and possible wetland conditions along the Fisher Lake shoreline.
14	3.4.1	Biophysical: Fish Habitat	The last two paragraphs of this section indicate that the habitats identified could support a variety of fish species, but no species are listed.	A. The updated NFE should include a list of fish species known to be present in the lake; this could be collected through field surveys or updated background information sources (e.g., LIO, MNRF Fish ON-line - see comment #4, action B).
15	None	Significant Wildlife Habitat (SWH) Assessment	The Natural Heritage Reference Manual (page 86) indicates that proximity to a small inland lake (<120 m along the shoreline), is a trigger for SWH assessment on planning applications such as consent/lot severance. SWH is not discussed in the NFE.	A. The updated NFE should include an assessment of SWH. This should be completed with reference to the SWH Criteria Schedules for Ecoregion 5E (MNRF 2015; available online: <a href="https://dr6j45jk9xcmk.cloudfront.net/documents/4774/schedule-5e-jan-2015-access-ver-final-s.pdf">https://dr6j45jk9xcmk.cloudfront.net/documents/4774/schedule-5e-jan-2015-access-ver-final-s.pdf</a> ). B. Any SWH types identified as candidate or confirmed on the Site or within 120 m adjacent lands should be carried forward to the impact assessment portion of the NFE.

May 31, 2024

Comment Number	NFE Section Reference	Subject	Cambium Comment - May 30, 2024	Recommended Action
16	None	Species At Risk	The ESA provides direct protection for provincially listed endangered and threatened SAR. The SARA provides protection for federally listed SAR. SAR are not discussed in the NFE.	<p>A. The updated NFE should include a habitat-based screening for SAR. The "Client Guide to Preliminary Screening" (MNR 2019) can be requested by emailing the MECP at &lt;SAROntario@ontario.ca&gt;</p> <p>B. Any SAR identified as having suitable habitat on the Site should be carried forward to the impact assessment portion of the NFE. Consideration should be given to all SAR with potential/range to occur in the general vicinity, including bird, fish, insect, mammal, reptile, and plant species.</p> <p>C. Consultation with MECP, additional site visits, and/or submission of an Information Gathering Form or Notice of Impact may be required to resolve SAR issues.</p>
17	4.1	Development Proposal	The text states "The driveway on the proposed lot is to travel along the western property boundary to a building located in a forested area a distance back from the shoreline of Fisher Lake."	A. It is recommended that the updated NFE provide clarity here regarding the approximate distance between the proposed building location and the natural features / setbacks identified.
18	4.2.1	Impact Assessment: Stormwater and Septic	Recommendations for erosion and sediment control, stormwater runoff, and septic runoff are generally appropriate; updates may be required pending the findings of the updated NFE.	<p>A. The impact assessment and recommendations should be reviewed and updated as needed; in particular, changes to setbacks in relation to any additional wetland communities (e.g., in shoreline ELC gap) should be considered.</p> <p>B. Requirements should be updated as needed to reflect the policies of the 2016 OP and other policies that are not currently addressed (see comment #4, action B).</p>

May 31, 2024

Comment Number	NFE Section Reference	Subject	Cambium Comment - May 30, 2024	Recommended Action
19	4.2.2	Impact Assessment: Fish Habitat	Updates may be required pending the findings of the updated NFE.	A. The impact assessment and recommendations should be reviewed and updated as needed; in particular, additional fish species discovered through fishing or background sources should be considered. B. Requirements should be updated as needed to reflect the policies of the 2016 OP and other policies that are not currently addressed (see comment #4, action B).
20	4.2.3	Impact Assessment: Natural Features and Functions	Based on the Birds Canada Nesting Calendar Query Tool for the Algonquin ecodistrict, the stated breeding bird nesting window (no tree removal between May 15 and July 31) does not encompass the full peak nesting period. SWH and SAR are missing from the assessment.	A. Update the stated bird nesting window to restrict tree removal between April 15 and August 15. B. The NFE should be updated to discuss ways to prevent, minimize, and mitigate any potential impacts to candidate or confirmed SWH and any SAR that are observed or have suitable habitat identified on the Site.
21	Site Plan / Figure 4	Impact Assessment: Dock location	The dock location shown on Figure 4 does not match the current Site Plan. Based on a review of current orthoimagery, it appears the dock is already in place, consistent with the location on the Site Plan.	A. Figure 4 should be updated for consistency.
22	5	Compliance	The compliance section only addresses the federal Fisheries Act and 2006 OP.	A. The updated NFE should address the relevant current policies and regulations.
23	Various	General editing	Several spelling errors were found throughout the report (e.g., Kearny instead of Kearney, Steepbush instead of Steeplebush).	A. Conduct a thorough review of the updated NFE to avoid spelling issues.
24	Figure 3	Figures	The watercourse is missing from the legend.	A. Update the Figure 3 legend to include the watercourse.

May 31, 2024



## CAMBIUM QUALIFICATIONS AND LIMITATIONS

### Limited Warranty

In performing work on behalf of a client, Cambium relies on its client to provide instructions on the scope of its retainer and, on that basis, Cambium determines the precise nature of the work to be performed. Cambium undertakes all work in accordance with applicable accepted industry practices and standards. Unless required under local laws, other than as expressly stated herein, no other warranties or conditions, either expressed or implied, are made regarding the services, work or reports provided.

### Reliance on Materials and Information

The findings and results presented in reports prepared by Cambium are based on the materials and information provided by the client to Cambium and on the facts, conditions and circumstances encountered by Cambium during the performance of the work requested by the client. In formulating its findings and results into a report, Cambium assumes that the information and materials provided by the client or obtained by Cambium from the client or otherwise are factual, accurate and represent a true depiction of the circumstances that exist. Cambium relies on its client to inform Cambium if there are changes to any such information and materials. Cambium does not review, analyze or attempt to verify the accuracy or completeness of the information or materials provided, or circumstances encountered, other than in accordance with applicable accepted industry practice. Cambium will not be responsible for matters arising from incomplete, incorrect or misleading information or from facts or circumstances that are not fully disclosed to or that are concealed from Cambium during the provision of services, work or reports.

Facts, conditions, information and circumstances may vary with time and locations and Cambium's work is based on a review of such matters as they existed at the particular time and location indicated in its reports. No assurance is made by Cambium that the facts, conditions, information, circumstances or any underlying assumptions made by Cambium in connection with the work performed will not change after the work is completed and a report is submitted. If any such changes occur or additional information is obtained, Cambium should be advised and requested to consider if the changes or additional information affect its findings or results.

When preparing reports, Cambium considers applicable legislation, regulations, governmental guidelines and policies to the extent they are within its knowledge, but Cambium is not qualified to advise with respect to legal matters. The presentation of information regarding applicable legislation, regulations, governmental guidelines and policies is for information only and is not intended to and should not be interpreted as constituting a legal opinion concerning the work completed or conditions outlined in a report. All legal matters should be reviewed and considered by an appropriately qualified legal practitioner.

### Site Assessments

A site assessment is created using data and information collected during the investigation of a site and based on conditions encountered at the time and particular locations at which fieldwork is conducted. The information, sample results and data collected represent the conditions only at the specific times at which and at those specific locations from which the information, samples and data were obtained and the information, sample results and data may vary at other locations and times. To the extent that Cambium's work or report considers any locations or times other than those from which information, sample results and data was specifically received, the work or report is based on a reasonable extrapolation from such information, sample results and data but the actual conditions encountered may vary from those extrapolations.

Only conditions at the site and locations chosen for study by the client are evaluated; no adjacent or other properties are evaluated unless specifically requested by the client. Any physical or other aspects of the site chosen for study by the client, or any other matter not specifically addressed in a report prepared by Cambium, are beyond the scope of the work performed by Cambium and such matters have not been investigated or addressed.

### Reliance

Cambium's services, work and reports may be relied on by the client and its corporate directors and officers, employees, and professional advisors. Cambium is not responsible for the use of its work or reports by any other party, or for the reliance on, or for any decision which is made by any party using the services or work performed by or a report prepared by Cambium without Cambium's express written consent. Any party that relies on services or work performed by Cambium or a report prepared by Cambium without Cambium's express written consent, does so at its own risk. No report of Cambium may be disclosed or referred to in any public document without Cambium's express prior written consent. Cambium specifically disclaims any liability or responsibility to any such party for any loss, damage, expense, fine, penalty or other such thing which may arise or result from the use of any information, recommendation or other matter arising from the services, work or reports provided by Cambium.

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Potential liability to the client arising out of the report is limited to the amount of Cambium's professional liability insurance coverage. Cambium shall only be liable for direct damages to the extent caused by Cambium's negligence and/or breach of contract. Cambium shall not be liable for consequential damages.

### Personal Liability

The client expressly agrees that Cambium employees shall have no personal liability to the client with respect to a claim, whether in contract, tort and/or other cause of action in law. Furthermore, the client agrees that it will bring no proceedings nor take any action in any court of law against Cambium employees in their personal capacity.

Environmental

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& Inspections

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Peterborough





**PRE-CONSULTATION Form**

- Official Plan Amendment
- Zoning By-law Amendment
- Plan of Subdivision/Condominium (circle)
- Severance (Consent)
- Minor Variance
- Other:

A Pre-Consultation Meeting with Town Staff is required prior to the submission of a Planning Department Application for an Official Plan Amendment, Zoning By-law Amendment, Minor Variance, Plan of Subdivision, Plan of Condominium, Severance or Site Plan. The Pre-Consultation process allows the Applicant to present the Pre-Consultation Application and concept plans to the Town and provides Town Staff the opportunity to:

- 1) Clarify the application process with the Applicant;
- 2) Identify key issues and provide preliminary written comment (circulated after the meeting);
- 3) Identify and confirm the necessary plans, supporting studies and any other information that would be required for a Complete Application at such time as a formal Application is made.

**Please note:** Any technical comments made during the pre-consultation process are preliminary and subject to further circulation and review at the time a complete development application is submitted. Participating in the pre-application consultation process does not allow for construction on the proposed development site.

Pre-consultation does not imply or suggest any decision on behalf of Town Staff or the Corporation of the Town of Kearney.

**REGISTERED OWNER INFORMATION:**

Name of Owner(s): DOUG WAFFLE, BRENDA RICHENS  
 Address: 1429 MUSKOKA Rd. 3 N.  
HUNTSVILLE ONT. P1H2J4  
 Telephone: 705-788-9666  
 Email: dougwaffle@gmail.com

**AGENT INFORMATION (if applicable):**

Name of Agent: \_\_\_\_\_  
 Company/Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**CORRESPONDENCE:** Please specify to whom all correspondence should be sent:  Owner  Agent

**LOCATION OF PROPERTY:**

Lot: PT 1 Conc.: 8 Township: BETHUNE Plan/Pcl/Etc.#: 42R20148  
 Property Roll No.: 4918 - 020 - 007 - 00602 - 0000  
 Civic Address: 218 EMSDALE LAKE ROAD, KEARNEY.

**PAST PLANNING ACT APPLICATIONS:**

Are you aware of any previous Planning Act applications on the property?  Yes  No If Yes, please explain:  
 Type of application(s): REZONING & SEVERANCE & CONSENT AGREEMENT ON TITLE  
 Date(s): MARCH, 2014

**DESCRIPTION OF PROPERTY:**

Lot area: 17.05 AC Lot Frontage: 45.7m Water Frontage: 314m Lot Depth: IRREG  
 Existing Use of Property: VACANT LAND  
 Existing Official Plan Designation: SHORELINE Existing Zone(s): RWF-27  
 What buildings are currently located on the property (if any). Please explain: NONE

**Summary of Proposal:**

(attach additional pages if necessary)

Return this form and your sketch by: **FAX: (705)-636-0527,**  
**MAIL: Town of Kearney, 8 Main St., Box 38 Kearney, ON P0A 1M0**  
**E-MAIL: admin@townofkearney.ca**

If proposal involves a Severance, the following information is required:

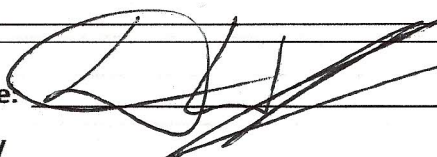
**ADDITIONAL INFORMATION:**

	Retained	Severed 1	Severed 2	Severed 3
<b>Dimensions:</b>				
Frontage(m)				
Depth (m)				
Area (ha)				
<b>Property Use:</b>				
Existing				
Proposed				
<b>Buildings or Structures</b>				
Existing				
Proposed				
<b>Adjacent Uses</b>	<b>Farm/Agriculture</b>	<b>Aggregate</b>	<b>Industrial</b>	<b>Other</b>
(If yes, MDS required ) <b>Yes</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>No</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

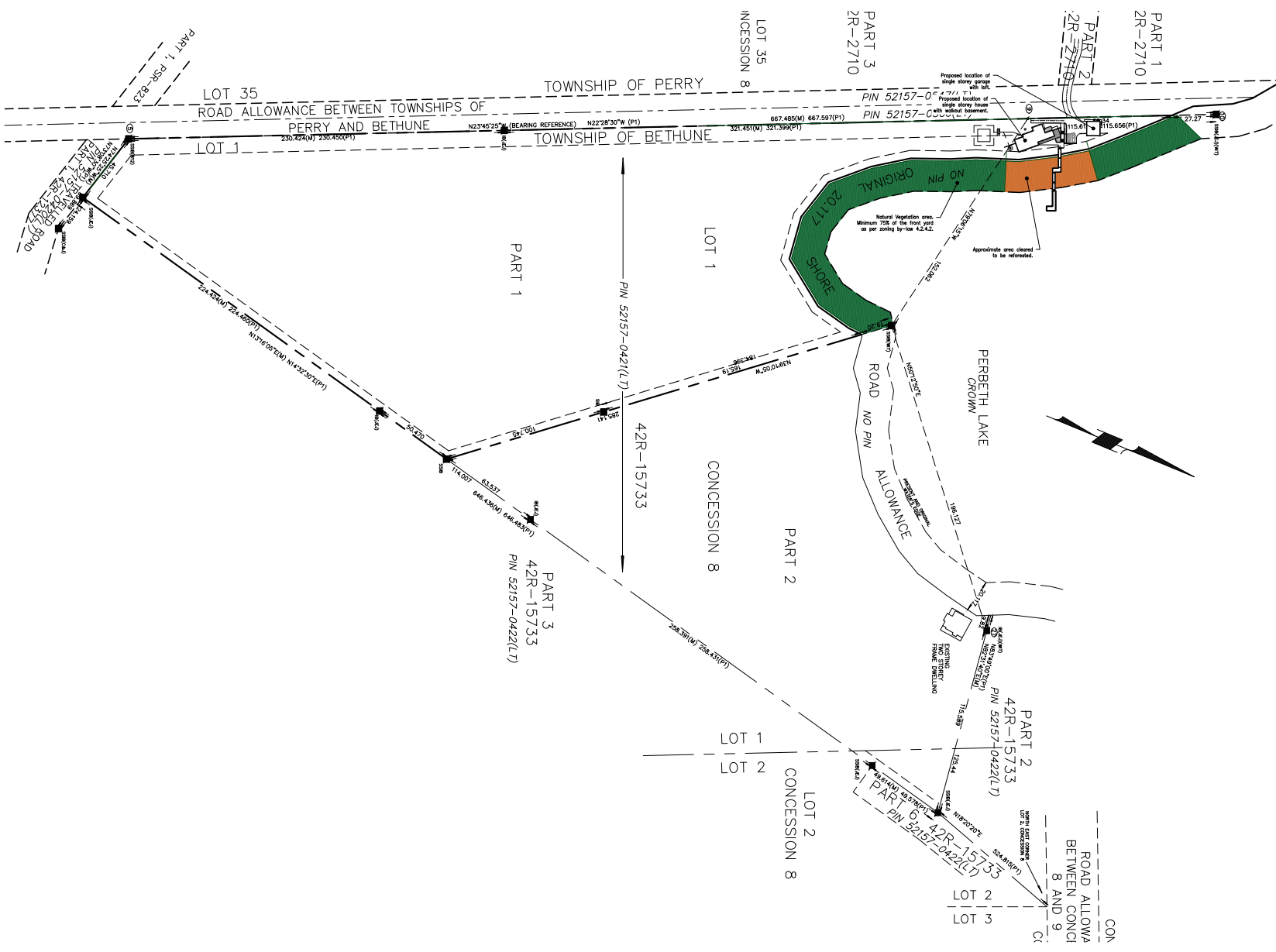
**Include SKETCH with the following information:**

1. Boundaries and dimensions of subject land. If a severance application, boundaries, dimensions, and area of lands to be severed and retained.
2. Distance from all existing buildings and structures on subject property(s) to nearest lot line.
3. Approximate location of all natural and artificial features on the land(s) i.e. watercourses, drainage ditches, wetlands, wooded areas.
4. Location and name of any roads. Indicate if an unopened road allowance, public travelled road, private road, or right-of-way.
5. Location of waterbodies, including rivers, within or abutting the subject lands.
6. Location and nature of any easements(s) and/or right-of-way(s) affecting the subject land.

See attached :  
 Appendix A: Site Plan (Scale = 1:1000)  
 Appendix B: Site Plan (Scale = 1/16" = 1'-0")  
 Appendix C: Natural Features Evaluation - Nightingale Property (Environmental Report)

**Applicant Signature:**  \_\_\_\_\_ **Date:** 30/8/2022

**For Office Use Only** **Pre-consultation Fee Paid**   
 Certified by \_\_\_\_\_, that this application has undergone a pre-consultation with the  
 Staff of the Town of Kearney to determine the information required to prepare a complete application.  
Staff Initials: \_\_\_\_\_



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Justify all dimensions and details and report all dimensions in meters. Do not scale drawing.

REVISIONS		
No.	Date	Description

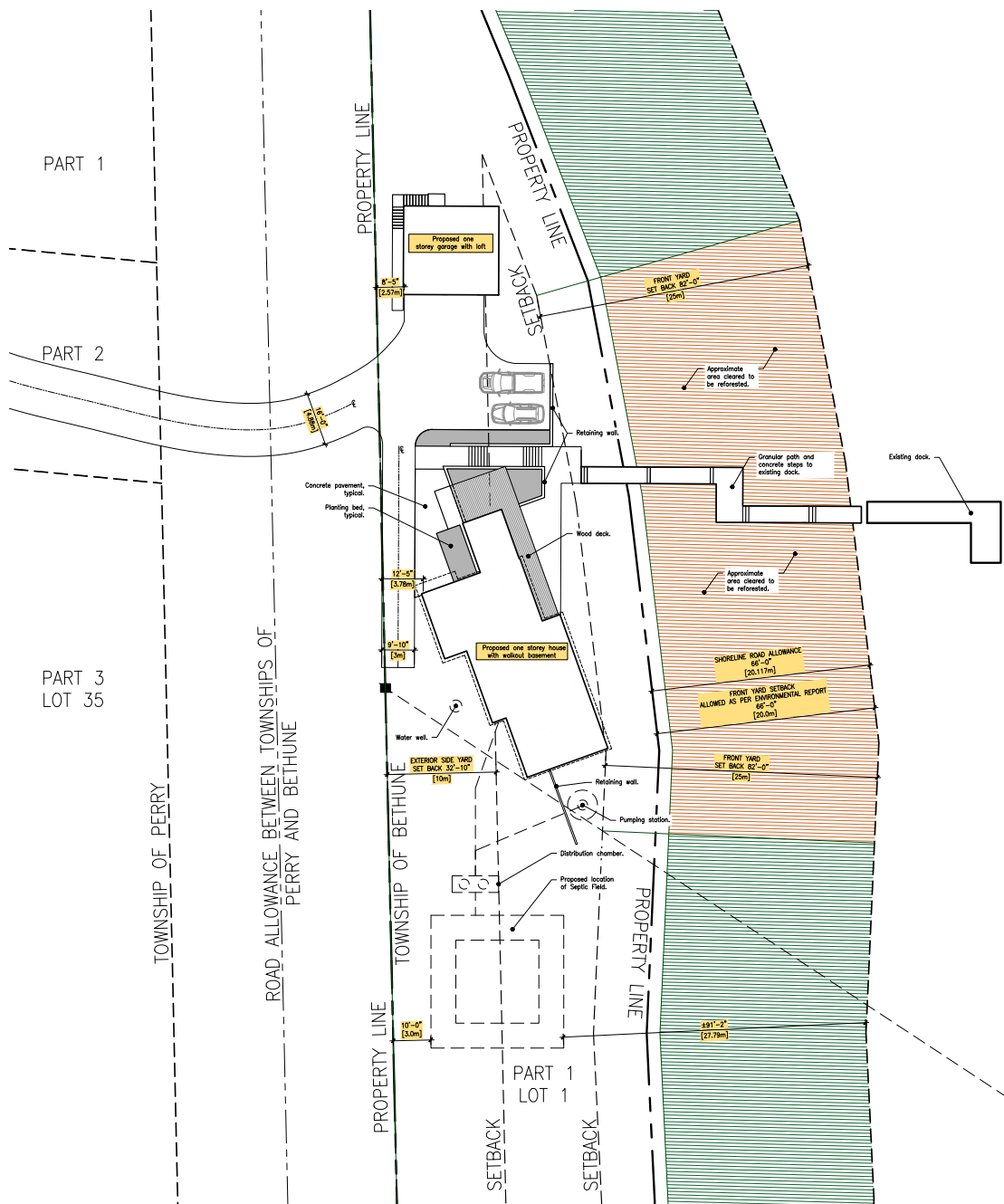
PRELIMINARY ONLY  
Not for Construction

LANDSCAPE DESIGN ARCHITECTURE INC.  
www.lea.ca  
**LEA**

Waffle Lake House

Keswauy, ON  
Scale: 1:1000  
Date: Feb. 2023  
Title: Site Plan

Project: A100  
Sheet: 22001



**site plan notes:**

- This is not a plan of survey and shall not be used except for the purpose indicated in the title block.
- All site information contained on the drawing is taken from Robert M. McDermott Surveying Limited Ontario Land Surveyors, Part Sydney, Ontario., file 7070, dated March 20, 2014. LEA assumes no responsibility for survey information contained on this drawing.
- Zoning Designation: Residential Waterfront Zone (RWF-27)

BUILDING AREAS	SQ.FT.	SQ.M.
Main Floor	1763 sq.ft.	163.8 sq.m
Basement Floor	1700 sq.ft.	158.0 sq.m
Garage	576 sq.ft.	53.5 sq.m
Screen Porch	192 sq.ft.	17.8 sq.m
Deck	814 sq.ft.	75.6 sq.m

**SITE DATA**

Total LOT Area = 740890 sq.ft. (6.9 HA)  
 Proposed LOT Coverage = 2531 sq.ft (0.024 HA)  
 (Main house + Garage) ≈ 0.34%

	REQUIRED	PROPOSED
Minimum Setback from Navigable waterway	30m	25m (*20m allowed as per environmental report)
Minimum Front Yard Setback	30m	25m (*20m allowed as per environmental report)
Minimum Interior Side Yard Setback	5.0m	TBD
Minimum Rear Yard Setback	7.5m	TBD
Max Building Height	9.0m	4.57m
Minimum Natural Vegetation Area or Landscaped open space	75% of front yard	--

**NOTE:**  
 Refer to Natural Features Evaluation – Nightingale Property, Town of Kearney report by 'Riverstone Environmental solutions Inc.' for front yard setback exception.

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Verify all dimensions and details and report all discrepancies to Architect. Do not scale drawings.

REVISIONS		
No.	Date	Description

PRELIMINARY ONLY  
 Not for Construction

LAROCQUE BUDER ARCHITECTS ARCHITECTS INC.  
[www.lba.ca](http://www.lba.ca)

**LEA**

18371 - HENRI (L. NORTH) RD., COVINGTON, LA 70038  
 P. 504.899.8181

PROJECT

**Waffle Lake House**

Kearney, ON

SCALE: 1/16" = 1'-0"  
 DRAWN: LEA

DATE: Fall 2022

TITLE: Site Plan

REVISED: PROJECT: 22001

**A101**



# NATURAL FEATURES EVALUATION

## Nightingale Property, Town of Kearney

August 2012



**RIVERSTONE**  
ENVIRONMENTAL SOLUTIONS INC.





# RIVERSTONE

ENVIRONMENTAL SOLUTIONS INC.

August 8, 2012  
RS# 2012-053

Lorain Nightingale  
c/o John Gallagher  
John P. Gallagher & Associates  
1 Rice Lane  
Huntsville, ON  
P1H 1V4

**SUBJECT: Natural Features Evaluation - Nightingale Property, Town of Kearney.**

Dear Mr. Gallagher:

RiverStone Environmental Solutions Inc. is pleased to provide you with the attached report.

Please contact us if there are any questions regarding the report, or if further information is required.

Best regards,

RiverStone Environmental Solutions Inc.

**Report prepared by:**

Al Shaw, M.Sc.  
Senior Aquatic Ecologist

Laura Alward Dipl. E.T.  
Terrestrial Ecologist



**ENVIRONMENTAL ASSESSMENT NON-TECHNICAL SUMMARY**

<b>Type of Study</b> Natural Features Evaluation		<b>Date</b> June 2012
<b>Project Manager</b> Al Shaw	<b>Legal Description</b> Part Lot 1, Concession 8, Geographic Township of Bethune, Town of Kearney.	<b>Development Proposed</b> Single lot severance
	<b>Planning Authorities</b> Town of Kearney	<b>Owner/Agent</b> Nightingale/Gallagher

**Report Summary**

The purpose of this study was to address federal, provincial and municipal requirements pertaining to the protection of significant natural features such as Species at Risk, wetlands and fish habitat through the submission of a Planning Act application to the Town of Kearney.

Based on our desktop and on-site evaluations of the sites natural features, RiverStone determined that

1. The property fronts onto several areas of Type 1 fish habitat (Smallmouth Bass spawning and a shoreline wetland) that should be protected. Sufficient area exists to locate docking structures away from these habitats.
2. A large wetland area and watercourse were located in the central portion of the property. These features should be protected from development impacts by buffering.
3. Hazard Area designation should be limited to the wetland community centrally located on the property and all development and site alteration setback 30 m from this feature.

**Figure 4** of our report shows the natural features that need to be protected according to policy or law. There is sufficient space remaining, after applying the appropriate buffers and mitigation measures, to accommodate the development proposal to create the proposed lots on Fisher Lake.

To ensure that the area’s significant features are protected, RiverStone has made a number of recommendations that are presented below.

**RECOMMENDATIONS**

**POTENTIAL IMPACTS OF STORMWATER AND SEPTIC RUNOFF**

- **Final development plans incorporate the use of infiltration chambers or similar methods to collect stormwater from rooftops to promote water infiltration and minimize the potential for downgradient erosion toward the lake.**
- **Any new septic system (septic tank and leaching bed) should be set back a minimum of 30 m from the shoreline of Fisher Lake. The size of the proposed lot is sufficient to accommodate this setback.**

- **The Town Official Plan requires a 20 m development setback from the lake shoreline, which is suitable to protect the natural features and functions provided that the vegetation in the buffer remains in a natural state.** A covenant restricting activities in the 20 m Shoreline Area Vegetation Buffer, as shown in Figure 3, should be included as a condition of any development agreement to be executed between the Town of Kearney and the applicant. The covenant would require that the 20 m Shoreline Area Vegetation Buffer be disturbed as little as possible, consistent with the construction of shoreline structures, access, and safety. **It is recommended that the pathway to the shoreline through the setback for the proposed lot should have a maximum width of 2.5 m, meander, and be constructed of permeable substances (i.e. clean gravel, mulch).**
- When the native soil is exposed, sedimentation and erosion control works, in the form of silt fencing and straw bales, be implemented along the downgradient edge of the access driveway and building envelope as shown in Figure 4.
- The silt fence should be constructed of heavy material and solid posts to ensure its integrity, and should be properly trenched in to maintain its function during weather events. Straw bales should be stock piled on site to be prepared for potential breaches in the silt and erosion control works. These works are to be maintained in good working order until the exposed soils have revegetated.
- During construction, the onsite supervisor be responsible for daily inspections of the silt and erosion control measures, and document in a log book the time and date of inspections, the status of the mitigation measures, and any repairs undertaken, until such time as the disturbed areas have been fully stabilized.

#### FISH HABITAT

- The new docking facility should be located within the area shown as Type 2 Fish Habitat in Figure 4.
- All docking facilities should be designed and constructed in accordance with Appendix 1, the Ontario Operational Statement for Dock and Boathouse Construction (Version 3; Fisheries and Oceans)

#### NATURAL FEATURES AND FUNCTIONS

- Tree removal should be completed outside of the primary breeding bird nesting window (no tree removal between May 15 and July 31). If development and site alteration is going to occur during this period, a nest survey should be conducted by a qualified avian biologist prior to commencement of construction activities to identify and locate active nests of migratory bird species covered by the Migratory Birds Convention Act. If a nest is located or evidence of breeding noted, then a mitigation plan should be developed to address any potential impacts on migratory birds or their active nests. Mitigation may require establishing appropriate buffers around active nests or delaying construction activities until the conclusion of the nesting season.

## **AREAS WITH RECOGNIZED CONSERVATION SIGNIFICANCE**

- **The wetland boundary delineated onsite according to the OWES be used as the boundary for the Hazard Area on the proposed lot.**
- **All development and site alteration should be set back 30 m from the boundary of the Hazard Area and delineated wetland boundary.**

## **CONCLUSIONS**

Based upon the findings presented in this report and contingent upon the implementation of the recommendations made herein, it is our conclusion that the activities permissible on a new lot will have a low likelihood of negatively impacting any significant natural heritage features and functions, and that negative impacts on the natural environment can be acceptably minimized. We advise that the recommendations in this report be incorporated into the development and site plan agreements for the property. Finally, these conclusions are also dependent upon the recommended preventative measures being implemented through site plan control that is subsequently enforced with appropriate by-laws.



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## **1 BACKGROUND**

RiverStone Environmental Solutions Inc. (hereafter RiverStone) was retained by Ms. Lorain Nightingale, through John P. Gallagher & Associates to complete a Natural Features Evaluation (NFE). It is our understanding that this assessment is required to provide the Town of Kearney with the information necessary to consider submitted Consent Application to sever the existing parcel into a total of two lots, both having frontage on Fisher Lake. The property is located on Part Lot 1, Concession 8, Geographic Township of Bethune, Town of Kearney (**Figure 1**).

The scope of the NFE relates to natural features on the property identified in the Town of Kearney Official Plan as well as other unmapped features found during our desktop and field assessments. Schedule A of the Official Plan illustrates a portion of the subject property as Hazard Area relating to the presence of a large centrally located wetland and watercourse feature. As well, a portion of the proposed new lot is designated Shoreline Area. Schedule C indicates that the entire riparian area of the subject property is Known Fish Spawning Habitat. It is our understanding that the purpose of the NFE is to demonstrate whether or not the proposed lot can be developed in a way that protects the identified natural features.

## **2 APPROACH AND METHODS**

### **2.1 Guiding Environmental Legislation and Policy**

The following documents guided the investigations:

- Federal *Fisheries Act*
- Town of Kearney Official Plan (November, 2006)

### **2.2 Information Sources Used to Assess Site Conditions**

Information pertaining to the natural features and functions of the property and the surrounding lands was obtained from the following sources:

- Schedule A, Town of Kearney Official Plan (June 15, 2009)
- Schedule C, Town of Kearney Official Plan (June 15, 2009)
- Phung Tran, Landscape Planning Biologist, Ministry of Natural Resources (August 6, 2012)
- Digital Ontario Base Maps (OBMs; 1:10,000)
- Colour aerial photography of the property (Google digital orthophotos: 2007)
- RiverStone's in-house databases and reference collections
- On-site investigations by RiverStone staff (see Section 2.6)

### **2.3 Terrain, Drainage, and Soils**

Geology is a significant factor in the formation of soil, the physical characteristics of a watershed, and ultimately surface water quality. The bedrock and overlying deposits influence surface runoff and infiltration, directly influencing the nutrient balance of receiving water bodies. Knowledge of the existing terrain in a study area is important in understanding how a property and its associated natural environment will respond to development pressures. The geophysical setting of this property was reviewed using OBMs, soils mapping, and aerial photography.

### **2.4 Ecological Land Classification**

The ecological communities on the subject property were characterized in accordance with Ontario's Ecological Land Classification (ELC) system. The ELC system defines ecological units or communities based on bedrock, climate (temperature, precipitation), physiography (soils, slope, aspect), and corresponding vegetation. Use of the system permits biologists and other land managers to use a common language to describe ecological communities, which in turn facilitates the identification of communities likely to support features or functions of conservation interest, such as habitat for endangered or threatened species, and deer wintering habitat. The ELC system is an organizational framework that can be applied at different scales. The ecological units most useful for site-specific evaluations are ecosite and vegetation type, the latter unit nested within the former. Vegetation types are the finest level of resolution in the ELC system and are recurring patterns found in the plant species assemblages that are associated with a particular ecosite (Lee et al. 1998).

The ELC system is continually evolving as provincial working groups strive to improve the classification to cover the full breadth of community diversity in Ontario. Since the publication of Lee et al. (1998), further designations have been developed for many communities not covered originally and existing codes have been modified to convey additional information. To reflect these changes, we provide the new ecological community descriptions and codes where applicable, followed by the old codes from Lee et al. (1998) in square brackets. Forest communities were classified according to Chambers et al. (1997).

### **2.5 Natural Features and Functions of Conservation Interest**

#### **2.5.1 Fish Habitat**

The shoreline area of the proposed lot and adjoining lands was evaluated for its potential to function as fish habitat. The evaluation was completed using the most recent classification criteria established by

the MNR as per the Natural Heritage Reference Manual (OMNR 2010). The three key habitat types are described in **Table 1** and differ based on their sensitivity to development and overall productive capacity for fish.

**Table 1.** Classification of Fish Habitat Types (OMNR 2010).

Classification Type	Description
Type 1	Habitats have high productive capacity, are rare, in space and/or time, are highly sensitive to development, or have a critical role in sustaining fisheries (e.g., spawning and nursery areas for some species, and ground water discharge areas for summer and/or winter thermal refuges).
Type 2	Habitats are moderately sensitive to development and, although important to the fish population, are not considered critical (e.g., feeding areas and open water habitats of lakes).
Type 3	Habitats have low productive capacity or are highly degraded, and do not currently contribute directly to fish productivity. They often have the potential to be improved significantly (e.g., a portion of a waterbody, a channelized stream that has been highly altered physically).

A number of methods can be used to evaluate fish habitat within watercourses depending on their physical characteristics. In this case, the only watercourse found on the property is partially on the retained lot, including its confluence with Fisher Lake. The remainder is on the severed lot and is within a wetland feature. It was the intention of the property owners to develop outside of the wetland feature and a suitable buffer, greatly exceeding the buffering requirements for the creek if it was not part of the wetland. Therefore a detailed assessment of the creek, upstream of the confluence with Fisher Lake, was not undertaken.

Our assessment focused along the lake shoreline as it was designated as Known Fish Spawning Habitat in the Official Plan Schedules. During the assessment of physical characteristics and permanency of the lake shoreline, several aquatic features were identified as contributing to fish habitat on both the retained and severed lots. When completing a fisheries assessment, it is recommended by the MNR that the following be completed:

- 1) confirm the presence or absence of fish habitat;
- 2) identify any potential fisheries features including intermittent watercourses and seasonally flooded areas, and assess their importance in terms of supporting fisheries functions;
- 3) determine the fish communities located at a specific site and understand the life-cycle requirements; and
- 4) determine the sensitivity of the fish habitat on a site-specific basis.

Fish habitat documented during site investigations included direct fish habitat (spawning, rearing, feeding, and cover habitat), and indirect fish habitat, which includes intermittent or permanent watercourses that contribute food, water, or nutrients for fish, but which fish do not use directly.

## **2.6 Site Investigations**

As part of the initial desktop evaluation, areas of potential conservation interest (e.g., wetland communities) were identified and targeted during the site investigations. The site was assessed by Laura Alward-Gilmour (Terrestrial Ecologist) on May 29, 2012. Overall, the level of effort expended during the field investigation was deemed adequate to document the natural features of conservation interest occurring on the subject property. The Hazard Lands and areas of Known Fish Spawning Habitat identified in the Town of Kearny Official Plan were targeted during the assessment and the wetland features on the subject property were delineated using the Ontario Wetland Evaluation System (OWES). In the field, data relating to the boundary of these features were collected with a survey-grade GPS (SXBlue II) capable of 2-m accuracy. Features of interest were photographed and all information collected was catalogued for future reference.

## **3 BIOPHYSICAL FEATURES AND FUNCTIONS**

### **3.1 General Site Conditions**

At the time of our site visit on May 29, 2012, the subject property was in a mostly natural state, containing one existing primary dwelling (**Photograph 1**). This existing development which includes the dwelling, driveway and accessory buildings was located in the northeastern portion of the subject property and is accessed by a private via Lawson Road. Natural areas of the property were primarily forested with a large central wetland, and are described further in Section 3.3.



**Photograph 1.** Existing primary dwelling in northeastern portion of subject property (May 29, 2012).

### 3.2 Terrain, Drainage, and Soils

The bedrock throughout the property and surrounding lands lies within the Central Gneiss Belt of the Grenville Province on the Canadian Shield. The felsic igneous bedrock throughout this region has extensive outcroppings which are primarily the result of glaciation and post-glacial events. Common rock types include quartzite, marble and derived gneisses. Prominent bedrock knobs and ridges are common in the region and dominate features in some areas. The property also lies within the Georgian Bay Fringe, a distinct physiographic region of the Canadian Shield bordering Georgian Bay. This region occupies most of the Parry Sound District and parts of the District of Muskoka, extending eastward to areas north of the Kawartha Lakes (Chapman and Putnam 1984). Soils on the subject property are the result of the advance and retreat of the last continental glaciation of North America (1.8 million years ago). The Quaternary deposit encountered on the property and adjacent lands consists of shallow till and bare rock (Ontario Geological Survey 2003). The Precambrian landform expression strongly influences the topographic patterns of the region as well as the local overland drainage characteristics.

Overland drainage from the subject property generally runs into Fisher Lake either directly through overland flow or indirectly through the centrally located wetland feature. Although no surveyed topographic information is available for the property, the 1:10,000 OBM, supplemented with field observations (manual clinometer), reveal that the existing landscape varies between very steep slopes of up to 50%, to much more gradual slopes (i.e., 10–15%) in the wetland and eastern portion of the

property. The steepest slopes occur on the forested slopes that drain into the wetland in the southern portion of the lands. A single watercourse was identified on the subject property and was contained within the centrally located wetland feature described in section 3.3.2. This watercourse feature was weakly defined and controlled by a variety of beaver dams found throughout the wetland feature. Through a series of braided channels the watercourse outlets into Fisher Lake along the frontage of the retained lot.

### **3.3 Ecological Land Classification**

The subject property is located in the eastern portion of Ecodistrict 5E-8. This Ecodistrict is dominated by moderately rolling bedrock uplands covered by a thin mantle of stony-sandy till with localized pockets of glaciofluvial sand and gravel deposits (Noble 1983). The subject property is largely forested with upland mixed and deciduous forest. The central portion of the property includes a large wetland represented by several different ecological community types.

The ELC methodology was applied using a combination of air-photo analysis and field investigations. The ecological communities are mapped on **Figure 3** and are described in the ensuing sections.

#### **3.3.1 Terrestrial System**

*Poplar - White Birch - White Spruce - Balsam Fir, dry to moderately fresh soils (ES 18.1)*

The dominant forest community on the subject property was a mid aged mixed forest described as Poplar - White Birch - White Spruce - Balsam Fir, dry to moderately fresh soils (ES 18.1) by FEC (**Photograph 2**). This community was situated on fresh silty-sand soils and includes the moderate to steeply sloped areas of the subject property. The canopy is characterised by mature and declining Largetooth Aspen (*Populus grandidentata*) and White Birch (*Betula papyrifera*), with White Spruce (*Picea glauca*), Balsam Fir (*Abies balsamea*), and Red Maple (*Acer rubra*). Balsam Fir is the dominant species in the understorey. The herbaceous layer was rich, particularly closer to the shoreline area of Fisher Lake and included Wintergreen (*Gaultheria procumbens*), Goldthread (*Coptis trifolia*), Starflower (*Trientalis borealis*), Pink Lady's Slipper Orchid (*Cypripedium acaule*).



**Photograph 2.** Mixed forest community ES 18.1 on moderate slopes (May 29, 2012).

*Sugar Maple - Basswood, dry to moderately fresh soils (ES 26.1)*

The tops of the hills on the subject property and adjoining lands were a rich hardwoods forest. The hardwoods forest on the subject property are best described as Sugar Maple - Basswood, dry to moderately fresh soils (ES 26.1) (**Photograph 3**). Mature to mid-aged Sugar Maple (*Acer saccharum*) and Basswood (*Tilia americana*) dominated the canopy with the variety of other hardwoods including Red Maple, Black Cherry (*Prunus serotina*), and White Ash (*Fraxinus americana*). Ironwood (*Ostrya virginiana*) was identified in the subcanopy among the hardwoods regeneration, and Fly Honeysuckle (*Lonicera canadensis*) was noted as common in the shrub layer. Herbaceous species included spring ephemerals such as Yellow Trout Lily (*Erythronium americanum*), Carolina Spring Beauty (*Claytonia caroliniana*), and White Trillium (*Trillium grandiflorum*). As well as, Hairy Solomon's Seal (*Polygonatum pubescens*), Spinulose Wood Fern (*Dryopteris carthusiana*), and Starflower.



**Photograph 3.** Upland hardwoods forest type ES 26.1 (May 29, 2012).

### 3.3.2 Wetland System

#### 3.3.2.1 Swamp Communities

##### *Speckled Alder Mineral Organic Thicket Swamp Type (SWTO1-1[SWT2-1])*

Along the shoreline of Fisher Lake there was a lacustrine thicket swamp identified as Speckled Alder Mineral Organic Thicket Swamp Type (SWTO1-1[SWT2-1]) according to the ELC system (**Photograph 4**). The most common woody species in this is Speckled Alder (*Alnus incana*), with Mountain Holly (*Nemopanthus mucronatus*), Pussy Willow (*Salix discolor*), and occasional pockets of Black Spruce (*Picea mariana*) and Tamarack (*Larix laricina*). Low shrubs grew very dense and included predominantly Sweet Gale (*Myrica gale*), with Steeplebush (*Spirea tomentosa*) and some Labrador Tea (*Ledum groenlandicum*). Herbaceous vegetation is similar to that found in other wetland communities on the property and contained Tussock Sedge (*Carex stricta*), Fringed Sedge (*Carex crinita*), Cattail (*Typha latifolia*), Cinnamon Fern (*Osmunda cinnamomea*), and Regal Fern (*Osmunda regalis*).



**Photograph 4.** Thicket Swamp SWTO1-1 directly adjacent to Fisher Lake (May 29, 2012).

### 3.3.2.2 Marsh Communities

#### *Narrow-leaved Sedge Organic Shallow Marsh Type (MASO1-5[MAS3-3])*

The central wetland was a large shallow marsh containing a slow moving watercourse and is controlled by a series of vegetated beaver dams. The ecological community is best described Narrow-leaved Sedge Organic Shallow Marsh Type (MASO1-5[MAS3-3]) (**Photograph 5** and **Photograph 6**). The community contains some areas that were densely vegetated with a well defined watercourse, but in some areas upstream of the dams the water forms open water pools that are sparsely vegetated, but are less than 1 m in depth. Dominant vegetation species include a variety of graminoid species such as Canada Blue-joint (*Calamagrostis canadensis*), Cattail, Tussock Sedge, Giant Bur-reed (*Sparganium eurycarpum*), Red-stemmed Spikerush (*Eleocharis erythropda*), and Lakebank Sedge (*Carex lacustris*). Steepbush and Narrow-leaved Meadowsweet (*Spirea alba*) grew in dense patches, and the community was interspersed with a variety of common herbaceous wetland species.



**Photograph 5.** Densely vegetated area of MASO1-5 on subject property (May 29, 2012).



**Photograph 6.** Open water areas of MASO1-5 (May 29, 2012).

### **3.4 Features and Functions of Conservation Interest**

#### **3.4.1 Fish Habitat**

The main feature functioning as fish habitat in relation to the proposed lot is the shoreline of Fisher Lake. The wetland features associated with a lacustrine (shoreline) thicket swamp also had the potential to function as fish habitat. Detailed assessments were not conducted on the wetland watercourse, as the focus was to provide a docking envelope for the proposed lot fronting on Fisher Lake; however, this wetland watercourse would undoubtedly support fish populations and would certainly qualify as fish habitat. Therefore the wetland watercourse was conservatively delineated by

aerial photography (**Figure 2**) and were appropriately buffered as it is contained within the wetland (Hazard Area). No other permanent or intermittent tributaries or wetlands away from the central wetland were identified on the subject lands.

The subject lands have approximately 512 m of frontage, with conditions generally consistent along the entire frontage. Fish habitat mapping completed by the MNR and utilized in Schedule C of the Official Plan, shows the entire frontage as Type 1 Fish Habitat (**Figure 1**). This area is classified as Type 1 based on the presence of features characteristic of Smallmouth Bass and small fish spawning habitat.

Fish habitat characteristics were documented along the entire frontage of the subject lands beginning along the western shoreline of the proposed lot and continuing south and east. Areas of both Type 1 habitat and Type 2 fish habitat were noted along the shoreline of the proposed severed lot. **Figure 2** illustrates the boundaries of the fish habitat classes.

The majority of the western shoreline of the proposed lot is mixed woody and organic debris with mineral substrate in the nearshore area and sparsely growing aquatic vegetation such as Pickerelweed (*Pontederia cordata*), Pipewort (*Eriocaulon aquaticum*), and Water Shield (*Brasenia schreberi*) (**Photograph 7**). In the riparian area there is narrow buffer of wetlands shrubs between the water and upland forest type ES18.1. Shrub species included Sweet Gale, Mountain Holly, Northern Wild Raisin (*Viburnum cassinoides*), and Steeplebush. Based on these conditions, this area is most appropriately classified as Type 2 Habitat, providing general feeding and nursery habitat for a variety of species.

As mapped by the MNR, areas of dense aquatic vegetation and sheltered channels in the tickets swamp are present along the most south part of the shoreline area adjacent to wetland community (**Photograph 8**). This area contains dense beds of aquatic vegetation in shallower water and a higher presence of fallen trees. Our assessment confirms that the conditions are suitable for spawning, rearing and feeding by several species, meeting the MNR criteria as Type 1 Habitat.



**Photograph 7.** Western shoreline of proposed lot with Type 2 fish habitat (May 29, 2012).



**Photograph 8.** Southern portion of shoreline showing Type 1 fish habitat adjacent to SWTO1-1

## **4 IMPACT ASSESSMENT AND RECOMMENDATIONS**

### **4.1 Development Proposal**

**Figure 3** illustrates the features and functions of conservation interest and protective measures (municipal and those recommended by RiverStone) on the subject property. **Figure 4** presents the proposed development plan overlaid on these features.

The new lot proposed is approximately 18 ac (7 ha) in size with 233 m of frontage on Fisher Lake. It is our understanding that access has been granted to the proposed lot via a right of way through Part Lot 35, Concession 8, Township of Perry, off Emsdale Lake Road. The driveway on the proposed lot is to travel along the western property boundary to a building location in a forested area a distance back from the shoreline of Fisher Lake.

Our evaluation assesses the potential for negative impacts as a result of activities (development and site alteration) that would be permissible on the new lot. The assessment also takes into account the fact that the lot would be road access, and therefore the potential for negative impacts resulting from an access road has been considered.

### **4.2 Assessment of Potential Impacts**

#### **4.2.1 Potential Impacts of Stormwater and Septic Runoff**

The potential impacts to downgradient water quality of Fisher Lake and other natural heritage features that could result from stormwater generated by a change in land use were considered as part of the impact analysis. Water quality impacts could result from stormwater runoff during construction activities, and in the long term from increased hard surfaces (rooftops and paths) on the lots if not appropriately mitigated.

There is potential for erosion as a result of concentrated flow from the roof being directed through downspouts causing erosion of soil downgradient of the proposed buildings. The potential for erosion in this situation can be mitigated using different methods. One option is to allow water from the rooftops to fall naturally from the roof and be collected in infiltration chambers directly below. Shallow excavations can incorporate perforated pipe cut in half, convex side up, covered with filter fabric and topped with stone to create underground reservoirs. The runoff gradually percolates through the chamber and into the surrounding soil. The chambers reduce the volume of overland runoff, can provide ground water recharge, and can remove suspended solids and phosphorus. A second option is

to collect the rooftop water in eaves troughs and direct the water through downspouts to infiltration chambers adjacent to the building in appropriate locations. Regarding the above, RiverStone recommends the following measures:

- **Final development plans incorporate the use of infiltration chambers or similar methods to collect stormwater from rooftops to promote water infiltration and minimize the potential for downgradient erosion toward the lake.**

The development plan also includes a septic system for proposed dwelling. RiverStone recommends the following measure related to the location and construction of an on-site sewage treatment system for any development on the subject property.

- **Any new septic system (septic tank and leaching bed) should be set back a minimum of 30 m from the shoreline of Fisher Lake. The size of the proposed lot is sufficient to accommodate this setback.**

Vegetation between the shoreline and development acts as a buffer to absorb nutrients, chemicals and sediment, all of which can have a significant effect on water quality. As a result, RiverStone recommends the following in regard to the development setback.

- **The Town Official Plan requires a 20 m development setback from the lake shoreline, which is suitable to protect the natural features and functions provided that the vegetation in the buffer remains in a natural state. A covenant restricting activities in the 20 m Shoreline Area Vegetation Buffer, as shown in Figure 3, should be included as a condition of any development agreement to be executed between the Town of Kearney and the applicant. The covenant would require that the 20 m Shoreline Area Vegetation Buffer be disturbed as little as possible, consistent with the construction of shoreline structures, access, and safety. It is recommended that the pathway to the shoreline through the setback for the proposed lot should have a maximum width of 2.5 m, meander, and be constructed of permeable substances (i.e. clean gravel, mulch).**

The overland drainage pattern on the property is toward Fisher Lake, and therefore mitigation measures should be included to protect water quality in Fisher Lake. Because the dwellings will be constructed adjacent to the shoreline, measures should be used to ensure that the possibility of introducing sediment-laden runoff to the lake is minimized, if not eliminated. During the period of land clearing for construction access and building location, as well as during construction of the dwelling, RiverStone recommends the following:

- **When the native soil is exposed, sedimentation and erosion control works, in the form of silt fencing and straw bales, be implemented along the downgradient edge of the access driveway and building envelope as shown in Figure 4.**

- **The silt fence should be constructed of heavy material and solid posts to ensure its integrity, and should be properly trenched in to maintain its function during weather events. Straw bales should be stock piled on site to be prepared for potential breaches in the silt and erosion control works. These works are to be maintained in good working order until the exposed soils have revegetated.**

Finally, when any mitigation measures are properly installed, they are assumed to be fully functional initially. However, without proper inspections and monitoring, mitigation measures may lose their integrity; therefore, regular inspections and maintenance must be carried out to ensure the proper functioning of any mitigation measures until the disturbed areas have been fully stabilized. RiverStone recommends that:

- **During construction, the onsite supervisor be responsible for daily inspections of the silt and erosion control measures, and document in a log book the time and date of inspections, the status of the mitigation measures, and any repairs undertaken, until such time as the disturbed areas have been fully stabilized.**

#### 4.2.2 Fish Habitat

The potential for negative impacts to fish habitat comes primarily from land use change or construction practices that modify water quality or physical structure along the shoreline. In addition to the recommendations above regarding the maintenance of existing vegetation, sediment/erosion control measures, and the 20 m setback from the lake shoreline, the following recommendations are provided. These recommendations are to minimize negative impacts on fish habitat resulting from development that would be permissible on the proposed lot.

- **The new docking facility should be located within the area shown as Type 2 Fish Habitat in Figure 4.**
- **All docking facilities should be designed and constructed in accordance with Appendix 1, the Ontario Operational Statement for Dock and Boathouse Construction (Version 3; Fisheries and Oceans)**

#### 4.2.3 Natural Features and Functions

The proposed dwelling and associated sewage treatment system will result in the felling of both deciduous and coniferous trees, and vegetation will be removed or substantially modified within the development footprints. Consequently, the ecological function of these areas will be negatively impacted.

The following measures are recommended to prevent or minimize the effects of development on the property's natural features and functions:

- **Tree removal should be completed outside of the primary breeding bird nesting window (no tree removal between May 15 and July 31). If development and site alteration is going to occur during this period, a nest survey should be conducted by a qualified avian biologist prior to commencement of construction activities to identify and locate active nests of migratory bird species covered by the Migratory Birds Convention Act. If a nest is located or evidence of breeding noted, then a mitigation plan should be developed to address any potential impacts on migratory birds or their active nests. Mitigation may require establishing appropriate buffers around active nests or delaying construction activities until the conclusion of the nesting season.**

#### 4.2.4 Areas with Recognized Conservation Significance

Portions of the property are recognized in the Town of Kearney Official Plan as Hazard Area. These areas are depicted in **Figure 3**. The significance of these areas is related to the identified wetland and watercourse. Our conclusions that the proposed lot, if developed in the manner recommended, is unlikely to have a negative impact on the Hazard Area. The delineation of the Hazard Area in the Town of Kearney Schedule A Land Use map, is different that the wetland boundary mapped during the site investigations according to the OWES. RiverStone recommends the following in order to protect the properties natural features:

- **The wetland boundary delineated onsite according to the OWES be used as the boundary for the Hazard Area on the proposed lot.**
- **All development and site alteration should be set back 30 m from the boundary of the Hazard Area and delineated wetland boundary.**

## 5 COMPLIANCE WITH ENVIRONMENTAL LEGISLATION AND POLICIES

The following commentary summarizes the federal, provincial, and municipal environmental legislation and policies that are applicable to the proposal being evaluated here, and describes how the recommendations provided in this NFE will permit the proposed land-use changes to comply with these provisions.

### 5.1 Federal Fisheries Act (1985)

The most applicable portions of the federal *Fisheries Act* related to the current development are Sections 35 and 36. Section 35 restricts any work or undertakings that would result in the harmful alteration, disruption, or destruction (HADD) of fish habitat unless authorized by the Minister. Section 36 prohibits the deposition of any deleterious substance in any type of water frequented by fish.

Section 36 is pertinent here because eroded soils may constitute a deleterious substance under the *Fisheries Act*.

As long as the recommendations herein are followed, it is the opinion of RiverStone that activities permissible on a new lot will not contravene the *Fisheries Act*.

## **5.2 Town of Kearney Official Plan (2006)**

The Town of Kearney Official Plan identifies the lands proposed for development as Shoreline Area. Single unit dwellings and accessory features are permitted uses within this area, and the proposed lot meets the minimum lot size and frontage requirements. As well, recommendations made in Section 4.2.1 comply with setback requirement for development in Shoreline Areas. Section 4.2.4 discusses the Hazard Area on the subject property and outlines recommendations that comply with requirements for these areas in the official plan.

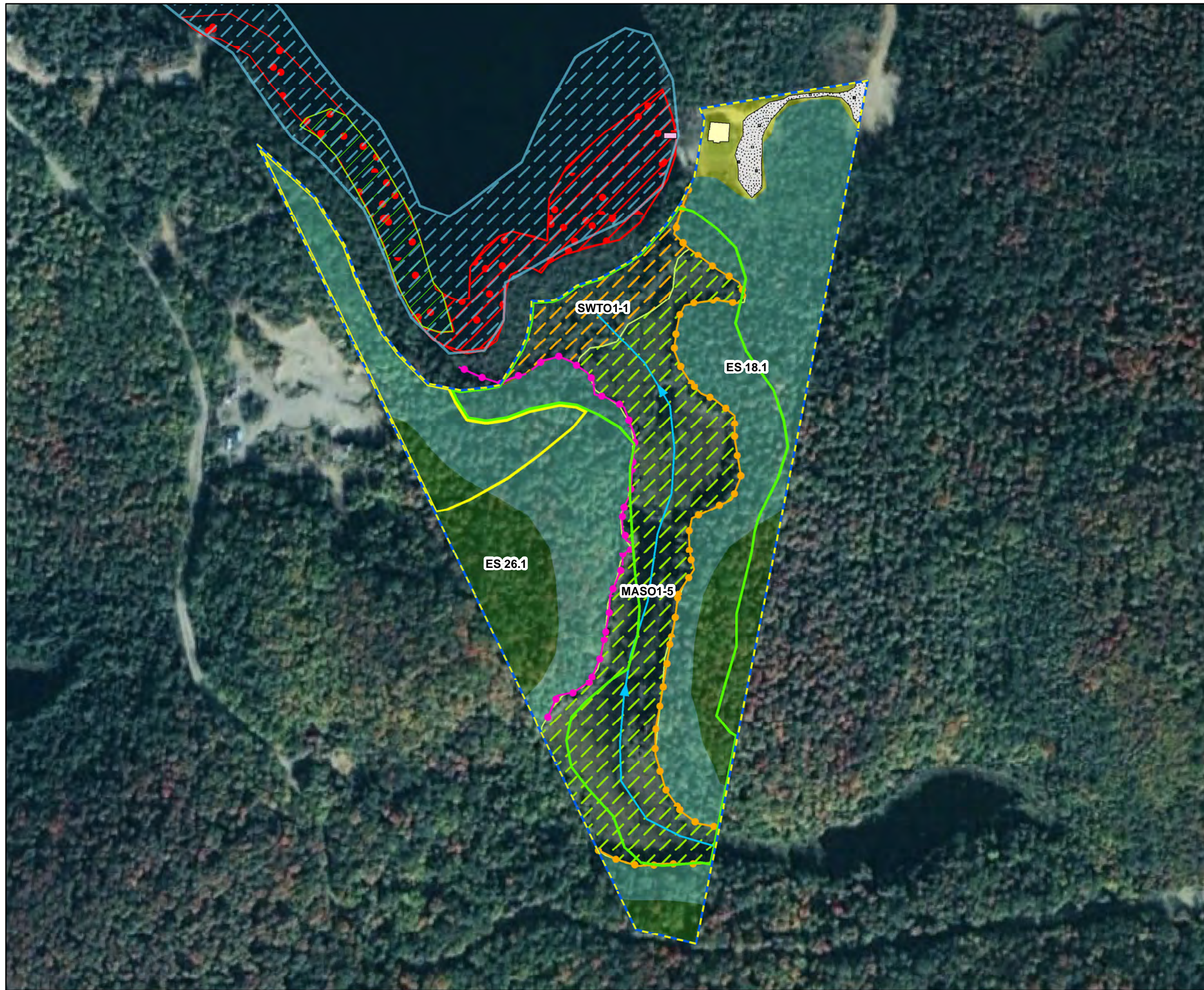
## **6 CONCLUSIONS**

Based upon the findings presented in this report and contingent upon the implementation of the recommendations made herein, it is our conclusion that the activities permissible on a new lot will have a low likelihood of negatively impacting any significant natural heritage features and functions, and that negative impacts on the natural environment can be acceptably minimized. We advise that the recommendations in this report be incorporated into the development and site plan agreements for the property. Finally, these conclusions are also dependent upon the recommended preventative measures being implemented through site plan control that is subsequently enforced with appropriate by-laws.

**7 REFERENCES**

- Bergmann, B., K. Irwin, and J. Boos.** 2005. *The Stream Permanency Handbook*. Ontario Ministry of Natural Resources.
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- Chapman, L. J. and D. F. Putnam.** 1984. *The Physiography of Southern Ontario*, Third Edition. Ontario Geological Survey Special Volume 2.
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**Legend**

**Planning Boundaries**

- Subject Property

**Man-made Features Existing at Time of Site Visit (May 10, 2011)**

- Primary Dwelling
- Dock
- Driveway

**Fish Habitat Mapped by the MNR**

- Type 1

**Biophysical Features and Functions - RiverStone**

- Wetland Boundaries Delineated from Aerial Photos
- Wetland Boundaries Delineated in Field by RS using Survey-grade GPS ( $\pm 2$  m) and Ontario Wetland Evaluation System
- Permanent Watercourse Delineated From Aerial Photography and Verified On Site

**Fish Habitat Delineated in Field**

- Type 1
- Type 2

**Ecological Communities**

- Poplar - White Birch - White Spruce - Balsam Fir, dry to moderately fresh soils (ES 18.1)
- Sugar Maple - Basswood, dry to moderately fresh soils (ES 26.1)
- Narrow-leaved Sedge Organic Shallow Marsh Type (MASO1-5)
- Speckled Alder Mineral Organic Thicket Swamp Type (SWTO1-1)
- Cleared

**Town of Kearney Official Plan Schedule A**

- Hazard Area
- Shoreline Area
- Known Fish Spawning Area

Google aerial photo - 2007

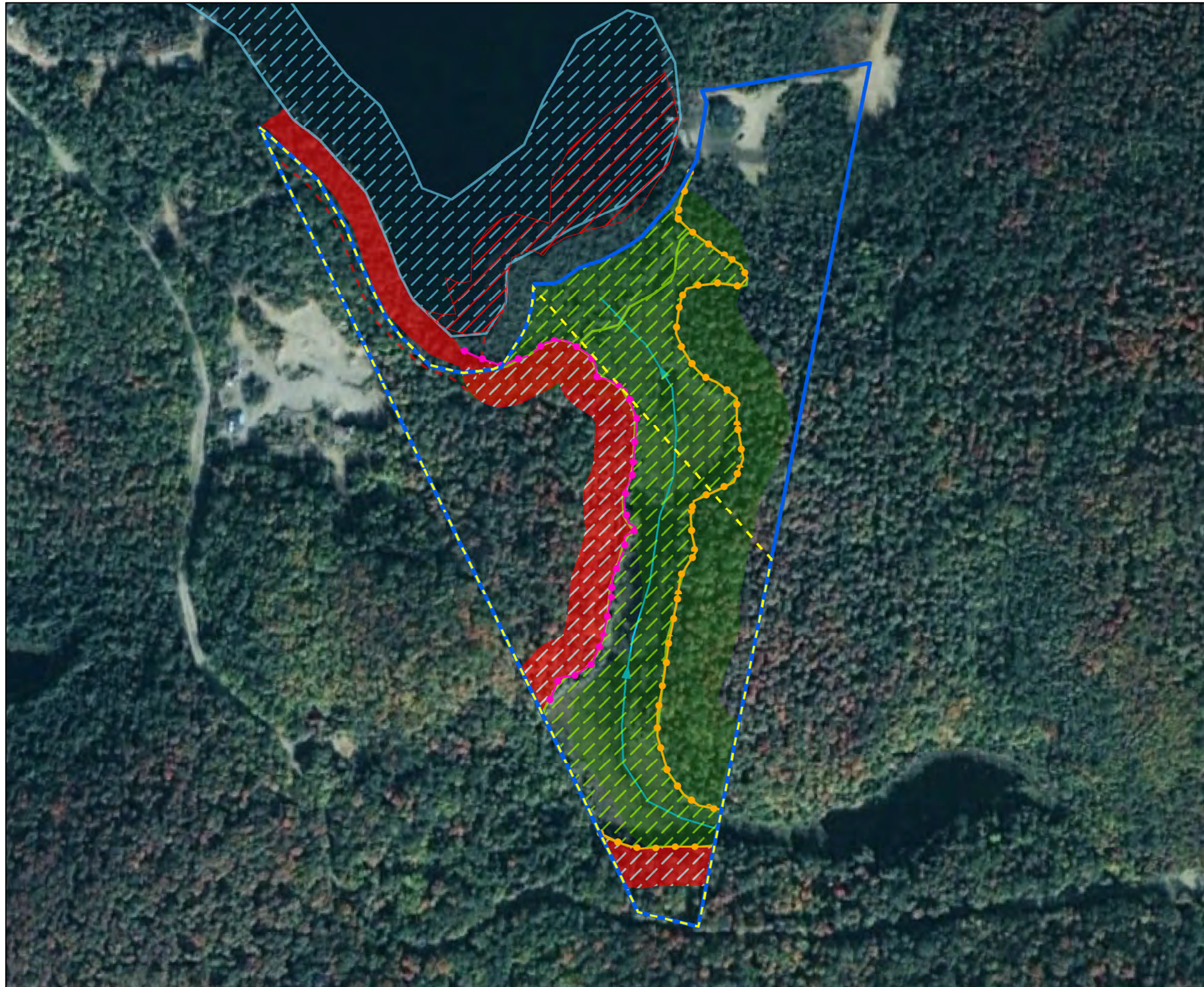
Scale	RS Project No.	Date Last Updated	By
1:2,800	2012-053	Aug 8, 2012	LA

0 50 100 Metres

Figure 2. Biophysical features and functions. Location of subject property. Part Lot 1, Concession 8, Geographic Township of Bethune, Town of Kearney.

Prepared for John Gallagher

Note: this figure should not be used in place of a professional survey.



**Legend**

**Planning Boundaries**

- Subject Property
- Proposed Lot

**Wetland Boundaries**

- Wetland Boundaries Delineated from Aerial Photos
- Wetland Boundaries Delineated in Field by RS using Survey-grade GPS ( $\pm 2$  m) and Ontario Wetland Evaluation System

**Setbacks Required by Municipality**

**Town of Kearney Official Plan (2006)**

- 30 m Shoreline Area Waterbody Setback for Septic
- 30 m Hazard Area Setback
- 20 m Shoreline Areas Vegetative Buffer

**Areas Recognized as Having High Natural Heritage Value**

- Wetland

**Town of Kearney Official Plan Schedule A**

- Hazard Area

**Town of Kearney Official Plan Schedule C**

- Known Fish Spawning Area

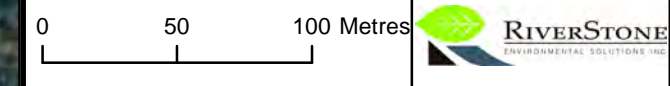
**Fish Habitat Delineated in Field**

- Type 1



Google aerial photo - spring 2007

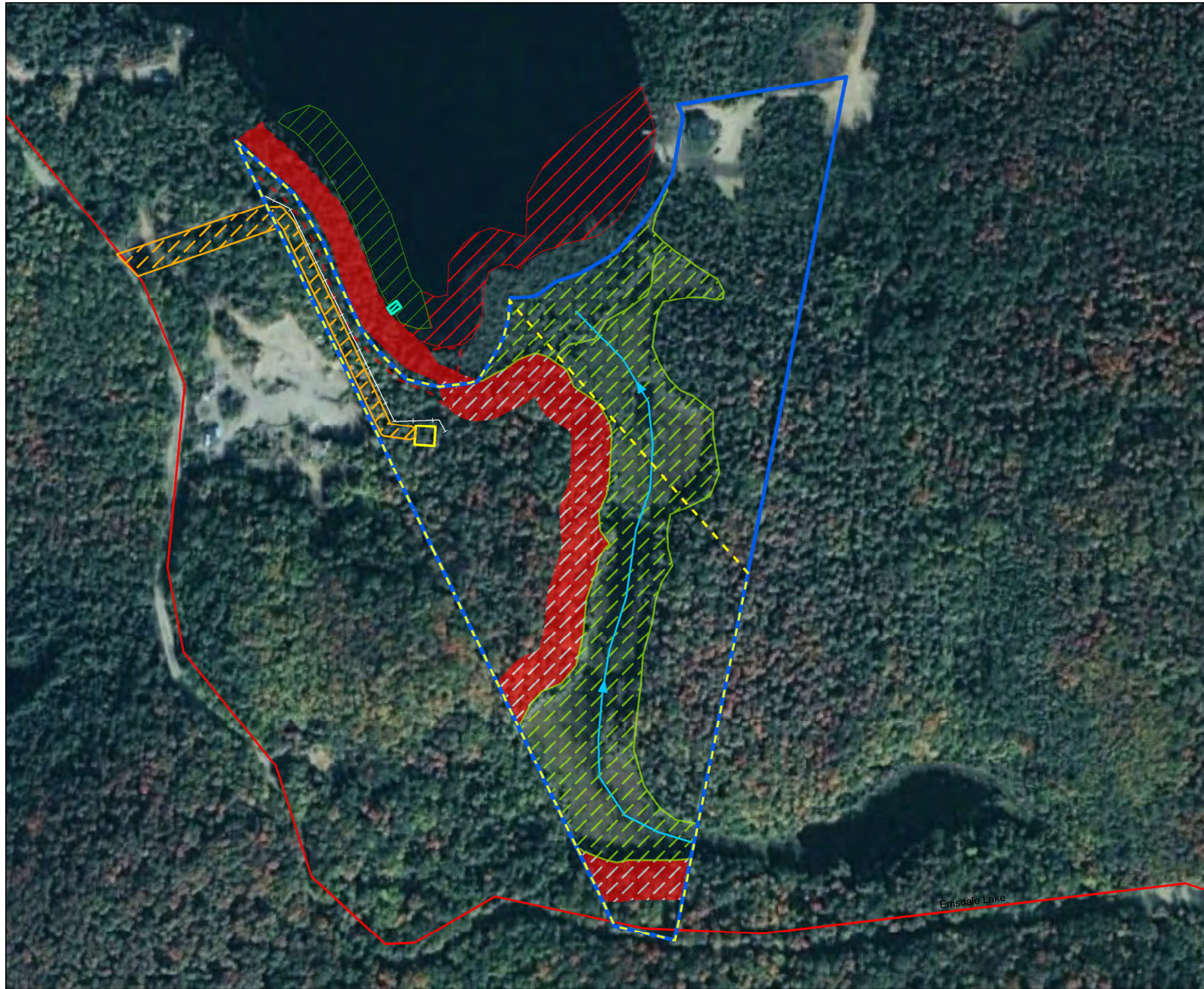
Scale	RS Project No.	Date Last Updated	By
1:2,800	2012-053	Aug 8, 2012	LA



**Figure 3. Features and functions of conservation interest and protective measures.** Part Lot 1, Concession 8, Geographic Township of Bethune, Town of Kearney.

Prepared for John Gallagher

**Note:** this figure should not be used in place of a professional survey.



**Legend**

**Planning Boundaries**

- Subject Property
- Proposed Lot
- Roads

**Town of Kearney Official Plan (2006)**

- 30 m Shoreline Area Waterbody Setback for Septic
- 30 m Hazard Area Setback
- 20 m Shoreline Area Vegetative Buffer

**Areas Recognized as Having High Natural Heritage Value**

- Wetland

**Fish Habitat Delineated in Field**

- Type 1
- Type 2

**Proposed Development and Site Alteration**

- Primary Dwelling (2400 sq ft, approximate for illustration)
- Access
- Docking Envelope

**Measures Recommended by RiverStone to Prevent and/or Reduce Impacts**

- Sediment Fencing



Google aerial photo - spring 2007

Scale	RS Project No.	Date Last Updated	By
1:2,800	2012-053	Aug 8, 2012	LA

0 50 100 Metres

**Figure 4. Features and functions of conservation interest and protective measures.** Part Lot 1, Concession 8, Geographic Township of Bethune, Town of Kearney.

Prepared for John Gallagher

**Note:** this figure should not be used in place of a professional survey.

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**Appendix 1. Ontario Operational Statement for Dock and Boathouse Construction (Version 3; Fisheries and Oceans Canada).**







# DOCK AND BOATHOUSE CONSTRUCTION

Fisheries and Oceans Canada  
Ontario Operational Statement

Version 3.0

Docks and boathouses are common features on the shorelines of lakes and rivers in Canada and are an important part of the recreational use of our waterways. This Operational Statement applies to docks which consist of floating platforms or those supported by pipes, poles, wooden cribs or cantilever arms. The shoreline area in front of your cottage or waterfront property is also important habitat for a variety of aquatic organisms, including fish. Fish lay their eggs, feed and hide from predators in these shoreline areas.

Building a dock or boathouse along your waterfront can impact this important habitat by covering spawning habitat, removing rocks and logs that provide shelter, causing erosion and sedimentation from bank disturbance, introducing deleterious substances if improper building materials are used and disrupting sensitive fish life stages.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under the *Fisheries Act* no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by DFO. By following the conditions and measures set out below you will be in compliance with subsection 35(1) of the *Fisheries Act*.

The purpose of this Operational Statement is to describe the conditions under which it is applicable to your project and the measures to incorporate into your project in order to avoid negative impacts to fish habitat. You may proceed with your dock or boathouse project without DFO review when you meet the following conditions:

- you are not working within the following areas/water bodies where this Operational Statement does not apply: waters within areas under Parks Canada's jurisdiction, including the Trent-Severn Waterway and the Rideau Canal system,
- it is a new, repair or rebuild of a floating, cantilever or post dock or boathouse,
- it is a new, repair or rebuild of an open-faced crib dock or boathouse built entirely on natural bedrock or sand bottom with a total combined footprint (for both existing and proposed cribs) of 15 square metres (161 ft<sup>2</sup>) or less,
- the total surface area for the entire dock and boathouse, which occurs in a location below the ordinary high water mark (HWM) (see definition below), including both existing and proposed structures combined, does not exceed 50m<sup>2</sup> (538 ft<sup>2</sup>), unless the structure is built entirely over natural bedrock or sand bottom (not supporting aquatic vegetation),
- it is not made of concrete or steel sheeting or any other skirting that isolates the inside of the crib from the rest of the water,
- it does not require any dredging, blasting or infilling in the water body,
- the combined width for all existing and proposed shoreline improvements on land and in water (docks, boathouses and

beaches) is less than 25% of the property's riparian area width (shoreline frontage width), and

- you incorporate the *Measures to Protect Fish and Fish Habitat when Building your Dock and Boathouse* listed below in this Operational Statement.

If you cannot meet all of the conditions listed above and cannot incorporate all of the measures listed below then your project may result in a violation of subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact your Conservation Authority, or the DFO office in your area (see Ontario DFO office list), if you wish to obtain an opinion on the possible options you should consider to avoid contravention of the *Fisheries Act*.

**You are required to respect all municipal, provincial or federal legislation that applies to the work being carried out in relation to this Operational Statement.** The activities undertaken in this Operational Statement must also comply with the *Species at Risk Act* ([www.sararegistry.gc.ca](http://www.sararegistry.gc.ca)). If you have questions regarding this Operational Statement, please contact one of the agencies listed above.

We ask that you notify DFO, preferably 10 working days before starting your work by filling out and sending the Ontario Operational Statement notification form ([www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/prov-terr/index\\_e.htm](http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/prov-terr/index_e.htm)) to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

## Measures to Protect Fish and Fish Habitat when Building your Dock and Boathouse

1. Use existing trails, roads, or cut lines wherever possible to avoid disturbance to the riparian vegetation (i.e., vegetation that occurs adjacent to the watercourse).
2. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants may be necessary to access the construction site. This removal should be kept to a minimum.
3. The construction of boathouses above the HWM is strongly encouraged in order to minimize impacts to fish habitat.
4. Floating, cantilever and post docks, and marine railways on posts for boathouse access, can be installed at any time.
5. Time the installation of crib docks to prevent disruption of sensitive fish life stages by adhering to appropriate

fisheries timing windows (see the Ontario In-Water Construction Timing Windows).

6. Construct cribs in an open-faced manner and fill with large rocks that provide crevices for fish and other small organisms. Leave enough space between cribs (two metres) and locate them at least two metres from the HWM to allow near shore water to circulate.
7. Do not take materials (e.g., rock, logs) to build the dock from the shoreline, from below the HWM or from any water body.
8. If rocks, stumps or logs need to be moved on the lake or river bottom or shoreline to build the dock, they should be relocated to an area of similar depth and not removed altogether from the bottom or shoreline.
9. Install effective sediment and erosion control measures before starting work to prevent the entry of sediment into the watercourse. Inspect them regularly during the course of construction and make all necessary repairs if any damage occurs.
  - 9.1. Avoid doing work during wet and rainy periods.
10. Use untreated materials (e.g. cedar, tamarack, hemlock, rocks, plastic, etc.) as supports for dock structures that will be submerged in water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.
  - 10.1. Use only treated lumber that is environmentally-friendly (see definition below) for dock structures that are above water.
  - 10.2. Cut, seal and stain all lumber away from the water using only environmentally-friendly stains (see definition below). All sealed and stained lumber should be completely dry before being used near water.
  - 10.3. Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.
11. Wherever possible, construct the dock either from a barge or float on the water or through the ice instead of using machinery from the bank of the water body.
12. Operate machinery on land (from outside of the water) and in a manner that minimizes disturbance to the banks of the water body.
  - 12.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
  - 12.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent any deleterious substance from entering the water.
  - 12.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
  - 12.4. Restore banks to original condition if any disturbance occurs.
13. If a concrete abutment is needed to secure your dock to land install it entirely on land, above the HWM. The concrete is to be pre-cast and cured away from the water before use to prevent seepage of potentially toxic substances into the water body.

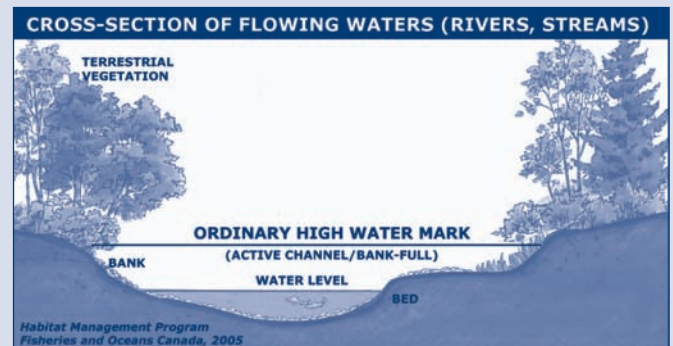
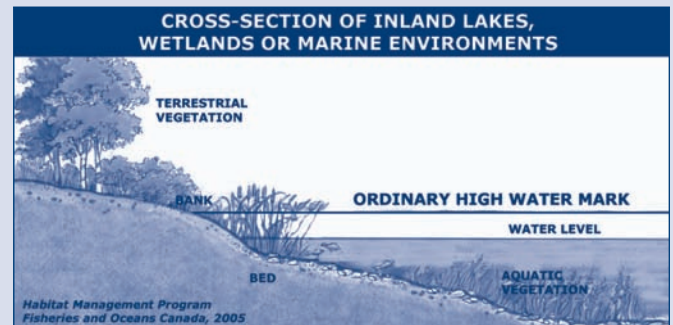
14. Prevent deleterious substances such as uncured concrete, grout, paint, sediment and preservatives from entering the water body or storm drains.
15. Vegetate any disturbed areas by planting and seeding preferably with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetated the following spring.
  - 15.1. Maintain effective sediment and erosion control measures until re-vegetation of disturbed areas is achieved.

If you would like more detailed information on fish-friendly dock construction and maintenance practices to help you plan your project, please refer to the following document: *The Dock Primer - A Cottager's Guide to Waterfront-Friendly Docks* [www.dfo-mpo.gc.ca/regions/central/pub/index\\_e.htm](http://www.dfo-mpo.gc.ca/regions/central/pub/index_e.htm) (Ontario Edition).

#### Definitions:

**Ordinary high water mark (HWM)** – The usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands or marine environments it refers to those parts of the water body bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (Full Supply Level).

For the Great Lakes this refers to the 80th percentile elevation above chart datum as described in DFO's *Fish Habitat and Determining the High Water Mark on Lakes*.



**Environmentally-friendly lumber and stains** – Chemical wood preservatives used in Canada are regulated by the Pest Management Regulatory Agency, Health Canada. Approved preservatives used most commonly in lumber are Alkaline Copper Quaternary (ACQ) and Copper Azole (CA). Creosote treated wood should not be used in or near water. Ask your local building supply outlet for further information on available products.

## **Northern Ontario District**

### **Parry Sound**

Fisheries and Oceans Canada  
28 Waubeek Street  
Parry Sound, ON P2A 1B9  
Telephone: (705) 746-2196  
Fax: (705) 746-4820  
Email: ReferralsParrySound@DFO-MPO.GC.CA

### **Sudbury and Sault Ste. Marie**

Fisheries and Oceans Canada  
1500 Paris Street, Unit 11  
Sudbury, ON P3E 3B8  
Telephone: (705) 522-2816  
Fax: (705) 522-6421  
Email: ReferralsSudbury@DFO-MPO.GC.CA

### **Thunder Bay and Kenora**

Fisheries and Oceans Canada  
Thunder Bay Office  
100 Main Street, Suite 425  
Thunder Bay, ON P7B 6R9  
Telephone: (807) 346-8118  
Fax: (807) 346-8545  
Email: ReferralsThunderBay@DFO-MPO.GC.CA

*Aussi disponible en français*

[http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index\\_f.asp](http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/modernizing-moderniser/epmp-pmpe/index_f.asp)

## **FISHERIES AND OCEANS CANADA OFFICES IN ONTARIO**

### **Southern Ontario District**

#### **Burlington**

Fisheries and Oceans Canada  
3027 Harvester Road, Suite 304  
P.O. Box 85060  
Burlington, ON L7R 4K3  
Telephone: (905) 639-0188  
Fax: (905) 639-3549  
Email: ReferralsBurlington@DFO-MPO.GC.CA

#### **London**

Fisheries and Oceans Canada  
73 Meg Drive  
London, ON N6E 2V2  
Telephone: (519) 668-2722  
Fax: (519) 668-1772  
Email: ReferralsLondon@DFO-MPO.GC.CA

### **Eastern Ontario District**

#### **Peterborough**

Fisheries and Oceans Canada  
501 Towerhill Road, Unit 102  
Peterborough, ON K9H 7S3  
Telephone: (705) 750-0269  
Fax: (705) 750-4016  
Email: ReferralsPeterborough@DFO-MPO.GC.CA

#### **Prescott**

Fisheries and Oceans Canada  
401 King Street West  
Prescott, ON K0E 1T0  
Telephone: (613) 925-2865  
Fax: (613) 925-2245  
Email: ReferralsPrescott@DFO-MPO.GC.CA



# Pre-consultation Summary

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**Applicant:** Jean Laroque, Laroque Elder Architecture on behalf of the Owner(s) Doug Waffle and Brenda Richens

**From:** Kent Randall and Jessica Rae Reid, Planning Consultants for the Town of Kearney

**Subject:** Pre-consultation Summary – 218 Emsdale Lake Road, Bethune, Town of Kearney

**EcoVue File:** 22-2095-16

**Date:** January 5, 2023

---

Dear Mr. Laroque,

The Township Planning Consultants received a Pre-consultation application from the Town of Kearney for the above-noted address on November 7, 2022. Town of Kearney Planning Staff and the Town's Planning Consultants met with the applicant on Wednesday, December 7, 2022 via GoToMeeting to discuss the proposal.

## 1.0 ATTENDEES

The meeting was attended by the following individuals:

1. Jean Laroque, the Applicant for 218 Emsdale Lake Road;
2. Kent Randall, Planning Consultant for the Town of Kearney;
3. Jessica Rae Reid, Planning Consultant for the Town of Kearney;
4. Brenda Fraser, CAO, Clerk Treasurer for the Town of Kearney;
5. Cindy Filmore, Deputy Clerk for the Town of Kearney; and
6. Matthew Clouthier, Deputy Chief Building Official for the Town of Kearney.

## 2.0 PROPOSAL

As per discussions and information provided, it is our understanding that the proposal

consists of the following:

- The applicant proposes to construct a one (1) storey dwelling with walk-out basement and an accessory detached garage with loft;
- The proposed development will maintain a minimum setback of 20 metres and a maximum setback of 25 metres from Perbeth Lake;
  - Applicant has submitted a Natural Heritage Evaluation with the Pre-consultation Application which supports these setbacks;
- The applicant has proposed to construct a granular path with concrete steps to the existing dock; and
- Private Individual well and septic to service the proposed dwelling.

**TOWN OF KEARNEY OFFICIAL PLAN:** Rural and Shoreline Designations

**TOWN OF KEARNEY ZONING BY-LAW:** Waterfront Residential (RWF) and Hazard Lands (HZ) Zone

### **3.0 GENERAL COMMENTS**

#### **Planning**

The subject property is designated Rural and Shoreline according to Schedule 'A' of the Town of Kearney Official Plan. Both of these designations permit residential development in the form of a single detached dwelling. As such, the proposed development conforms, in principle, to the permitted uses of the Rural and Shoreline designations.

The lands are zoned Waterfront Residential (RWF) and Hazard Lands (HZ) according to the Town of Kearney Zoning By-law. The house is proposed to be constructed within the RWF Zone, which permits residential development in the form of a single detached dwelling. However, the dwelling has been proposed with a deficient water yard setback, and therefore a Zoning By-law Amendment would be required to permit the proposed development with a reduced water yard setback.

Speaking to the proposal specifics, the following comments have been provided from the Township Planning Consultant:

- In summary, the Town of Kearney is generally supportive of this proposal;
- The deficient water yard setback, and any additional deficiencies, will need to be acknowledged through a Zoning By-law Amendment Application (ZBA)
- The applicant proposes to construct the granular path with concrete steps to the existing dock, which will be located within the municipally-owned Shore Road Allowance. The proponent will be required to purchase the Shore Road Allowance (SRA) in order to develop within it, or provide proof of ownership if the SRA purchase has already occurred;
- The applicant proposes to access the proposed dwelling via Right of Way (ROW) over an existing, separately owned parcel. The proponent will be required to establish the ROW via Application for Consent to the Southeast Parry Sound District Planning Board (SPSDPB), or provide proof of ownership; and
- The ROW crosses a Municipal Road Allowance split between the Town of Kearney and the Township of Perry. An Encroachment Agreement will be required between the proponent and the two Municipalities related to access and ROW maintenance.
- Although not discussed at the meeting, it is noted that the proposed garage includes a loft. The submission should clarify the use of the loft, particularly as it relates to human habitation, and how such use complies with the Zoning By-law.

### **Building**

There are no comments or concerns from the Building Department at this time.

### **Public Works**

There are no comments or concerns from the Public Works Department at this time.

### **Fire and Emergency Services**

There are no comments or concerns from the Fire and Emergency Services at this time

#### 4.0 NEXT STEPS

Following this Pre-consultation meeting, the municipality requires that applicants undertake a two-step Pre-Consultation Process prior to an application being deemed “complete” under Section 34(10.4) of the *Planning Act*, as follows:

1. Attend a Pre-Consultation Meeting to Discuss the Proposal (completed);
2. Submit requested application and supporting materials (see Section 5.0 below) to the Town for review and determination of completeness.

Upon deeming the application complete, the Town will schedule a statutory public meeting and provide an opportunity for Council to make a decision within 90 days.

#### 5.0 REQUIRED SUPPORTING STUDIES/DOCUMENTATION

##### **Zoning By-law Amendment Application**

In addition to the applicable application form(s) and associated processing fee(s) required, the following studies and/or plans are also required in support of the proposed **Zoning By-law Amendment application**:

1. A **Planning Brief** prepared by a qualified Registered Professional Planner (RPP), outlining and justifying the proposal with respect to the Provincial Policy Statement, 2020 (PPS), the Town of Kearney Official Plan and Zoning By-law No. 2022-20. The Planning Report must speak to the supporting studies/reports that are being submitted with the application(s). A **Draft Zoning By-law Amendment** should also be included in the Planning Report;
2. A **Conceptual Site Plan Layout** prepared by a qualified professional illustrating any existing and new buildings on and adjacent to the subject property, entrances, parking

and loading spaces, setbacks, amenity areas and landscaping. The **Conceptual Site Plan Layout** should also indicate the **overall constraints** such as natural hazards and natural heritage features present on the property;

3. **Preliminary Building Elevations and Floor Plans** illustrating the proposed units per gross area, view of the building from each direction, proposed height and built form;
4. A **Legal Survey** to demonstrate that the proposed development is based on the correct boundary conditions;
5. A **Landscaping Plan** to demonstrate the revegetation of the shoreline road allowance (assuming it is purchased), and any other re-vegetation of the property proposed. This plan can be **integrated into the Conceptual Plan**;
6. **Confirmation** regarding the existence of the **Right-of-Way** which is proposed to provide access to the newly-constructed dwelling. A copy of the Ontario Land Registry Instrument creating the ROW would satisfy this requirement;
7. **Confirmation** regarding the ownership of the **Shore Road Allowance**, which is proposed to be developed with a granular path with concrete steps to the existing dock. A copy of the Ontario Land Registry Instrument purchasing the Shore Road Allowance would satisfy this requirement; and
8. An **Encroachment Agreement** to be entered into between the proponent, Town of Kearney and Township of Perry, regarding the crossing of the Municipal Right-of-Way to allow access to the newly-constructed dwelling.

#### Submission Checklist

Required Reports, Studies, Plans & Number of Copies	No. of Copies
<b>ZONING BY-LAW AMENDMENT</b>	
Application Form with Associated Processing Fee(s)	<b>3</b>
Planning Brief	<b>3</b>
Conceptual Site Plan Layout including overall lot constraints and Landscape Plan for works within the 30 metre water setback	<b>3</b>



Preliminary Building Elevations and Floor Plans	<b>3</b>
Legal Survey	<b>3</b>
Encroachment Agreement	<b>1</b>
Digital Copy of all Materials (in USB Format)	<b>1</b>
<p>Other Development Permits, Approvals and/or Processes that <b>may potentially</b> be required along with or after the Planning Act approvals (please note, this is <b>not</b> an exhaustive list – for information purposes only):</p> <ul style="list-style-type: none"> <li>• Building / Change of Use / Demolition / Plumbing Permit</li> <li>• Entrance Permit</li> </ul>	

These comments reflect the understanding of the requirements based on the reviewed submission. The Town reserves the right to provide additional comments should any updated information become available through processing of an application. Should the proponent have additional detail or information to provide for review prior to the formal submission of any application, we recommend a follow-up meeting to confirm the requirements.

If you have any questions, please do not hesitate to contact the undersigned.

Prepared by: Kent Randall and Jessica Rae Reid, Township Planning Consultants

**ECOVUE CONSULTING SERVICES INC.**

J. Kent Randall B.E.S. MCIP RPP  
 Township Planning Consultant

Jessica Rae Reid, B.A  
 Township Planning Consultants



PLANNING DEPARTMENT  
APPLICATION FORM

- Official Plan Amendment
- Zoning By-law Amendment
- Minor Variance
- Consent/Severance

A Meeting with Town Staff is required prior to the submission of a Planning Department Application.  
**An Application does not imply or suggest any decision on behalf of Town Staff or the Corporation of the Town of Kearney.**  
 Applicants are required to post NOTICE of the Public Meeting that is the subject of the Application.  
 Members of Council, Town Staff and Town Consultants may conduct a site inspection(s) of the subject land(s).  
 By submitting an Application, you acknowledge and authorize access for the purpose of conducting the required site inspection.  
**Only complete Applications will be processed.**

**REGISTERED OWNER INFORMATION:**

Name of Owner(s): Doug Waffle  
 Address: 218 Emsdale Lake Road  
 Telephone: 705.788.9666  
 Email: dougwaffle@gmail.com

**AGENT INFORMATION** (if applicable):

Name of Agent: Melissa Markham  
 Company/Firm: Melissa Markham Planning  
 Address: 1025 Rebecca Lane, Huntsville, ON  
P1H 2J6  
 Telephone: 705.783.8217 Email: melissa@mmplanning.ca

**CORRESPONDENCE:** Please specify to whom all correspondence should be sent:  Owner  Agent  Both

**LOCATION OF PROPERTY:**

Lot: 1 Conc.: 8 Township: \_\_\_\_\_ Reference Plan: 42R20148 Part/Block/Lot: 1  
 Property Roll No.: 4918 - 0  0 - 00  -     - 0000  
 Civic Address: 218 Emsdale Lake Road  
 Water Access only: \_\_\_\_\_  
 (Name of Waterbody)

**DESCRIPTION OF SUBJECT LANDS:**

Lot area (ha): 6.9ha Lot Road Frontage (m): \_\_\_\_\_ Water Frontage (m): 233m  
 Lot Depth (m): \_\_\_\_\_ Easements/Right-of-ways:  Yes  No If yes, describe purpose:  
ROW for access  
 Existing Use of Property: vacant

**PAST PLANNING ACT APPLICATIONS:**

Are you aware of any previous Planning Act applications on the subject property?  Yes  No If Yes, please explain:  
 Type of application(s): Consent Application B-035/12  
 Date(s): 2013

**OFFICIAL PLAN / ZONING STATUS:**

Official Plan designation: Rural Lands and Shoreline  
 Zoning designation: Residential Waterfront (RWF-27) Zone and Hazard Lands (HZ) Zone

What is the proposed future use of the subject lands: residential

**BUILDINGS, STRUCTURES AND USES**

Please complete the following for each Building or Structure:

	Building One		Building Two		Building Three	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Type of Building		dwelling with porch and deck		detached garage		guest cabin above garage
Setback from Front Lot Line		20m		20m		20m
Setback from Rear Lot Line		8.19m		3m		3m
Setback from Side Lot Line		52.9m (NW)				
Setback from Side Lot Line		540m (SW)				
Height (m)		7.33m		7m		7m
Dimensions						
Floor Area		257.2 sq. m.		53.5 sq.m.		23 sq. m.
Date of Construction						
Existing Use						

**REASONS FOR REQUEST**

Please describe the reasons for, and the extent of, the request:

see attached planning report

**ACCESS**

Are the subject lands accessible by:

- Provincial Highway
- Municipal Road (seasonal maintenance)
- Municipal Road (year-round maintenance)
- Right of Way
- Unopened Road Allowance
- Water Access
- Other (describe) \_\_\_\_\_

**SERVICING**

- |                  | <u>Municipal</u>         | <u>Private</u>                      | <u>Other</u>             |
|------------------|--------------------------|-------------------------------------|--------------------------|
| Water Supply     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sewage Disposal  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Frontage on Road | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Storm drainage provided by:  Sewer  Ditch  Swale  Other: (describe) \_\_\_\_\_

# OTHER APPLICATIONS

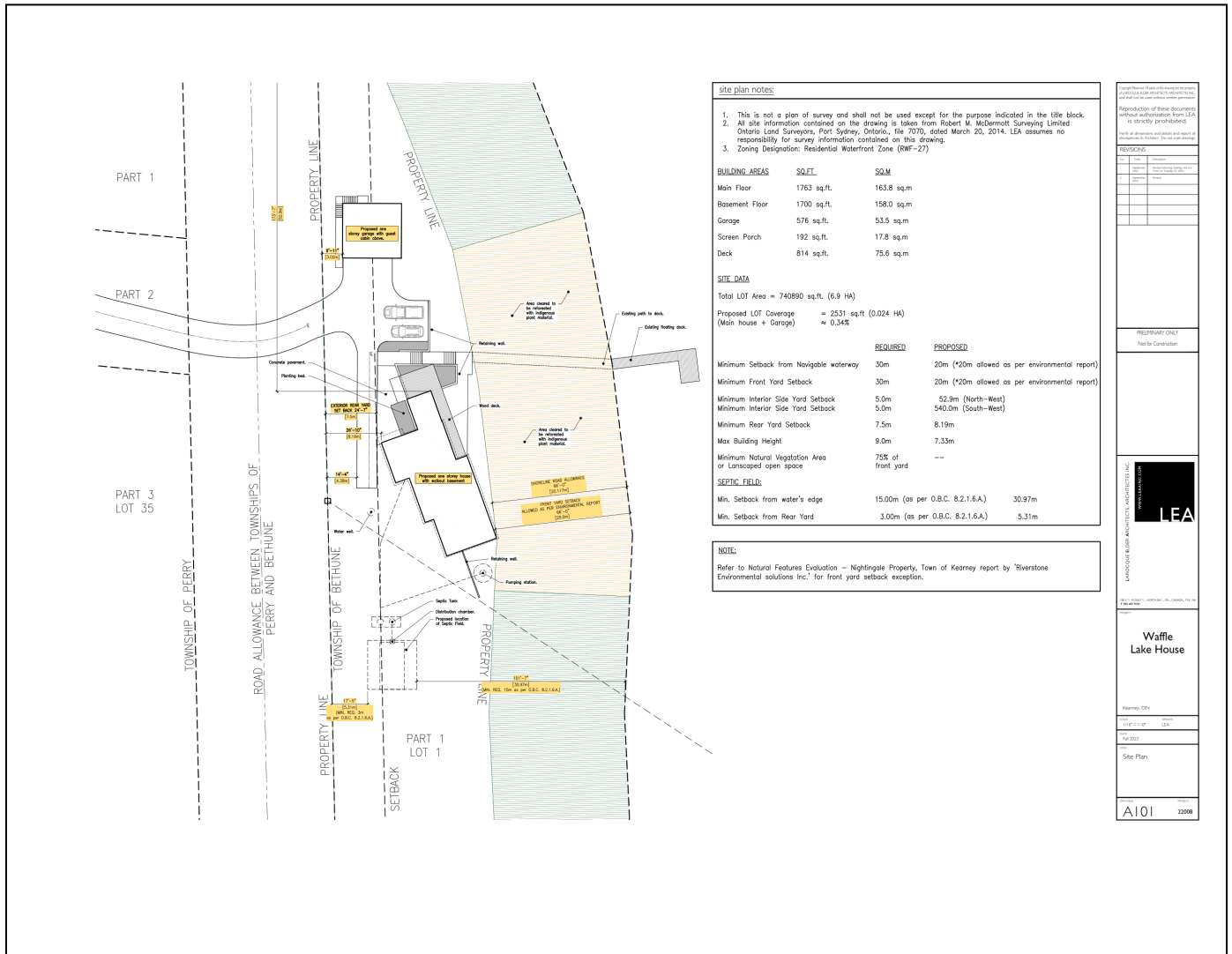
Are the subject lands also the subject of another Planning Act application?  Yes  No

If yes, please provide a brief explanation, including the status of the other application: \_\_\_\_\_

# DRAWING

Sketch required showing the following:

- Lot boundaries and dimensions of the subject land;
- The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the building or structures from the front yard lot line, rear yard lot line and side yard lot lines;
- Major features on the subject land and on the surrounding land. Examples include: buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
- The current uses on land that is adjacent to the subject land;
- The location, width and name of any road allowance, a public travelled road, a private road or a right-of-way;
- If access to the subject land is by water only, the location of the parking and docking facilities to be used; and
- The location and nature of any easement affecting the subject land.



**PERMISSION TO ENTER**

I hereby authorize the Elected Members of Town Council and Town Staff, to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this Application. This is their authority for doing so.

November 30, 2023

Date



Signature of Registered Owner(s) or Agent

**FREEDOM OF INFORMATION**

I hereby provide authority for any information contained in this Application, to be released in accordance with the Freedom of Information and Protection of Privacy Act.

November 30, 2023

Date



Signature of Registered Owner(s) or Agent

**PAYMENT OF FEE AND DEPOSIT** (As per the Current Fees and Charges By-law)

- Application Fee
- Residential DEPOSIT Fee
- Commercial/Industrial/Institutional DEPOSIT Fee

**COST ACKNOWLEDGEMENT**

The DEPOSIT shall be used for all expenses incurred with regard to this Application. I hereby agree to pay for and bear the *entire cost and expense* for Consultants (i.e. planning, legal) and their services required by the Town of Kearney during the processing of this Application, in addition to the Application Fee. An additional deposit shall be required if the deposit is insufficient to complete the Application.

November 30, 2023

Date



Signature of Registered Owner(s) or Agent

**Note:** All Invoices for payment shall be sent to the Registered Owner of this Application, unless otherwise requested.  
If the Applicant/Owner is a Corporation, the Applicant/Owner shall provide certification that he/she has the authority to Bind the Corporation.

**AFFIDAVIT**

I, Melissa Markham, <sup>agent for</sup> ~~registered owner of~~ the subject lands, declare that all of  
(print name)  
the above information is true and accurate.

November 30, 2023

Date



Signature of Registered Owner(s) or Agent

**For Office Use Only**

**Application Fee Paid**

Certified by \_\_\_\_\_, that this application has undergone a pre-consultation with the Staff of the Town of Kearney to determine the information required to prepare a complete application.

Staff Initials: \_\_\_\_\_



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# **Planning Justification Report**

## **Zoning By-law Amendment**

**218 Emsdale Lake Road**  
(Part of Lot 1, Concession 8, Bethune, Perry)  
**Town of Kearney**

Date:  
November 2023

Prepared For:  
Waffle

Prepared By:  
Melissa Markham, MCIP, RPP  
Melissa Markham Planning & Associates

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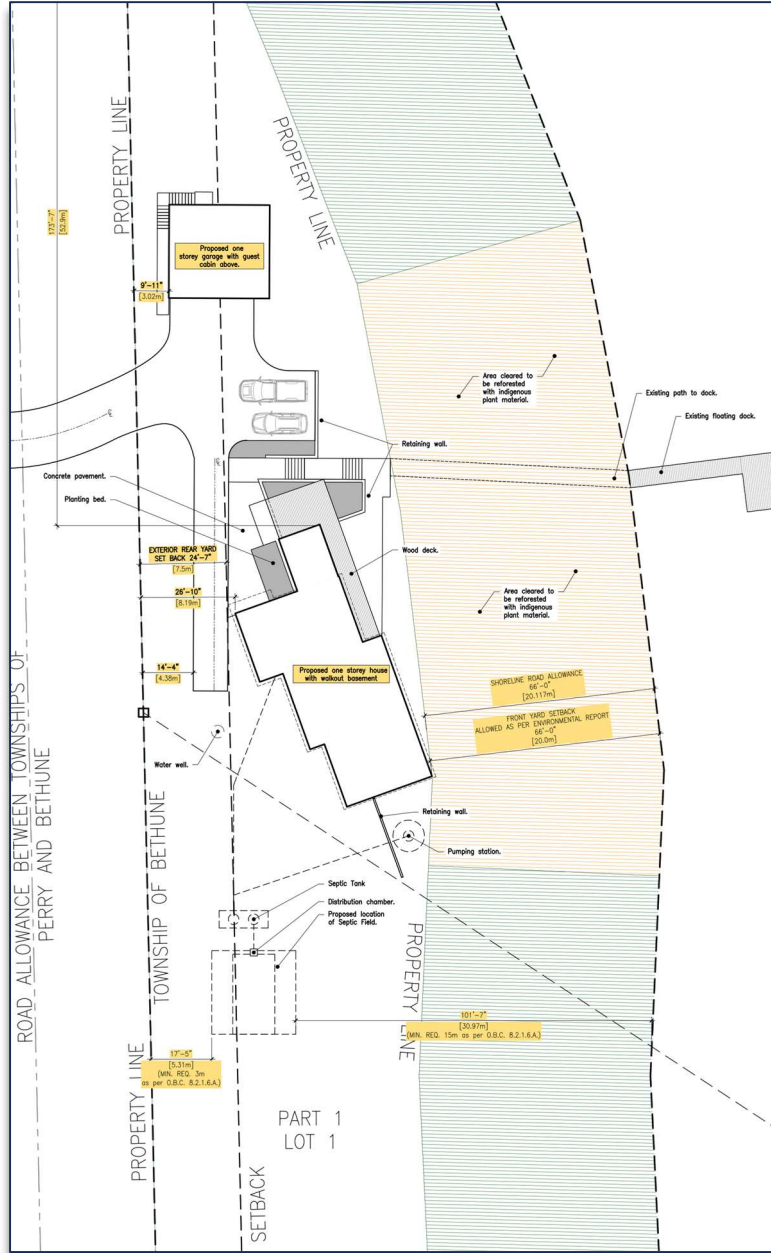
## **Description of Proposal**

Melissa Markham Planning & Associates has been retained by Doug Waffle, the owner of the subject lands, known municipally as 218 Emsdale Lake Road, to assist with an application for a Zoning By-law Amendment to permit a minimum front (abutting a navigable waterway) yard setback of 20 metres (65.6 ft) to a proposed dwelling and detached garage with guest cabin above, where Zoning By-law 2022-20 requires a minimum of 30 metres (98.4 ft); and, to permit a guest cabin above a detached garage, having a maximum height of 7.0m and a rear yard setback of 3.0 metres. The owners are proposing to construct a dwelling, detached garage with a guest cabin above and a well and septic.

The subject lands are designated Rural Lands and Shoreline in the Town of Kearney Official Plan. The subject lands are within the Waterfront Residential (RWF-27) Zone and Hazard Lands (HZ) Zone in the Town of Kearney Comprehensive Zoning By-law 2022-20.

The purpose of this report is to provide a planning analysis regarding the appropriateness of the application for a reduced front yard setback and permit a guest cabin above a detached garage. Specifically, relief is being requested from the following provisions of Zoning By-law 2022-20:

<b>Section</b>	<b>By-law Wording</b>	<b>Relief Requested</b>
3.2.7 Guest Cabin / Bunkie iv)	the building has a height not greater than 6.0 metres;	To permit a guest cabin above a detached garage having a height not greater than 7.0 metres;
3.2.7 Guest Cabin / Bunkie v)	The building complies with all of the setbacks that apply to the principal building on the lot.	To permit a guest cabin above a detached garage that complies with all of the setbacks that apply to the garage building on the lot, specifically being located no closer than 3.0 m to the rear lot line
3.28.2 Vegetative Buffer	A vegetative buffer of 30 metres shall be maintained from the shoreline	To permit a vegetative buffer of 20 metres to be maintained from the shoreline
4.2.3 Yard Requirements (min.) Front (abutting a navigable waterway)	30.0 metres	20.0 metres



**Figure 1: Excerpt of Site Plan**

***Pre-Consultation Meeting***

A Pre-Consultation Meeting was held on December 7, 2022 with the Town Planning Consultants and Staff, a formal summary of this meeting was provided on January 5, 2023. The summary provides that a Zoning By-law Amendment would be required to permit the proposed development.

The following is an overview of the Subject Lands and policies related to the proposed application.

## Subject Lands

### Legal

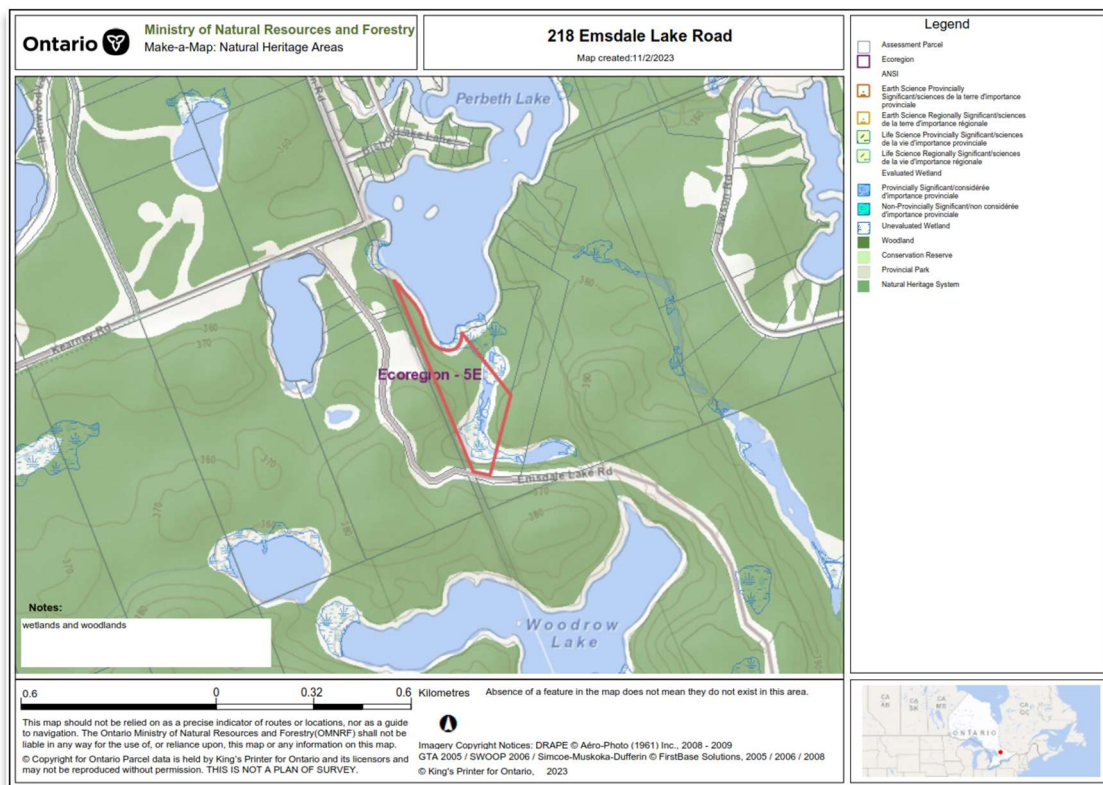
The subject lands are legally described as Part of Lot 1, Concession 8, Bethune, Perry, PT 1 42R20148.

### Property Description

The subject lands have a total lot area of approximately 6.9 ha (17 acres) with 233 m of frontage on Fisher Lake.

### Natural

Based on the Natural Features Evaluation prepared by Riverstone Environmental Solutions Inc., submitted with the application to create the subject lands, the subject property is largely forested with upland mixed and deciduous forest. The existing landscape of the lands varies between very steep to more gradual slopes in the wetland portion of the property. The steepest slopes occur on the forested slopes that drain into the wetland in the southern portion of the lands. A watercourse was identified on the subject lands, which is located within the wetland feature on the lands.



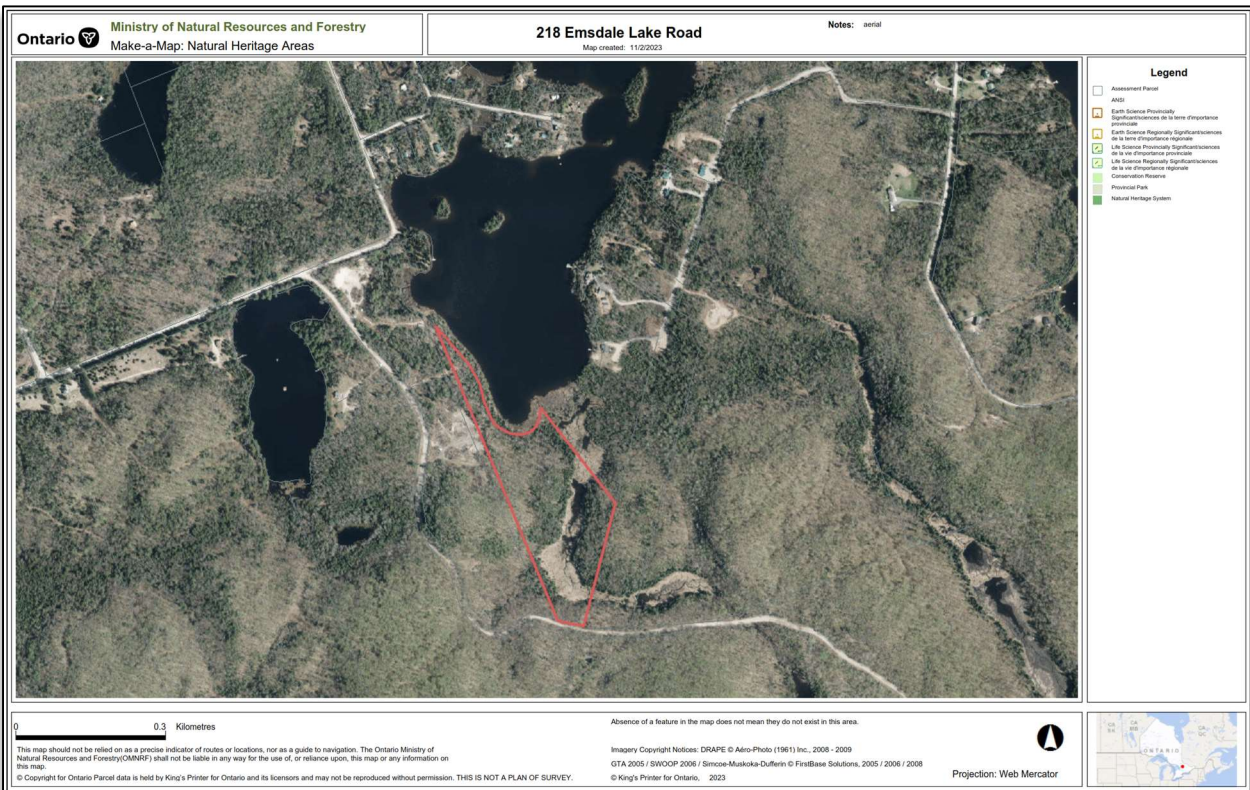
**Figure 2: Natural Heritage Areas Map**

Source: Ministry of Natural Resources, 2023

## Surrounding Area

The surrounding lands appear to be developed with similar residential uses, including dwellings, accessory structures and shoreline structures. Some residential development on surrounding properties appears to be setback 20 metres from the lake, in keeping with the requested amendment.

The lands to the rear of the subject property are relatively undeveloped. The proposed development will be in character with the area.



**Figure 3: Aerial Image**  
Source: Ministry of Natural Resources, 2023

## Planning Analysis

### Provincial Policy Statement, 2020

The Provincial Policy Statement (“PPS”) establishes the policy foundation for regulating the development and use of land in Ontario, and provides policy direction on matters of provincial interest related to land use planning and development.

The subject lands are located within Rural Areas in the PPS. Rural areas are to be supported by “*building upon rural character, and leveraging rural amenities and assets*”.

The proposed development is in character with the area, as it proposes a residential use of the lands.

The subject lands are also considered Rural Lands, within a Rural Area. Section 1.1.5.2 of the PPS permits “*resource-based recreational uses (including recreational dwellings)*” on Rural Lands, which is the proposed use of the subject lands. Furthermore, Section 1.1.5.4 states that “*development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted*”. The proposed development is a recreational dwelling and accessory uses which is in keeping with the surrounding properties and compatible with the rural landscape.

Section 2.0 of the PPS provides policies related to the Wise Use and Management of Resources. Section 2.1 Natural Heritage Features and Section 2.2 Water were reviewed specifically as it relates to the subject application.

## **2.1 Natural Heritage**

*2.1.1 Natural features and areas shall be protected for the long term.*

*2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

*2.1.5 Development and site alteration shall not be permitted in:*

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;*
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- d) significant wildlife habitat;*
- e) significant areas of natural and scientific interest; and*
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)*

*unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

*2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

The subject lands contain woodland and wetlands, as per the mapping provided by the Ministry of Natural Resources and Forestry (see Figure 2). The subject lands are located in Ecoregion – 5E. Through a previous consent application, to create the subject lands, a Natural Features Evaluation was prepared by Riverstone Environmental Solutions Inc.. The Natural Features Evaluation was undertaken to address federal, provincial and municipal requirements pertaining to the protection of significant natural features such as Species at Risk, wetlands and fish habitat. The following were identified on the subject lands:

- a portion of the subject lands front Type 1 fish habitat, which should be protected;
- a large wetland and watercourse are located on the property which should be protected from development through buffering; and
- a Hazard Area designation should apply to the wetland community and all development and site alteration setback 30 m from this feature.

The development proposed through this application is in accordance with the Natural Features Evaluation, no development is proposed within Type 1 fish habitat, the wetland or watercourse. No change to the Hazard Area is proposed through this application.

## 2.2 Water

### 2.2.1 *Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- b) *minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- f) *implementing necessary restrictions on development and site alteration to:*
  1. *protect all municipal drinking water supplies and designated vulnerable areas; and*
  2. *protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*
- g) *planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;*
- h) *ensuring consideration of environmental lake capacity, where applicable; and*
- i) *ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

The application to reduce the setback, to a dwelling and detached garage with guest cabin above, to Fisher Lake has considered the PPS. The application proposes development on the subject lands in accordance with the Consent Agreement registered on title of the subject lands. The Agreement implemented the recommendations of the Natural Features Evaluation, which provides that a 20m development setback from the lake shoreline is suitable to protect the natural features and functions provided that the vegetation in the buffer remains in a natural state.

**The proposed development to construct a dwelling and detached garage with guest cabin above is consistent with the Provincial Policy Statement, 2020.**

### ***Growth Plan for Northern Ontario***

The Growth Plan for Northern Ontario is in part an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan. The Plan has been prepared under the *Places to Grow Act, 2005*.

One of the guiding principles in Section 1.4 is to demonstrate leadership in sustainable growth and environmental management.

**The development has considered the environment through the design and location of the building envelope and implements the recommendations of the Natural Features Evaluation.**

The proposed development conforms with the Growth Plan for Northern Ontario.

### ***Town of Kearney Official Plan***

The subject lands are located within the Rural Lands and Shoreline designation as shown on Schedule 'A' to the Town Official Plan. Type 1 Fish Habitat has been identified along the shoreline of the subject lands and Flood Plain overlay have been identified on Schedule 'C' to the Town Official Plan.

As per Section 3.3. of the Official Plan, the Shoreline designation is intended to include lands generally within 150 metres (492 feet) from any standing waterbody greater than 8 hectares (20 acres), and lands which physically or functionally relate to the waterbody, although extending beyond 150 metres (492 feet) from the waterbody. As the development proposed is within the first 150 metres (492 feet) of Fisher Lake, the Shoreline designation policies have been reviewed for the purposes of this application. Section 3.3 further provides that limited low density residential uses are permitted within the Shoreline designation. The proposed use of the subject lands is permitted by the Official Plan.

Section 3.0 of the Official Plan provides the following description of the Shoreline designation:

### 3.0 SHORELINE

*The Shoreline designation describes the shoreline areas, which are located around lakes or rivers in the Town. These areas are composed of low-density residential development interspersed with resort commercial uses and marinas that provide recreational opportunities.*

*The shoreline area and its natural resources, which have attracted settlement, possess physically and environmentally sensitive areas. The natural heritage features and areas must be preserved and protected. Constraints such as flooding impose limitations on development in the shoreline area for safety, or environmental reasons.*

**The proposed development consists of low-density residential development, which preserves and protects natural heritage features and areas.**

Section 3.1 of the Official Plan sets out the Goal and Objectives for the Shoreline designation which includes the following:

- b. ensure that the quality of the lake and river environment is maintained;*
- c. ensure that all development is compatible with and protects the enjoyment of shoreline areas without risk to public health and safety;*
- e. preserve the aesthetic qualities and scenic features of shoreline areas;*

**The Natural Features Evaluation concluded that a 20m setback would ensure that the quality of the lake is maintained. The development will be compatible with the shoreline area and will preserve the aesthetic qualities and scenic features of the shoreline area with the maintenance of a 20m vegetated buffer.**

Section 3.2 of the Official Plan sets out design principles for development in the Shoreline designation.

- a. the natural waterfront landscape should prevail with built form blending into landscape and shoreline creating minimal visual encroachment on the lake environment;*

**The proposed development will blend into the landscape and will create minimal visual encroachment on the lake environment.**

- b. natural shorelines will be retained or restored;*

**The natural shoreline will be retained. A 20m vegetated buffer is only proposed in front of the development envelope, while the remainder of the shoreline will be maintained in a natural state to a minimum depth of 30m or greater.**

- d. disturbance on lots should be limited and the maximum amount of vegetation should be retained on a lot;*

**The development on the subject lands is proposed within one identified building envelope in order to minimize disturbance and retain the maximum amount of vegetation on the lot.**

- h. buildings and structures should be low profile and generally should not exceed the height of the tree canopy, but a prominent building may be considered for resort commercial development;*

**The buildings have been designed to be low profile and will not exceed the height of the tree canopy. The requested amendment to increase the height of a detached garage with a guest cabin above is proposed having a lower height than the maximum height permitted for a dwelling and a detached garage without a guest cabin.**

- i. building mass and coverage should be limited in relation to the site and frontage of the property and the character of the surrounding area;*

**The application proposes a dwelling and a detached garage, with guest cabin above, in order to minimize the coverage on the property. The proposed development is in character with the surrounding area.**

- k. building envelopes and the associated activity area should be defined, and located in the most appropriate area on the property, with the remainder of the property generally remaining in its natural state;*

**The building envelope is proposed in the most appropriate area on the property and the remainder of the property will remain in a natural state. Due to the depth of the property, in the location of the development, the reduction in setback to the lake is being requested. This setback was proposed and accepted through the original consent application in accordance with the recommendations of the Natural Features Evaluation.**

- m. disturbance for the construction of roads and other services should be kept to a minimum.*

**The development is proposed in the most appropriate location in order to minimize disturbance for roads and other services.**

### 3.3.2 Shoreline Residential

*Low-density residential development, with structures setback from the shoreline in order to achieve a natural appearance, is envisioned for the Shoreline designation. The traditional form of linear residential development along the shoreline is recognized. Back lot development will be limited through lot size and access requirements.*

1. *Within the Shoreline designation, residential uses will be limited to single detached dwellings in the form of shoreline development and back lot development.*

**The proposed development is a residential use consisting of a single detached dwelling and accessory structures.**

### 3.3.4 Road Frontage / Access

1. *New shoreline lots shall generally front on a road maintained throughout the year by the municipality.*
2. *Notwithstanding, a private road may be permitted in accordance with the "Private Road" policies of this Plan.*
4. *All owners of properties that will be accessed by a private road, an access road over Crown Land or over an unopened road allowance, , or extensions to existing roads, shall enter into an agreement with the Town, to be registered on the title of all of these affected properties, to indemnify the Town and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.*

The subject lands were created through consent application no. B-035/12, the subject lands are the severed lands. The Consent Agreement registered on title provides the following:

*The Owners acknowledge and agree to ensure that the severed parcel and Part 2 of Plan 42R2710 in Part of Lot 35, Concession 8 of Perry Township will not be transferred separately, thus ensuring continued access to Emsdale Lake Road for the severed parcel.*

The agreement further states:

*The Owners acknowledge and agree to recognize that access to the severed parcel will be over Part 2, Plan 42R2710 only and not from Dallaire Lane or through the retained parcel.*

**The subject lands were created with access provided over Part 2, Plan 42R2710. Any access issues were addressed through the creation of the subject lands through B-035/12. The owners have continued access to Emsdale Lake Road across Part 2 of Plan 42R2710, which is also under their ownership.**

### *3.3.6 Shoreline Buffer*

*Notwithstanding the Shoreline Activity Area policies, the remaining shoreline frontage should be retained or restored as an undisturbed shoreline buffer of riparian vegetation and soils mantle. This buffer, consisting of existing native vegetation or revegetated materials, shall extend at least 30 metres (100 feet) back from the shoreline, in order to:*

- a. protect the riparian and littoral zones and associated habitat;*
- b. prevent erosion, siltation, and nutrient migration;*
- c. maintain shoreline character and appearance; and*
- d. minimize the visual impact of development.*

*Where a shoreline buffer is adjacent to a wetland, the buffer is to be measured from the inland extent of the wetland.*

**The subject lands will retain an undisturbed shoreline buffer across the entire shoreline frontage, in accordance with the Natural Features Evaluation. The report provides that vegetation between the shoreline and development acts as a buffer to absorb nutrients, chemicals and sediment, where the recommendation was a 20 m Shoreline Area Vegetation Buffer. The consent agreement registered on title requires a 20 m Shoreline Area Vegetation Buffer across the entire shoreline frontage, with the exclusion of a pathway to the shoreline through the setback having a maximum width of 2.5 metres, meander and be constructed of permeable substances. A shoreline buffer extending the entire depth of the property will exist outside of the proposed building envelope, where no shoreline activity area is permitted.**

Section 6.0 of the Official Plan includes Natural Heritage policies. Section 6.1 provides that the objective of the Natural Heritage policies is to:

1. *support development which is environmentally sustainable, energy efficient, and which conserves the natural features and characteristics of the land, lakes, and rivers;*
2. *implement an ecosystem approach to planning and development that minimizes the disruption of natural heritage values;*
3. *require the appropriate assessment to protect natural heritage values;*
4. *offer locally and provincially significant wetlands the same high level of protection;*
5. *establish setbacks from the high water mark of water resources which conserve the riparian zone in shoreline areas; and*
6. *regulate the use of pesticides and herbicides for cosmetic purposes.*

**The application to reduce the setback to the lake demonstrates conformity with these policies through the Natural Features Evaluation which was submitted with the consent application to create the subject lands.**

### *6.3 Woodlands and Vegetation Cover*

*Woodlands are complex ecosystems of different tree species, shrubs, ground vegetation, and soil complexes that provide habitat for many plants and animals and economic benefit to both the private landowner and the general public. Woodlands is a general term which collectively refers to areas occupied by trees, treed areas, woodlots, forested areas, and naturalizing woodland edges.*

1. *This Plan recognizes that preserving vegetation along waterways, on sites subject to development, and along roadways contributes to the overall health of the area and helps lessen the environmental impact of development and improve the visual appeal of newly developed areas. Development proposals shall be required to preserve vegetative cover or replace vegetative cover when removal cannot be avoided.*
2. *This Plan supports the retention or restoration of the natural vegetative buffer adjacent to all waterbodies and watercourses as a mean of protecting water resources and its related ecological function from the negative impacts of development.*

**The development proposes to preserve all vegetation on the property outside of the building envelope. The natural vegetative buffer adjacent to the waterbody will be maintained along the entire shoreline frontage.**

### 6.3.1 Policies

1. *This Plan shall require the retention and/or establishment of mature tree cover and native shrubs and vegetative cover on lands within 30 metres (100 feet) of a high water mark of a water resource in order to protect the riparian and littoral zones and associated habitat, prevent erosion, reduce phosphorous loading, siltation and nutrient migration, maintain shoreline character and appearance, and minimize the visual impact of development.*
2. *Notwithstanding the 30 metre (100 feet) vegetative buffer, a water access area is permitted in accordance with Section 3.3.5 and 3.3.6 of this Plan. The natural shoreline must be disturbed as little as possible and the balance of the water front outside of the access area must be maintained in a natural state. Within the natural vegetative buffer, the pruning of trees for viewing purposes or the removal of trees for safety reasons may be permitted provided the intent of the policy is maintained. All other policies and approvals for work near water resources shall apply and may be subject to site plan approval.*

**As provided above, the development proposes to retain all vegetation on the subject lands outside of the building envelope. A water access area is not permitted on the subject lands, and the natural shoreline across the entire frontage will be maintained in a natural state.**

Section 6.4.4.1 provides policies related to Fish Habitat.

5. *Development and site alteration shall be set back a minimum of 30 metres (100 feet) from a waterbody or watercourse. Decreases to the 30 metre setback shall only take place where it has been demonstrated through a fish habitat assessment that there will be no negative impacts to the fish and its habitat. In this a fish habitat biologist shall be required to provide a detailed impact analysis exploring options in design and location of the undertaking for the purpose of clearly demonstrating avoidance of any predicted harmful impacts. Decreases shall only be considered when there is no other practical alternative for development of the land.*

**A Natural Features Evaluation was provided with the consent application to create the subject lands. This Evaluation provided that a 20 metre setback to the lake was supported through recommendations regarding the maintenance of existing vegetation, sediment/erosion control measures and that the docking facility be located within the area shown as Type 2 Fish Habitat.**

**The area of the subject lands within the Flood Plain overlay is not proposed for development.**

**The proposed development to construct a dwelling and a detached garage, with guest cabin above, conforms to the Town of Kearney Official Plan.**

***Town of Kearney Comprehensive Zoning By-law 2022-20***

The Subject Lands are within the Residential Waterfront (RWF-27) Zone and Hazard Lands (HZ) Zone. The owners are proposing to construct a dwelling and a detached garage, with guest cabin above. No development is proposed within the Hazard Lands Zone. Site Specific Zoning By-law 2014-16 permits a minimum required lot frontage on the road of 45.7 metres.

The application proposes to amend the zoning by-law to permit a reduced front yard setback and permit a guest cabin above a detached garage. Specifically, relief is being requested from the following provisions of Zoning By-law 2022-20:

<b>Section</b>	<b>By-law Wording</b>	<b>Relief Requested</b>
3.2.7 Guest Cabin / Bunkie iv)	the building has a height not greater than 6.0 metres;	To permit a guest cabin above a detached garage having a height not greater than 7.0 metres;
3.2.7 Guest Cabin / Bunkie v)	The building complies with all of the setbacks that apply to the principal building on the lot.	To permit a guest cabin above a detached garage that complies with all of the setbacks that apply to the garage building on the lot, specifically being located no closer than 3.0 m to the rear lot line
3.28.2 Vegetative Buffer	A vegetative buffer of 30 metres shall be maintained from the shoreline	To permit a vegetative buffer of 20 metres to be maintained from the shoreline
4.2.3 Yard Requirements (min.) Front (abutting a navigable waterway)	30.0 metres	20.0 metres

The Zoning By-law permits a maximum height of an accessory building in a Residential Zone of 7.5 metres. The by-law further provides that where there is an Additional Residential Unit located as a second storey the zone provisions apply. The by-law does not address where a guest cabin is located in a second storey. The subject lands are not permitted an Additional Residential Unit as the property is a waterfront lot, however a guest cabin is permitted.

The by-law permits a maximum height of 6.0 metres for a guest cabin. The owners are requesting that a guest cabin be permitted above a detached garage, where the total height of the building is not greater than 7.0 metres.

The owners are also requesting that the setbacks to the guest cabin above a detached garage be permitted the yard setback requirements for the detached garage. As the

detached garage is permitted a lesser rear yard setback than the principal building, the amendment would permit the guest sleeping cabin to be located in compliance with the detached garage, within which it is situated, as set out in Section 3.2.5.

The reduction in front yard setback and vegetated buffer are directly related and are proposed to be amended as the subject lands do not contain enough depth in the area of the proposed development to allow for a greater setback.

The proposed development otherwise meets all other provisions of the Town of Kearney Comprehensive Zoning By-law.

It is our opinion that the proposed development to permit a reduced front yard setback and permit a guest cabin above a detached garage is in keeping with the character of the area, will not have a negative impact on the natural environment and is appropriate for the development of the subject lands.

### **Summary**

The proposed application for a reduced front yard setback to a dwelling and detached garage, from the existing requirement of 30 metres (98.4 ft.) to 20 metres (65.6 ft.), and permit a guest cabin above a detached garage, will maintain the existing vegetation on the lands outside of the identified building envelope, is in character and is compatible with surrounding development and is supported by the Natural Features Evaluation, by Riverstone Environmental Solutions Inc..

The proposal is consistent with the PPS, does not conflict with the Growth Plan for Northern Ontario and conforms with the Town Official Plan. The application is appropriate and represents good planning.

Regards,



Melissa Markham, MCIP, RPP

### **Attachments**

- Attachment 1 – Draft Zoning By-law
- Attachment 2 – Site Plan
- Attachment 3 – Building Elevations
- Attachment 4 – Registry Office Documents

Attachment I

# Draft Zoning By-law

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

**BY-LAW NO. 2024-XX**

Being a By-law under the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to amend By-law No. 2022-20, as amended, the Town of Kearney Zoning By-law, with respect to lands described as PT LOT 1, CON 8 BETHUNE; PERRY. Being all of the lands described in PT 1 42R20148, in the Geographic Township of Bethune, now in the Town of Kearney.

**WHEREAS** By-law No. 2022-20 was passed under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and regulates the use of land and the use and erection of buildings and structures within the Town of Kearney;

**AND WHEREAS** the Council of the Town of Kearney conducted a public meeting in regard of the subject application as required by Section 34(12) of the *Planning Act*, R.S.O. 1990, as amended;

**AND WHEREAS** Section 34 of the *Planning Act*, R.S.O. 1990, as amended, permits Council to pass an amending Zoning By-law, and the Council of the Town of Kearney deems it advisable to amend By-law No. 2022-20 with respect to the lands described in this By-law;

**AND WHEREAS** the matters herein are in conformity with the provisions of the Official Plan of the Town of Kearney;

**NOW THEREFORE** the Council of the Town of Kearney hereby enacts as follows:

1. THAT By-law No. 2022-20, as amended, is hereby amended as follows:
  - a) That Section 4.2.5.27 be amended to add the following below Minimum Required Lot Frontage on the road:

Minimum Required Front Yard Setback from the lake	20.0 metres
Minimum Vegetative Buffer maintained from the shoreline	20.0 metres
Maximum Height of a Building containing a guest cabin above a detached garage	7.0 metres
Minimum Required Rear Yard Setback to a Building containing a guest cabin above a detached garage	3.0 metres

2. This By-law shall become effective on the date that it is passed by the Council of the Town of Kearney, subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended.
3. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 34(18) of the *Planning Act*, R.S.O. 1990, as amended.

READ a first and second time this \_\_\_th day of \_\_\_\_\_, 2024.

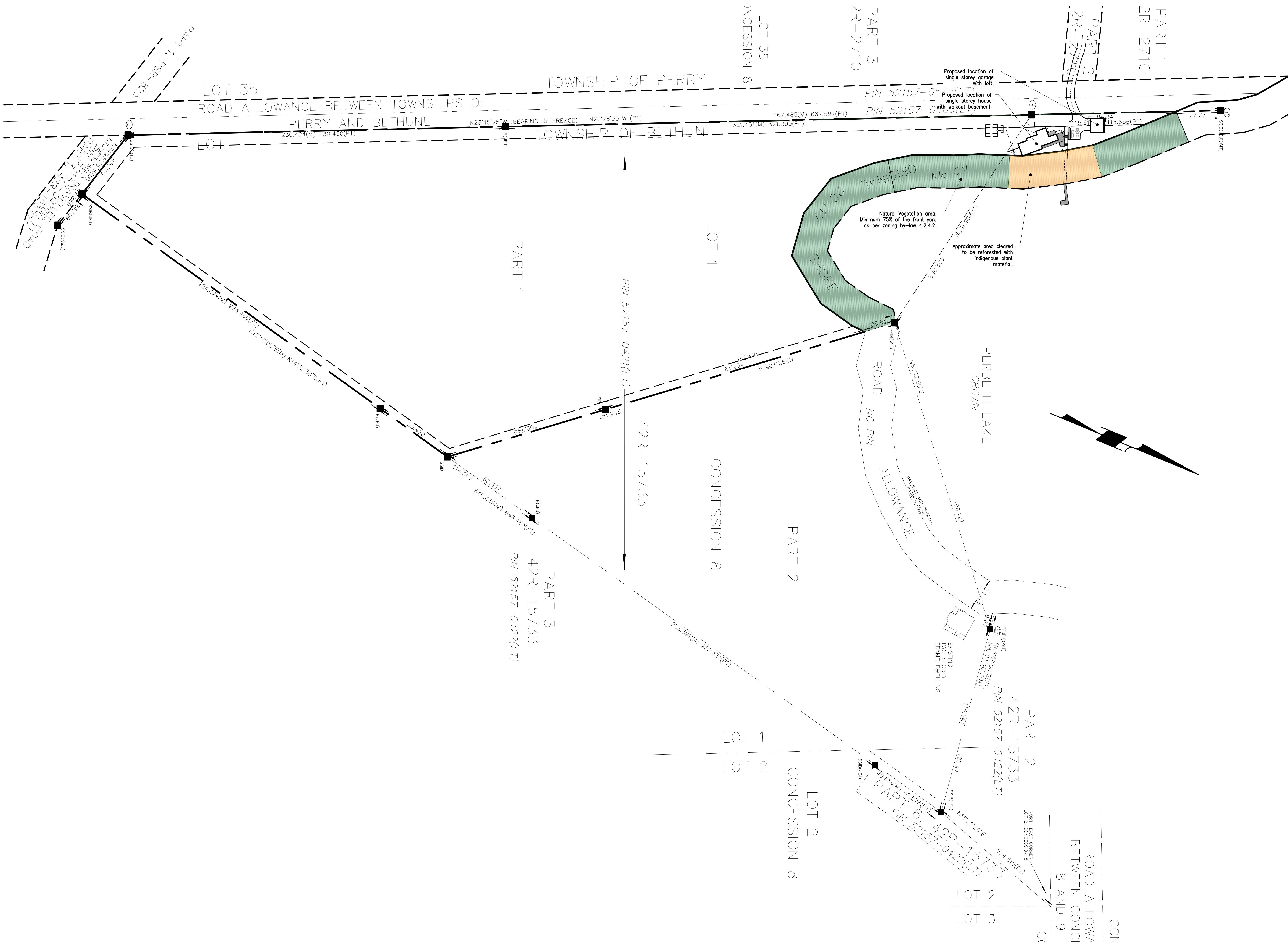
READ a third time and finally passed this \_\_\_th day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor, Cheryl Philip

\_\_\_\_\_  
Clerk Administrator, Nicole Gourlay

Attachment II

**Site Plan**  
by LEA



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Verify all dimensions and details and report all discrepancies to Architect. Do not scale drawings.

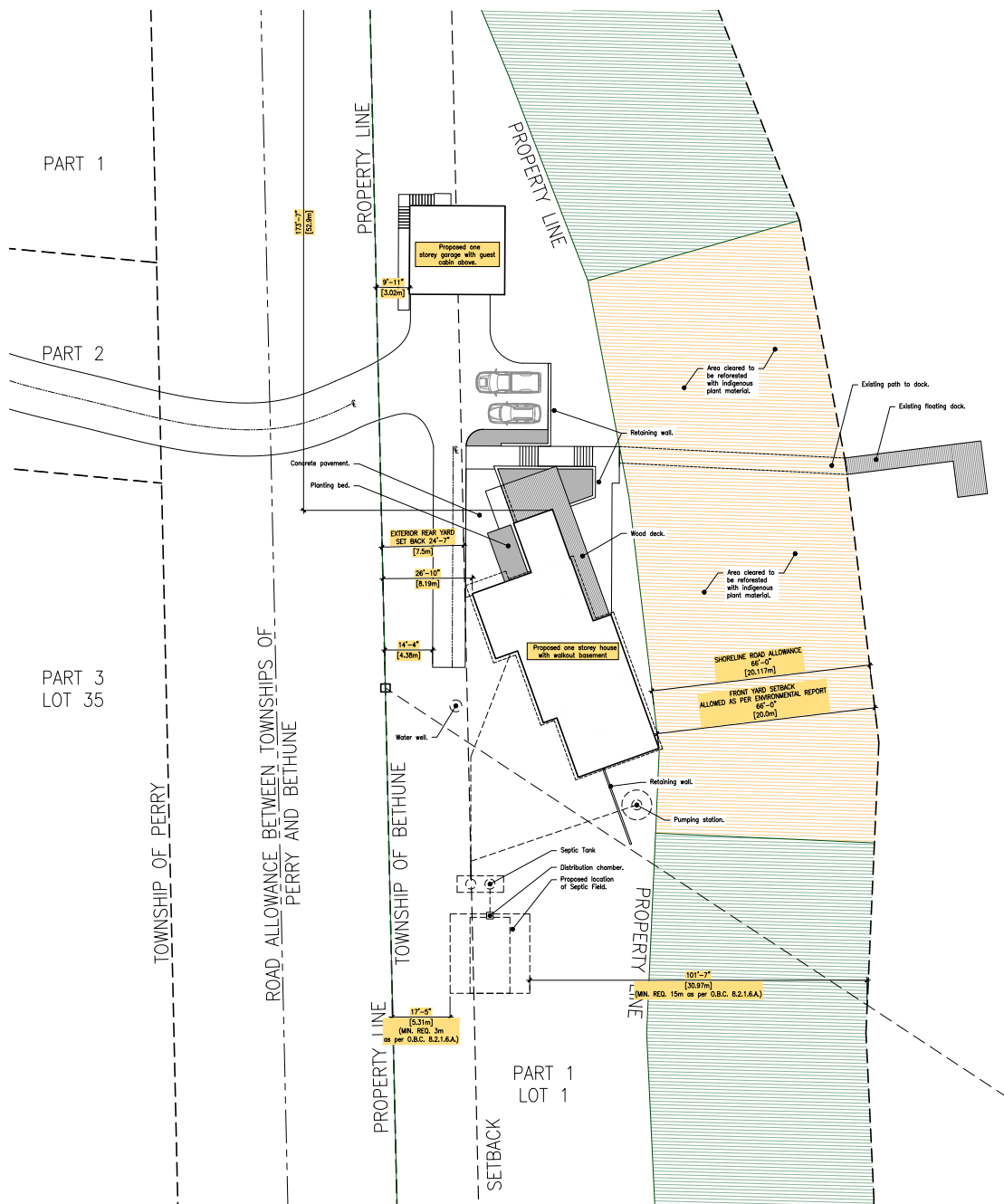
REVISIONS		
No.	Date	Description
1.	September 2022	Revised following meeting with the Town on Tuesday 27, 2022.
2.	September 2023	Revised

PRELIMINARY ONLY  
Not for Construction



185 1<sup>st</sup> AVENUE E., NORTH BAY, ON, CANADA - P1B 1N6  
T 705 497 9191

PROJECT	
<b>Waffle Lake House</b>	
Kearney, ON	
SCALE 1:1000	DRAWN LEA
DATE Fall 2023	
TITLE Site Plan	
DRAWING <b>A100</b>	PROJECT <b>22008</b>



**site plan notes:**

- This is not a plan of survey and shall not be used except for the purpose indicated in the title block.
- All site information contained on the drawing is taken from Robert M. McDermott Surveying Limited Ontario Land Surveyors, Port Sydney, Ontario., file 7070, dated March 20, 2014. LEA assumes no responsibility for survey information contained on this drawing.
- Zoning Designation: Residential Waterfront Zone (RWF-27)

BUILDING AREAS	SQ.FT.	SQ.M
Main Floor	1763 sq.ft.	163.8 sq.m
Basement Floor	1700 sq.ft.	158.0 sq.m
Garage	576 sq.ft.	53.5 sq.m
Screen Porch	192 sq.ft.	17.8 sq.m
Deck	814 sq.ft.	75.6 sq.m

**SITE DATA**

Total LOT Area = 740890 sq.ft. (6.9 HA)  
 Proposed LOT Coverage = 2531 sq.ft (0.024 HA)  
 (Main house + Garage) ≈ 0.34%

	REQUIRED	PROPOSED
Minimum Setback from Navigable waterway	30m	20m (*20m allowed as per environmental report)
Minimum Front Yard Setback	30m	20m (*20m allowed as per environmental report)
Minimum Interior Side Yard Setback	5.0m	52.9m (North-West)
Minimum Interior Side Yard Setback	5.0m	540.0m (South-West)
Minimum Rear Yard Setback	7.5m	8.19m
Max Building Height	9.0m	7.33m
Minimum Natural Vegetation Area or Landscaped open space	75% of front yard	--

**SEPTIC FIELD:**

Min. Setback from water's edge	15.00m (as per O.B.C. 8.2.1.6.A.)	30.97m
Min. Setback from Rear Yard	3.00m (as per O.B.C. 8.2.1.6.A.)	5.31m

**NOTE:**  
 Refer to Natural Features Evaluation - Nightingale Property, Town of Kearney report by 'Riverstone Environmental solutions Inc.' for front yard setback exception.

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Reproduction of these documents without authorization from LEA is strictly prohibited.

Verify all dimensions and details and report all discrepancies to Architect. Do not scale drawings.

REV.	DATE	DESCRIPTION
1	September 2023	Revised following meeting with the Town on Family 27 2023
2	September 2023	Revised

PRELIMINARY ONLY  
 Not for Construction

LAROCQUE BUDER ARCHITECTS ARCHITECTS INC.  
 www.lba.ca  
**LEA**

18317 - Waffle Lake, North Bay, ON, Canada, P1B 1M6  
 7 866 991 8181

PROJECT  
**Waffle Lake House**

Kearney, ON

SCALE  
 1/16" = 1'-0"  
 LEA

DATE  
 Fall 2023

TITLE  
 Site Plan

REVISED  
 A101

PROJECT  
 22008

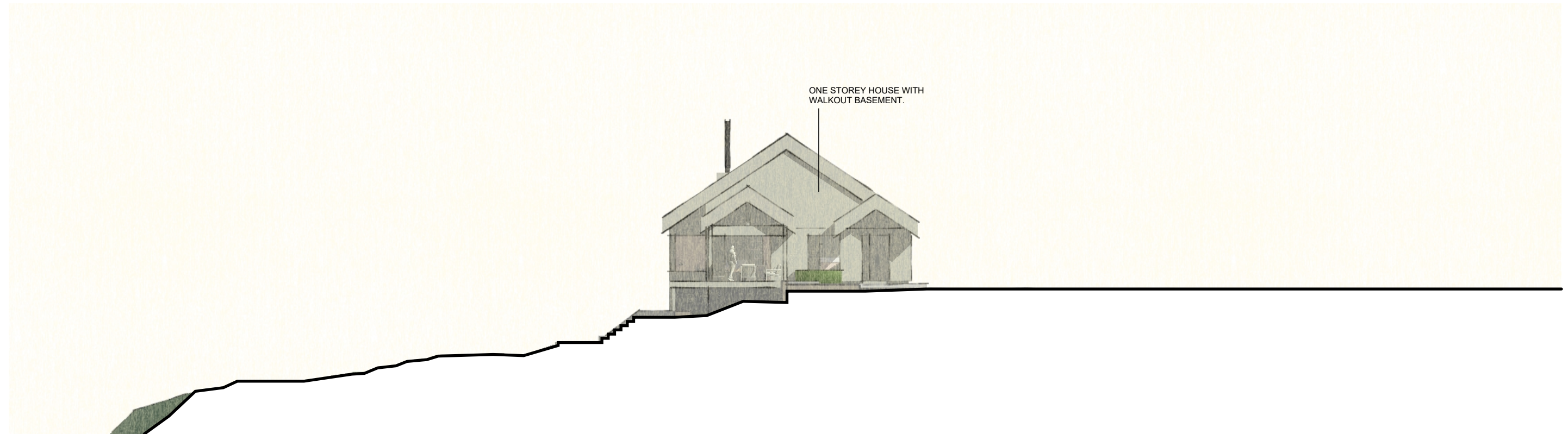
Attachment III

# Building Elevations

by LEA



**a** South Elevation  
1/16" = 1' - 0"



**b** West Elevation  
1/16" = 1' - 0"

DRAWING NO.:  
**A401**

Waffle Lake House  
KEARNEY, ONTARIO

188 5<sup>th</sup> AVENUE E . NORTH BAY . ON . CANADA . P1B 1N6  
T . 705 497 9191



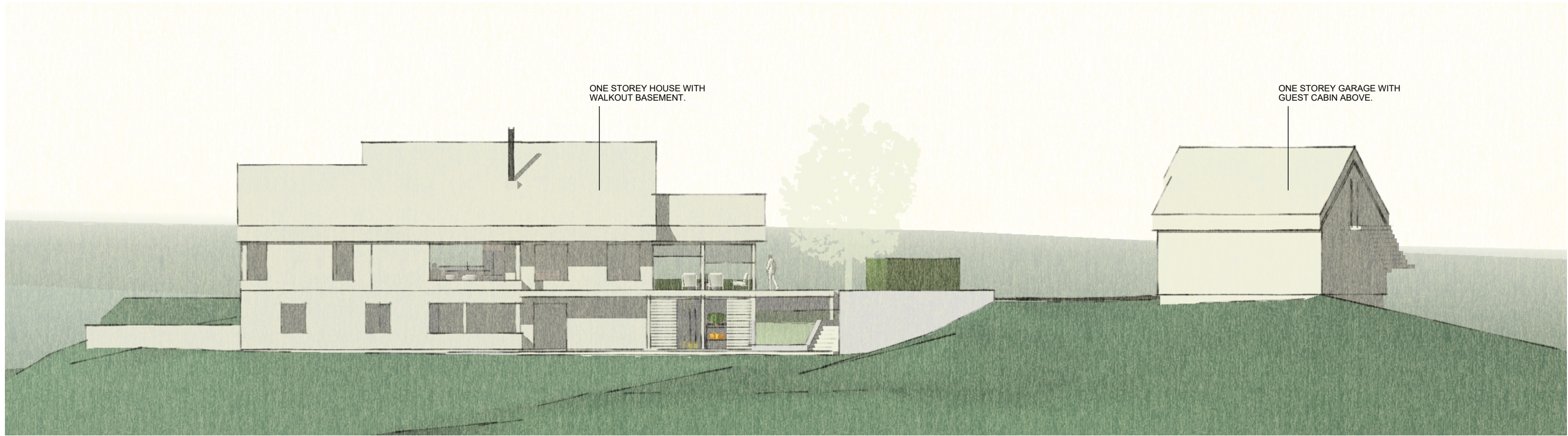
DRAWN BY:

SCALE: as noted

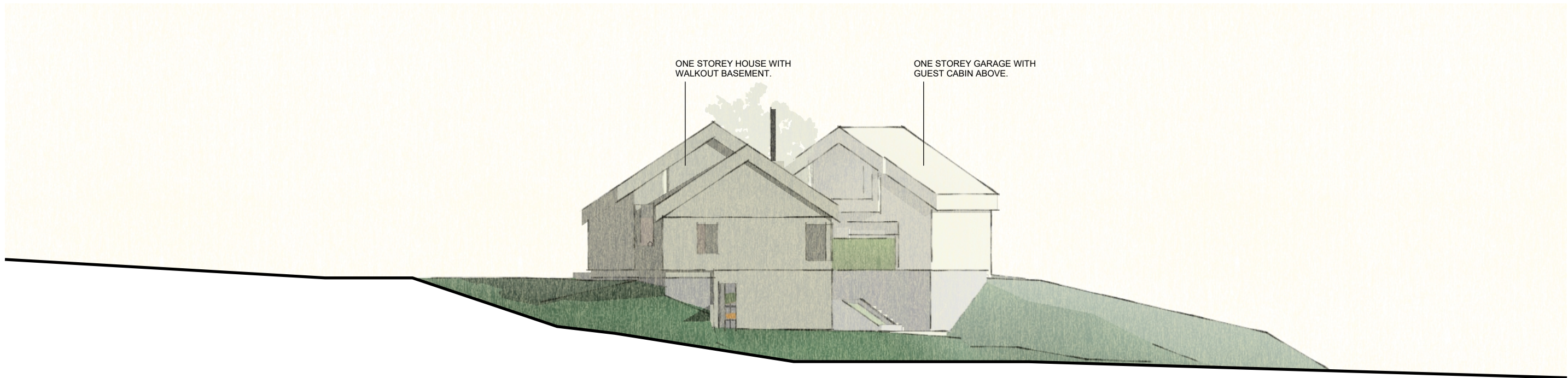
DATE: November 27, 2023

PROJECT NO.: 22008

LAROCQUE ELDER ARCHITECTS, ARCHITECTES INC.



**a** North Elevation  
1/16" = 1' -0"



**b** East Elevation  
1/16" = 1' -0"

DRAWING NO.:  
**A402**

Waffle Lake House  
KEARNEY, ONTARIO

188 5<sup>th</sup> AVENUE E . NORTH BAY . ON . CANADA . P1B 1N6  
T . 705 497 9191



DRAWN BY:

SCALE: as noted

DATE: November 27, 2023

PROJECT NO.: 22008

LAROCQUE ELDER ARCHITECTS, ARCHITECTES INC.

Attachment IV

# Registry Office Documents

LAND  
REGISTRY  
OFFICE #42

52157-0538 (LT)

PREPARED FOR MMPlanning  
ON 2023/11/02 AT 17:10:15

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION: PT LT 1 CON 8 BETHUNE PT 1 42R20148; T/W RO189593; TOWN OF KEARNEY

PROPERTY REMARKS: PLANNING ACT CONSENT IN DOCUMENT GB73312.

ESTATE/QUALIFIER:  
FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:  
DIVISION FROM 52157-0421

PIN CREATION DATE:  
2014/06/11

OWNERS' NAMES  
WAFFLE, DOUGLAS GEORGE  
RICHENS, BRENDA LYNNE  
WAFFLE, LINDSAY JEAN  
DHILLON, RYAN SINGH  
WAFFLE, EMILY CATHERINE  
DURIC, ALEC DEAN RICHENS

CAPACITY SHARE  
TCOM AS TO 1/6TH  
TCOM AS TO A 1/6T  
JTEN AS TO A PART  
JTEN AS TO A PART  
TCOM AS TO 1/6TH  
TCOM AS TO 1/6TH

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2009/03/23 **						
RO43188	1969/08/14	ORDER				C
RO178190	2001/05/04	AGREEMENT			TOWN OF KEARNEY	C
42R20148	2014/04/25	PLAN REFERENCE				C
GB74081	2014/07/03	NOTICE		THE CORPORATION OF THE TOWN OF KEARNEY		C
GB126421	2019/11/15	TRANSFER	\$180,000	JAY, CATHERINE NIGHTINGALE, LORAIN MARIE	WAFFLE, DOUGLAS GEORGE RICHENS, BRENDA LYNNE WAFFLE, LINDSAY JEAN DHILLON, RYAN SINGH WAFFLE, EMILY CATHERINE	C
REMARKS: PLANNING ACT STATEMENTS.						

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
GB126422	2019/11/15	CHARGE	\$130,000	WAFFLE, DOUGLAS GEORGE RICHENS, BRENDA LYNNE WAFFLE, LINDSAY JEAN DHILLON, RYAN SINGH WAFFLE, EMILY CATHERINE	WILLIAMS, PETER JOHN NIGHTINGALE, LORAIN MARIE	C
GB147349	2021/10/15	TRANSFER	\$29,891	WAFFLE, EMILY CATHERINE	DURIC, ALEC DEAN RICHENS	C

**PLAN OF SURVEY**  
 OF PART OF LOTS 1 AND 2, CONCESSION 8  
 GEOGRAPHIC TOWNSHIP OF BETHUNE  
 TOWN OF KEARNEY  
 DISTRICT OF PARRY SOUND

SCALE 1: 1200 METRES



R.M. McDERMOTT O.L.S.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE MARCH 20, 2014

R.M. McDERMOTT  
 ONTARIO LAND SURVEYOR

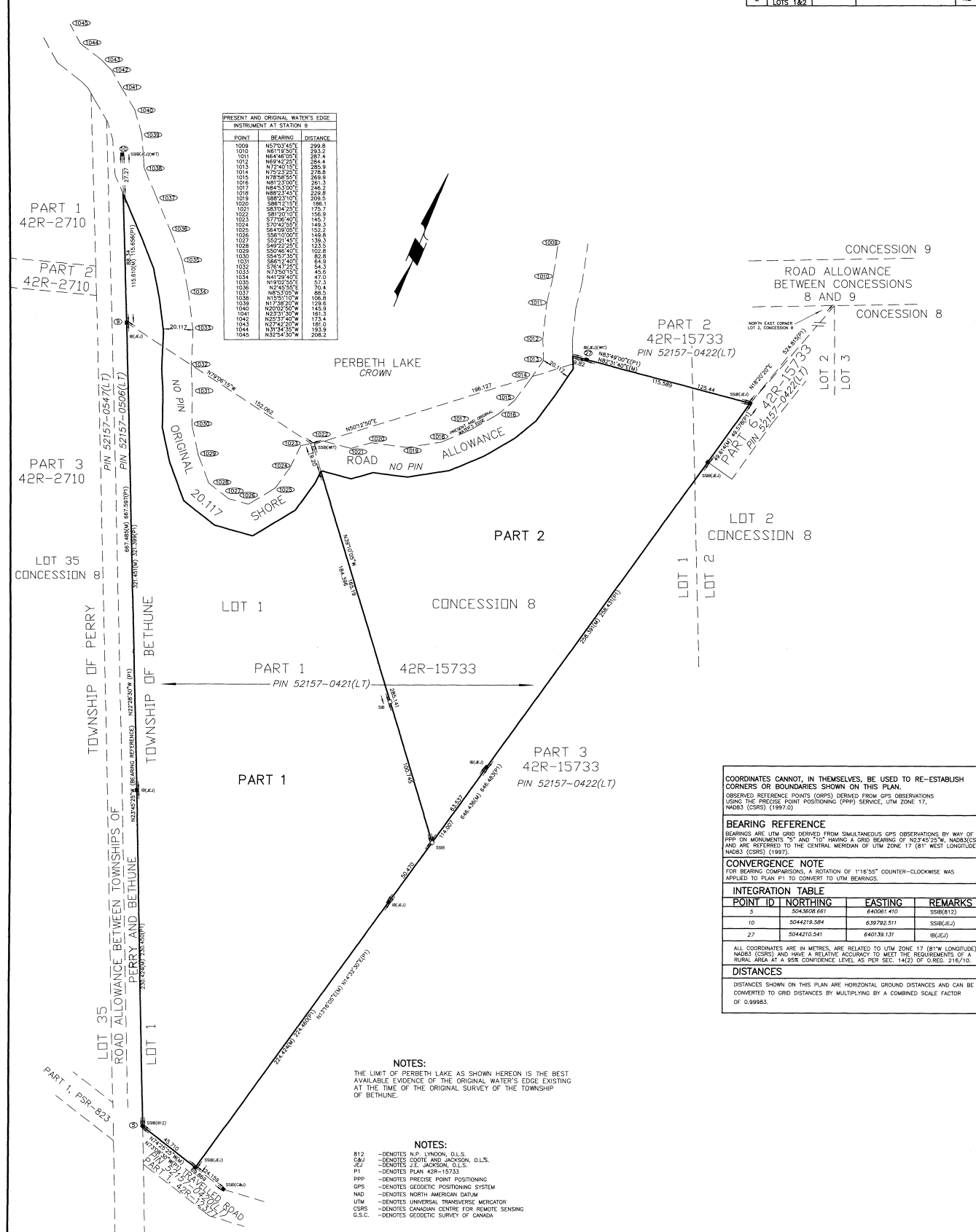
RECEIVED AND DEPOSITED  
 DATE APRIL 25, 2014  
 S. J. Thompson  
 REPRESENTATIVE FOR THE LAND TITLES DIVISION OF PARRY SOUND "42"

METRIC  
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCHEDULE OF PARTS				
PART	LOT	CON	PIN	AREA
1	PART OF LOT 1	8	ALL OF PIN 52157-0421(LT)	6.9 HA
2	PART OF LOTS 1&2			4.2 HA

PRESENT AND ORIGINAL WATER'S EDGE  
 INSTRUMENT AT STATION 9

POINT	BEARING	DISTANCE
1009	N73°14'45"E	298.8
1010	N61°19'20"E	283.2
1011	N64°46'22"E	287.4
1012	N69°42'22"E	284.4
1013	N72°46'12"E	288.9
1014	N78°58'22"E	289.9
1015	N84°53'00"E	246.2
1016	N88°23'12"E	229.9
1017	S88°23'12"E	209.5
1018	S88°23'12"E	186.1
1019	S88°23'12"E	158.9
1020	S88°23'12"E	142.7
1021	S88°23'12"E	127.7
1022	S88°23'12"E	113.2
1023	S88°23'12"E	99.2
1024	S88°23'12"E	85.7
1025	S88°23'12"E	72.7
1026	S88°23'12"E	60.2
1027	S88°23'12"E	48.2
1028	S88°23'12"E	36.7
1029	S88°23'12"E	25.7
1030	S88°23'12"E	15.2
1031	S88°23'12"E	4.2
1032	S88°23'12"E	3.2
1033	N73°14'45"E	43.6
1034	N61°19'20"E	37.0
1035	N64°46'22"E	36.4
1036	N69°42'22"E	35.9
1037	N72°46'12"E	35.4
1038	N78°58'22"E	34.9
1039	N84°53'00"E	34.4
1040	N88°23'12"E	33.9
1041	S88°23'12"E	33.4
1042	S88°23'12"E	32.9
1043	S88°23'12"E	32.4
1044	S88°23'12"E	31.9
1045	N32°24'30"W	208.2



COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

OBSERVED REFERENCE POINTS (ORPS) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 17, NAD83 (CSRS) (1997.0).

**BEARING REFERENCE**  
 BEARINGS ARE UTM GRID DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS BY WAY OF PPP OR MONUMENTS "S" AND "10" HAVING A GRID BEARING OF 92°14'02.5"W, NAD83(CSRS) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE), NAD83 (CSRS) (1997.0).

**CONVERGENCE NOTE**  
 FOR BEARING COMPARISONS, A ROTATION OF 1°16'55" COUNTER-CLOCKWISE WAS APPLIED TO PLAN #1 TO CONVERT TO UTM BEARINGS.

**INTEGRATION TABLE**

POINT ID	NORTHING	EASTING	REMARKS
3	5043608.661	640091.410	SSB(812)
10	5044219.584	639792.511	SSB(812)
27	5044210.541	640139.131	B(812)

ALL COORDINATES ARE IN METRES, ARE RELATED TO UTM ZONE 17 (81°W LONGITUDE), NAD83 (CSRS) AND HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF A RURAL AREA AT A 95% CONFIDENCE LEVEL AS PER SEC. 14(2) OF S.R.S. 216/10.

**DISTANCES**  
 DISTANCES SHOWN ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99983.

**NOTES:**  
 THE LIMIT OF PERBETH LAKE AS SHOWN HEREON IS THE BEST AVAILABLE EVIDENCE OF THE ORIGINAL WATER'S EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF BETHUNE.

- NOTES:**
- 812 - DENOTES N.P. LYNDON, O.L.S.
  - S&J - DENOTES SCOTT AND JACKSON, O.L.S.
  - J&J - DENOTES J.E. JACKSON, O.L.S.
  - PI - DENOTES PLAN 42R-15733
  - PPP - DENOTES PRECISE POINT POSITIONING
  - GPS - DENOTES GEODETIC POSITIONING SYSTEM
  - NAD - DENOTES NORTH AMERICAN DATUM
  - UTM - DENOTES UNIVERSAL TRANSVERSE MERCATOR
  - CSRS - DENOTES CANADIAN CENTRE FOR REMOTE SENSING
  - G.S.C. - DENOTES GEODETIC SURVEY OF CANADA

**LEGEND**

SIB	-DENOTES STANDARD IRON BAR
SSB	-DENOTES SHORT STANDARD IRON BAR
IB	-DENOTES IRON BAR
IRB	-DENOTES IRON BAR ROUND
RB	-DENOTES ROCK BAR
RP	-DENOTES ROCK POST
IRP	-DENOTES IRON PILE
(OU)	-DENOTES ORIGIN UNKNOWN
(M)	-DENOTES MEASURED
■	-DENOTES MONUMENT FOUND
□	-DENOTES MONUMENT PLANTED

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEREIN.  
 2) THE SURVEY WAS COMPLETED ON THE 24TH DAY OF FEBRUARY 2014.

PORT SYDNEY, ONTARIO  
 MARCH 20, 2014

R.M. McDERMOTT  
 ONTARIO LAND SURVEYOR

**ROBERT M. McDERMOTT**  
**SURVEYING LIMITED**  
**ONTARIO LAND SURVEYORS**  
 15-4 SOUTH MARY LAKE ROAD, PORT SYDNEY, ONTARIO  
 PHONE (705) 385-3198  
**PORT SYDNEY - ONTARIO**

CAD FILE: 2014-05.PRMCD D-0252

<p style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold;">FOR OFFICE USE ONLY</p> <p style="font-size: 24pt; font-weight: bold; text-align: center;">189593</p> <p style="text-align: center; font-weight: bold;">CERTIFICATE OF REGISTRATION PARRY SOUND 42 LAND REGISTRAR</p> <p style="text-align: center; font-weight: bold;">'03 AUG 29 PM 3 33</p> <p style="text-align: center; font-size: 24pt; font-weight: bold; color: blue;">Dug Taylor</p> <p>Additional: See Schedule <input type="checkbox"/></p>	<p>(1) Registry <input checked="" type="checkbox"/> Land Titles <input checked="" type="checkbox"/> (2) Page 1 of 3 pages</p>	<p>(3) Property Identifier(s) Block Property Additional: See Schedule <input type="checkbox"/></p>
	<p>(4) Consideration <b>TWENTY FIVE THOUSAND FIVE HUNDRED</b> Dollars \$ 25,500.00</p>	
	<p>(5) Description This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/></p> <p><b>Firstly: Registry, Part of Lots 1 and 2, Concession 8, Township of Bethune together with a right-of-way over Part of Lot 2, Concession 8, Township of Bethune; and Land Titles Together with a right-of-way over Parcel 26912, Parry Sound South Section being Part of Lots 3 and 4, Concession 8, Township of Bethune, now Town of Kearney District of Parry Sound.</b></p> <p><b>Secondly, Parcel 16622 Parry Sound South Section being Part of Lot 35, Concession 8, Township of Perry, District of Parry Sound (description continued on schedule annexed hereto and numbered page 2)</b></p>	
	<p>(6) This Document Contains (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input checked="" type="checkbox"/> Additional Parties <input checked="" type="checkbox"/> Other <input type="checkbox"/> (7) Interest/Estate Transferred Fee Simple</p>	
	<p>Executions Additional: See Schedule <input type="checkbox"/></p>	

(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that **Catherine Jay and Peter John Williams are spouses of one another**

Name(s)	Signature(s)	Date of Signature Y M D
JAY, Catherine		2003 08 25
WILLIAMS, Peter John		2003 08 25

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)	Signature(s)	Date of Signature Y M D

(10) Transferor(s) Address for Service **c/o Catherine Jay 38 Ferrah Street Unionville, Ontario L3R 1N5**

(11) Transferee(s)

Name(s)	Date of Birth Y M D
JAY, Catherine	1953 02 20
WILLIAMS, Peter John as joint tenants, as to a one-half interest	1944 01 29

(12) Transferee(s) Address for Service **c/o Catherine Jay 38 Ferrah Street Unionville, Ontario L3R 1N5**

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.

Signature _____ Date of Signature Y M D _____	Signature _____ Date of Signature Y M D _____
Solicitor for Transferor(s) have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.	
Name and Address of Solicitor _____ Signature _____ Date of Signature Y M D _____	

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 50 (22) (c) (ii) of the Planning Act and that to the best of my knowledge and belief this transfer does not contravene section 50 of the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

(15) Assessment Roll Number of Property	City Mun. Map Sub. Par.	Multiple	
(16) Municipal Address of Property <b>Fisher Lake Kearney, Ontario</b>		(17) Document Prepared by: <b>Derek J. Miller THE MILLER LAW GROUP 322 Muskoka Road North # 3 Huntsville, Ontario P1H 1C4</b>	

Fees and Tax	
Registration Fee	60.00
Land Transfer Tax	Pd on LT
	254538
<b>Total</b>	<b>60.00</b>

Form 5 - Land Registration Reform Act  
**Additional Parties and Information**  
 (Attach to Form 1)

(8) Additional Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that

Richard Alexander Smerdon is not a spouse, Lorain Marie Nightingale is not a spouse Patricia Sue Muroff is not a spouse and Gordon Ellis Walker is not a spouse

Name(s)	Signature(s)	Date of Signature		
		Y	M	D
NIGHTINGALE, Lorain Marie		2003	08	25
MUROFF, Patricia Sue		2003	08	25
WALKER, Gordon Ellis		2003	08	25
SMERDON, Richard Alexander		2003	08	25

(11) Additional Transferee(s)

	Date of Birth		
	Y	M	D
SMERDON, Richard Alexander	1946	05	29
NIGHTINGALE, Lorain Marie	1955	11	17

as joint tenants as to a one-half interest

Box 5 -  
 Description continued

**FIRSTLY:**

**Registry:** Part of Lot 1 & 2, Concession 8  
 Township of Bethune  
 (now Town of Kearney)  
 District of Parry Sound  
 Designated as Part 1, Plan 42R- 15733

TOGETHER with a right-of-way in common with all others entitled thereto, for both foot and vehicular traffic in, over, along and upon that Part of Lot 2, Concession 8, in the said Township of Bethune designated as Parts 6, 7 & 8, Plan 42R-15733

**Land Titles:** TOGETHER with a right-of-way in common with all others entitled thereto, for both foot and vehicular traffic in, over, along and upon Parcel 26,912, Parry Sound South Section, being Part of Lots 3 & 4, Concession 8, Township of Bethune (now Town of Kearney), District of Parry Sound, designated as Part 1, Plan 42R-4483, AS SET OUT IN INSTRUMENT NO. LT. 243897.

**SECONDLY:**

Parcel 16, 622, Parry Sound South Section  
 Being Part of Lot 35, Concession 8  
 Township of Perry  
 District of Parry Sound  
 Designated as Part 2, Plan 42R-2710

BEING THE SAME LANDS MOST RECENTLY DESCRIBED IN TRANSFER / DEED #  
 181320

FOR OFFICE USE ONLY

Refer to all instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Pt Lot 2, Con. 8, Twp. of Bethune now Town of Kearney  
together with a right of way over Parcel 26192 P.S.S.S. and Parcel 16622 P.S.S.S. Part Lot 35, Concession 8,  
Township of Perry, District of Parry Sound

BY (print names of all transferors in full) Patricia Sue Muroff, Gordon Ellis Walker, Richard Alexander Smerdon, Lorain Marie Nightingale, Catherine Jay and Peter John Williams  
TO (print names of all transferees in full) Richard Alexander Smerdon, Lorain Marie Nightingale, Catherine Jay and Peter John Williams

I/We have personal knowledge of the facts herein deposed to and MAKE OATH AND SAY THAT:  
1. I am/We are (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- (a) the transferee(s) named in the above-described conveyance;
- (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
- (c) The President, Vice-President, Secretary, Treasurer, Director or Manager authorized to act for \_\_\_\_\_ (the transferee(s));
- (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse or same-sex partner) \_\_\_\_\_ who is my spouse or same-sex partner.
- (e) the transferor and  I am tendering this document for registration and  no tax is payable on registration of this document.

2. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$	<u>25,500.00</u>	} All blanks must be filled in. Insert "Nil" where applicable.
(b) Mortgages (i) Assumed (principal and interest)	\$	<u>Nil</u>	
(ii) Given back to vendor	\$	<u>Nil</u>	
(c) Property transferred in exchange (detail below in para. 5)	\$	<u>Nil</u>	
(d) Other consideration subject to tax (detail below)	\$	<u>Nil</u>	
(e) Fair market value of the lands (see instruction 2)	\$	<u>Nil</u>	
(f) Value of land, building, fixtures and goodwill subject to Land Transfer Tax (Total of (a) to (e))	\$	<u>25,500.00</u>	\$ <u>25,500.00</u>
(g) Value of all chattels - items of tangible personal property which are taxable under the provisions of the Retail Sales Tax Act	\$	<u>Nil</u>	\$ <u>Nil</u>
(h) Other consideration for transaction not included in (f) or (g) above	\$	<u>Nil</u>	\$ <u>25,500.00</u>
(i) Total Consideration	\$	<u>25,500.00</u>	

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00  
I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:  
 does not contain a single family residence or contains more than two single family residences.  
 contains at least one and not more than two single family residences.  
 contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ \_\_\_\_\_ and the remainder of the lands are used for \_\_\_\_\_ purposes.

Note: Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one percent upon the value of the consideration in excess of \$400,000.00 where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

4. If consideration is nominal, is the land subject to any encumbrance?  Yes  No

5. Other remarks and explanations, if necessary. n/a  
Lands in both Registry and Land Titles systems- tax paid on registration for Parcel 16622 P.S.S.S.

Sworn before me at the Town of Huntsville  
in the District Municipality of Muskoka  
this 29 day of August, 2003  
A Commissioner for taking Affidavits [Signature]

[Signature]  
DEREK J. MILLER  
Signature(s)

Property Information Record  
A. Describe nature of instrument: Transfer/Deed of Land  
B. (i) Address of property being conveyed (if available) Not Assigned  
(ii) Assessment Roll No. (if available) multiple  
C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed c/o Catherine Jay, 38 Ferrah Street, Unionville, Ontario L3R 1N5  
D. (i) Registration number for last conveyance of property being conveyed (if available) \_\_\_\_\_  
(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:  
THE MILLER LAW GROUP  
322 Muskoka Road North # 3, Huntsville, Ontario, P1H 1C4

For Land Registry Office Use Only  
Registration No. \_\_\_\_\_  
Registration Date (Year/Month/Day) \_\_\_\_\_  
Land Registry Office No. \_\_\_\_\_

School Support (Voluntary Election) (See reverse for explanation)

(a) Are all individual transferees Roman Catholic?	<input type="checkbox"/>	<input type="checkbox"/>
(b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Do all individual transferees have French Language Education Rights?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If Yes, do all individual transferees wish to support the French Language School Board (where established)?	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b).

PLAN 42R-2710

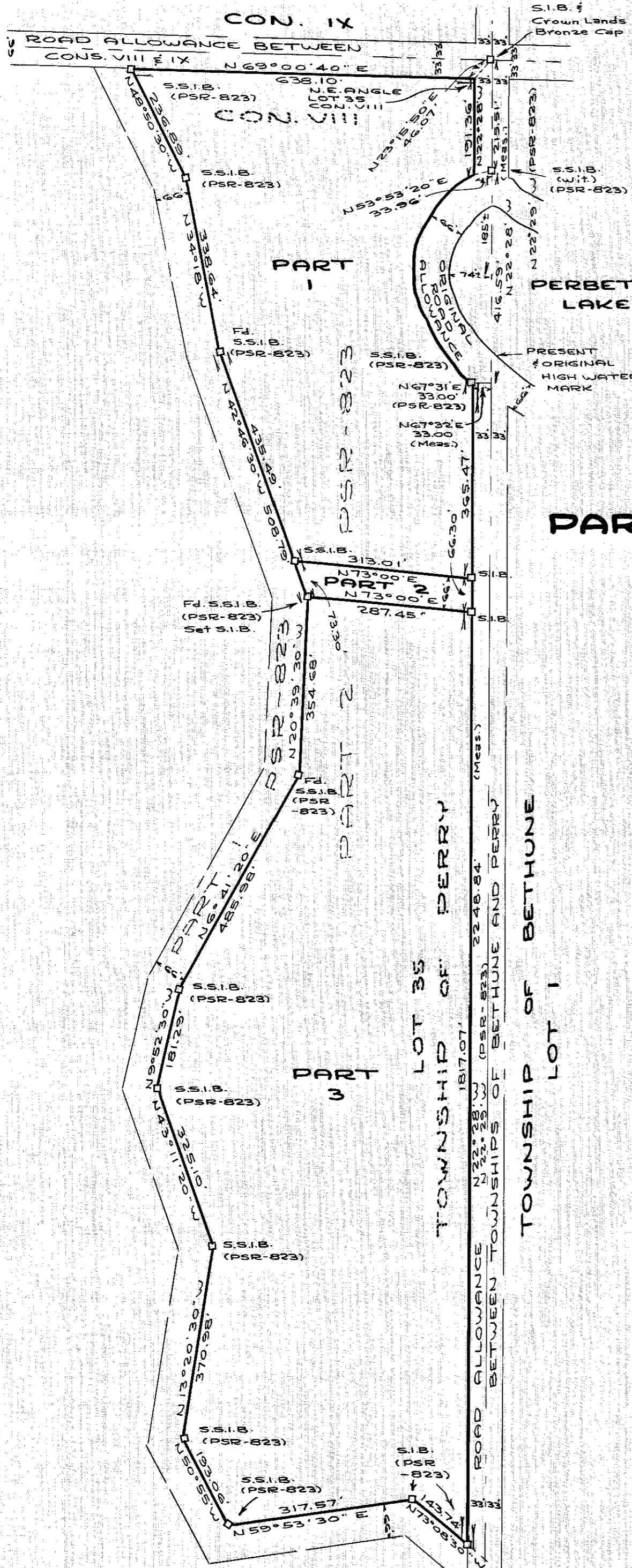
APPROVED *[Signature]* SEPT. 3, 1971  
DIST. EXAMINER OF SURVEYS

PLAN 42R 2710  
RECORDED Under No 79047  
Registered: Oct. 6, 1971

*[Signature]*  
Deputy MASTER OF TITLES

PARTS 1, 2 & 3 - PART OF PARCEL  
12079 R.S.S.S.

N 125-3794



PLAN AND FIELD NOTES OF SURVEY OF  
**PART OF LOT 35 CONCESSION VIII**  
**TOWNSHIP OF PERRY**

DISTRICT OF PARRY SOUND

SCALE - 1" = 200'

N. P. LYNDON O.L.S. - 1971

LEGEND

DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 BEARINGS ARE ASTRONOMIC, DERIVED FROM THAT PART OF THE WESTERLY LIMIT OF PART 2, PLAN PSR-823, WHICH IS ASSUMED TO BE N 42° 46' 30" W, AS SHOWN ON THE SAID PLAN.

- S.I.B. DENOTES IRON BAR 1" x 1" x 48"
- S.S.I.B. " " IRON BAR 1" x 1" x 24"

NOTE

THE LIMIT OF PERBETH LAKE AS SHOWN HEREON IS THE BEST AVAILABLE EVIDENCE OF THE ORIGINAL HIGH WATER MARK OR WATER'S EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF PERRY.

SURVEYOR'S CERTIFICATE

- I HEREBY CERTIFY:-
1. THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;
  2. THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN;
  3. THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY;
  4. THAT THE SURVEY WAS COMPLETED ON THE 24TH DAY OF AUGUST, 1971.

BRACEBRIDGE, ONTARIO, AUGUST 27, 1971

*[Signature]*  
 N. P. LYNDON  
 ONTARIO LAND SURVEYOR

# The Corporation of the Town of Kearney

## REGULAR COUNCIL MEETING MINUTES

Council Chambers

Thursday, June 20, 2024 – 6:00 p.m.

---

**Council Members Present:** Deputy Mayor: Michael Rickward (meeting Chair)

Councillors: Keven Beaucage, Heather Pateman, and Jill Sharer

Regrets: Mayor Cheryl Philip

**Staff Present:** Nicole Gourlay, Clerk Administrator (CA)  
Cindy Filmore, Deputy Clerk (DC)  
Paul Audette, Public Works Superintendent (PWS)  
Jason Newman (BLEO)  
Bryan Austin (BLEO)  
Matt Clouthier (CBO) remotely/virtually  
The BLEOs were present for their portion of the public meeting  
The CBO was present for his portions of the public meeting  
The DC and PW were present for the public portions of the meeting.  
The CA was present for the entirety of the meeting.

1. **Call the Meeting to Order** – the meeting was called to order at 6:02 pm
2. **Approval of Agenda**  
Resolution 2024-191  
Moved By: Councillor Beaucage, Seconded by: Councillor Pateman  
BE IT RESOLVED that the Agenda of the Regular Council Meeting of the Corporation of the Town of Kearney of June 20, 2024 be adopted as amended: Remove 5.3 Recreation Committee Minutes; Remove 12(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; Remove 12(2)(d) Labour Relations or employee negotiations  
CARRIED
3. **Disclosure of Interest**  
A Declaration of Pecuniary Interest was submitted by Deputy Mayor Rickward in regard to agenda item #7.5 as it is regarding immediate family members; A Declaration of Pecuniary Interest was submitted by Councillor Beaucage in regard to Cheque #33837 representing expenses for the NOW Caucus membership; A Declaration of Pecuniary Interest was submitted by Councillor Pateman in regard to Cheque #33855 representing expenses for council expenses; A Declaration of Pecuniary Interest was submitted by Councillor Sharer in regard to Cheque #33859 representing purchasing of 2 kids kayaks for Regatta prizes.
4. **Delegations/Presentations – Nil**
5. **Consent List**  
Resolution 2024-192  
Moved by: Councillor Beaucage, Seconded by: Councillor Sharer  
BE IT RESOLVED that the Consent List from the Regular Council Meeting of Thursday, June 20, 2024 be accepted and that all Recommendations contained therein be adopted as Resolutions of Council.  
CARRIED
6. **Items Referred from the Consent List**
7. **Items for Discussion**  
7.1 SR2024-40 KDSR Grant Application (Ontario Sports Hosting Grant)  
Resolution 2024-193  
Moved by: Councillor Beaucage, Seconded by: Councillor Pateman  
WHEREAS the Council of the Corporation of the Town of Kearney has received Staff Report SR 2024-40 regarding the Kearney Dogsled Race Committee's opportunity to apply for Provincial Funding to better support the 2025 Kearney Dogsled Races; AND WHEREAS this funding has been utilized by the Committee in the past; NOW THEREFORE BE IT RESOLVED that Council of the Corporation of the Town of Kearney hereby supports the Kearney Dogsled Race Committee's application to the Ontario Sports Hosting program of 2024- 2025  
CARRIED

7.2 SR 2024- Bice Student Bursaries 2024

Resolution 2024-194

Moved by: Councillor Sharer, Seconded by Councillor Pateman

WHEREAS the Council of the Corporation of the Town of Kearney has received Staff Report SR 2024-41 regarding the awarding of the Bice Bursary for 2024; AND WHEREAS two applications were received but neither applicant is attending a forestry course; AND WHEREAS Staff feel that one applicant is attending a program that is in keeping with the essence of the Ralph Bice Legacy; NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby awards the 2024 Bice Bursary of \$1,000 to Jordan Leeder in her pursuit of paramedicine studies.

CARRIED

7.3 SR 2024-42 Tenders

Resolution 2024-195

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

WHEREAS the Council of the Corporation of the Town of Kearney received SR 2024-42 regarding the Tenders for Public Works; AND WHEREAS Tender no 2024-01 Surface Pulverizing, Tender No 2024-02 Surface Asphalt paving; and Tender No. 2024-03 Double and Single Surface Treatment all closed with only one bidder; NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby awards:

Tender No. 2024-01 to Roto-Mill Inc. for the amount of \$24,220 + HST

Tender No. 2024-02 to Fowler Construction for the amount of \$660,512.16 + HST

Tender No. 2024-03 to Duncor Enterprises Inc. for the amount of \$98,320 + HST

CARRIED

7.4 SR 2024-43 DRAFT Trailer By-law with Comments from Fire and Building

Resolution 2024-196

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

WHEREAS the Council of the Corporation of the Town of Kearney has received Staff Report SR 2024-43 regarding the Trailer By-law; AND WHEREAS considerations from the Fire Chief's remarks had been included in the updated by-law provided to Council in March of 2024; AND WHEREAS Public Comments were received and considered by Council at the May 9, 2024 Regular Council Meeting; AND WHEREAS considerations from both the Fire Chief and the Chief Building Official have been received and included as an addendum to SR 2024-43; NOW THEREFORE Be it resolved that the Council of the Corporation of the Town of Kearney directs Staff to post notice of the intent to pass the Trailer By-law at the next regular meeting of Council.

CARRIED

Deputy Mayor Rickward left the table for item 7.5 as it is a matter regarding immediate family members. Councillor Jill Sharer stepped in to Chair this portion of the meeting.

7.5 SR 2024-44 Rob Rickward – MNR Work Permit

Resolution 2024-197

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

WHEREAS the Council of the Corporation of the Town of Kearney has received Staff Report SR 2024-44 regarding Rob Rickward's application for a Work Permit with the MNR; AND WHEREAS this type of application for this same property was supported in 2021 and is in a designated Fish Habitat 1 Zone; NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby supports Mr. Rickward's request for a Work Permit from the Ministry of Natural Resources to dredge a portion of his property; AND FURTHER THAT Section 6.4.4.1 of the Kearney Official Plan states: Near-shore or in-water development, such as docks, water access points, and swimming areas will not require a fish and fish habitat assessment however they shall be carefully assessed to meet the intent of the Official Plan through the appropriate review process; AND FURTHER THAT the agencies (MNR and DFO) ensure that Section 6.4.4.1 of the Kearney Official Plan is satisfied.

CARRIED

Deputy Mayor Rickward returned to the table and resumed the role of Chair for the meeting.

7.6 Regatta Festival Resolution re: Regatta Festival and Set up

Resolution 2024-198

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney, in accordance with the request from the Regatta Committee, hereby declares the Kearney Regatta to be a community festival being held on August 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup>, 2024; AND FURTHER that all By-laws that this festival contravenes (i.e. Noise By-law regarding fireworks and the Fireworks By-law) shall be suspended during the 2024 Kearney Regatta event; AND FURTHER Council authorizes the use of the Kearney Community Centre and equipment, as well as assistance from custodial services and the Town Public Works equipment and employees, as available for the 2024 Kearney Regatta event; AND FURTHER Council requests the Chief Building Official to inspect the tents as necessary for permit purposes; AND FURTHER Council authorizes the closure of the section of Main Street from the intersection of Lakeview Avenue and Main

Street, to the parking lot of the LCBO near the intersection of Rain Lake Road and Main Street from Friday August 2, 2024 at 6pm until Sunday August 4, 2024 at 11pm.

CARRIED

7.7 Report to Council from Fire Chief re New Junior Fire Fighter

Resolution 2024-199

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

BE IT RESOLVED the Council of the Corporation of the Town of Kearney accepts and approves the recommendation set out in the Fire Chief's Report as Agenda item 7.7 appointing Christian Buttineau as a Junior Firefighter/First Responder; AND FURTHER THAT the Council of the Corporation of the Town of Kearney welcomes Christian Buttineau as a Junior Member of the Kearney Fire & Emergency Services Team.

CARRIED

7.8 Support Resolution re Metro Zoo, Exotic Animals

Resolution 2024-200

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

WHEREAS Ontario has more private non-native ("exotic") wild animal keepers, roadside zoos, mobile zoos, wildlife exhibits and other captive wildlife operations than any other province; AND WHEREAS the Province of Ontario has of yet not developed regulations to prohibit or restrict animal possession, breeding, or use of non-native ("exotic") wild animals in captivity; AND WHEREAS non-native ("exotic") wild animals can pose very serious human health and safety risks, and attacks causing human injury and death have occurred in the province; AND WHEREAS the keeping of non-native ("exotic") wild animals can cause poor animal welfare and suffering, and poses risks to local environments and wildlife; AND WHEREAS owners of non-native ("exotic") wild animals can move from one community to another even after their operations have been shut down due to animal welfare or public health and safety concerns; AND WHEREAS municipalities have struggled, often for months or years, to deal with non-native ("exotic") wild animal issues and have experienced substantive regulatory, administrative, enforcement and financial challenges; AND WHEREAS the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) and the Municipal Law Enforcement Officers' Association (MLEOA) have indicated their support for World Animal Protection's campaign for provincial regulations of non-native ("exotic") wild animals and roadside zoos in letters to the Ontario Solicitor General and Ontario Minister for Natural Resources and Forestry; THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney hereby petitions the provincial government to implement provincial regulations to restrict the possession, breeding, and use of non-native ("exotic") wild animals and license zoos in order to guarantee the fair and consistent application of policy throughout Ontario for the safety of Ontario's citizens and the non-native ("exotic") wild animal population; AND FURTHER THAT that this resolution be forwarded to all municipalities in Ontario for support and that each endorsement then be forwarded to the Premier of Ontario Doug Ford, Ontario Solicitor General, Ontario Minister for Natural Resources and Forestry, local MPP Graydon AMO, AMCTO, and MLEAO.

CARRIED

7.9 Resolution from AHHC [additional information on desk]

Resolution 2024-201

Moved by: Councillor Beaucage, Seconded by Councillor Sharer

WHEREAS the Council of the Corporation of the Town of Kearney has received a request from the Almaguin Highlands Health Council to support the completion of a Request for Proposal for the Almaguin Highlands Healthcare Assessment and Strategic Road Map; AND WHEREAS the cost to complete this RFP has been determined to be approximately \$20,000; AND WHEREAS each municipality is requested to contribute 10% of this amount; NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney hereby commits \$2,000 to the Almaguin Highlands Health Council for the Healthcare Assessment and Strategic Road Map; AND FURTHER THAT these funds be pulled from working reserves.

CARRIED

7.10 Regional Fire Services Committee

Resolution 2024-202

Moved by Councillor Beaucage, Seconded by Councillor Sharer

WHEREAS the Council of the Corporation of the Town of Kearney has previously appointed Councillor Pateman and Deputy Mayor Rickward to the Regional Fire Services Committee; AND WHEREAS the Regional Fire Services Committee has requested that each Council may appoint one representative and one alternate; NOW THEREFORE BE IT RESOLVED that Councillor Heather Pateman shall serve as the Representative for Kearney and Deputy Mayor Michael Rickward shall serve as the alternate; AND FURTHER THAT the Council of the Corporation of the Town of Kearney hereby agrees to commencing the quarterly meetings of the Regional Fire Services Committee on August 22, 2024;

AND FURTHER THAT the Terms of Reference for the Regional Fire Services Committee be approved as submitted.

CARRIED

7.11 Planning Report re: Dallaire Consent  
Resolution 2024-203

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney hereby supports Consent Application B-005/24 (Dallaire) subject to the following conditions:

1. A development Agreement with the Town of Kearney be entered into, regarding access to the subject lands via the private Right of Way, Dallaire Lane and registered on title.
2. That prior to the finalization of consent, confirmation that the North Bay Mattawa Conservation Authority has outlined in writing that there is a suitable location for a septic system on the retained lands.
3. Confirmation in writing from the Town of Kearney that a 911 Address Number to the new lot created has been assigned.
4. A payment-in-lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Town of Kearney in cash or certified cheque.
5. That all Municipal taxes to date shall be paid in full.
6. The applicant provides confirmation from the Town of Kearney Public Works Department with respect to entrance approval.
7. That all Town fees and disbursements (legal, engineering, planning), if any incurred by the Town with respect to this application shall be paid for by the owner.
8. A draft reference plan of survey be provided to the Town of Kearney for review prior to registration.
9. 2 paper and 1 digital copy of the reference plan be provided to the Town of Kearney after Registration.

CARRIED

## 8. Other Business

8.1 MMAH Training for Council and Staff  
Resolution 2024-204

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests training from the Municipal Affairs Representatives and Integrity Commissioner for Council and Staff for a variety of topics, subject to budgetary provisions.

CARRIED

8.2 Availability and Scheduling of the Seniors Room  
Resolution 2024-205

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney requests the consideration of the use of the Seniors Room for meetings be scheduled in a manner that would not interfere with the Kearney Seniors & Crafts use of their room.

CARRIED

Lost internet connectivity at 7:08pm

Resolution 2024-206

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kearney deems it necessary to proceed with tonight's meeting after losing connectivity at 7:08 pm contrary to Section 3.4 of the Town of Kearney's Procedural By-law 2023-52

CARRIED

8.3 Transfer Station Tipping Fees  
Resolution 2024-207

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

WHEREAS the Council of the Corporation of the Town of Kearney has heard from their constituents that the changes to the Transfer Stations fees in 2023/24 are exorbitant; AND WHEREAS Council has determined their desire to review the Transfer Station Fees as set out in the Fees and Charges By-law 2023-64; NOW THEREFORE BE IT RESOLVED that Staff be directed to review the current Transfer Station Fees as set out in By-law 2023-64 with considerations to include: Costs of individual items vs trailer load costs; The need for cost recovery be discussed and consideration given to current taxation coverage of this expense; The use of a "free to good home" table or area be discussed; The perceived increase in roadside "dumping"; A re-evaluation of the entire Transfer Station operations; AND FURTHER that this report be brought to Council by the end of September.

CARRIED

8.4 Buoy purchase for Regatta

Resolution 2024-208

Moved by: Councillor Pateman, Seconded by: Councillor Beaucage

WHEREAS the Regatta Committee has determined a need for safe and resilient buoys to be purchased for use during the Kearney Regatta and other events in the waterways of Kearney; AND WHEREAS this purchase represents an outlay of \$114.99 each and we require 5 in total, which is outside of the Regatta Budget; NOW THEREFORE BE IT RESOLVED Council approve the purchase of 5 marine safety buoys at a total cost of \$574.95 plus HST; AND FURTHER THAT this expense be pulled from the Regatta Reserve.

CARRIED

9. **Correspondence for Information**

Resolution 2024-209

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

BE IT RESOLVED that Council receive Correspondence items 9.1 and 9.2 as information items and that item 9.1 be discussed further.

CARRIED

Resolution 2024-210

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

WHEREAS Ontario's small rural municipalities face insurmountable challenges to fund both upfront investments and ongoing maintenance of their capital assets including roads and bridges and water wastewater and municipally owned buildings including recreational facilities and libraries; AND WHEREAS in 2018, the Ontario government mandated all Ontario municipalities to develop capital asset management plans with the stipulation that they be considered in the development of the annual budget; AND WHEREAS small rural municipalities (of 10,000 people or less) are facing monumental infrastructure deficits that cannot be adequately addressed through property tax revenue alone; AND WHEREAS the only application approved through the recently awarded Housing Accelerator Fund to a small rural municipality was to Marathon Ontario, who received an allocation of \$1.9 million dollars while over \$1.369 billion going to Ontario's large urban centres, resulting in a 0.2% investment in rural Ontario; AND WHEREAS the Ontario Government has committed \$9.1 billion to Toronto alone to assist with operating deficits and the repatriation of the Don Valley and Gardner Expressway; AND WHEREAS small rural Ontario cannot keep pace with the capital investments required over the next 20 years unless both the Provincial and Federal Governments come forward with new sustainable infrastructure funding; AND WHEREAS it is apparent that both the Federal and Ontario Governments have neglected to recognize the needs of small rural Ontario; NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Kearney hereby support Township of Pelee's resolution calling on the Ontario and Federal Government to implement sustainable infrastructure funding for small rural municipalities; AND THAT small rural municipalities are not overlooked and disregarded on future applications for funding; AND THAT both the Federal and Ontario Governments begin by acknowledging that there is an insurmountable debt facing small rural municipalities; AND THAT both the Federal and Ontario Governments immediately commission a Working Group to develop a plan on how to deal with the impending debt dilemma; and finally THAT this resolution be forwarded to The Honourable Justin Trudeau, Prime Minister of Canada; The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada; Michel Tremblay Acting President and CEO, Canada Mortgage and Housing Corporation; The Honourable Doug Ford, Premier of Ontario; The Honourable Kinga Surma, Ontario Minister of Infrastructure; The Honourable Paul Calandra, Ontario Minister of Municipal Affairs and Housing; MP Scott Aitchison, Parry Sound- Muskoka; MPP Graydon Smith, Parry Sound Muskoka; AMO, ROMA, FCM, and all Municipalities in Ontario.

CARRIED

10. **By-laws**

Resolution 2024-211

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

BE IT RESOLVED that the following by-laws be read a first, second and third time, be passed by the Council of the Corporation of the Town of Kearney, signed by the Mayor and Clerk, sealed with the seal of the Corporation, and engrossed in the by-law book: 10.2 By-law 2024-25 Being a by-law to Amend Zoning By-law 2022-20; 10.3 By-law 2024-26 Being a by-law to Appoint Chief Building Official; AND FURTHER direct Staff to investigate backdating of 10.3, position of Chief Building Official on effective date.

CARRIED

11. **Talk to the Mayor**

**12. Closed Session**

Resolution 2024-212

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney moves into closed session at 8:10pm under Section 239(2) of the Municipal Act, under the following subsections:

(b)Personal Matters about an Identifiable Individual

CARRIED

Resolution 2024-213

Moved by: Councillor Beaucage, Seconded by: Councillor Pateman

BE IT RESOLVED that the Council of the Corporation of the Town of Kearney reconvenes in Open Session at 8:33pm

CARRIED

**13. Confirming By-law**

Resolution 2024-214

Moved by: Councillor Beaucage, Seconded by: Councillor Sharer

BE IT RESOLVED that By-law 2024-27 being a by-law to Confirm the Proceedings of Special Council Meeting of June 11, 2024 and the Regular Meeting of Council on June 20, 2024, be read a first, second and a third time, passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation, and engrossed in the by-law book.

CARRIED

**14. Adjournment**

Resolution 2024-215

Moved by: Councillor Pateman, Seconded by: Councillor Beaucage

BE IT RESOLVED that the Regular Council Meeting of the Corporation of the Town of Kearney adjourn at 8:36 pm to meet again at 6 pm on July 11, 2024 in the Council Chambers, Kearney, Ontario.

CARRIED

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Bank Code: AP - GENERAL AP

**COMPUTER CHEQUE**

Payment #	Date	Vendor Name	Payment Amount
33925	2024-06-26	2Beez Promotions <i>Regatta Merchandise</i>	1,838.29
33926	2024-06-26	Algonquin West ATV Club <i>Advertising</i>	141.25
33927	2024-06-26	Allen, Stefanie <i>Kms - Return Huntsville Re: Rec Comm Supplies</i>	47.60
33928	2024-06-26	Bell Mobility Inc. <i>P/W Monthly Cell / B/D Monthly DataFlex</i>	303.48
33929	2024-06-26	Bell Canada <i>P/W Monthly Phone</i>	10.26
33930	2024-06-26	Bell Canada (Internet) <i>Admin Monthly Internet</i>	361.36
33931	2024-06-26	Brandt <i>P/W Trans Strn Backhoe repairs (Jan/Feb Inv)</i>	15,267.90
33932	2024-06-26	Call of the Wild Inc. <i>Regatta Public Washroom rental</i>	1,576.35
33933	2024-06-26	Cameron of Lochiel Pipes and Drums Inc. <i>Regatta Pipe/Drums Parade</i>	500.00
33934	2024-06-26	Cedar Signs <i>P/W Civic Number Reflective Signs</i>	538.48
33935	2024-06-26	Cupe Local 1813 <i>June Union Dues</i>	578.39
33936	2024-06-26	Currie Truck Centre <i>P/W Def Fluid</i>	528.84
33937	2024-06-26	Eastholme <i>Levy balance owed on 1st Qtr payment</i>	1,348.00
33938	2024-06-26	Fibernetics Corporation <i>Monthly Phone System</i>	327.55
33939	2024-06-26	Kent Harvie <i>Reimburse Cell Phone (2 mos business use)</i>	130.00
33940	2024-06-26	Huntsville Chrysler Dodge Jeep Ram <i>B/D Pickup Truck Repair</i>	1,464.31
33941	2024-06-26	Huronia Alarm & Fire Security <i>KCC 3rd Qtr Alarm Monitoring</i>	81.36
33942	2024-06-26	.i.machine services <i>P/W Sweeper Repair</i>	135.60
33943	2024-06-26	Jones Motor Lines <i>Town Public Washroom Service</i>	141.25
33944	2024-06-26	Kearney Water Shed Env. Foundation <i>Donation from M Rickward</i>	950.00
33945	2024-06-26	Leeder, Jordan <i>Ralph Bice Bursary Award</i>	1,000.00
33946	2024-06-26	M&L Supply Fire & Safety <i>F/D Truck Parts</i>	50.85
33947	2024-06-26	Mathews, Dinsdale, & Clark <i>General legal HR / Cupe Negotiations</i>	18,436.52
33948	2024-06-26	Northern Lights Steel Orchestra <i>Regatta Steel Drums</i>	1,100.00
33949	2024-06-26	North Bay/Parry Sound District <i>July levy Payment</i>	2,364.67

Town of Kearney  
Reporting Period June 6 - July 3, 2024  
Batch: 2024-00052 to 2024-00052

COMPUTER CHEQUE

Payment #	Date	Vendor Name	Payment Amount
33950	2024-06-26	OMERS <i>June Pension Contributions</i>	15,362.78
33951	2024-06-26	Leonard Peacock <i>P/W 2 signs</i>	50.00
33952	2024-06-26	Tatham Engineering Ltd <i>P/W Consulting Re: Main St. Bridge</i>	2,347.13
33953	2024-06-26	Telequip Systems Limited <i>P/W Monthly Radio Usage</i>	276.85
33954	2024-06-26	Trackmatics Inc. <i>GPS Monthly Monitoring</i>	878.01
Total Computer Cheque:			68,137.08
Total AP:			68,137.08

For Council Meeting of July 11, 2024

Be it resolved that Council has received the 'List of Accounts' report for Cheques #33925 to #33954 in the total amount of \$68,137.08.

This report also includes direct payment for Collabria Monthly Visa Statements of 6,251.69

The Grand Total of A/P for this period is \$74,388.77 .

**TRANSFER STATION REPORT 2024**

Date	Station Bin Pick-up	Kearney Traffic	Kearney Tipping Fees \$	Sand Lake Traffic	Sand Lake Tipping Fees \$	Breakdown of Dumping Fees
June 11	1G/1P/2C	27		25	50.00	50C
June 14		28	2.00	13		2G
June 15		25		18	154.00	150S/4G
June 16		27	4.00	14	70.00	60F/10C/4G
June 17 Rcpt. 240070-009		17		11	20.00	20C
June 18	1C/1P/1F	32	5.00	14		
June 21		36	2.00	15	2.00	4G
June 22		28	26.00	14	20.00	26G/20F
June 23		32	4.00	20	62.00	2G/60F
June 24 Rcpt. 240073-001		36		12	62.00	2G/10C60F
June 25		32		22		
June 28		61	4.00	34	138.00	12G/26C
June 29		33		17	66.00	60C/6G
June 30		53	4.00	27	60.00	4G/60C
July 1		37	4.00	21	60.00	
<b>Pine Hill Metal Revenue</b>					525.00	
<b>Debit/CC Sales - June 12 - June 30</b>					1,729.00	
<b>LINE TOTALS</b>		504	\$ 55.00	277	\$ 3,018.00	
				<b>FEE TOTALS</b>		<b>\$ 3,073.00</b>
<b>NOTES:</b>						
This report covers the period of June 11 - July 1						
Total cash fees received \$1,344.00 / Total credit/debit fees received \$1,729.00						
Attendant:	Josh Dresser		Report Date:	July 3, 2024		



## Staff Report

**Staff Report No.** SR-2024-45  
**Date:** July 11, 2024  
**To:** Mayor, Deputy Mayor, and Members of Council  
**From:** Cindy Filmore, Deputy Clerk (DC)  
**Subject:** 2024 Q2 Activity Report – Planning Department

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### **Recommendation:**

That Council receive SR 2024-45 Q2 Activity Report from the Deputy Clerk as information only.

### **Background:**

2024 is proving to be a busy year for development within the Town of Kearney. Thanks to our improved website functionality and the well informed planning page, applications for our Pre-Consultation Process, and the subsequent Zoning By-law Amendments, Minor Variances, Severances/Consents and Shore Road Allowances have been streamlined.

### **Shore Road Allowances**

We currently have one Shore Road Allowance that we are working with, and which is moving smoothly through our new Sale of Land by-law. Our 2023 applications have all but finished (some are awaiting final collection of fees prior to the land being deemed “sold”), and our improved process should see an easy completion for this year’s application.

### **Pre-consultation Requests**

To date, we have had 10 pre-consultations submitted. Five of these were in regard to potential severances/consents, and the remaining 5 were in regard to Zoning By-law Amendments. While this process is initiated after discussion with the potential applicant, it is at the applicants discretion to move forward as they see fit. Some pre-consultation applications “stop” after receiving the summary report, while others may “pause” as applicants consider the implications before proceeding.

Staff have been implementing additional supports to the public to try to alleviate some of the financial pressures that pre-consultations may cause. Discussions, phone calls and brief meetings to provide overview and options to the public have been well received and happen as time allows.

### **Zoning By-law Amendments**

Of the 5 ZBLA applications received, two have been resolved through Staff discussion with the applicant, one is currently awaiting further input/decision from the applicant, one is awaiting a Summary Report and one is awaiting more information from the applicant.

### **Consents/Severances**

With the clock ticking on one consent from 2022, Staff and the applicant are working diligently toward finalizing the process. Two consents from 2023 are working towards their completion and two will be completed as their required ZBLAs have recently been passed. Others are currently before the Planning Board awaiting their decision.

In 2024, we have received 6 consent applications, with one being of 3+the retained, one being multiple lots, a lot correction or lot addition, and the remainder being single lot severances (creating one additional lot).

## **Official Plan (OP) & Official Plan Amendments (OPA)**

One OPA application began in 2022 and is still not completed. Staff have seen the potential of more OPA's being applied for due to the interest in secondary dwelling units that do not fit within our current OP policies. The update to our Official Plan will include, as dictated in the PPS, the provision to allow more opportunities for additional dwelling units in the manner that residents/developers are looking for, providing services can be accommodated with the density being requested.

Due to timing constraints, Staff have not yet issued an RFP for the Official & Strategic Plan for the Town of Kearney, but it is in fact a high priority as we move into the second half of 2024.

Additionally, we have received two planning compliance reports that have been requested and completed in 2024.

### **Analysis:**

Staff and the public have identified issues within our Zoning By-law which could be updated to provide Kearney with better opportunities moving forward. This includes the need for definitions of Food Trucks/Trailers.

Staff are receiving inquiries by phone and email for real estate sales and development potential daily, often with multiple inquiries per day. These inquiries take an average of 10 to 45 minutes to complete and may require additional follow-up as Staff try to communicate these inquiries back through email to allow the individual to refer back to the information provided. Staff are able to provide a zoning compliance report which real estate agents or landowners can provide when listing their property. This information can be shared with potential purchasers.

Our webpage improvements and CGIS advancements are making information more readily available and help to relieve some of the pressures for Staff to provide information to the public, however it will take time for the public to be able to use/understand these improvements.

### **Financial Implications:**

Staff are providing more of their time (when able) to discuss matters with the public, however this is limited to availability of staff. Overall, this has proven to be effective in ensuring that taxpayers are not excessively burdened by planning expenses and mirrors the Building Department's user-pay methods.

Staff are continuing to develop a knowledge base to allow general inquiries and similar reports to be generated in-house.

### **Conclusion:**

Staff are always working towards improvements within our office. From website improvements to CGIS efficiencies to an advanced phone system, to Staff training and inclusion, it is Staff's intent to provide the best service possible.

### **Prepared by:**

**Cindy Filmore, Deputy Clerk**

Staff Report No. SR-2024-XX

Date: July 11, 2024  
To: Mayor, Deputy Mayor, and Members of Council  
From: Leslie Harvie, Deputy Treasurer  
Subject: 2024 Q2 Activity Report - Treasury

**Background:**

The second quarter of 2024 has been just as busy for the Treasury Department as the first quarter. The department is still in need of a Treasurer, so one full-time staff member is still performing all treasury-related duties with assistance/guidance from a consultant. Over the past three months, prominent duties included, but were not limited to: aiding the Town auditor with audit preparation, collecting and receipting of tax and other payments, preparing accounts and transfer station reports for regular council meetings, responding to various tax inquiries and concerns, preparing and mailing past due tax statement letters, month-end processes, including bank statement reconciliation, assisting committees with their A/P and financial reporting needs.

**Analysis: based on each individual quarter**

<b>Accounts Payable Processing</b>	
Number of Cheques Processed	256
Value of Cheques Processed	\$ 1,097,219

<b>Payroll Administration and Processing</b>	
# of employees (T4s) for the year - includes monthly Council, biweekly Staff & annual volunteer firefighters	N/A
Gross Payroll processed-council, staff, and volunteer firefighters	\$ 254,893
Canada Life monthly benefit payments processed	\$ 33,300
OMERS monthly payments processed	\$ 22,154
Receiver General bi-monthly payments processed	\$ 71,575
Employer Health Tax payments processed	\$ 4,922

<b>HST Rebates</b>	
The Town is required to collect HST on certain activities and is entitled to claim a rebate of 86.46% of HST paid on invoices. HST remittances are filed quarterly . <b>The 2nd quarter rebate will be filed before July 31</b>	
Quarterly HST Rebate Claimed (1st Qtr.)	\$ 75,251

<b>Taxation</b>	
Interim tax billing (+ Newsletter Prep)	N/A
Supplementary and Omitted Assessments	N/A
2024 Tax write-offs/tax incentive approvals	N/A
interest and penalties on taxes	\$ 12,824
Total period taxation	N/A
Total Tax Payments Received	\$ 876,402

**Conclusion:**

The second quarter A/P processing of \$1,097,219 + the first quarter A/P of \$1,981,363 is 44% of the annual 2023 processing of \$7,450,153. This is a comparable output for the first two quarters of payables in 2024 compared to the same time period in 2023.

The chart below illustrates the amount of time that Treasury spent on department related inquiries from the public. **\*\*\* This log only reflects calls and emails handled by the Treasury Department and does not reflect time spent on the same inquiries by other departments.\*\*\***

<b>Phone Enquiries</b>	April	May	June	Totals
Tax balance	29	46	11	86
When are taxes due	2	21	1	24
Haven't received tax bill -may include searching for copy of tax bill and resending by email	17	3		20
Supplementary billing				0
Provision of tax certificate - includes receipting payment, generating certificate and sending by email	1	5	1	6
<b>Emails General Inquiries</b>	434	461	381	1276
<b>Totals</b>	482	536	394	1412



### Staff Report

**Staff Report No.** SR 2024-47  
**Date:** July 11, 2024  
**To:** Mayor, Deputy Mayor and Members of Council  
**From:** Matthew Clouthier, Interim CBO  
**Subject:** 2024 Q2 Activity Report – Building Department

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#### **Recommendation:**

That Council receive SR 2024-47 2024 Q2 Activity Report from the Chief Building Official for information only.

#### **Background:**

1) Total Permits Processed as of the end of June 2024.	Total: 15
Applications Pending Approval as of the end of June 2024	Total: 9
2) Category of Permits Issued as of June 2024	
a. New Cottages/Houses	Total: 4
b. New Commercial	Total: 0
c. New Garages	Total: 2
d. Miscellaneous Reno/Deck	Total: 8
e. Demolition	Total: 1
3) Permit fees generated total as of June 2024	Total: \$45,603.00
Construction Value total as of June 2024	Total: \$2,244,200.00

#### **Analysis:**

The Building Department has entered its busy period for the 2024 building season. 2024 has started off as a slower application year due to the rising cost of living and other economic factors. This year has continued to be slower than last years but above average compared to other departments contacted through our OBOA chapter. Many older permits are being closed at a quicker pace due to many property sales in the area. While some older permits have received amendments to increase the scope of the existing issued permits. While numerous new applications have been received, the planning process has slowed and even halted the issuance of numerous permits due to non-compliance with the town zoning by-law. Many new applicants and inquiries have put pauses on their applications due to the planning process.

MPAC has been updated and provided with the large list of missing permits that were issued and had not been assessed. A roll out of assessment will be taking place once MPAC has time.

Use of the CGIS CBO module has been implemented and all inspection reports, notice of completions and MPAC updates are being performed through the new system.

Numerous training courses have been completed, and while the CBO will not be attending the Annual Meeting Training Seminar, Deputy Clerk/Building Clerk, Cindy Filmore will attend in the CBO's place.

#### **Conclusion/Recommendation:**

Council receives the report from the Chief Building Official.

**Prepared by:** Matthew Clouthier, CBO



## Staff Report

**Staff Report No.** SR 2024-48  
**Date:** July 11, 2024  
**To:** Mayor, Deputy Mayor, and Members of Council  
**From:** Nicole Gourlay, Clerk-Administrator  
**Subject:** 2024 Q2 Activity Report - Administration/Parks and Facilities

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### **Recommendation:**

That Council receive this SR 2024-48 as information only from the Clerk-Administrator.

### **Background and Analysis:**

The organization continues to be moving forward with Staff continuing to track inquiries from the public which include phone, in person and some email inquiries. These inquiries do not include all Staff numbers as they were not available at the time of this report being submitted. The numbers are as follows:

General total: 152

Building: 175

Planning: 44

Fire: 11

PW: 323

Transfer Station: 206

Treasury: 252

The following key items have been happening in the Administration department over the last quarter.

**Renovation Project** – The administration department has continued to be the organizer and head administrator for the project. The new generator has been installed along with a new transfer switch. In consultation with the designers, engineering firm, and subcontractors, dampers were installed in the community centre at little to no cost to the Town to see if that would assist with the issues that had been occurring with the heat pump. We are awaiting final engineering sign off to receive final sign off from the Building Department. This is expected to be completed in Q3.

**Budget** – The Administration took on the lead role of the budget and the budget was passed in early May, which was 2 months earlier than in 2023. The Auditors will be coming to Council soon for their year-end presentation. The C-A would like to thank all Staff as well as the outside consultant for their tireless efforts in getting the budget done so efficiently. We hope to improve on this process in the future with hopes of a Treasurer being the lead in 2025. Initial budget conversations will be happening in late Q3 early Q4 for 2025.

**Human Resources** –The C-A continues to work through items such as grievances, mediation, union negotiations, along with training and posting of summer student positions. We only received one application for the parks summer student and zero applications for the recreation summer student. We also were not successful in obtaining any grant funding for summer student positions this year. The C-A has been working with the recruiting agency but has not had an update since returning. An update on this matter will be provided to Council at a future meeting.

**IT Upgrades** – Our IT service provider is working diligently to provide the final stages of the proposal issued last summer. The Transfer Station cards have been well received by the public and Staff have noticed a lot fewer complaints with regard to cash being the only option for payment at the sites. Staff will be working with the IT Service Provider to complete the final stages of our upgrades to have everything completed by the end of 2024.

Communication – The website has been launched and I cannot thank Staff enough for their tireless efforts on this large venture. While the “package” we received was not exactly what we thought in the beginning we have found that the functionality of the site itself has been such a benefit to all already. Our Communications and Media Relations Intern (full-time permanent) took on majority of this role with support for content from other members of Staff. Her efforts in managing to find the time between the front of office interruptions to complete this large-scale project is really appreciated by everyone. With wanting to better communicate with both the public and Council externally as well as internally, Staff have been brainstorming communication ideas to hopefully be tried and implemented in the second half of the year. One specific example is a monthly newsletter (with the intention of making it an e-newsletter as well). Also, Staff will be receiving formal training in Q3 for CGIS to help everyone have a better understanding of our inquiries and applications moving forward as well as pull data easier.

By-laws and Policies brought to Council in Q1:

- DRAFT Trailer By-law
- Sale of Land By-law
- Four Closure and Purchases of Road/Shore Road Allowances
- Tax Ratio Bylaw
- Passing of the Budget

Recreation – The Recreation participation numbers are as follows:

<b>2024</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
<b>Pickleball</b>	63	23	50	<b>136</b>
<b>Exercise</b>	15(m)1(d)	22(m)	19(m)3(d)	<b>56(m)4(d)</b>

- (m) = monthly pass (d)=daily pass
- Please note for May (the sheet was never returned so these are only the numbers from May 16-May 31 for pickleball)

The Recreation Committee hosted a games day the end of May and while it was not well attended, it is believed that more notice and advertising may be needed. The Committee intends to partner with the Library and Seniors Group again to facilitate another event in the fall.

Some of the other key projects that the Administration department has been working on in 2024 are:

- Grants – The Administration department is beginning to review grant opportunities for the 2025 year
- Procurement – RFP for OP/Zoning and Strategic Plan still on-going
- Food Cycler Program – we have almost sold out!

Parks and Facilities – The second quarter of 2024 we have seen the following with regards to events at the KCC: April - 2 (both events free); May – 4 (all free); June – 4 (3 free, 1 paid)

Staff have been integral in assisting with the near completion of the renovation project as being the eyes and ears on the ground, so to speak. Staff have to monitor regularly for issues, cleaning, temperatures, humidity etc. Along with preparing for the busy summer months in equipment maintenance and replacing, they ordered/maintained the flowers for beautification of the Town. The cutting of all that grass we have in our beautiful parks and green spaces has also commenced. A big project to keep on top of as well has been the maintenance and line painting for the baseball diamond to provide for a great space for our Kearney baseball team. Trail reviews have been completed to understand the maintenance needs moving forward over the summer.

**Conclusion:**

Staff have been working super hard the last quarter to keep us moving forward in a positive direction. The CA thanks all Staff for their hard work throughout the first half of 2024. As the even busier inquiries season approaches, we look forward to continuing to make improvements and make connections with residents and visitors alike in Kearney.

**Prepared by: Nicole Gourlay, Clerk-Administrator**



## Staff Report

**Staff Report No.** SR-2024-49  
**Date:** July 11<sup>th</sup>, 2024  
**To:** Mayor, Deputy Mayor, and Members of Council  
**From:** Paul Schaefer, Fire Chief  
**Subject:** 2024 Q2 Activity Report- Fire Department

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### **Recommendation:**

That Council receive SR 2024-49 Q2 Activity Report from the Fire Chief as information only.

### **Background:**

Kearney Fire and Emergency Services current calls are as follows:  
2024 Call Volume up to June 30<sup>th</sup>; Fire 11, Medical 21

Along with the calls for service Kearney Fire has participated in the following events in the second quarter:

- Kearney Seniors meeting
- Chiefs Show
- Walkathon/ Lions Club roadside cleanup
- AS&E written and practical testing
- Live fire training

### Training:

- Water rescue
- Search and rescue
- Ventilation
- Officer training
- Weekly fire training
- portable pump training

A committee of Kearney Firefighters have been busy planning the Community Safety Day. Cleaning the lunchroom area and having the health inspector review. The Health Unit required the installation of a third sink which has been done and we received our health inspection green pass for the Firehall. One Officer completed the Officer AS&E testing. A few firefighters also completed their respective AS&E testing, and we are waiting for the results for all members. On an on-going basis, general building and vehicle maintenance has been and continues to be completed including but not limited to cleaning, painting and organizing.

This past quarter we have had a lot of calls due to extreme weather, which typically involves the Fire Department due to trees being down on wires, or live power lines on roadways/shoulders that are extremely dangerous should a member of the public approach.

The FC continues to work on firehall organization, cleaning out the FC office, organizing files and issuing burn permits. The new Explorer has been fully equipped with the required items and put into service. The new Firehall signs have been installed, replacing the extremely old and weathered ones. The Community Risk Assessment is completed, and Staff will report to Council about the plan at a future meeting. The FC is working diligently to implement the new Fire Pro 2 (FP2) program with the Towns Standard Incident Reports (SIR) reports. There has also been an initial Regional Fire Services Committee meeting with an upcoming schedule to continue with quarterly meetings along with a Terms of Reference being circulated in draft form. The FC has

completed the Live Fire Instructor training, and attended a Fire Smart presentation from the MNRF, along with a BES (solar storage system) presentation.

One of the biggest achievements in Q2 has been the implementation of the Kearney Fire and Emergency Services Facebook page, which has become very popular. The page includes information specifically as it relates to the Fire Department itself, including what is happening within the Firehall, Training, Events. It helps to showcase the “behind the scenes” when joining a volunteer organization that is so necessary in our small rural northern Ontario communities. We hope this will help garner interest in recruitment to build on our existing team. The FC as well as the Clerk-Administrator have been receiving very positive comments from the public with the addition of this social media page.

**Future Objectives:**

My upcoming tasks are to keep going with the implementation of the FP2 program and utilizing it to assist with organization and file management, just to name a few. Another large task will be updating our Emergency Management Plan and bringing the Town into compliance as it relates to that legislation. Another item the department will be working on is updating the existing Establishing and Regulating By-Law. Finally, an on-going task will be facilitating the necessary inspections as required throughout the Town.

**Prepared by:**

**Paul Schaefer, Fire Chief**



## Staff Report

**Staff Report No.** SR-2024-50  
**Date:** July 11, 2024  
**To:** Mayor, Deputy Mayor and Members of Council  
**From:** Paul Audette Public Works Superintendent  
**Subject:** 2024 Q2 Activity Report – Public Works Department

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### **Recommendation:**

That Council receive SR 2024-50 2024 Q2 Activity Report – Public Works Department from the Public Works Superintendent as information only.

### **Background:**

Public Works has completed daily maintenance of all roads in winter and summer months and completion of several small projects in the construction and repair of roads.

### **Analysis:**

- Placement of the necessary material and grading on Clam Lake Rd. to be ready for the Double Surface Treatment. Sub-ex and replace with suitable material to widen the sharp corner. Proper signage installed
- All culverts were removed and replaced on Clam Lake Rd.
- Culvert on Higgens Rd. removed and replaced.
- Docks placed back in water.
- 2 loads of sand removed as well as the decorative blocking from Sand Lake boat launch to allow boaters to launch completed before the may long weekend.
- Regular road patrols to ensure roads are free of debris (trees, branches, snow, hazard to public safety)
- Daily, weekly, and monthly maintenance on Trucks/equipment. (grease, small repairs, etc.)
- Upkeep of the shop and premises including both Town Transfer Station.
- Sweeping of all roads with sweeper Town backhoe and sweeper attachment also with the Johnston 3000 Sweeper cleaning winter sand.
- Readily available to answer concerns, requests and complaints received from the residents.
- Small road repairs Cold Patch/Patching
- Maintenance of gravel roads with the grader and fluff gravel to dry them out and maintain proper slope for drainage.
- Addition of gravel to Forestry Tower rd. – 10 loads, Stoneway Rd. – 3 loads along the flats, Stoeger’s Rd. 1 load of Granite to control washouts, Rose Drive – 8 loads, Ayers Lane – 2 loads, Emsdale Lake Rd. – 3 loads of A gravel and 1 load of Granite.
- Placed Calcium flake on gravel roads for dust control.
- Assisted Parks and Facilities staff with building maintenance.
- Several beaver dams were removed to maintain proper storm water management.
- Adam Lundy set up for Grader Training with Ground Force Training.
- Roadside mowing was completed June 20 – 27.
- Mulcher arrived, is all set up and started to mulch on Echo Ridge Rd.

### **Operational Updates:**

Changes to the waste and recycling pick-up in the town proper, we have moved and adjusted staffing eliminating the need for overtime each week. We have moved the pick-up date to the following business day preceding a paid public holiday in order to ensure our Staff are able to have their paid public holidays. Since tracking more accurately in the past weeks, the number of houses we’ve picked up from is an average of 26 residents.

Tender templates were updated to include today's industry standards as well as new legislation. These were posted on the municipal website for Bidders to bid on.

#### **Update on Course Completion and Enrollment for CRS (PWS):**

- **COMPLETED:** T.J Mahony Roads School Construction course – online between May 08 – Aug. 31. The course is needed for CRS and higher accreditation. The PWS completed the course in 2 days with a 100% score. The PWS obtained the High Grade, Top Performer and Unicorn Award for this course. The Awards from Course are for:
  - High Grade – given when a student completes Quiz with a grade between 85-90%
  - Top performer – given when a student completes quiz with a grade higher than 91%.
  - Unicorn Award – This is awarded to students who achieve a final grade of 100%.
- **ENROLLED:** Financial management and Talent Management – September 17 & 18. These courses are needed to achieve CRS-I designation.
- **ENROLLED:** Process Management, Continuous Improvement and Communications – October 8,9,10. These courses are needed to achieve CRS-Senior designation. This is the highest Designation for the CRS levels.

#### **Update on Resolutions:**

- Contractor acquired to fix the issues with the Public Works Building.
- Tatham Engineering will complete the OSIM report in July. (Mandatory every 2 years for all Municipalities, last one completed was 2021)
- Clam Lake Road will come to completion in July.
- Vehicles listed and sold on Gov. Deals – John Deere backhoe, 2012 GMC Sierra, 2007 Sterling snowplow and sander, Pumper Fire Truck and Ford Expedition Fire Truck. Generac generator and 2008 Sterling Snowplow and Sander were listed but did not meet the Reserve amount so they were taken down and will go back up in the fall closer to the winter season.
- Building Condition Assessment completed by Tatham engineering on the Lions Park Pavilion to determine what is needed to upgrade the capacities of people allowing the venue to be utilized for larger gatherings. (awaiting report from Tatham but in conversations it is promising)
- Sand Lake Boat Launch – completed and operational.
- Signage for the walking trails have arrived and are ready to be placed (will be working with the FC and Parks Department on placement)
- Road Construction Tender acceptance letters have been sent to contractors and all the necessary documentation required from the contractors has been attained.

#### **On-going Items for the Public Works Department:**

- **Residence Complaints and Requests** – categories to show if answered, completed follow up needed and explanation of complaint and resolution. Received roughly 25 complaints in Q2.
- Road Survey (road patrols MMS) – monthly all streets with categories for major issues = Speed limits, type of road, hazards identified, signs, road needs etc.
- Vehicles and equipment
- Small tools (shop inventory)
- Departmental Employee Training and Management (PWS only responsibility)
- Repairs on equipment
- Budgeting
- Assisting the CAO/Clerk with facility maintenance and KCC.
- Tracking of all Capital Budget projects financially for year-end, asset management and five year planning purposes.
- Completion of Newsletters to inform Council and Residents of ongoing construction and upcoming projects. Along with brief explanations as to the reasoning behind them.

**Conclusion:**

The Public Works Department has been busy at times and our team has worked hard this past quarter to get the roads to a maintenance and safety level that we can be proud of.

**Prepared by:**

Paul Audette, Public Works Superintendent



**Staff Report**

**Staff Report No.** SR-2024-51  
**Date:** July 11, 2024  
**To:** Mayor, Deputy Mayor and Members of Council  
**From:** By-Law Enforcement  
**Subject:** Q2 2024 Activity Report – Bylaw Department

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**Recommendation:** That Council receives this SR-2024 July 11, 2024 for information purposes as written.

**Background:** Current By-Law services have been involved in Kearney since January of 2024. Presently there are two (2) officers, Bryan Austin and myself Jason Newman whom share an average of 20 hours a week on average working within the community. It is felt this is sufficient time allotment and services are adequately being delivered as required.

Bryan has been the primary officer for Kearney for day-to-day calls and ongoing concerns. His progress has been positive, and it has been a pleasure working with and watching him learn the position and work with the rate payers to help bring about compliance in the community.

I remain involved regularly and when required to offer additional supports and experience where needed.

In coordination with council, priority has been assigned to Property Standards and enforcing the current Property Standards By-Law. As can be observed some largescale clean ups have occurred, and properties are now being brought into compliance.

This will remain and area of importance and continued efforts will be made in this area to address properties requiring remediation and compliance with expectation.

As council is also aware a new Trailer By-Law has been prepared and is in the final stages of approval. These changes will be properly shared and available to those affected and implemented in 2025.

Record keeping has been consistent and at the conclusion of 2024, accurate and measurable annual statistics will be available. This will support understanding the primary areas of concern, as well assist in developing proactive legislation and strategies in the community.

**By-Law Statistics Year to Date July 11, 2024**

<b>Animal</b>	<b>3</b>
<b>Property Standards</b>	<b>13</b>
<b>Snow</b>	<b>16</b>
<b>Trailer</b>	<b>8</b>
<b>Noise</b>	<b>1</b>
<b>Other</b>	<b>12</b>
<b>Zoning</b>	<b>1</b>

**Total 54 Calls for Service**

**Conclusion:** Working within the Town of Kearney remains an enjoyable experience. Our time with management, staff, council and ratepayers in the community has been positive.

Bryan and myself look forward to continuing and building upon these relationships and services.

We remain available and accountable to discuss and open to direction and/or insight when required.

**Prepared by: Jason Newman and Bryan Austin, Bylaw Enforcement Officers**

DATE OF COUNCIL MEETING	RESOLUTION NUMBER	RESOLUTION	ACTION REQUIRED	STAFF	STATUS	COMPLETED	NOTES/COMMENTS
Jan 11/24	2024-15	Waterhouse to help with Treasurer search	search for treasurer	Nicole	in progress		interviewees to be determined
Jan 18/24	2024-20	GPS tracking system in vehicles	get tracking system installed	Paul		✓	
Feb 1/24	2024-39	Road Policy/Speed change	518 & other roads	Paul		✓	
Feb 15/24	2024-49	Fire Pro	Software	Paul S		✓	
Mar 7/24	2024-75	Policy re waiving fees	policy	Nicole	in progress		investigating review
April 18/24	2024-114	AMPS - bring back revised	Revise to include applicable by-laws	Nicole/Cindy/Jason	in progress		coordinate with all staff
April 18/24	2024-115	Overview Report re Fire Trucks - deem surplus	Determine how to sell/list/sell	Nicole/Stefanie/Paul S		✓	
April 18/24	2024-116	Restrict vehicles on Whites Farm Trails	Fix/secure gates, check trails	Paul A	in progress		checking trails
April 18/24	2024-117	Receive 2024 Staff Q1 Activity Reports	Staff to continue to provide reports	Staff/Mgr		✓	
April 18/24	2024-118	Approve Membership NOW Caucus	Submit membership applications & \$	Nicole/Leslie		✓	
April 18/24	2024-119	Receive AHHC Contribution Spreadsheet	For Council Discussion & Review	Council		✓	
April 18/24	2024-120	Appoint Council Property Standards Committee	Advertise for PSC members	Nicole/Stefanie	in progress		
April 18/24	2024-121	DEFEATED - Close Office during Lunch				✓	
April 18/24	2024-122	Bring Back Report re Keep Office Open	Report re Staff Safety/Regulations	Nicole	in progress		
April 18/24	2024-123	Appoint Area Fire Committee	advise members of meeting/connect	Nicole		✓	
April 18/24	2024-124	Staff complete work Clam Lake Road	Staff to complete work Clam Lake	Paul A		✓	
April 18/24	2024-125	Office Closure - April 24 - Staff work from home	Office Staff work from home	Nicole/Leslie/Cindy/Stef/Matt		✓	
April 18/24	2024-126	Support Final Budget Documents - 6% tax	Bring to May 9/24	Nicole		✓	
April 18/24	2024-127	Draft Sale of Land By-law	Bring to May 9/24 - update by-law	Nicole/Cindy		✓	
May 9/24	2024-139	Trailer By-law	Bring to May 30/24 with septic	Stef/Cindy/Nicole		✓	
May 9/24	2024-140	Approve O. Reg 284-09	Info for Auditors	Leslie		✓	
May 9/24	2024-141	Adopt Budget	Department Heads notified	Cindy/Nicole		✓	
May 9/24	2024-142	Regatta Memorabilia	Regatta Committee to order/sell	Lisa, Leslie		✓	
May 9/24	2024-143	Hazardous Waste Day	Notify Brendar	Cindy/Nicole		✓	
May 9/24	2024-144	MNR - Muskoka Air	Send form to MNR/copy Muskoka Air	Cindy		✓	
May 9/24	2024-145	Sale of Land By-law	update website, planning files	Stef/Cindy/Nicole		✓	
May 9/24	2024-148	Zoning By-law Update		Cindy	in progress		
May 9/24	2024-149	Public Works Tenders	post tenders	Stefanie/Paul A		✓	
May 9/24	2024-150	Set Tax Rates	update financial files	Leslie		✓	
May 9/24	2024-151	Appoint Temp. CAO	update payroll	Leslie		✓	
May 30/24	2024-166	Approve ZBLA Mignardi	Prepare by-law for June 20	Cindy/Stefanie		✓	
May 30/24	2024-168	Transfer Station Cards - 911# Properties	Update Admin Staff	Stefanie/Leslie/Cindy		✓	
May 30/24	2024-169	Approve SRA Purchase in Principle	Notify Legal Counsel	Cindy/Stefanie		✓	
May 30/24	2024-170	Approve Training - Adam Lundy	Confirm Training	Paul A/Leslie		✓	
May 30/24	2024-171	Support WORC - \$300	Send Support \$	Leslie		✓	
May 30/24	2024-172	Approve Sale Surplus Fire Equipment	Complete Sale	Paul A/Paul S		✓	
May 30/24	2024-173	Approve Sale Backhoe	Complete Sale	Paul A		✓	
May 30/24	2024-174	Further investigation - sign options	Determine alternatives for sign	Paul A		✓	
May 30/24	2024-175	Receive Boat Ramp Update	Thank Staff	Cindy		✓	
May 30/24	2024-176	Support Well Water Testing	Send Letters of Support	Stefanie		✓	
May 30/24	2024-177	Support Turtle Presentation	Notify Staff/Library/Jasmin	Stefanie		✓	
May 30/24	2024-178	Directs Staff re Touch a Truck	Notify Paul A & Paul S Cheryl Attend SEPSDPB/Cindy send to	Cindy		✓	
May 30/24	2024-179	Continue Support Conset Applications (Armstrong)	Linda	Cheryl/Cindy		✓	
May 30/24	2024-180	Move Toronto Zoo correspondence to June 20	Add to Agenda	Stefanie/Cindy		✓	
May 30/24	2024-181	Extend Appointment By-law Karen Fraser	Pass By-law	Cindy		✓	
May 30/24	2024-182	Appoint Cindy Filmore Acting Clerk	Pass By-law	Cindy		✓	
June 20/24	2024-192	Consent List	Upload Minutes	Stefanie		✓	
June 20/24	2024-193	Support KDSR Grant Application	assist KDSR	Cindy	in progress		

June 20/24	2024-194	Award Bice Bursary	design Certificate/issue cheque/attend	Cheryl/Cindy		✓
June 20/24	2024-195	SR report re Tenders	award tenders/contact bidders post notice for intent to pass at July 11th meeting	Paul A		✓
June 20/24	2024-196	Trailer By-law	11th meeting	Cindy/Stefanie		✓
June 20/24	2024-197	Support Rickward MNR	Complete form, send to MNR	Cindy		✓
June 20/24	2024-198	Declare Regatta Festival	notify by-law, PW	Cindy		✓
June 20/24	2024-199	Junior Fire Fighter	notify Jr. Fire Fighter	Paul S.		✓
June 20/24	2024-200	Support Resolution, Metro Zoo Exotic Animals	send out support letters	Stefanie		✓
June 20/24	2024-201	AHHC	send \$2000 from reserves	Leslie	in progress	
June 20/24	2024-202	Regional Fire Services	send resolution to Perry	Cindy		✓
June 20/24	2024-203	Support Dallaire Consent	send resolution to SEPSDPB	Cindy		✓
June 20/24	2024-204	MMAH Training	review budget/book training review bookings/meeting, notify	Nicole	in progress	
June 20/24	2024-205	Consider Seniors re meetings/bookings	Cathy passed motion for continuing without connectivity after 15 mins contrary to Procedure Bylaw	Nicole/Stefanie	in progress	
June 20/24	2024-206	AV/Internet Connectivity	no follow-up required			
June 20/24	2024-207	Transfer Station Operations	review/provide report September	Paul A. /Nicole	in progress	
June 20/24	2024-208	Buoys for Regatta	purchase buoys/\$s from reserves	Stefanie/Leslie		✓
June 20/24	2024-210	Support Infrastructure	Send Letters of Support Send to Planner and Applicant and	Stefanie		✓
June 20/24	2024-211	By-law - Mignardi ZBL	post notice of passing	Cindy		✓
June 20/24	2024-211	Appoint CBO Bylaw	determine legal re appoint backdate	Nicole		✓

**JOINT WASTE MANAGEMENT COMMITTEE**

**MINUTES**

June 26, 2024

Perry Township

Attendance

Board Members: Jim Hilt, Sean Murdy, Jim Cushman, Keven Beaucage, Jill Sharer, Paul Sowrey

Absent:

Staff: Kim Seguin, Secretary-Treasurer

The meeting was called to order at 6:02 pm by the Chair.

Pecuniary Interest: None were declared

It was;

**Moved by: Keven Beaucage**

**Seconded by: Jill Sharer**

**Resolution 2024-008**

***Be it Resolved that the Kearney Perry Joint Waste Management Committee the addendum to the agenda to add item under New Business – i. 2023 Draft Audited Financial Statements and ii. 2023 Annual Monitoring Report.***

**Carried**

The minutes of the February 28, 2024 and March 13, 2024 meetings were reviewed, and it was;

**Moved by: Keven Beaucage**

**Seconded by: Paul Sowrey**

**Resolution 2024-009**

***Be it Resolved that the minutes of the February 28, 2024 and March 13, 2024 meetings of the committee be approved as circulated.***

**Carried**

**Business Arising from the Minutes:**

The proposal from WSP Canada Inc was reviewed and it was

**Moved by: Keven Beaucage**

**Seconded by: Jill Sharer**

**Resolution 2024-010**

***Whereas the Joint Waste Committee has contracted with WSP Canada Inc for the Monitoring and Reporting of the Rain Lake Landfill Site***

***And Whereas the Joint Waste Committee has appointed WSP Canada Inc to be the lead for the work on the installation of the monitoring well***

***And Whereas WSP Canada Inc the committee had requested a proposal for the activities for the closing of cell one per the Environmental Certificate of Approval.***

***Now Therefore the Joint Waste Committee hereby accepts the proposal from WSP Canada Inc in the amount of \$59,610 plus HST to oversee and provide guidance on the cell one closing activities which includes the installation of the leachate monitoring well.***

**Carried**

The Bank Reconciliations for February, March, April and May 2024 for Kawartha Credit Union and Scotiabank accounts were reviewed, it was;

**Moved by: Paul Sowrey**

**Seconded by: Jim Cushman**

**Resolution 2024-011**

***Be it Resolved that the Kearney Perry Joint Waste Management Committee have received and reviewed the bank reconciliations for February, March, April and May 2024 for the Scotiabank and Kawartha Credit Union accounts.***

**Carried**

The bill payment list was presented, it was;

**Moved by: Sean Murdy**

**Seconded by: Jill Sharer**

**Resolution 2024-0012**

***Be it Resolved that the bill payment report as of June 19, 2024 in the amount of \$98,450.01 be approved.***

**Carried**

The Financial Report 2024 year to date as June 19, 2024 was reviewed, it was

**Moved by: Keven Beaucage**

**Seconded by: Sean Murdy**

**Resolution 2024-013**

***Be it Resolved that the Kearney Perry Joint Waste Management Committee accept the 2024 Year to Date report as of June 19, 2024 as presented.***

**Carried**

#### **New Business**

The 2023 Draft Audited Financial Statements and Auditors Report was reviewed, it was

**Moved by: Keven Beaucage**

**Seconded by: Paul Sowrey**

**Resolution 2024-014**

***Be it Resolved that the Kearney Perry Joint Waste Management Committee accept the 2023 Draft Audited Financial Statements as presented.***

**Carried**

The 2023 Annual Monitoring Report was reviewed, it was

**Moved by: Paul Sowrey**

**Seconded by: Keven Beaucage**

**Resolution 2024-015**

***Be it Resolved that the Kearney Perry Joint Waste Management Committee does hereby receive the 2023 Annual Monitoring Report from WSP Canada Inc.***

**Carried**

Being that there was no further business, it was;

**Moved by: Keven Beaucage**

**Seconded by: Paul Sowrey**

**Resolution 2024-016**

***Be it resolved that the Kearney Perry Joint Waste Management Committee does hereby adjourn at 6:24 pm until the next regular meeting or at the call of the Chair.***

**Carried**

---

Jim Hilt Chairperson

---

Kim Seguin Recording Secretary

*These minutes are not official until reviewed and passed by the Committee.*

**DRAFT**

# **AGREEMENT**

**BETWEEN:**

**THE CORPORATION OF THE TOWN OF KEARNEY**  
(hereinafter called the "Town")

OF THE FIRST PART

-and-

**JENNIFER JOINER**  
(hereinafter called the "Swim Instructor")

OF THE SECOND PART

**WHEREAS** the Town desires to hire the services of the Swim Instructor for a set term to instruct swimming lessons in the Town of Kearney.

**AND WHEREAS** the Swim Instructor will provide the Services on the terms as set out herein;

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT IN CONSIDERATION OF THE PREMISES AND THE COVENANTS HEREINAFTER SET FORTH, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED, THE PARTIES HERETO COVENANT AND AGREE WITH EACH OTHER AS FOLLOWS:**

1. **TERM**

The term of this Agreement shall be for 3 weeks from Monday July 22, 2024 to and including Friday August 9, 2024, after which this Agreement shall terminate.

The Swim Instructor shall perform the Services as set out herein on the following dates and times:

- Monday - Friday from July 22, 2024 until August 5, 2024 from 1:00pm to 3:00pm for a three (3) week term.

On each service date, the Swim Instructor shall, and is permitted to, attend at the Site (18 Lakeview Avenue, Kearney, also known as McManus Beach) and start time noted above, and is permitted to, remain at the Site until the end time noted.

2. **SCOPE OF SERVICES**

During the dates and times set out herein, the Swim Instructor shall provide the services of instructing swimming lessons for the Town of Kearney. All materials and equipment necessary for the Services shall be supplied by the Swim Instructor, at its sole expense. The Swim Instructor shall complete the Services in a good and workmanlike manner.

3. LOCATION

The Swim Instructor shall be permitted to locate its equipment and materials on the Site as directed by the Town and as is reasonably necessary to facilitate the provision of the Services.

3. FEES AND PAYMENT SCHEDULE

The Swim Instructor shall invoice the Town after completing all Services in the preceding month, and the Town shall remit payment within a reasonable period of time thereafter. The Town shall reimburse up to 50% of the agreed upon registration fees.

4. TOWN DIRECTIONS

The Swim Instructor undertakes and agrees to follow the reasonable directions of the Town with respect to all matters arising from this Agreement.

5. INSURANCE, INDEMNIFICATION AND RELEASE

5.1 INSURANCE

- a. Policy of Insurance - The Swim Instructor shall lodge with the Town, on or prior to the execution of the Agreement, an insurance certificate with an Insurance Company satisfactory to the Town and insuring for the joint benefit of the Operator and the Town against any liability that may arise out of services contracted for hereunder. The Town shall reimburse a portion of the Swim Instructor's insurance.
- b. Comprehensive General Liability - Such policy shall carry limits of liability in the amount to be specified by the Town, but in no event shall it be less than \$2,000,000.00 inclusive comprehensive general liability and such policy shall contain:
  - i. a cross-liability clause;
  - ii. product/completed operation coverage;
  - iii. shall include the following as an additional insured:
    1. The Corporation of the Town of Kearney
- c. Notice of Cancellation - a provision that the insurance company agrees to notify the Town fifteen (15) days in advance of any material change or cancellation of the said insurance policy.
- d. Certificate of Coverage - Any certificate of coverage filed with the Town shall specifically contain confirmation that the coverage as specified in paragraphs (a), (b), (c), (d), (e), and (f) herein.
- e. Confirmation of Premium Payment - The Swim Instructor shall, from time to time as required by the Town, provide confirmation that all premiums on

such policy or policies of insurance have been paid, and that the insurance is in full force and effect. The Swim Instructor shall file a copy of the policy with the Town.

- f. Claim in Excess of Policy Limits - The issuance of such Policy of Insurance shall not be construed as relieving the Swim Instructor from responsibility for other or larger claims, if any, and for which it may be held responsible.

## 5.2 INDEMNIFICATION AND WAIVER

The Swim Instructor agrees and covenants to indemnify and save harmless the Town and its employees, officers, directors, agents, servants and invitees (collectively, the "**Indemnified Parties**") from and against any and all loss, liability, damages, costs and expenses of every nature and kind whatsoever that are asserted against or suffered or incurred by the Indemnified Parties or any of them arising from or as a result of the performance of any work or service performed or rendered by the Instructor, its agents, officials, employees or subcontractors or any of them or as a result of any act or omission of the Instructor, its agent, officials, employees or subcontractors resulting from or relating to damage to property or injury or death to individuals. If any of the Indemnified Parties, shall, without fault on his, her or its part, be made a party to any action, application or other legal proceeding commenced against any of the Indemnified Parties and the Instructor, the Instructor shall indemnify and save harmless the applicable Indemnified Parties, and shall defend such action, application or other legal proceeding in the name of the applicable Indemnified Parties, or, at the option of the applicable Indemnified Parties, pay all costs, expenses and legal fees (on a full indemnity basis) incurred by the applicable Indemnified Parties, to defend any such action, application or other legal proceeding so that the Indemnified Parties shall suffer no loss or harm in connection with such action, application or other legal proceeding.

The Swim Instructor further agrees and covenants to indemnify and save harmless the Town against all actions, suits, claims, damages, costs and liabilities arising out of or as a result of any breach, violation, or non-performance of the terms, covenants and obligations on the part of the Instructor as set out in this Agreement.

## 6. NOTICE

Notice shall be given by the Swim Instructor to the Town in writing addressed and mailed by registered mail to:

**The Corporation of the Town of Kearney  
P.O. Box 38, 8 Main Street  
Kearney, Ontario P0A 1M0  
ATTN: Clerk Administrator**

Notice shall be given by the Town to the Operator in writing addressed and mailed by registered mail to:

**JENNIFER JOINER**

Formal Notice shall be deemed to have been given on the date of mailing.

7. TERMINATION

The Town shall be entitled to terminate this Agreement in the event the Swim Instructor should fail to perform its obligations, covenants, agreements and requirements as herein provided or for failing to perform, observe and fulfill the reasonable directions of the Town within seven (7) days of notice by the Town to the Swim Instructor of the failure.

Further, either party may terminate this Agreement upon ninety (30) days' written notice.

Upon termination of this Agreement, the Swim Instructor will accept payment for all work and services performed to the date of dismissal, on a pro-rated basis in accordance with the provisions of this Agreement, in full satisfaction of any and all claims under this Agreement.

8. TIME OF THE ESSENCE

Time shall in all respects be of the essence hereof.

9. NO ASSIGNMENT

This Agreement shall not be assignable by the Swim Instructor except on the consent of the Town in writing.

10. COVENANTS

It is agreed between the parties hereto that every covenant shall ensure to the benefit of and be binding upon the parties hereto, and their heirs, executors, administrators, successors and assigns and that all covenants herein contained shall be construed as being joint and several and that when the context so required or permits the singular number shall be read as if the plural were expressed, and the masculine gender as if the feminine or neuter, as the case may be, were expressed.

11. LIMITATION OF AGREEMENT

The Swim Instructor acknowledges that this Agreement creates no rights beyond those expressly provided for herein.

This Agreement, including any Schedules attached hereto, shall constitute the entire Agreement between the parties. There are no representations, warranties, collateral agreements, or conditions which affect this Agreement other than as expressed herein.

12. AGREEMENT

This Agreement will be governed by and be construed according to the laws of the Province of Ontario and the laws of Canada applicable therein

IN WITNESSWHEREOF the said parties have by their proper officers hereunto set their hands and seals.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SIGNED, SEALED AND DELIVERED  
In the presence of

The Corporation of the  
Town of Kearney

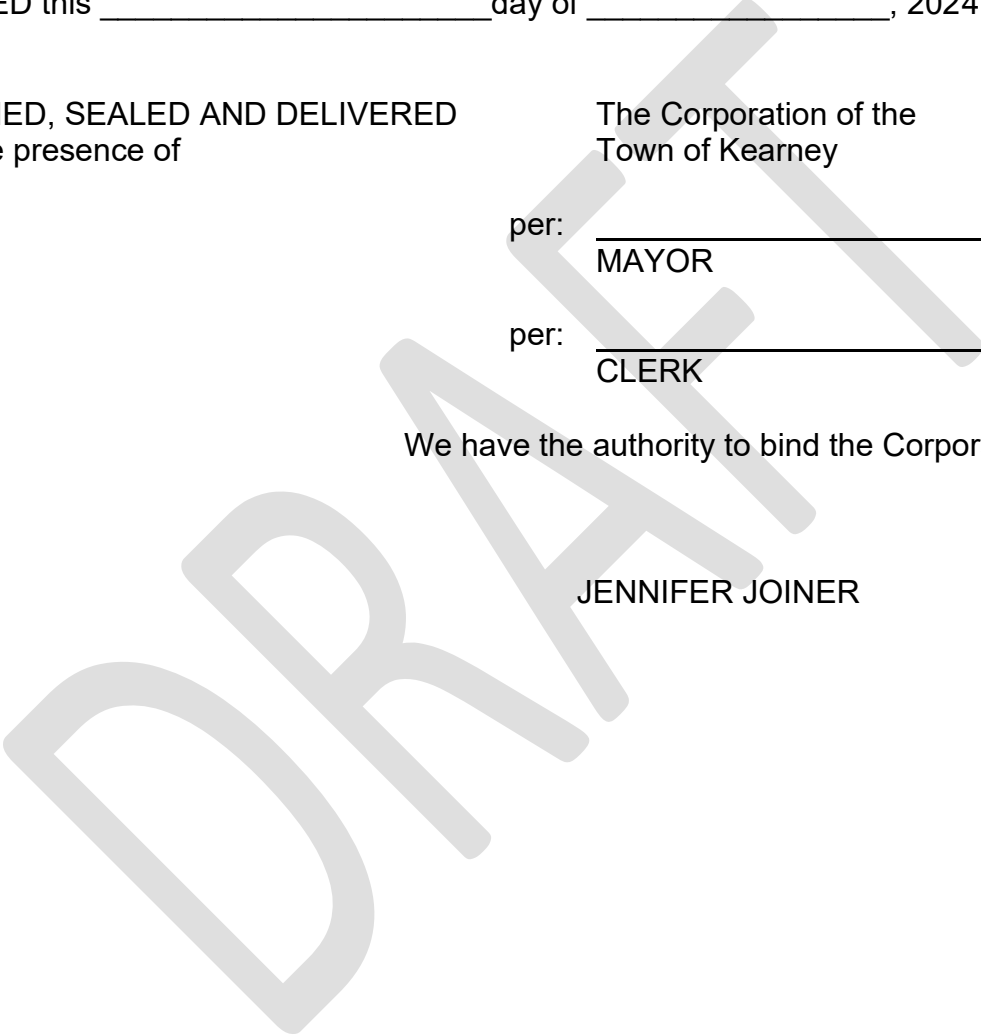
per: \_\_\_\_\_  
MAYOR

per: \_\_\_\_\_  
CLERK

We have the authority to bind the Corporation.

per:

JENNIFER JOINER



**THE CORPORATION OF THE TOWN OF KEARNEY**

**By-Law No. 2024-**

**Being a By-law to appoint a Chief Building Official  
For Enforcing the Building Code Act within  
The Corporation of the Town of Kearney**

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**WHEREAS** the *Municipal Act, 2001, S.O. 2001, c.25* as amended, authorizes the Council of any municipality to appoint certain officers and employees as may be necessary for the purposes of the corporation, or for carrying into effect or enforcing any Act or By-law of the Council;

**AND WHEREAS** the *Building Code Act, 1992, S.O. 1992, c.23, s.3(2)* provides that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of the Building Code Act in the areas in which the municipality has jurisdiction;

**NOW THEREFORE** the Council of The Corporation of the Town of Kearney enacts as follows:

1. **That** Matthew Clouthier is hereby appointed as Chief Building Official for the Corporation of the Town of Kearney confirmed as retroactive to January 4, 2024;
2. **That** Matthew Clouthier, in his position of Chief Building Official shall fulfill all statutory requirements and carry out duties applicable to the Office of the Chief Building Official under the Ontario Building Code Act, and its Regulations including the Ontario Building Code;
3. **That** all By-laws inconsistent with this By-law or that make mention of any other persons as Chief Building Official are hereby repealed, and specifically By-laws 2013-43, 2014-17, 2017-55, 2018-28, 2019-09 and 2024-26 hereby be repealed.
4. **That** this By-law shall come into effect as of the date of passing.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and the Corporate Seal attached hereto, this 11<sup>th</sup> day of July, 2024.

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

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Mayor

---

Clerk

# Engineering Services Agreement

**Project Details**

	File	224521
Project Name	Engineering Services, Various	
Project Manager	Brandon McKenzie, P.Eng.	
Services	Tatham design services with sub-consultant support as required.	
Schedule	Determined on project basis	
Deliverables	Determined on project basis	

**Client Details**

Municipality Name	Town of Kearney	City	Kearney
Address	8 Main Street, PO Box 38	Postal	P0A 1M0
Contact Name	Nicole Gourlay, Clerk Administrator	Phone	705-636-7752, ext. 22
Contact Email	nicole.gourlay@townofkearney.ca		

**Property Details**

Property	Various Locations
Municipality	Town of Kearney

**Fees & Expenses**

General correspondence and advice on minor assignments in response to Town requests will be billed on a time basis. For larger scope assignments, a detailed description of engineering services, fees and expenses will be provided for individual authorization by the Town.	<b>Fees</b>	<b>\$</b>	<b>Time to Upset Limit</b>
	<b>Expenses</b>	<b>\$</b>	<b>As Incurred</b>

Note: Fees and expenses exclude applicable taxes

**Agreement**

This is a formal confirmation that the professional services have been authorized as set forth herein in accordance with the Terms and Conditions described on Pages 3, 4, 5, and the attached 2024 billing rate schedule. Kindly sign Pages 1, 2, 3, 4 & 5 and return this agreement together with the retainer as set out above.

Dated at Bracebridge

Dated on April 23, 2024

For: Tatham Engineering Limited  
 Consultant

For: Town of Kearney  
 Municipality Name

Per: Ryan Mannings, C.E.T.  
 signing authority

Per: Nicole Gourlay  
 signing authority (please print)



signature

signature

Task	Description	Fee Basis	Fee	
1.	Tatham design services with sub-consultant support as required.		\$	Time to Upset Limit
2.			\$	
3.			\$	
4.			\$	
5.			\$	
6.			\$	
7.			\$	
8.			\$	
	<b>Fees</b>		\$	<b>Time to Upset Limited</b>
	<b>Expenses</b>		\$	<b>As incurred</b>
	<b>Total</b>		\$	

**Notes**

**Exclusions**

Services not set forth above are specifically excluded from the scope of the Consultant's services. Such services will be completed on a time and expense basis, or as otherwise agreed, upon prior approval from the client. Some, but not necessarily all, excluded services are as follows:

1. Services related to claims review, adjudication or dispute resolution.
- 2.
- 3.
- 4.
- 5.

Accepted by \_\_\_\_\_  
client signature

\_\_\_\_\_  
date

**Terms & Conditions**

**General:** The Consultant, Tatham Engineering Limited, shall render the Services, as specified in this Engineering Services Agreement, to the Client for this Project in accordance with the following terms of engagement. The Consultant may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services.

**Corporate Protection:** It is intended by the parties to this Agreement that the Consultant's services in connection with the Project shall not subject the Consultant's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against the Consultant, a Limited corporation, and not against any of the Consultant's individual employees, officers or directors.

**No Third-Party Beneficiaries:** Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favour of a third party against either the Client or the Consultant. The Consultant's services under this Agreement are being performed solely for the Client's benefit, and no other party or entity shall have any claim against the Consultant because of this Agreement or the performance or non-performance of services hereunder. The Client and Consultant agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors and other entities involved in this Project to carry out the intent of this provision.

**Compensation:** Charges for the Services rendered will be made in accordance with the Consultant's Schedule of Services as the Services are rendered. Invoices will be rendered monthly by email, unless mutually agreed, otherwise by mail, and due and payable by the Client within 28 days of the date of receipt of the invoice. Interest on overdue accounts is 1.5% per month (18% per annum). In the event that an invoice is not paid within 90 days, the Consultant shall be entitled to suspend work and withhold any deliverables until all outstanding invoices are paid. The retainer will be held on account until final billing with any balance remaining at that time refunded to the Client.

**Tax:** Applicable taxes will be applied to invoiced amounts.

**Representatives:** Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

**Termination:** Either party may terminate this Agreement without cause upon 30 days notice in writing. If either party breaches this Agreement, the non-defaulting party may terminate this Agreement after giving 7 days notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

**Environmental:** The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil, ground water, surface water, or air unless specifically noted in the scope of work. The client agrees that nothing in the Consultant's scope of services, as set forth in this Agreement is intended to address, mitigate, eliminate, identify, test for or prevent any kind of environment, chemical, viral or bacterial exposure or contamination, including without limitation the presence or exposure to dust, asbestos or asbestos containing material, lead, pollution, mould, fungus, spores, Legionnaires' disease, COVID-19, coronavirus or other pathogens of any kind ("Exposures"). The Client is advised to retain the services of a qualified environmental consultant to advise the Client to help identify, test for and mitigate any or all Exposures. The Client is further advised to follow any and all applicable government guidelines and recommendations, including without limitation from the Federal, Provincial and local health departments.

**Professional Responsibility:** In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

Accepted by \_\_\_\_\_

client signature

\_\_\_\_\_ date

## Terms & Conditions

**Limitation of Liability:** To the maximum extent permitted by law, the Client agrees to limit the Consultant's liability for the Client's damages to the sum of \$1,000,000 or the Consultant's fee, whichever is greater. This limitation shall apply regardless of the cause of action or legal theory pled or asserted. No claim may be brought against the Consultant in contract or tort more than two years after the Services were completed or terminated under this engagement.

**Drawings & Documents:** Drawings and documents or copies thereof required for the Project shall be exchanged between the parties on a reciprocal basis. Documents prepared by the Consultant for the Client, including record drawings, may be used by the Client, for the Project herein described. The client indemnifies the Consultant for unauthorized use of the drawings and documents.

**Insurance:** When requested, the Consultant shall provide to the Client proof of the Insurance carried by the Consultant, in accordance with the Professional Engineers Act (RSO 1990, Chapter P. 28) and regulations therein.

**Indemnification:** The Consultant agrees to indemnify and hold harmless the Client against all damages arising directly from the Consultant's negligent performance of the services under this Agreement. Notwithstanding the foregoing agreement to indemnify and hold harmless, the Client and Consultant expressly agree that the Consultant has no duty to defend the Client from and against any claims, causes of action or proceedings of any kind. However, the Consultant expressly agrees, after adjudication by a court of competent jurisdiction, to reimburse the Client pursuant to this provision for any costs and fees determined by the court to have been reasonably, necessarily and actually incurred by the Client in the defence of those claims specifically caused by the Consultant's negligence.

**Communicable Diseases:** The Owner will notify the Consultant immediately if any person at the Project shows symptoms of, or tests positive for, any communicable diseases, virus, bacteria or pathogen, including without limitation COVID-19, SARS-CoV-2 or coronavirus, that is capable of being spread or transmitted from one person to another and subject to a Federal, Provincial or local Medical Officer of Health Order.

**Force Majeure:** The Client agrees that the Consultant is not responsible for damages arising directly or indirectly from any delays for causes beyond the Consultant's control. For purposes of this Agreement, such causes include, but are not limited to, strikes or other labour disputes; severe weather disruptions or other natural disasters or acts of God; fires, riots, war or other emergencies; a health pandemic including without limitations COVID-19, SARS-CoV-2 or coronavirus. In addition, if such delays resulting from any such causes increase the cost or time required by the Consultant to perform its services in an orderly and efficient manner, the Consultant shall be entitled to a reasonable adjustment in schedule and compensation.

**Workers Safety & Insurance Board:** The Consultant warrants to the Client that the Consultant is in good standing with the Workers Safety and Insurance Board and shall deliver, upon request, a current clearance certificate to the Client before beginning any work under this Contract.

**Jobsite Safety:** Neither the professional activities of the Consultant, nor the presence of the Consultant or its employees and subconsultants at a construction/project site, shall impose any duty on the Consultant, nor relieve the Client or their Contractor of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the Work in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. The Consultant and its personnel have no authority to exercise any control over the Owner or their Contractor or their employees in connection with their work or any health or safety programs or procedures.

**Dispute Resolution:** Save and except for claims brought by the Consultant for non-payment of accounts rendered, if requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with the Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled with the mediator within a period of thirty (30) calendar days, the dispute shall be referred to and finally resolved by binding arbitration.

**Field Services:** Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work of a contractor retained by the Client is being carried out in general conformity with the intent of the Services. Any reduction from the level of services recommended will result in the Consultant providing qualified certifications for the work.

Accepted by \_\_\_\_\_

client signature

\_\_\_\_\_ date

**Terms & Conditions:**

**Right of Entry:** The Client agrees to provide the Consultant full access to the site and a legal survey plan of the boundaries of the site for which the Consultant will perform its services. If the Client does not own the site, the Client will provide written permission from the Owner of the site for the Consultant's access to the site to conduct site inspections, surveys, borings, and all other explorations as necessary to complete the scope of Services listed on page 2. The Consultant will take reasonable precautions to minimize damage to the site from the use of equipment, however the Consultant is not responsible for any damage to the site caused by normal and customary use of equipment. All restoration and repair of damages is the full responsibility of the Client. The costs for restoration and repair of damages is not included in the Consultant's fees.

**Underground Utilities & Structures:** The Client will identify locations of underground utilities and other structures by placing stakes/paint in the field and providing a plan of the underground utilities and structures to the Consultant prior to the Consultant completing any Field Services. The Consultant will take reasonable precautions to avoid damage to the underground utilities and structures located by the Client. Unknown or unmarked underground utilities and structures are at serious risk of damage during the site work. The Client agrees to fully accept the risk of any damages and losses resulting from the Field Services and shall indemnify and hold the Consultants, its subcontractors and employees harmless from all claims, losses or damages arising from the Consultant services including subsurface exploration.

**Presence of Hazardous Materials:** If hazardous materials of any kind whatsoever are discovered during the Consultants work, the Client will be wholly responsible for all associated and additional costs to remediate, collect, convey, transport, dispose or any other required work to properly address the hazardous materials. If hazardous materials of any nature are suspected, the Consultant will have the option to stop work, without any penalty. The Client and Consultant shall expeditiously negotiate an amendment to this Agreement to address the additional work related to the hazardous materials. If a mutually satisfactory amendment to this Agreement cannot be reached between both parties, this Agreement will be terminated without cause and the Client agrees to pay the Consultant for all services rendered up to the date of termination, including any costs associated with termination.

**Disposal of Samples & Wastes Containing Regulated Contaminants:** In the event that samples collected by the Consultant or provided by Client, or wastes generated as a result of site investigation and Field Services activities contain or potentially contain substances or constituents which are or may be regulated contaminants as defined by federal, provincial, territorial, or municipal statutes, regulations, or bylaws, including but not limited to samples or wastes containing hazardous materials, the samples or wastes will remain the property of the Client and Client will have responsibility for them as a generator. The Consultant will, at the Client's expense and as the Client's appointed agent, perform necessary testing, and either (a) return the samples and wastes to the Client, or (b) using a manifest signed by the Client as generator, have the samples and wastes transported to a location selected by the Client for disposal. The Client will pay all costs associated with the handling, storage, transport and disposal of samples and wastes.

**Contribution of Hazardous Materials:** The Client agrees that the Consultant has not contributed to the presence of hazardous wastes of any kind or biological pollutants such as moulds, fungi, spores, bacteria and viruses, and by-products of any biological organisms, or other hazardous materials that may exist or be discovered in the future at the site. The Consultant does not assume any liability for the known or unknown presence of such hazardous materials. The Consultants scope of services does not include the investigation or detection of biological pollutants such as moulds, fungi, spores, bacteria and viruses, and by-products of any such biological organisms. The Client agrees to fully indemnify and hold harmless the Consultant its subconsultants, subcontractors, agents, and employees from and against all claims, damages, losses, and costs (including fees) that may result from the detection, failure to detect, or from the actual, alleged, or threatened discharge, dispersal, release, escape, or exposure to any solid, liquid, gaseous, or thermal irritant, asbestos in any form, or contaminants including smoke, vapour, soot, fumes, acids, alkalis, chemicals, waste, oil, hazardous materials, or biological pollutants.

I:\2024 Projects\224521 - Town of Kearney\01 - Engineering Services\Documents\Agreements\Engineering Services Agreement.docx

Accepted by \_\_\_\_\_  
client signature

\_\_\_\_\_ date

June 12, 2024

Immigration, Refugees, and Citizenship Canada  
Ottawa, ON

**Subject: North Bay and Area Rural Community Immigration Pilot Expression of Interest Application (RCIP) submitted by North Bay & District Chamber of Commerce**

Dear Selection Committee,

We are writing to express our support for the Rural Community Immigration Pilot (RCIP) application submitted by the North Bay & District Chamber of Commerce (NBDCC). As a valued community partner, we believe that the RCIP presents a unique opportunity to address aging demographic challenges, foster economic growth, and promote social inclusion in rural areas across northern Ontario. Delivering the current North Bay and Area Rural and Northern Immigration Pilot (RNIP), the NBDCC has been successful in managing the pilot over the last few years assisting employers fill their labour shortages and fostering positive relationships with community partners in the boundary. These partnerships have assisted with newcomer retention within our respective communities.

Almaguin Community Economic Development (ACED) represents a regionally collaborative effort to deliver economic development services in the East Parry Sound District of Northern Ontario (locally known as the Almaguin Highlands). ACED's operations are guided by the strategic direction set out in the 2018 Almaguin Highlands Regional Economic Development Strategic Plan. The plan sets out a series of recommendations that will encourage economic growth for all stakeholder communities. One such recommendation was for ACED and its partners to "Enhance the Skilled Workforce" which includes considerations for attracting the immigration of skilled workers wanting a new start outside of a large urban centre. ACED is confident that NBDCC's proposed RCIP project will help to achieve positive results pursuant to this recommendation.

The RCIP's focus on attracting and retaining skilled immigrants to rural communities resonates deeply with our organization's mission and values. We recognize the contributions that newcomers bring to our communities, including their diverse talents, skills, and perspectives, which enrich our social fabric and enhance our collective well-being.

Through our ongoing collaboration with the NBDCC and other stakeholders, we have witnessed firsthand the positive impact of welcoming newcomers to our community. By providing newcomers with access to settlement services, language training, employment support, and other essential resources, to help newcomers successfully integrate and thrive in our community.

By fostering a welcoming and inclusive environment, we can create a vibrant and resilient community where everyone has the opportunity to succeed and contribute to our shared prosperity.

In conclusion, ACED supports the NBDCC's RCIP application principle and looks forward to the positive results that the project will achieve. Together, we can build upon the successes witnessed through RNIP and continue to develop inclusive communities that celebrate diversity, fosters innovation, and embraces the contributions of newcomers to our shared future.

Sincerely,



David Gray, Ec.D.  
Director of Economic Development  
Almaguin Community Economic Development

## RCIP Letter of Support from Municipalities

[Your Municipality's Letterhead]

[Date]

Immigration, Refugees, and Citizenship Canada  
Ottawa, ON

Re: North Bay and Area Rural Community Immigration Pilot Expression of Interest  
Application (RCIP) submitted by North Bay & District Chamber of Commerce

Dear Selection Committee,

I am writing on behalf of **[Your Municipality]** to express our support of the North Bay & District Chamber of Commerce (NBDCC) application to be the lead proponent for the Rural Community Immigration Pilot (RCIP) initiative for our area. Delivering the current North Bay and Area Rural and Northern Immigration Pilot (RNIP), the NBDCC has been successful in managing the pilot over the last few years assisting employers fill their labour shortages and fostering positive relationships with community partners in the boundary.

As a municipality deeply committed to fostering inclusive and vibrant communities, we believe that the RCIP presents a unique opportunity to address aging demographic challenges, stimulate economic and population growth, and enrich the social fabric of rural areas across northern Ontario.

The RCIP's focus on attracting and retaining skilled immigrants to rural communities aligns closely with our municipality's strategic priorities and aspirations for sustainable development. By welcoming newcomers with diverse backgrounds, talents, and experiences, we can harness their contributions to drive innovation, entrepreneurship, and community vitality.

Moreover, the RCIP offers a pathway for addressing critical labour market needs and filling gaps in key sectors. By connecting skilled immigrants with employment opportunities and support services tailored to their needs, we can strengthen local businesses, create jobs, and build resilience in our economy.

We are committed to collaborating with our regional partners, settlement agencies, employers, and community organizations to ensure the successful implementation of the RCIP and to provide newcomers with the resources and support they need to integrate and thrive in our community. Together, we can create a welcoming and inclusive environment where all residents feel valued, respected, and empowered to achieve their full potential.

In conclusion, we endorse the RCIP and look forward to working closely with the North Bay and District Chamber of Commerce and other stakeholders to build upon existing momentum and continue to witness the benefits resulting from our immigration attraction and retention efforts.

Sincerely,

[Your Name]

[Your Title]

[Your Municipality]



# Community Bus Survey Results

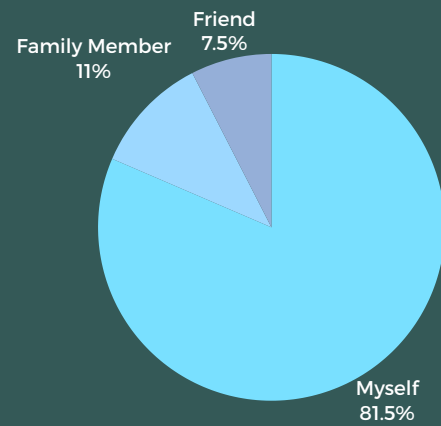
2023-2024

# COMMUNITY BUS SURVEY RESULTS

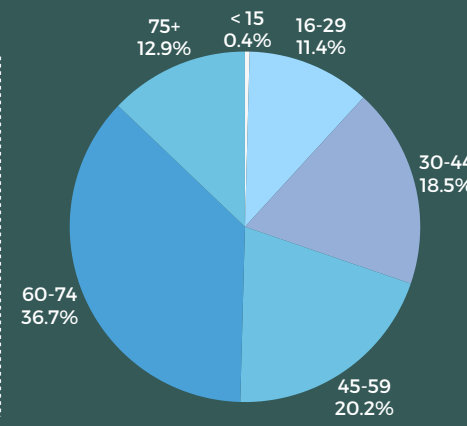
*Dec 2023-Jan 2024*

**TOTAL: 466 SURVEYS**

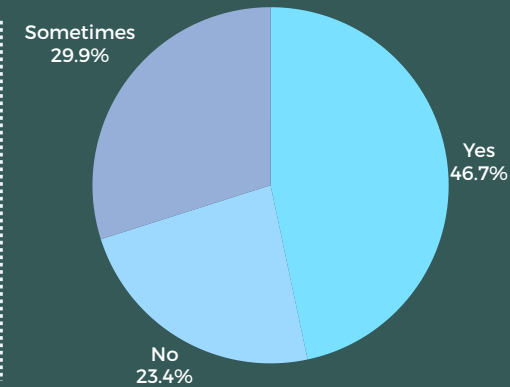
The Survey was taken on behalf of:



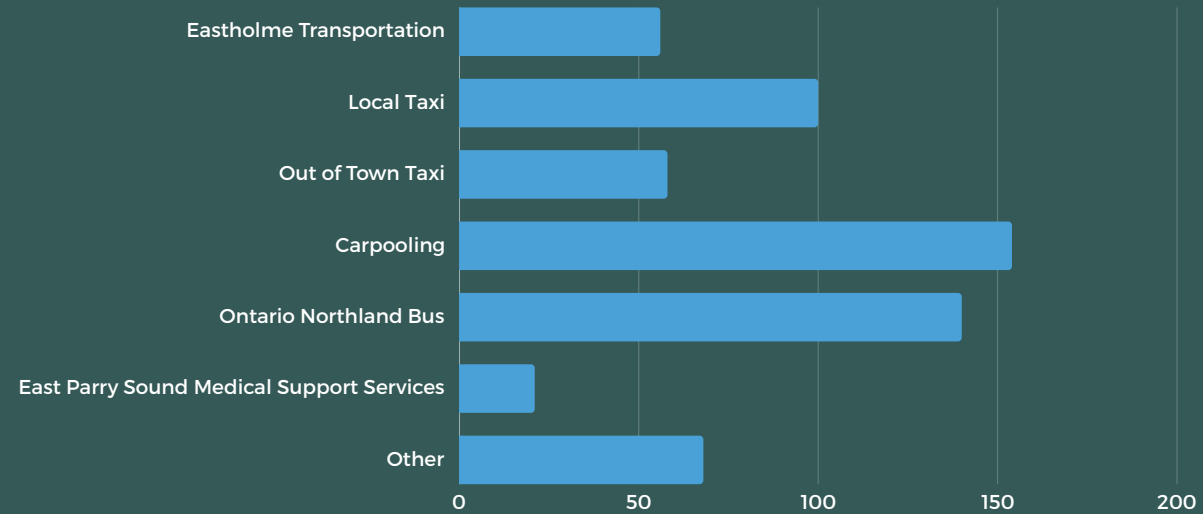
Age Range:



Access to a reliable vehicle:



Use of Other Transportation:

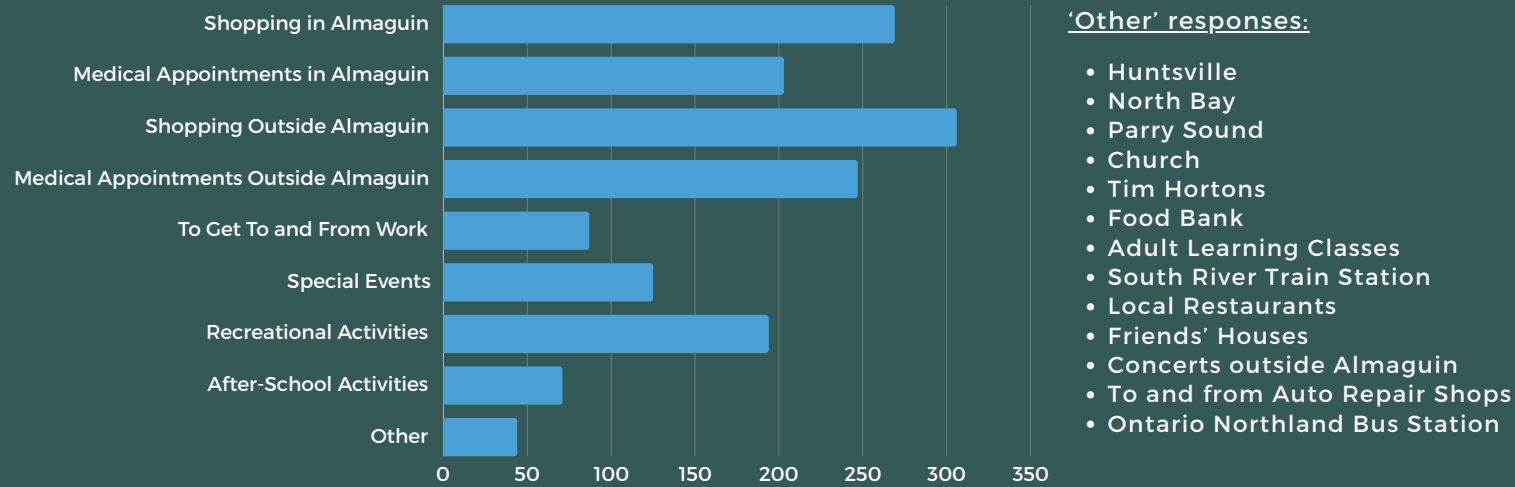


'Other' responses:

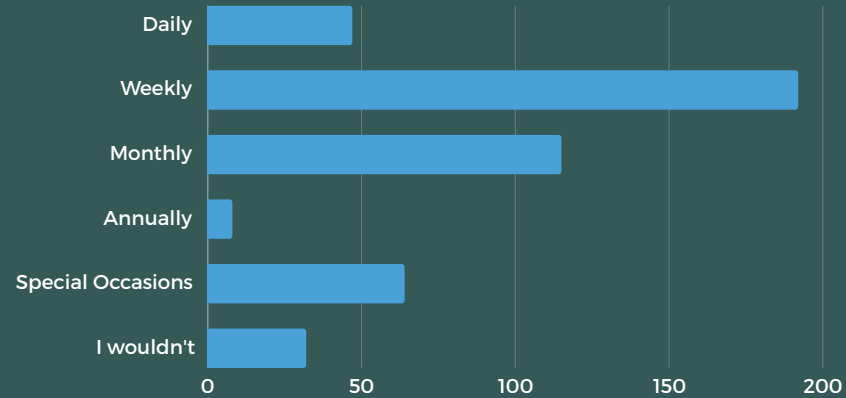
- Moore Bus Line
- Neighbours
- Friends/Family
- Northern Airport Service
- Borrowed vehicle
- Cycling
- Local Burk's Falls bus

# COMMUNITY BUS SURVEY RESULTS

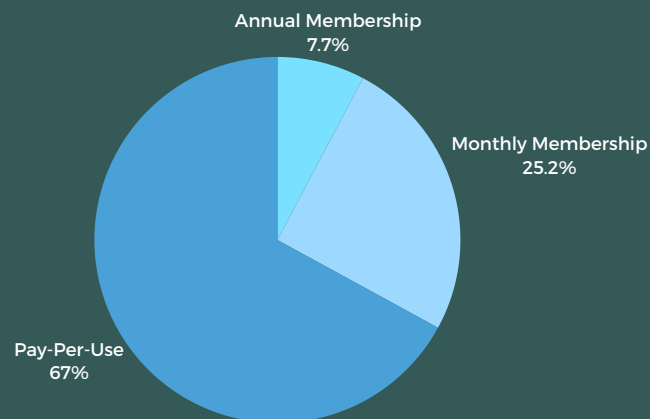
## Potential Uses for a Community Bus:



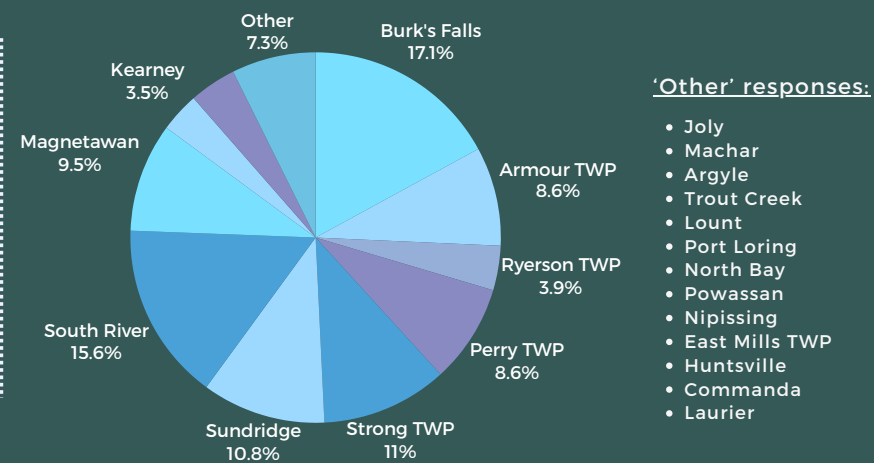
## Frequency of Use:



## Preferred Payment System:

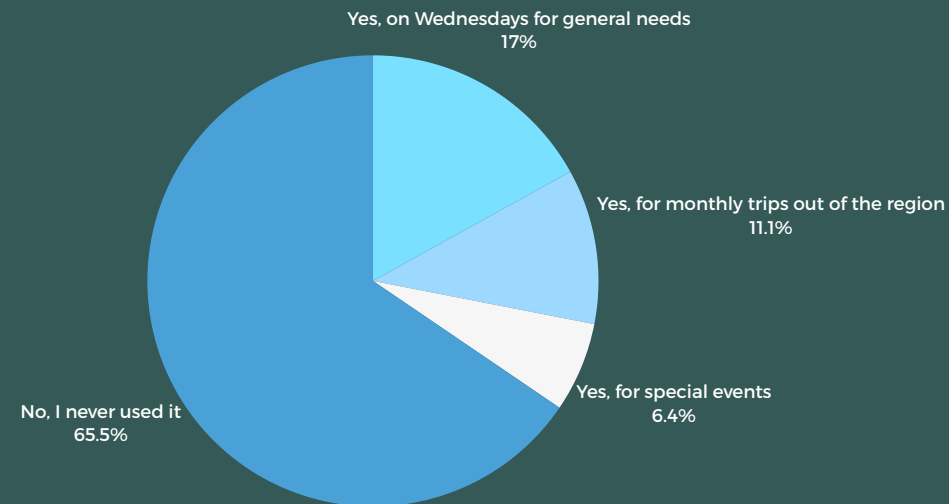


## Municipality:



# COMMUNITY BUS SURVEY RESULTS: BURK'S FALLS COMMUNITY LINK BUS

Percentage of Burk's Falls, Armour & Ryerson Respondents who had used the Community Link Bus:  
148 responses



## What People Liked:

- Getting to Doctors appointments
- shopping opportunities
- affordable
- drivers were pleasant
- socializing on the bus
- going to the bank
- it was reliable and punctual
- multiple stops in Huntsville
- At home pickup and drop off
- weekly shopping on a routine/schedule

## Areas of Improvement:

- Needed to be more reliable
- Felt rushed on shopping excursions
- Passengers abused drivers' kindness
- Frequently down for repairs
- Small capacity (6-8 people)
- Bus routes/stops should be clearly marked
- More awareness about its availability
- Better scheduling would be ideal, more drivers would be optimal
- Frequency, access and marketing could all be improved
- Needed more than 1 day a week

## Instances the Bus Could Have Been More Convenient:

- Shuttle for Community Events
- Special Events/Weddings
- Coming home from Hospital when taken by ambulance
- Concerts
- Bowling
- Tim Hortons
- Medical Appointments
- Shopping
- Fall Fairs
- Craft Shows
- Banking in Sundridge
- Trips to local beaches

## Any Other Comments:

- A bi-weekly designated route and schedule should be developed
- The last bus only served Burk's Falls, but its needed in other areas
- It could be useful to get to and from work for those who don't drive
- More information on the last bus should have been available
- A community bus is desperately needed, especially for the growing population of elderly people in our community
- A community bus is a project I would be happy to see my tax dollars invested in (EACH municipality should have to contribute a dollar amount based on their population size like the formula used for ambulance services)
- As we age our greatest fear is, if neither of us can drive, can we stay here?
- I would love the option of not owning a car and saving on those expenses
- Could use a bus with more capacity
- Heat and AC on the bus is a must
- I hope it becomes a reality. For people without a car & on a fixed income the lack of public transportation is difficult.
- Sounds like a great idea. Needs to be properly advertised so it's successful



**RESOLUTION**

2023-10

Be it resolved that the Almaguin Community Economic Development Board have received and reviewed the draft Almaguin Community Bus Activities Report. Furthermore, the Board recommends that all municipalities review the report at their next council meeting and consider supporting the initiative in-principle and/or participating in the service planning phase.

MOVED BY: Tim  
SECONDED BY: Margaret Ann  
CARRIED:  Yes  No  
Comments: W. Whitwell

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# District of Parry Sound



Social Services  
Administration Board

## **Chief Administrative Officer's Report**

*June 2024*

### Mission Statement

To foster healthier communities by economically providing caring human services that empower and enable the people we serve to improve their quality of life.

## District Municipal Association

On May 17<sup>th</sup>, I attended the District of Parry Sound Municipal Association meeting in Emsdale. There were approximately 100 people in attendance, primarily elected officials, ministries, agencies and municipal staff from all municipalities in the District of Parry Sound. I was pleased to see several members of our board in attendance.

(Shown here: Jerry Brandt, Tom Lundy, Janice Bray, Tammy MacKenzie, Teri Brandt, Ted Collins, Gail Finnsen, Sharon Smith)



## National Housing Strategy Funding Update

On May 28<sup>th</sup>, 2024, the Federal and Provincial Ministers responsible for housing released a [joint statement](#) confirming that an agreement had been reached on a revised action plan from Ontario that will unlock \$357 million of federal funding under the National Housing Strategy (NHS), which had recently been paused by the federal government.

We were very pleased to learn that both levels of government have worked together to create a plan that would see Service Managers receiving the funding that had already been allocated. The DSSAB relies heavily on the limited National Housing Strategy funding it receives through the Province of Ontario to preserve existing housing stock and to create new supply. In the 2024-25 fiscal year, the PSDSSAB’s anticipated allocation under the Canada-Ontario Community Housing Initiative (COCHI) was \$477,400. Under the Ontario priorities Housing Initiative (OPHI) the anticipated allocation was \$287,600.

We’ve been advised that the 2024-2025 funding allocations for COCHI and OPHI for our District will be re-confirmed shortly.

## Value for Money Audit

As part of the 2024 Child Care funding allocation, the Ministry of Education is requiring municipalities and District Social Services Administration Boards (DSSABs) that directly operate child care centres to do a value-for-money audit of their programs. Under the new funding guidelines sent to the Consolidated Municipal Services Managers (CMSMs) and DSSABs, we are required to have an independent audit completed by the end of 2024. To increase efficiencies, we have partnered with Rainy River District Services Board and Kenora District Services Board to contract MNP LLP to complete this required audit.

### 2024 OMSSA Exchange Conference

On May 7th & May 8th, I attended the OMSSA Exchange Conference in Toronto. With more than 400 people in attendance from the human services, health, child care, and public services field, the conference provided the opportunity to bring human services staff from across Ontario to focus on several important professional development topics, and learn about the innovative work happening in each of our sectors to address the most pressing issues in our local communities.

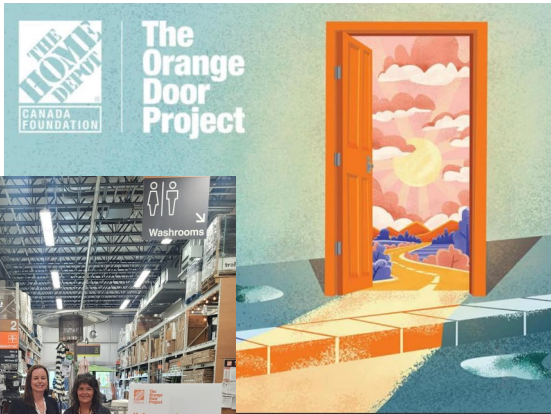


### Perry Township Community Safety Day

On May 25<sup>th</sup>, two members of our Income Support & Stability team attended the Perry Township Community Safety Day to represent the DSSAB.

### Moose Hide Campaign Day

On May 16<sup>th</sup>, members of our Esprit team attended the Moose Hide Campaign Walk hosted by the Parry Sound Friendship Centre recognizing Violence against Women and Children, and provided an information table to those in attendance.



### Home Depot's Spring Orange Door Project

The Home Depot Foundation's Spring Orange Door Project fundraising campaign runs from June 4 to July 7, 2024.

During this time, The Home Depot will engage associates and customers in a local campaign where 100% of funds raised stay within the District of Parry Sound and support Esprit Place Family Resource Centre.

Our team will be on site once per week during the campaign to provide information on our programs and services.

## Social Media

### Facebook Stats

<b>District of Parry Sound Social Services Administration Board</b>	<b>DEC 2023</b>	<b>JAN 2024</b>	<b>FEB 2024</b>	<b>MAR 2024</b>	<b>APR 2024</b>	<b>MAY 2024</b>
Total Page Followers	530	547	557	556	579	585
Post Reach this Period (# of people who saw post)	2,441	5,647	4,003	3324	4869	2904
Post Engagement this Period (# of reactions, comments, shares)	289	724	392	413	203	617

<b>Esprit Place Family Resource Centre</b>	<b>DEC 2023</b>	<b>JAN 2024</b>	<b>FEB 2024</b>	<b>MAR 2024</b>	<b>APR 2024</b>	<b>MAY 2024</b>
Total Page Followers	175	181	183	186	190	192
Post Reach this Period (# of people who saw post)	1,610	283	214	241	912	239
Post Engagement this Period (# of reactions, comments, shares)	292	14	3	127	54	41

<b>DSSAB LinkedIN Stats</b> <a href="https://bit.ly/2YyFHIE">https://bit.ly/2YyFHIE</a>	<b>NOV 2023</b>	<b>DEC 2023</b>	<b>JAN 2024</b>	<b>FEB 2024</b>	<b>MAR 2024</b>	<b>MAY 2024</b>
Total Followers	444	444	450	456	462	467
Search Appearances (in last 7 days)	52	25	20	69	68	45
Total Page Views	48	30	47	40	54	60
Post Impressions	570	368	815	575	697	256
Total Unique Visitors	18	16	15	21	25	26

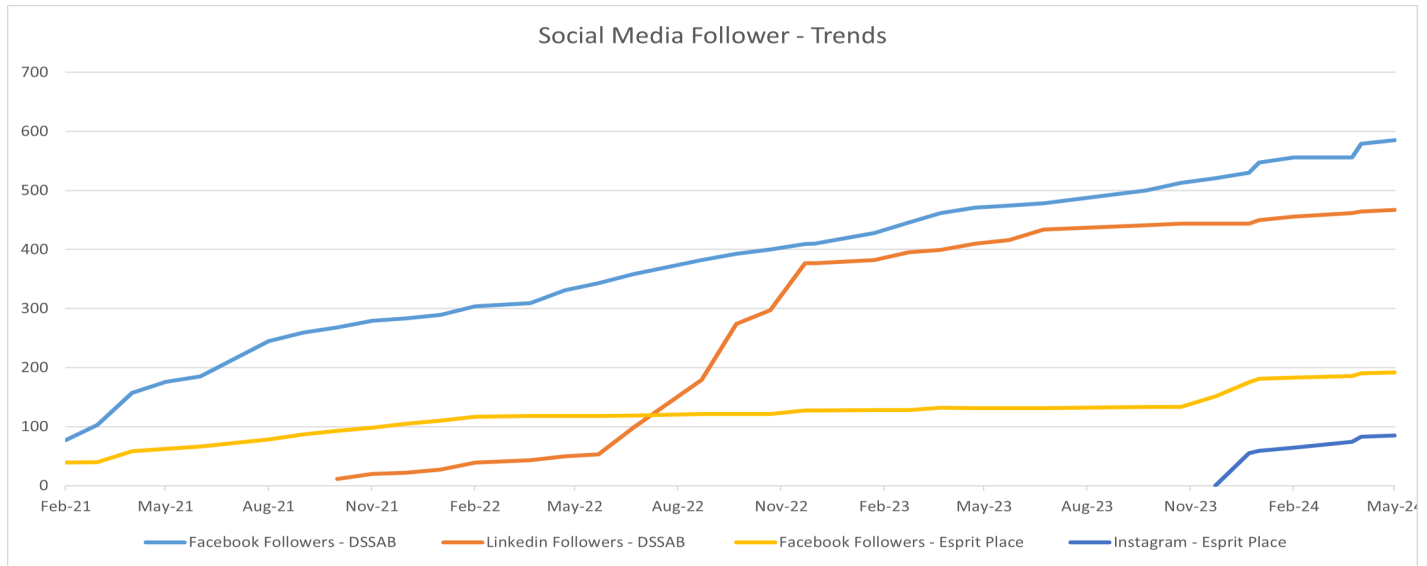
<b>NEW! Instagram - Esprit Place Family Resource Centre</b> <a href="https://www.instagram.com/espritplace/">https://www.instagram.com/espritplace/</a>	<b>DEC 2023</b>	<b>JAN 2024</b>	<b>FEB 2024</b>	<b>MAR 2024</b>	<b>APR 2024</b>	<b>MAY 2024</b>
Total Followers	55	59	64	74	83	85
# of posts	18	19	21	23	24	25

## Facebook Pages

A friendly reminder to follow our Facebook pages!



- ◆ [FACEBOOK - District of Parry Sound Social Services Administration Board](#)
- ◆ [FACEBOOK - Esprit Place Family Resource Centre](#)
- ◆ [FACEBOOK—EarlyON Child and Family Centres in the District of Parry Sound](#)
- ◆ [LINKEDIN—District of Parry Sound Social Services Administration Board](#)
- ◆ [INSTAGRAM—Esprit Place Family Resource Centre](#)



## Licensed Child Care Programs

### Total Children Utilizing Directly Operated Child Care in the District April 2024

Age Group	Fairview ELCC	First Steps ELCC	Highlands ELCC	Waubeek ELCC	HCCP	Total
Infant (0-18M)	0	0	0	2	21	23
Toddler (18-30M)	13	8	15	12	19	67
Preschool (30M-4Y)	17	12	20	41	58	148
# of Active Children	30	20	35	55	98	238

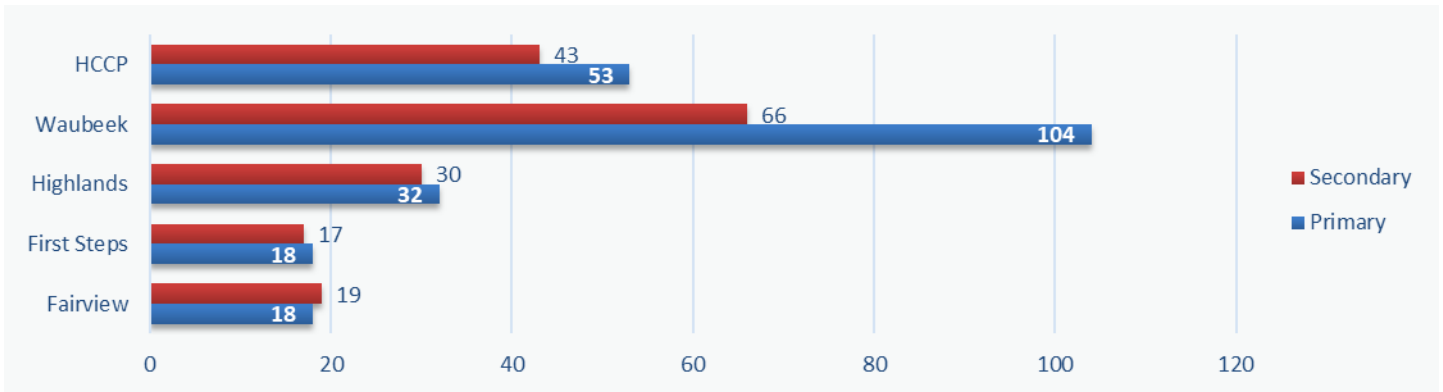
The Home Child Care Program approved a home in the Novar area that will be opening in June as well a new home will be opening shortly in the Rosseau community.

**School Age Programs  
April 2024**

Location	Enrollment	Primary Waitlist	Secondary Waitlist
Mapleridge After School	26	7	9
Mapleridge Before School	8	0	0
Mapleridge Summer Program	N/A	13 enrollments	
Sundridge Centennial After School	13	9	2
Home Child Care	27	8	2
# of Active Children	74	24	13

Families have begun requesting September registration for both the Sundridge and Mapleridge School Age Programs.

**Directly Operated Child Care Waitlist by Program**



These waitlist numbers are duplicated as families continue to register with multiple programs.

The blue bar indicates the current number of children needing care now that cannot be accommodated. The red bar shows the number of children that will be needing care in future months.

**Inclusion Support Services  
April 2024**

Age Group	EarlyON	Licensed ELCC's	Monthly Total	YTD Total	Waitlist	New Referrals	Discharges
Infant (0-18M)	0	1	1	2	1	0	0
Toddler (18-30M)	0	5	5	10	0	1	0
Preschool (30M-4Y)	5	35	40	42	2	0	0
School Age (4Y+)	4	19	23	22	2	0	0
Monthly Total	9	60	69	-	5	1	0
YTD Total	10	56	-	76	18	9	7

**EarlyON Child and Family Programs  
April 2024**

Activity	Monthly Total	YTD
Number of Children Attending	1,149	4,006
Number of New Children Attending	50	147
Number of Adults Attending	830	3,416
Number of Virtual Programming Events	8	39
Number of Engagements through Social Media	339	2,056
Number of Views through Social Media	10,387	48,273

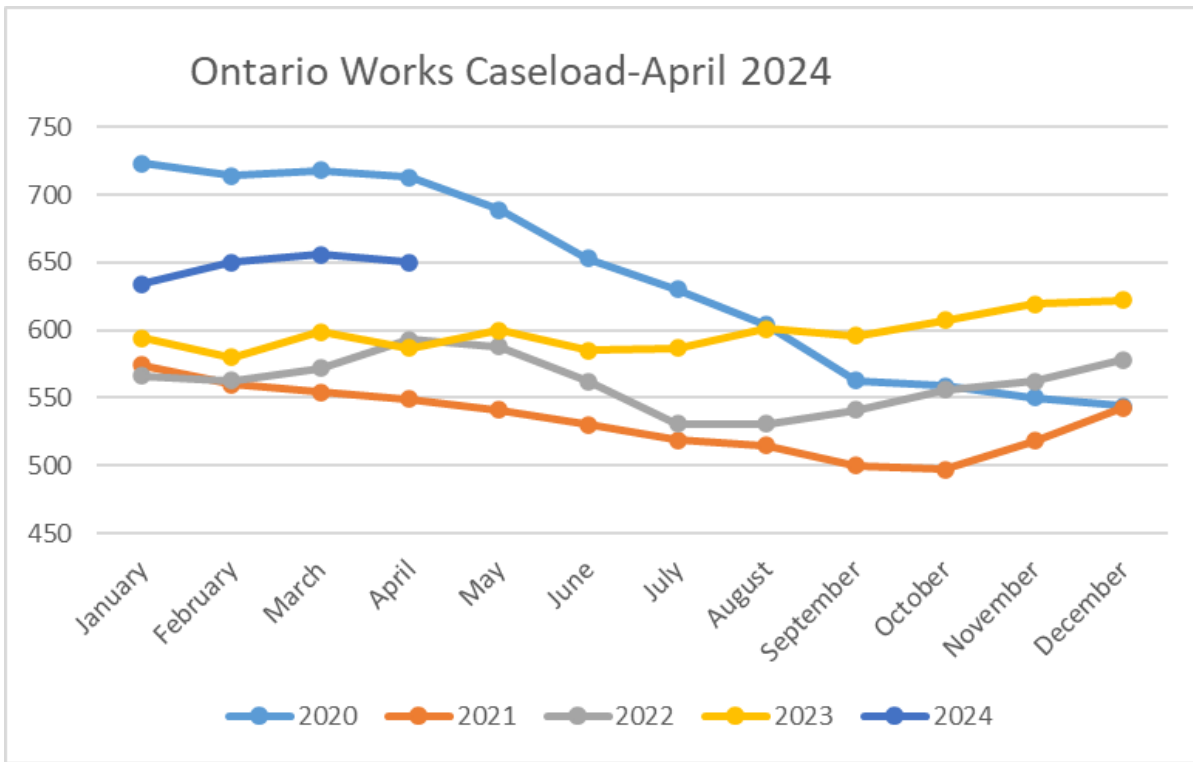
**Funding Sources for District Wide Childcare Spaces  
April 2024**

<b>Active</b>	<b># of Children</b>	<b># of Families</b>
CWELCC*	75	73
CWELCC Full Fee	202	198
Extended Day Fee Subsidy	1	1
Fee Subsidy	41	29
Full Fee	25	23
Ontario Works	3	2
<b>Total</b>	<b>347</b>	<b>326</b>

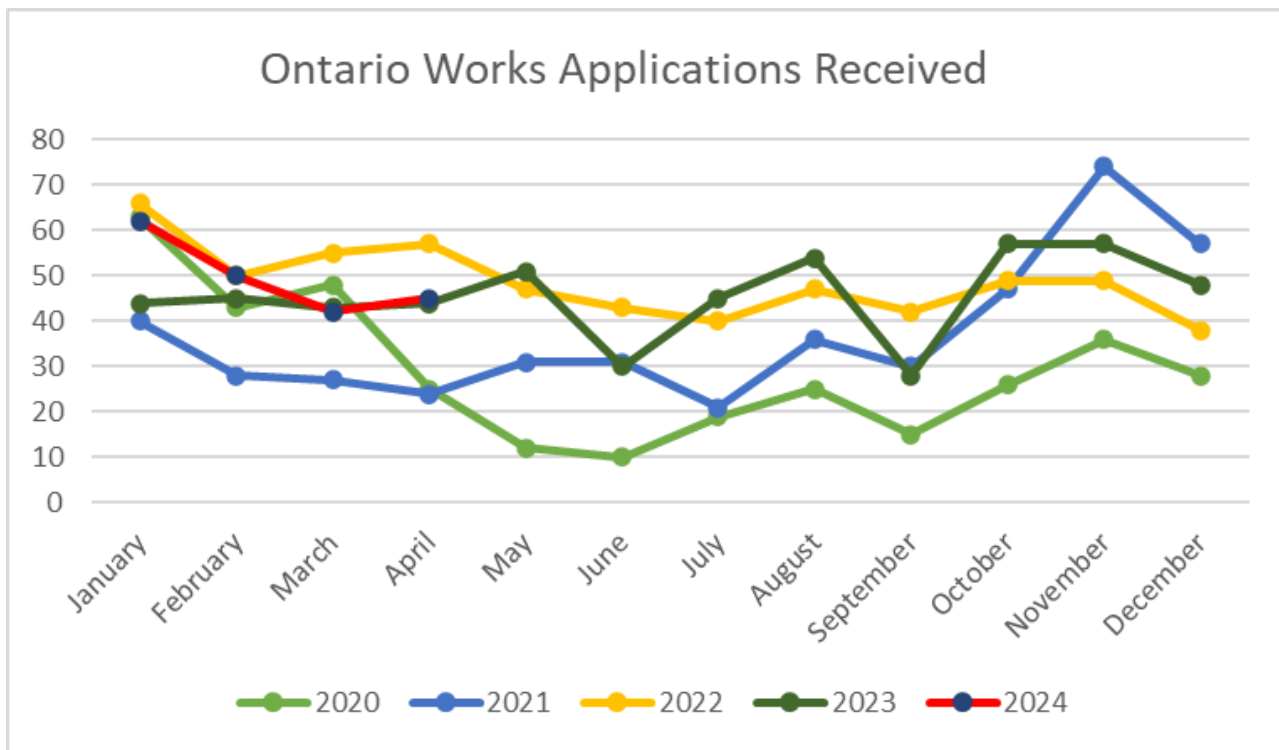
<b>Funding Source - New</b>	<b># of Children</b>	<b># of Families</b>
CWELCC	2	2
CWELCC Full Fee	1	1
<b>Total</b>	<b>2</b>	<b>2</b>

<b>Exits</b>	<b># of Children</b>	<b># of Families</b>
CWELCC	1	1
Fee Subsidy	1	1
<b>Total</b>	<b>2</b>	<b>2</b>

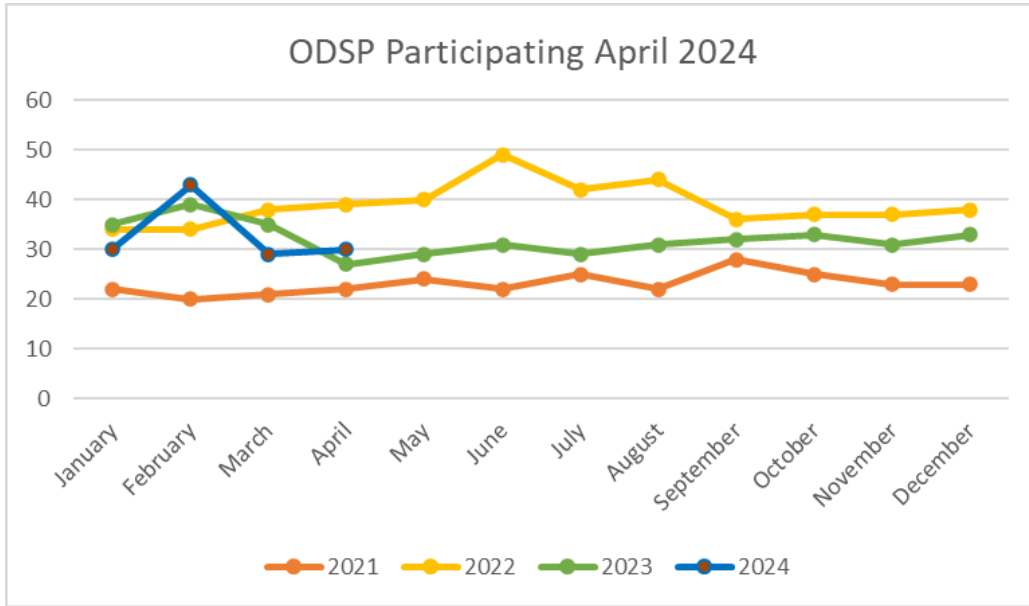
\* CWELCC: Canada-Wide Early Learning Child Care; eligible for children 0 - 6



**Ontario Works Intake - Social Assistance Digital Application (SADA) & Local Office Ontario Works Applications Received**

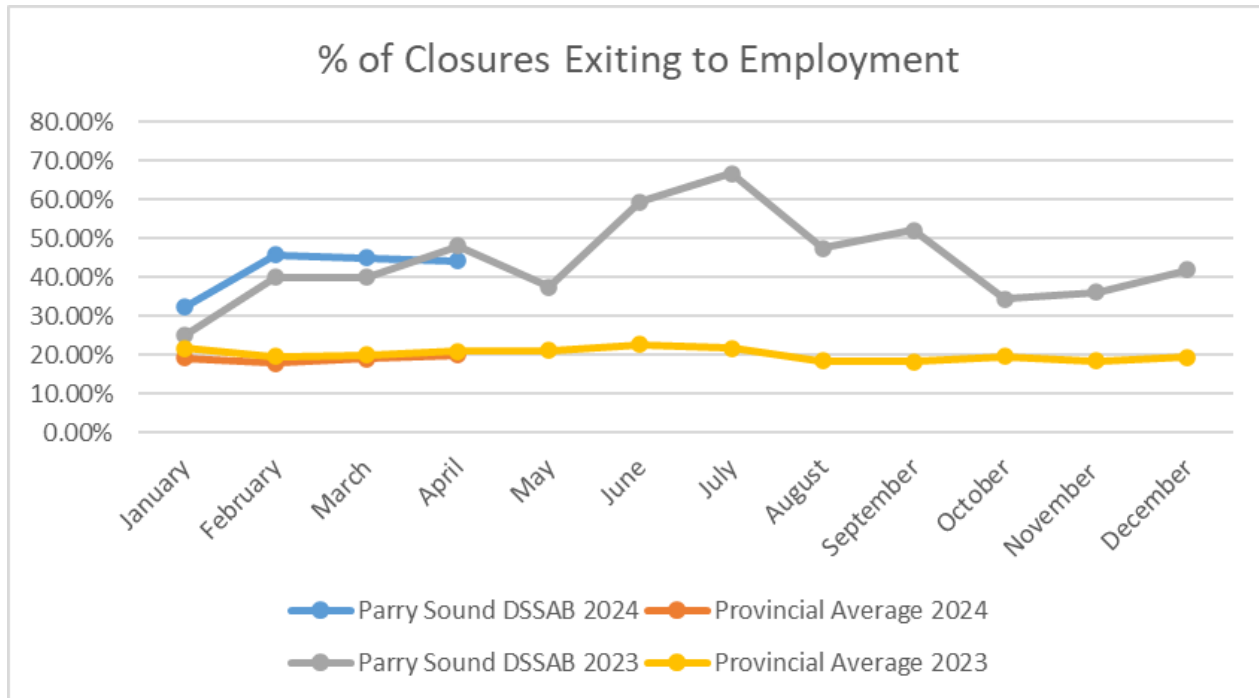


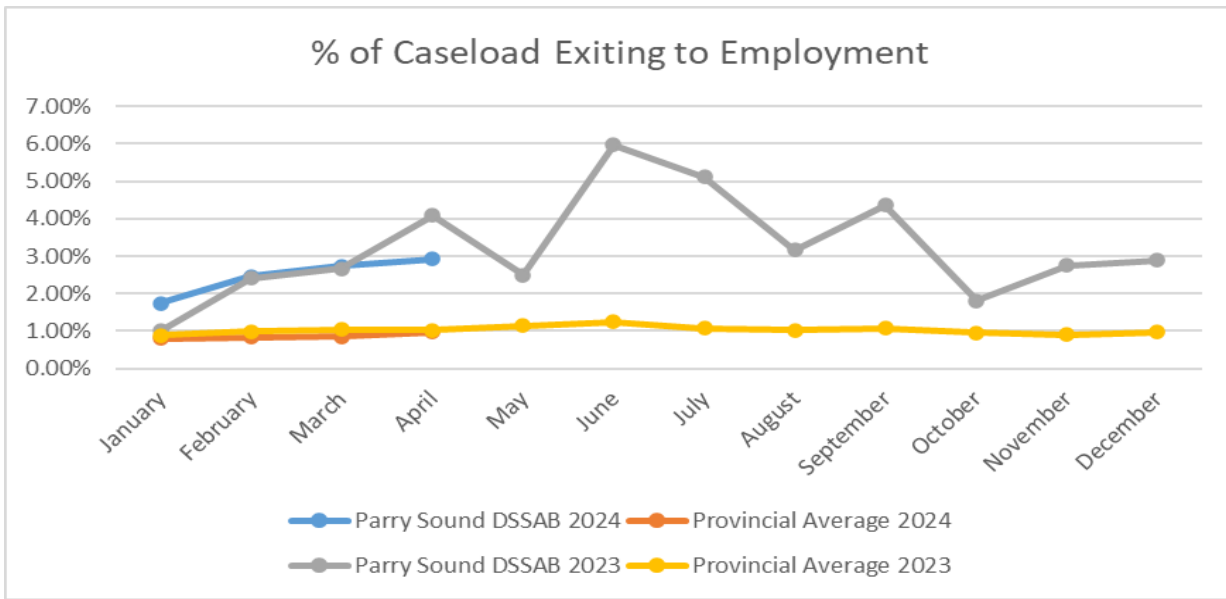
## ODSP Participants in Ontario Works Employment Assistance



The OW Caseload as of the end of April is down slightly to **650**. We are supporting **30** ODSP participants in our Employment Assistance program. We also have **59** Temporary Care Assistance cases. We received **45** Ontario Works Applications, 35 (78%) of which were online through SADA and managed through IBAU in the month of April. We maintained our application processing service standard of 4 days.

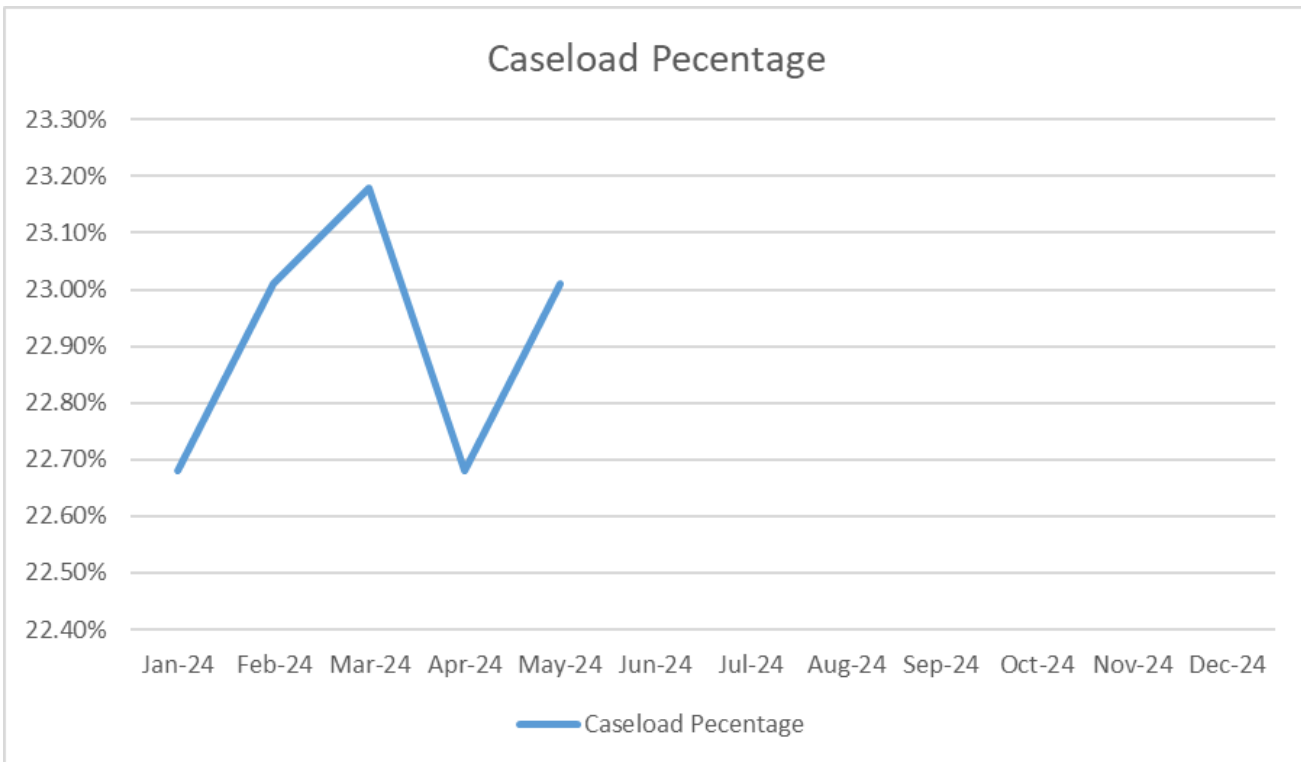
## Employment Assistance & Performance Outcomes



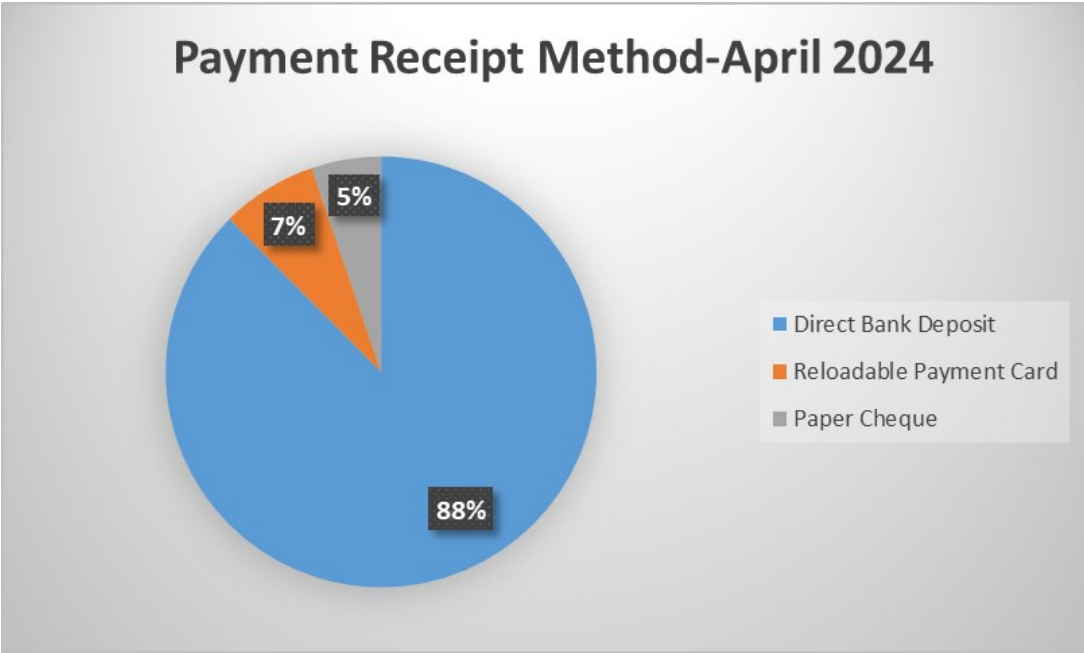


Our Employment Outcomes performance in remain strong but sit slightly below our 2023 performance. This could be indicative of the decrease in job postings as reported by the Labour Market Group for the area. Additionally, 6.6% of the caseload exited the program for any reason in April.

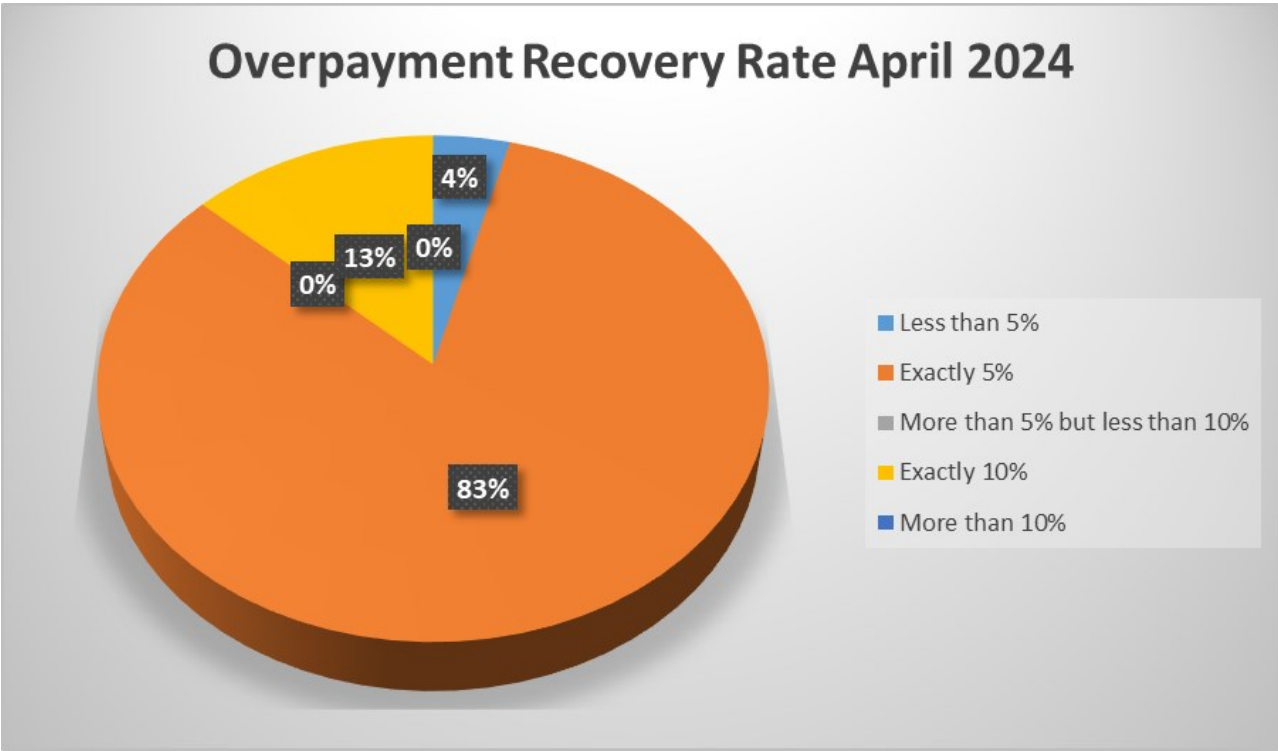
### MyBenefits Enrollment 2024



**DBD Enrollment**



**Overpayment Recovery Rate**





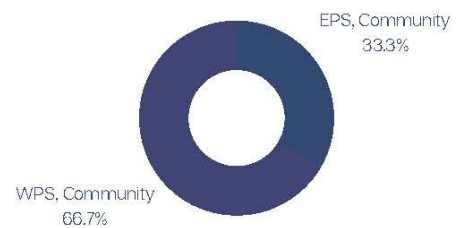
Referral Source



Client Gender



Location of Encounter



Referral Out

CMHA 8	RAAM 4	PSFHT 1	Min Attorney General 1	EMS 1
SJB 7	NPLC 4	Home & Community Care 3	The Friends 1	Legal Aid 3
		Monarch Recovery 1	Waypoint Centre 1	Esprit Place 1
				Addiction Tx 4
				Housing Stability - VAW 1

## Housing Stability Program - Community Relations Workers

### Support

All services performed, provided, or arranged by the Homelessness Prevention Program staff to promote, improve, sustain, or restore appropriate housing for individuals active with the Homelessness Prevention Program, periodically within the month, not requiring intense case management.

April 2024 Income Source	East	West
Senior	12	14
ODSP	16	26
Ontario Works	5	15
Low Income	23	35

### Intense Case Management

Intense Case Management involves the coordination of appropriate services and the provision of consistent and on-going weekly supports, required by the individual to obtain, and sustain housing stability.

April 2024 Income Source	East	West
Senior	12	18
ODSP	15	14
Ontario Works	8	15
Low Income	9	44

### Contact/Referrals

April 2024	East	West	YTD
Homeless	8	3	20
At Risk	5	8	31
<b>Program Total</b> (Esprit In Shelter Clients calculated in Homelessness Numbers)			<b>51</b>
Esprit Outreach Homeless	0	0	0
Esprit Outreach at Risk	0	0	0
Esprit in Shelter	1		3

### Short Term Housing Allowance

	Active	YTD
April 2024	7	9

### Housing Stability: Household Income Sources and Issuance from HPP:

April 2024 Income Source	Total	HPP
Senior	3	\$792.88
ODSP	3	\$549.74
Ontario Works	2	\$1844.23

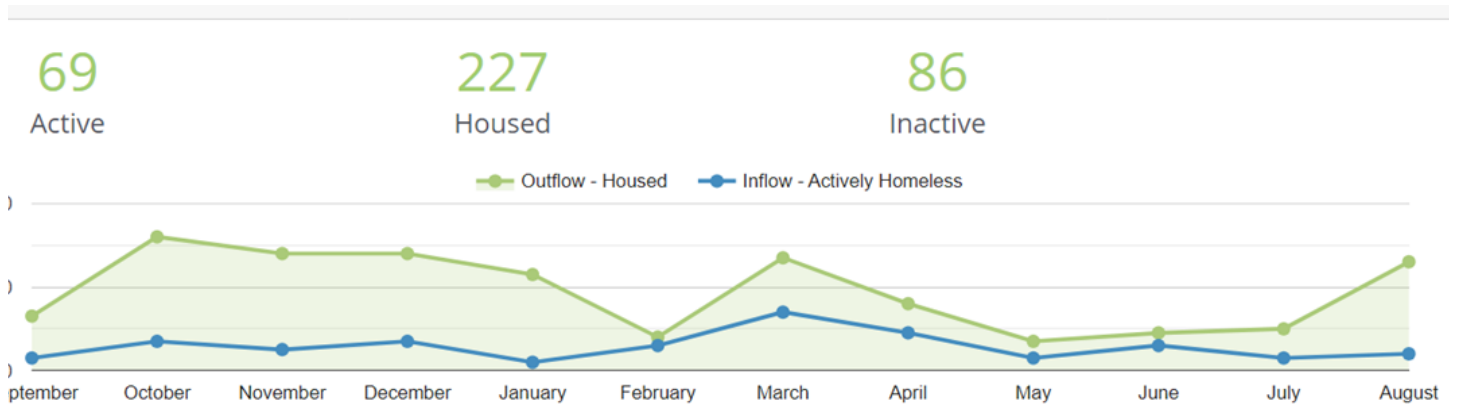
April 2024 Reason for Issue	Total
Rental Arrears	\$1844.23
Utilities/Firewood	\$127.88
Transportation	\$24.00
Food/Household/Misc	\$690.74
<b>Total</b>	<b>\$3,186.85</b>

**Ontario Works: Household Income Sources and Issuance from HPP**

April 2024 Income Source	Total	HPP
Senior	1	\$120.00
ODSP	3	\$3700.00
Ontario Works	10	\$7448.83
Low Income	2	\$50.00

April 2024 Reason for Issue	Total
Rental Arrears	\$3939.72
Utilities/Firewood	\$673.47
Transportation	\$50.00
Food/Household/Misc.	\$6655.64
Emergency Housing	
<b>Total</b>	<b>\$11,318.83</b>

**By-Name List Data  
September 1, 2021– April 30, 2024**



**Housing Programs**

**Social Housing Centralized Waitlist Report  
April 2024**

	East Parry Sound	West Parry Sound	Total
Seniors	52	146	198
Families	122	442	564
Individuals	506	201	707
Total	680	789	1469
Total Waitlist Unduplicated			464

**Social Housing Centralized Waitlist (CWL) 2023 - 2024 Comparison  
Applications and Households Housing from the CWL**

Month 2023	New App.	New SPP	Cancelled	Housed	SPP Housing	Month 2024	New App.	New SPP	Cancelled	Housed	SPP Housing
Jan	5	1	13			Jan	3		2	1	
Feb	5	1	10			Feb	5		11	1	
Mar	6		35			Mar	7		3	3	
Apr	11		17	6		Apr	10	1	7		
May	13	2	9	2		May					
June	9	1	2	1		June					
July	5	1	5	1		July					
Aug	14	1	3	1		Aug					
Sept	12		4			Sept					
Oct	8	1	1	4	2	Oct					
Nov	12		3			Nov					
Dec	1		2	3	3	Dec					
Total	101	8	104	18	5	Total	25	1	23	5	

SPP = Special Priority Applicant

- Housing Programs approved ten rent-geared to income applications in the month of April.
- One SPP application was approved and placed on the centralized waiting list.
- Seven applications were cancelled—three applicants requested cancellation, three were unable to be contacted, and one was discovered to have social housing arrears.

**Parry Sound District Housing Corporation  
April 2024**

Activity for Tenant Services

	Current	YTD
Move outs	7	17
Move in	2	8
L1/L2 forms	2	4
N4 - notice of eviction for non payment of rent	0	1
N5 - notice of eviction disturbing the quiet enjoyment of the other occupants	0	2
N6 - notice of eviction for illegal acts or misrepresenting income for RGI housing	0	0
N7 - notice of eviction for willful damage to unit	0	1
Repayment agreements (formal & informal)	4	33
No Trespass Order	0	3
Tenant Home Visits	32	113
Mediation/Negotiation/Referrals	17	77
Tenant Engagements/Education	0	3

**Property Maintenance & Capital Projects**  
**April 2024**

Pest Control		3 buildings are currently being inspected monthly for bedbugs; 4 units have been treated
Vacant Units	14	one-bedroom (10); multiple bedroom (4) (asbestos abatement, and significant repair contributes to longer vacancy times)
Vacant Units - The Meadow View	4	one-bedroom (x4) market units available
After Hours Calls	5	After hours for April: Fire Supervisory Signal trouble reset required, odd smell, possible break in next door.  On Call Contracted to outside service provider
Work Orders	42	Work orders were created for maintenance work and related materials for the month of April.
DSSAB Ticket	77	DSSAB Tickets are logged for maintenance or repairs required for any of the DSSAB buildings.
Fire Inspections		One 12 Unit Building was inspected, with the presence of the Fire Prevention Officer.

Capital information is captured in Quarterly Reports.

## Esprit Place Family Resource Centre

<b>Emergency Shelter Services</b>	<b>April 2024</b>	<b>YTD</b>
Number of women who stayed in shelter this month	6	27
Number of children who stayed in the shelter this month	3	12
Number of hours of direct service to women (shelter and counselling)	30	853
Number of days at capacity	0	0
Number of days over capacity	0	0
Overall capacity %	44%	46%
Resident bed nights (women & children)	133	427
Phone interactions (crisis/support)	41	120

<b>Transitional Support</b>	<b>April 2024</b>	<b>YTD</b>
Number of women served this month	3	7
Number of NEW women registered in the program	3	6
Number of public ed/groups offered	0	0

<b>Child Witness Program</b>	<b>April 2024</b>	<b>YTD</b>
Number of children/women served this month	3	7
Number of NEW clients (mothers and children) registered in the program	1	4
Number of public ed/groups offered	1	1

**THE CORPORATION OF THE TOWN OF KEARNEY**

**BY-LAW 2024 - 28**

**BEING A BY-LAW TO LICENCE TRAILERS IN THE TOWN OF KEARNEY**

**WHEREAS** the *Municipal Act*, S.O. 2001 as amended, Section 164 authorizes a municipality to pass By-laws to license trailers.

**AND WHEREAS** the Town of Kearney Bylaw #2022-20, known as the Comprehensive Zoning By-law Section 3.30.1 and Section 3.30. 2 as amended states:

*Section 3.30.1 Travel trailers, motor homes, campers or recreational vehicles shall be stored in the rear or interior side yard and must meet the yard and setback requirements for an accessory building.*

*ii) A maximum of one (1) travel trailer, motor home or camper may be stored in Residential and Rural Zones. Travel trailers, motor homes and campers may be parked in parking spaces that comply with the provisions of Section 3.18 of this By-law.*

*3.30.2 One (1) travel trailer, motor home or camper may be used in the yard of a Residential or Rural Zone, where the camper meets the required setbacks for an accessory building unless otherwise permitted by special exemption.*

*ii) A travel trailer, motor home or camper parked or stored on a property for more than fourteen (14) days in any calendar year and used for human occupation must have a Camper License issued by the Town of Kearney in compliance with the current Camper Licensing By-law, unless it is located in a Camping Establishment.*

**NOW THEREFORE** the Council for The Corporation of the Town of Kearney REPEALS By-law # 2013-17, and ENACTS the following:

**SECTION 1 – TITLE AND APPLICATION**

1.1 This By-law shall be cited as the ‘Trailer License’ By-law.

1.2 The licensing provisions enacted by this By-law does not apply to:

a) Assessed Trailers as defined in Section 2.7

b) Trailers located in Trailer Camps, Commercial as defined in Section 2.4

c) A Stored Trailer as defined in Section 2.6

d) A trailer or park model trailer used during the construction of a dwelling on a lot.

1.3 This By-law applies to any trailer, even if the trailer was placed on the property prior to date of enactment of this By-law.

**SECTION 2 – DEFINITIONS**

2.1 TOWN – means The Corporation of The Town of Kearney and shall be defined as the lands and premises within the corporate limits.

2.2 TRAILER – means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn, is propelled by the motor vehicle or is a self-propelled camping unit and is capable of being used for the living, sleeping, or eating accommodation of any persons. Without limiting the generality of the foregoing includes, a park model trailer, a tent trailer, a camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home, a motor home, a truck camper but does not include a mobile home or accessory building, structure or use as defined in the Town of Kearney’s Comprehensive Zoning By-law.

2.3 TRAILER, PARK MODEL – means a manufactured building under the Ontario Building Code O. Reg. 332/12 Section 9.38 “Park Model Trailers” which has

been designed and constructed in conformance with the standards of CSA-Z241 "Park Model Trailers", and which is used as a recreational vehicle or building that meets the following criteria:

- a) Built on a single chassis mounted on wheels; and
  - b) Designed to facilitate relocation from time to time; and
  - c) Designed as living quarters for seasonal camping which may be connected to utilities necessary for the operation of installed fixtures and appliances; and
  - d) Built with a gross floor area, including lofts, not exceeding 50 square metres (538 sq. ft.) when in the set-up mode; and
  - e) Built with a width greater than 2.6 metres (8.5 feet) in the transit mode.
- 2.4 TRAILER CAMP, COMMERCIAL – means any land in or upon which any trailer or tent is used or intended to be used for human occupation on a temporary or seasonal basis and shall not include mobile homes or park model trailers.
- 2.5 SELF-PROPELLED CAMPING UNIT – means a motor vehicle designed, equipped and used for overnight sleeping accommodation and that includes built-in facilities for sleeping, cooking and refrigeration.
- 2.6 STORED TRAILER – means any MTO plated trailer located on a property for the purpose of storing such trailer.
- 2.7 ASSESSED TRAILER – means any trailer legally located on a property and that is assessed under the *Assessment Act*.
- 2.8 PERMANENT BASIS – means either year-round occupancy or occupancy by persons who do not maintain elsewhere a usual or normal place of residence.
- 2.9 OCCASIONAL USE – means used for temporary accommodations not to exceed 14 days within one year.

### **SECTION 3 – LICENCE AND REGULATIONS**

- 3.1 No person shall use or permit to be used, a trailer, on lands that are not permitted under the current Comprehensive Zoning By-law for the Town, unless such trailer is licensed under this By-law. For clarity, pursuant to Section 1.3 of this By-law, this requirement to obtain a license applies to trailers which were located on property prior to the date of passage of this By-law.
- 3.2 A license issued pursuant to this By-law authorizes the use and maintenance of a trailer for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. In furtherance of the foregoing, no person shall occupy or permit to be occupied a trailer during the period commencing December 1st of a calendar year and ending April 30th of the following calendar year.
- 3.3 The issuance of a license is not intended and shall not be construed as permission or consent by the Town for the holder of the license to contravene or to fail to observe or comply with any law of Canada, Ontario or any By-law of the Town.
- 3.4 A maximum of one (1) trailer licensed under this By-law is permitted on a single vacant parcel of land. Trailers, Park Model are not permitted on a single vacant parcel of land.
- 3.5 The owner of the property upon which the trailer is to be located shall consent to its placement on the property in writing.
- 3.6 Trailers must remain as manufactured free from addition or structures.
- 3.7 Heat sources and appliances must compliant with appropriate standards.

Including but not limited to the ESA, WETT and TSSA.

- 3.8 No Camper shall be licensed unless it is connected to or served by a sewage system that is constructed, operated and maintained as per part 8 of the Ontario Building Code and enforced by North Bay Mattawa Conservation Authority, unless the camper contains an integral holding tank to be emptied at a facility licensed by the Ministry of the Environment.

#### **SECTION 4 – LICENCE APPLICATION AND FEES**

- 4.1 All applications for such license shall be made to the Town upon the prescribed form and shall include the submissions referenced therein, including payment of the License Fee required, as per the Town's current 'Fees and Charges' By-law.
- 4.2 No license shall be issued, unless:
  - a) the trailer for which such license is issued is located in compliance with the setback requirements for a dwelling unit as prescribed by the Town's 'Zoning' By-law, for the zone in which it is located.
- 4.3 The Town may issue the following class of licenses:
  - a) Annual license – this license authorizes the placement of the trailer upon a property for a complete calendar year or any portion thereof, and its occupancy between May 1st and November 30th in the calendar year;.
- 4.4 Licenses shall be displayed in or upon the trailer in a place that can be seen easily from the outside of the trailer.
- 4.5 All Annual Licenses expire on December 31st and all Short-Term Licenses expire on the date specified in the license.
- 4.6 No person shall hinder or obstruct the Chief Building Official, Fire Official or By-law Enforcement Officer who are attempting to perform the initial trailer license inspection or the annual trailer license inspection of both the interior and the exterior of a licensed trailer.

#### **SECTION 5 – ADMINISTRATION AND ENFORCEMENT**

- 5.1 The administration and enforcement of this By-law is delegated to the Clerk, Treasurer, the Chief Building Official and the By-law Officer, or designate for the Town of Kearney. The Clerk or designate shall have the authority to issue permits under this By-law; notwithstanding the foregoing, the Clerk, in his/her discretion, may refer applications to Council.
- 5.2 Any Person who contravenes any provision(s) of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- 5.3 Each day that a contravention of this By-law continues may constitute a separate offence.
- 5.4 Every person who provides false information in any application for a license under this By-law or in an application for a renewal of license is guilty of an offence.
- 5.5 Where a conviction is entered under this section, in addition to any other remedy or any penalty provided, the court in which the conviction was entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 5.6 If the Town is satisfied that a contravention of this By-law has occurred, the By-law Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the trailer to discontinue and or remove the contravening activity.
- 5.7 Any person who fails to comply with an order made under subsection 5.6 is guilty of an offence.

- 5.8 Every contravention of this By-law may be restrained by application at the instance of a taxpayer or of the Municipality in accordance with the provisions of the *Municipal Act*, 2001.
- 5.9 A Town employee, Staff person, agent or contractor hired by the Town, accompanied by any person under his or her direction, may enter onto any land that is used or believed to be used in contravention of this By-law for the purposes set out in subsection 436 (1) of the *Municipal Act*, 2001 and shall have all powers of inspection set out in subsection 436 (2) of the Act.
- 5.10 Any trailers used, maintained or located in contravention of this By-law shall be removed from the lot, at the expense of the owner of the lot. Failure to remove any trailers from a lot within the time prescribed by the By-law Officer may result in the removal of said trailer by the Town, at the expense of the owner of the lot.

**SECTION 6 – REPEAL, VALIDITY AND EFFECTIVE DATE**

- 6.1 If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
- 6.2 The Clerk of the Town of Kearney is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
- 6.3 This By-law repeals By-law #2013-17 and any other by-laws that are in contravention of this by-law .
- 6.4 This By-law shall come into effect on the date of the third reading and it being passed.

Read in its entirety, approved, signed  
and the seal of the Corporation affixed  
thereto and finally passed in open  
Council this \_\_\_ day of  
\_\_\_\_\_ 2024.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**SCHEDULE A to BY-LAW # 2024-24**

**APPLICATION FOR TRAILER LICENCE**

(Complete and attach all information prior to submitting)

(Information noted with an asterisk is optional subject to “Notes” set out below)

**1. Applicant Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

\*Email: \_\_\_\_\_

**Note:** If Applicant is not the registered owner of the property, the Applicant must have the owner’s consent to apply for such license.

**Note:** A Phone number may be a permanent “land line” or cellular number.

**2. Property Information**

Property Owner: \_\_\_\_\_

Civic Address: \_\_\_\_\_

\*Roll Number: \_\_\_\_\_

\*Proof of Ownership: Attach copy of parcel register or deed.

**Note:** If no civic address has been assigned for this property, one must be applied for prior to submitting this application.

**Note:** If a new entranceway or where substantial changes to an existing entranceway are required or proposed, an ‘Access Permit’ must be applied for and approved, prior to submitting this application.

**Note:** Either the MPAC Roll Number must be included or Proof of Ownership must be attached.

**3. Trailer Information**

Make & Model: \_\_\_\_\_

Serial Number or VIN: \_\_\_\_\_

Please attach four pictures of trailer if already located on the property (One of each side of trailer).

**4. License Requested**

Annual

**5. Services Information**

Will the trailer be connected to a sewage disposal system that exists on the property?

Yes

No

If yes, please provide the following:

Sewage System Building Permit or Certificate of Approval which indicates that connection of trailer to such system has been approved.

Will a grey water pit be utilized?

Yes

No

Will the site be serviced with an outhouse?

Yes

No

If the trailer is not connected to a holding tank or sewage disposal system, or is not serviced by a grey water pit or outhouse, please provide dumping receipts from an accredited dumping facility.

Will the trailer be directly connected to electrical services?

Yes

No

If yes, please provide the Electrical Safety Authority approval for connection. This requirement only applies if the trailer will have a direct connection to the electricity distribution system (i.e. not an extension cord plugged into an outlet.)

**6. Required Submissions**

Site Plan – a drawing showing the location or proposed location of the trailer in relation to the boundaries of the property and including all existing buildings, sewage systems, wells, and watercourses/waterbodies. Such drawing shall be scaled or, where the property is large, measurements shall be included indicating the distance of the trailer from property boundaries, existing buildings, wells and watercourses/waterbodies.

Proof of Property Ownership – as required under section 2

Pictures - as required under section 3 above.

Permits/Approvals referenced in section 5 above if applicable.

**7. Applicable Fee (as per “Fee and Charges By-law”):**

**8. Methods of payment (Canadian funds only):**

Debit card (Interac), cheque or cash only for in-person applications submitted by the cardholder. Prepaid debit cards are not accepted. If you are applying by mail, a cheque or money order (postal or bank) in the exact amount, payable to The Corporation of the Town of Kearney.

Applicant Signature and Date:

\_\_\_\_\_

Property Owner Signature and Date:

\_\_\_\_\_

If property owner and applicant are the same, please sign in both locations.

**Town of Kearney**  
**Part I Provincial Offences Act**  
**By-law 2024-24: 'Trailer License' By-law**

<b>ITEM</b>	<b>COLUMN 1 Short form wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
1.	Permit person to locate trailer on property without a license	s. 3.1	\$300.00
2.	Fail to vacate trailer from the months of December 1 <sup>st</sup> to April 30 <sup>th</sup>	s. 3.2	\$300.00
3.	Permit more than one (1) trailer on property	s. 3.4	\$300.00
4.	Fail to display license conspicuously on trailer	s. 4.4	\$300.00
5.	Provide false information on license application	s. 5.4	\$300.00
6.	Fail to comply with an order	s. 5.7	\$300.00
7.	Obstruct person designated to enforce this By-law	s. 4.6, 5.9	\$300.00

**NOTE:** The penalty provision for the offence listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

**THE CORPORATION OF THE TOWN OF KEARNEY**

**By-Law No. 2024 - 29**

**Being a By-law to appoint a Chief Building Official  
For Enforcing the Building Code Act within  
The Corporation of the Town of Kearney**

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**WHEREAS** the *Municipal Act 2001, S. 2001, c.25* as amended, authorizes the Council of any municipality to appoint certain officers and employees as may be necessary for the purposes of the corporation, or for carrying into effect or enforcing any Act or By-law of the Council;

**AND WHEREAS** the *Building Code Act, S.O. 1992, c.23 s.3(2)* provides that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of the Building Code Act in the areas in which the municipality has jurisdiction;

**NOW THEREFORE** the Council of The Corporation of the Town of Kearney enacts as follows:

- 1. That** Matthew Clouthier is hereby appointed as Chief Building Official for the Corporation of the Town of Kearney;
- 2. That** Matthew Clouthier, in his position of Chief Building Official shall fulfill all statutory requirements and carry out duties applicable to the Office of the Chief Building Official under the Ontario Building Code Act, the Ontario Building Code and Regulations;
- 3. That** Matthew Clouthier continues in his appointment as a Chief Building Official for the Town of Kearney and shall fulfill all statutory requirements and carry out all duties applicable to Chief Building Official;
- 4. That** Council confirm and ratify all actions taken by Matthew Clouthier in the absence of the previous Chief Building Official which were carried out in accordance with By-law 2019-09 Section 2. which states “**That** Matthew Clouthier, in his position of Deputy Chief Building Official shall fulfill all statutory requirements and carry out duties applicable to the Office of the Chief Building Official under the Ontario Building Code Act, the Ontario Building Code and Regulations”;
- 5. That** all By-laws inconsistent with this By-law or that make mention of any other persons as Chief Building Official are hereby repealed.
- 6. That** specifically, By-laws 2013-43, 2014-17, 2017-55, 2018-28, 2019-09 and 2024-26 hereby be repealed.
- 7. That** this By-law shall come into effect as of the date of passing.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and the Corporate Seal attached hereto, this 11<sup>th</sup> day of July, 2024.

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

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Mayor

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Clerk

**THE CORPORATION OF THE TOWN OF KEARNEY**

**By-Law No. 2024 - 30**

**Being a By-law to authorize the signing of an agreement**

**between**

**The Corporation of the Town of Kearney**

**and**

**Tatham Engineering Inc.**

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**WHEREAS** Section 5 (3) of the *Municipal Act, S.O. 2001, c.25*, as amended, requires a municipal Council to exercise its powers by By-law unless specifically authorized to do otherwise;

**AND WHEREAS** Section 8 of the *Municipal Act, S.O. 2001, c.25*, as amended, authorizes broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, S.O. 2001, c.25*, as amended, provides that "a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act";

**AND WHEREAS** the Corporation of the Town of Kearney deems it expedient to enter into an agreement with Tatham Engineering Inc. to extend their role as the Town's Engineer of Record until December 31<sup>st</sup> 2025;

**NOW THEREFORE** the Council of The Corporation of the Town of Kearney enacts as follows:

1. That the Corporation of the Town of Kearney enter into a services agreement substantially in the format attached hereto as "this Agreement".
2. That the Mayor and the Clerk be authorized to execute all documentation necessary to fulfill the agreement.
3. That this By-law come into effect as of the date of passing.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and the Corporate Seal attached hereto, this 11<sup>th</sup> day of July, 2024.

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**THE CORPORATION OF THE TOWN OF KEARNEY**

**By-Law No. 2024-31**

**Being a By-law to authorize the signing of an agreement**

**between**

**The Corporation of the Town of Kearney**

**and**

**Jennifer Joiner**

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**WHEREAS** Section 5 (3) of the *Municipal Act, S.O. 2001, c.25*, as amended, requires a municipal Council to exercise its powers by By-law unless specifically authorized to do otherwise;

**AND WHEREAS** Section 8 of the *Municipal Act, S.O. 2001, c.25*, as amended, authorizes broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, S.O. 2001, c.25*, as amended, provides that "a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act";

**AND WHEREAS** the Corporation of the Town of Kearney deems it expedient to enter into an agreement with Jennifer Joiner to provide Swimming Lessons to its residents;

**NOW THEREFORE** the Council of The Corporation of the Town of Kearney enacts as follows:

1. That the Corporation of the Town of Kearney enter into a services agreement substantially in the format attached hereto as "this Agreement".
2. That the Mayor and the Clerk be authorized to execute all documentation necessary to fulfill the agreement.
3. That this By-law come into effect July 11, 2024.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and the Corporate Seal attached hereto, this 11<sup>th</sup> day of July, 2024.

**THE CORPORATION OF THE  
TOWN OF KEARNEY**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk