

Committee of Adjustment Agenda

1:00 PM - Monday, February 24, 2025

Council Chambers

[Zoom Meeting Registration](#)

1. Call to Order

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Appointment of Chair

- a) Appointment of Chair for 2025

Whereas, at the meeting held, November 27, 2023, the Committee passed Resolution #65-23 appointing Carl Tooley to act as Chair until the last meeting in November 2024;

Therefore Be It Resolved That, per Section 6.0 of the Committee Procedural By-law, the Chair shall be elected by members of the Committee;

And That the Committee appoints _____ to sit as the Chair until the last meeting in 2025.

4. Approval of Agenda

- a) February 24, 2025

Be It Resolved That the Committee approves the Agenda dated February 24, 2025, as circulated.

5. Disclosure of Pecuniary Interest and General Nature Thereof

6. Delegations

None.

7. Adoption of Minutes

- a) Minutes of Meeting held November 25, 2024

3 - 10

Be It Resolved That the Committee adopts the Minutes of a Meeting held November 25, 2024, as circulated.

[Committee of Adjustment - 25 Nov 2024 - Minutes - Pdf](#)

8. Business Arising Out of Minutes

None.

9. Zoning By-law Amendment Application (Recommendation to Council)

None.

10. Consent Applications

None.

11. Minor Variance Applications

- | | | |
|----|---|---------|
| a) | File #A01/25 - Part of Lot 18, Concession 13, Geographic Township of Clarendon (1922B South Road) - Request for Permission to Expand Non-Complying Structure
Notice of Hearing - Ehret
A01-25 (Ehret) | 11 - 35 |
|----|---|---------|

12. Other Business - Review of Policies and Procedures

- | | | |
|----|--|---------|
| a) | Proposed Amendments to the Procedural Policy
Red lined Draft Procedural Policy
Clean Draft Procedural Policy | 36 - 55 |
| b) | Code of Conduct for Council and Committee Members and Conflicts of Interest
Code of Conduct Policy for Members of Council and Committee
Solicitor Presentation
Form - Declaration of Pecuniary Interest | 56 - 87 |

13. Adjournment

- a) Adjournment of the Committee Meeting

Be It Resolved That the meeting adjourns at _____ p.m. until March 24, 2025, at 1:00 p.m. or at the call of the Chair.

Committee of Adjustment Minutes

1:00 PM - Monday, November 25, 2024

Council Chambers

Present: Carl Tooley, Chair; Garry Wood, Member; Jim Ogilvie, Member; and Brent Smith, Alternate Member (Electronic Participation)

Also Present: Tara Mieske, Secretary; Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; Dmitry Kurylovich, Project Manager/Senior Planner, County of Frontenac (Electronic Participation); and Jennie Kapusta, Community Planner, County of Frontenac (Electronic Participation)

1. Call to Order

The Chair called the meeting to order at 1:00 p.m.

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Approval of Agenda

a) *November 25, 2024*

40-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee approves the Agenda dated November 25, 2024, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

None.

5. Delegations

None.

6. Adoption of Minutes

a) ***Minutes of a Meeting held September 23, 2024***

41-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee adopts the Minutes of a meeting held September 23, 2024, as circulated.

Carried

7. Business Arising Out of Minutes

a) ***Resolution #37-24: Deferral of Application - File #A10/24 - Plan 1044, Lot 265, Geographic Township of Barrie (1122 Shoepack Lane) - Request for Permission to Expand Legal Non-Complying Structure***

Darnell Rubio, applicant, attend the meeting electronically.

Jennie Kapusta, Community Planner provided overview of the request for permission to expand a legal non-complying structure with the following additions:

- a covered screened in porch on water side with area of 22.3 sq m, and a setback of 19.8 metres from the high water mark; and
- an addition of a bedroom and bathroom at the east end of the existing dwelling with an area of 29.7 square metres and a setback of 23.5 metres to the high water mark.

Kapusta noted the septic system will be upgraded to accommodate the proposed increase in fixtures and interior living space.

Kapusta advised a slope stability assessment was provided by the property owner and peer reviewed by Mississippi Valley Conservation Authority (MVCA). Kapusta advised, during the initial peer review, MVCA requested additional information to support the assessment. The information was provided to the satisfaction of MVCA, who have no concerns or objections with proposed development. Kapusta noted the shoreline is vegetated and well screened, making it difficult to see the existing structure from the shoreline due to the vegetative buffer.

Kapusta advised no public comments had been received at this time. She recommended approval of the application subject to the conditions included in the planning report.

Wood advised he attended the site and the required notice was posted. He noted the slope is very steep from the cottage to the lake, but the slope stability assessment supports the proposed development. He advised the proposed development is appropriate with neighbouring development and recommended approval subject to the conditions included in the planning report.

Drechsler advised there were no public comments.

42-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Whereas at the meeting on September 23, 2024, the Committee passed Resolution #37-24 deferring the application for File #A10/24 – Request for Permission to Expand Legal Non-Complying Structure until the issues identified by Mississippi Valley Conservation Authority (MVCA) in the Slope Stability Assessment had been resolved;

Therefore Be It Resolved That Planning Application File #A10/24 – Request for Permission to Expand Legal Non-Complying Structure – 1122 Shoepack Lane - shall be approved as the issues have been resolved to the satisfaction of MVCA;

And That the conditions noted in the planning report will be provided in the Notice of Decision;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed by December 5, 2024.

Carried

8. Zoning By-law Amendment Application (Recommendation to Council)

None.

9. Consent Applications

None.

10. Minor Variance Applications

a) *File #A12/24 - Part of Lot 24, Concession 7, Geographic Township of Barrie (1095D Eastview Lane) - Request for Permission to Expand Legal Non-Complying Structure*

John and Margaret Bingeman, applicants, were present for the hearing.

Dmitry Kurylovich, Senior Planner, provided an overview of request to demolish the existing dwelling and rebuild a larger dwelling within the same footprint while maintaining the existing setback of 20 metres from the shoreline to the edge of the proposed building. The area of the dwelling will increase from 2504 square feet to 2555 square feet with the following:

- Main floor footprint – 141 square metres (1,514 square feet)
- Covered Porch (road side) – 21.2 square metres (228 square feet)
- Screened room area – 14.4 square metres (155 square feet)
- Covered deck (water side) – 24 square metres (256 square feet)
- Uncovered deck area – 36.8 square metres (396 square feet)

Kurylovich advised the property is developed with a one storey dwelling, an existing sewage system and one accessory structure. He noted the new development will mostly expand towards the rear of the property, with a shift in the footprint. He advised the proposed deck will not encroach into the 20 metre setback.

Kurylovich advised Mississippi Valley Conservation Authority had no objections to the proposed development and noted there were no slope stability concerns. He advised no public comments were received regarding the proposed development. He noted the shoreline is mostly vegetated with a decent visual buffer; and that the existing waterbody setback will be maintained. Kurylovich recommended approval of the application subject to conditions included in the planning report.

Ogilvie attended the site on October 29, 2024. He advised the required marking cards were posted. He noted the property is not a large property with the existing dwelling located within the required setback; however the current septic system is located outside the 30 metre setback from the high water mark. He noted the proposed development is consistent with development on the neighbouring properties and recommended approval subject to the conditions included in the planning report.

Drechsler advised there were no public comments.

43-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That Planning Application File #A12/24 – Request for Permission to Expand Legal Non-Complying Structure – 1095D Eastview Lane - shall be approved subject to the conditions noted in the planning report;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed by December 5, 2024.

Carried

b) *File #A13/24 - Lot 14, Concession 6, Geographic Township of Barrie (100 Hog Island) - Application for Minor Variance for Reduced Setback from High Water Mark*

John Disano and Ann Sheppard, applicants, attended the meeting electronically.

Dmitry Kurylovich, Senior Planner, provided an overview of the Minor Variance application to permit a Class 4 sewage disposal system within the 30 metre setback. He noted the location for the proposed system is 22 metres (74 feet) from the northern edge of the island and 23.7 metres (78 feet) from the southern edge of the island. Kurylovich advised the property is developed with a one storey dwelling with an area of 104 square metres located approximately 16.7 metres (55 feet) from the highwater mark of Kashwakamak Lake; a one storey accessory structure with an approximate footprint of 37.1 square metres (400 square feet), located approximately 14 metres (47 feet) from the highwater mark; and a privy.

Kurylovich advised the proposed location of the septic field appears to be the only flat area on the island suitable to support the installation of the system. He noted some trees may have to be removed during the installation. He advised the location is within the travelled path from the existing dwelling to the accessory structure.

Kurylovich advised Mississippi Valley Conservation Authority (MVCA) had no objections to the proposed sewage system and included a recommendation in their report for standard vegetation retention to increase shoreline resiliency. Kurylovich noted the Applicant's will need to obtain a septic permit from the Township's Chief Building Official. He noted no comments were received from the public. He further noted a Class 4 sewage system is a more robust method of sewage treatment than the existing privy.

Kurylovich advised the application meets the four tests of a minor variance; and recommended approval of the application subject to the conditions included in the planning report.

Ogilvie attended the water access site on October 25, 2024. He noted the marking cards were not posted at the time of inspection, however the applicant provided photos of the posted marking cards after the site visit, within the 10 day required period. He noted his concerns with the topsoil and possible bedrock at the proposed location of the sewage system.

Tooley ask if test holes had been dug to ensure appropriate soil. Mr. Disano advised the septic installer dug test holes and determined the system could be installed in the location indicated on the site plan provided with the application.

Wood asked how the system could be installed if topsoil was not available. Kurylovich noted granular soil could be brought on site as part of installation process.

Tooley noted the property is water access only and asked if there is an appropriate landing site for the boat with the required equipment without causing damage to shoreline vegetation. Mr. Disano advised he consulted with the septic installer who identified three potential areas to bring in equipment with minimal impact to existing vegetation.

Drechsler advised there were no public comments.

44-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That Planning Application File #A13/24 – Minor Variance for Reduced Setback from high water mark – 100 Hog Island - shall be approved subject to the conditions noted in the planning report;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed by December 5, 2024.

Carried

- c) ***File #A14/24 - Part of Lot 40, South West Range, Geographic Township of Clarendon (7598 Road 509) - Application for Minor Variance for Oversized Secondary Dwelling Unit***

Kathleen McInall, applicant, was present for hearing

Dmitry Kurylovich, Senior Planner, provided an overview of the application to permit an oversized Secondary Dwelling Unit (SDU). He advised the gross floor area of the principle dwelling is 980 square feet, the Zoning By-law permits an SDU to be 45% of the gross floor area of the principle dwelling which equals 441 square feet. He noted the area of the proposed SDU is 480 square feet; and will be serviced with an independent septic system and drilled well.

Kurylovich advised the property is developed with a one storey dwelling, a Class 4 septic system, drilled well and storage shed. He advised the location of the proposed SDU is on the western side of the property; and that the site is flexible enough to support the SDU in various locations. Kurylovich noted there is a sloped area near the proposed location and the SDU may need to be shifted towards the middle of the property to make access easier. He advised the most appropriate location is away from the southwestern lot line.

Kurylovich advised Mississippi Valley Conservation Authority had no objections, and no slope stability concerns were identified. He noted planning staff had no objections to the proposed size or location of the proposed SDU.

Kurylovich advised the issue with SDUs in the Hamlet designation is the lots are typically smaller and more susceptible to well interference. He noted a new well is proposed to be located approximately 50 metres from the neighbouring well. He advised the Township currently has no requirements for well testing at the building permit or occupancy permit stage. Kurylovich recommended approval of the application with a condition for a well test in accordance with Provincial Guideline D-5-5. He provided an outline of the well test procedure including:

- a pump test for a minimum period of 6 hours;
- water levels monitored and observation of the well at appropriate frequency;
- water level recovery period;
- a qualified well driller to conclude in writing the well yield is adequate to support proposed use and neighbouring well is not impacted; and
- a water quality test

Wood advised he attended the site on November 4, 2024, and agrees that the application meets the four tests of a minor variance. He asked the applicant how the SDU would be accessed. Mrs. McInall advised the existing driveway will be extended toward the rear of the property where the SDU will be located. Ogilvie asked if access to the SDU could be provided from Road 506. Kurylovich advised the property owner would have to contact Public Works to determine if an additional driveway could be installed.

Drechsler advised there were no public comments.

45-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A14/24 – Minor Variance for Oversized Secondary Dwelling Unit – 7598 Road 509 - shall be approved subject to the conditions noted in the planning report;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed by December 5, 2024.

Carried

11. Other Business

a) *Proposed 2025 Meeting Dates and Time for Committee of Adjustment*

46-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee receives for information the Administrative Report from the Clerk/Planning Manager entitled “Proposed 2025 Meeting Dates and Time for Committee of Adjustment”;

And That the Committee approves the Committee Meeting Schedule with all Meetings being held at 1:00 p.m. as follows:

Monday, January 27, 2025

Monday, February 24, 2025

Monday, March 24, 2025

Monday, April 28, 2025

Monday, May 26, 2025

Monday, June 23, 2025

Monday, July 28, 2025

Monday, August 25, 2025

Monday, September 22, 2025

Monday, October 27, 2025

Monday, November 24, 2025

Monday, December 15, 2025

Carried

12. Adjournment

a) *Adjournment of the Committee Meeting*

47-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 2:17 p.m. until December 16, 2024 at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary

Notice of Public Hearing

Request for Permission

To Expand Non-Complying Structure

Clause 45(2) of the Planning Act
 Section 3, O.Reg. 200/96

File No.:

#A01/25

Subject Land:

Part of Lot 18, Concession 13, Geographic Township of Clarendon (1922B South Road)

Applicant(s):

Jeremy Ehret and Janice Haight-Ehret

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **February 24, 2025, at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

Purpose and Effect under Section 45(2)

The subject property is currently developed with four one storey cabins:

	Area of Structure	Setback to High Water Mark
Cabin 1	390 ft ²	11 feet
Cabin 2	375 ft ²	26 feet
Cabin 3	522 ft ²	22 feet
Cabin 4	522 ft ²	13 feet

The applicants are proposing the following development:

Cabin 1 and 2

- Consolidate the two waterfront cabins located on the west side of the property into a single dwelling by re-using the existing footprints, with a second storey and an addition overtop of the grass area of 600 square feet (20 x 30 feet) existing between the two cabins. The total footprint of the proposed dwelling will be approximately 1365 square feet.
- No decks, porches, or additional waterbody setback encroachments are proposed.

Cabin 3 and 4

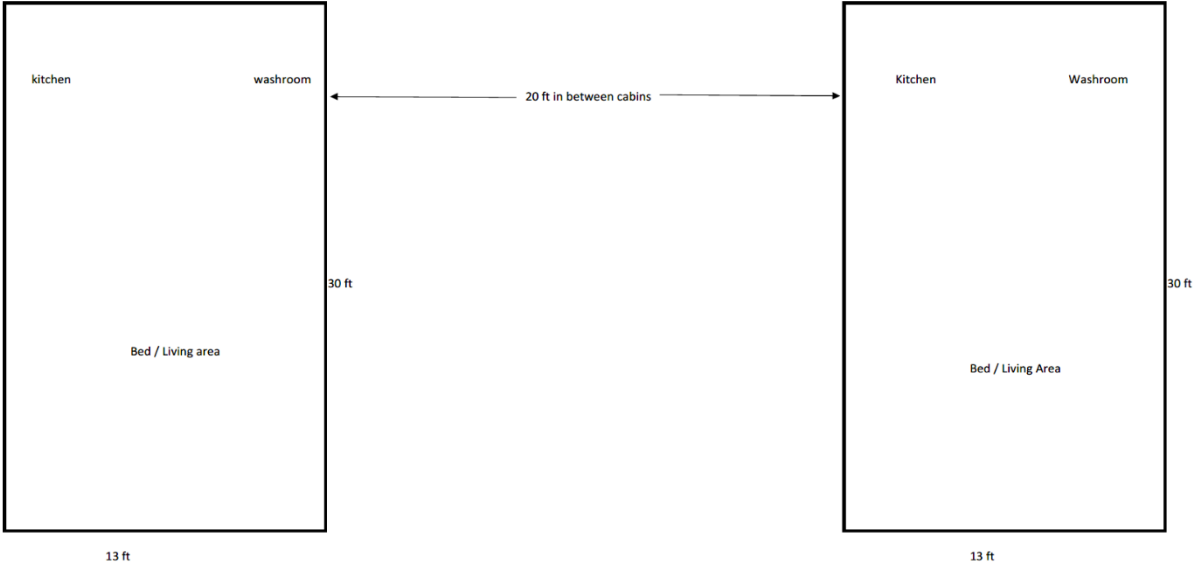
- Add a second storey on the two cabins to the east, with no additional footprint increase or encroachment into the waterbody setback.

Key Map



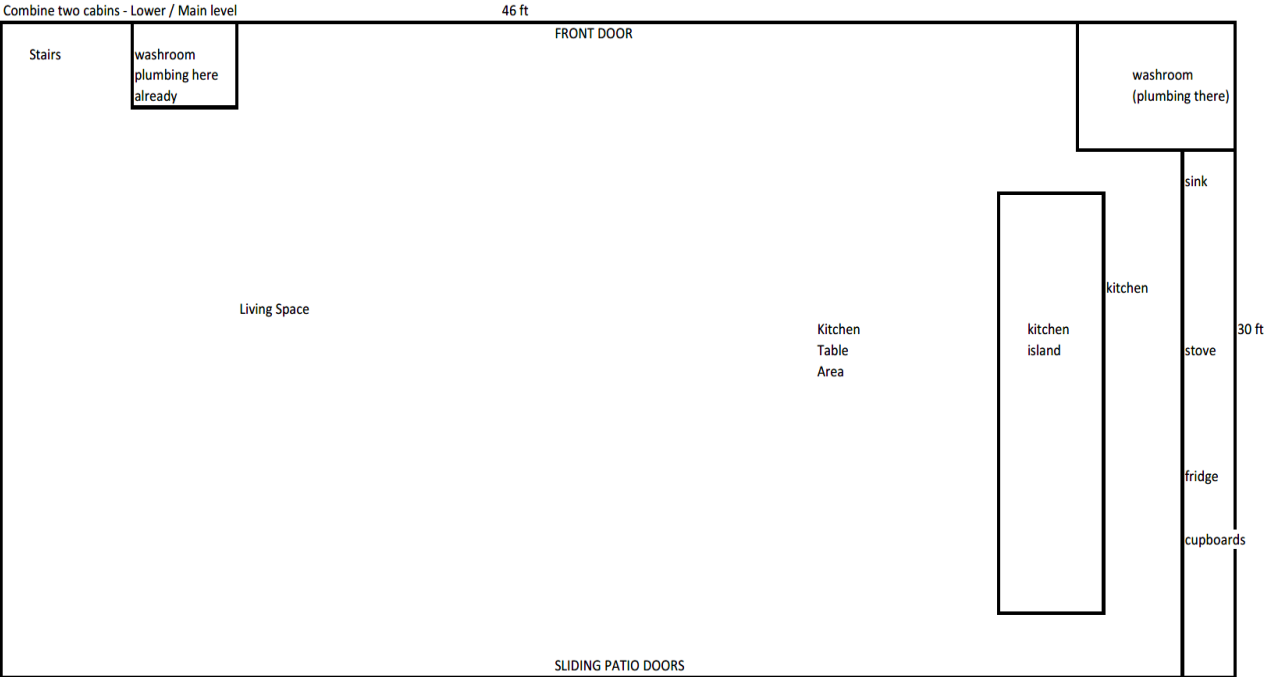
Cabin 1 & 2 - Current

CURRENT
Cabin 1 & 2

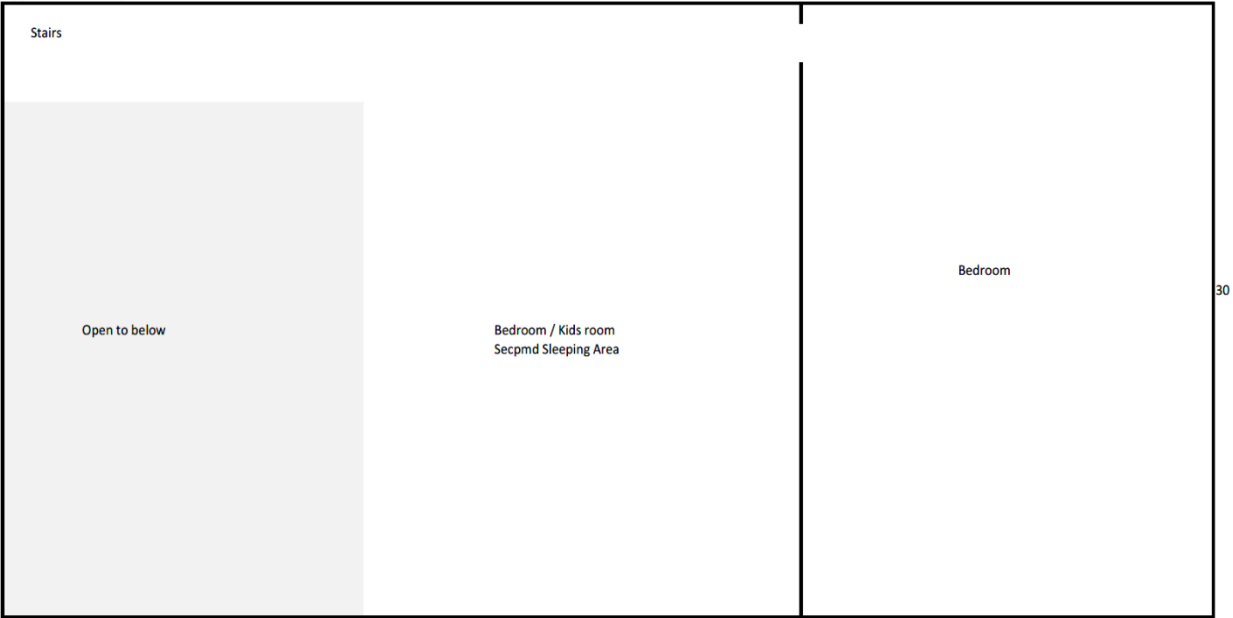


Proposed

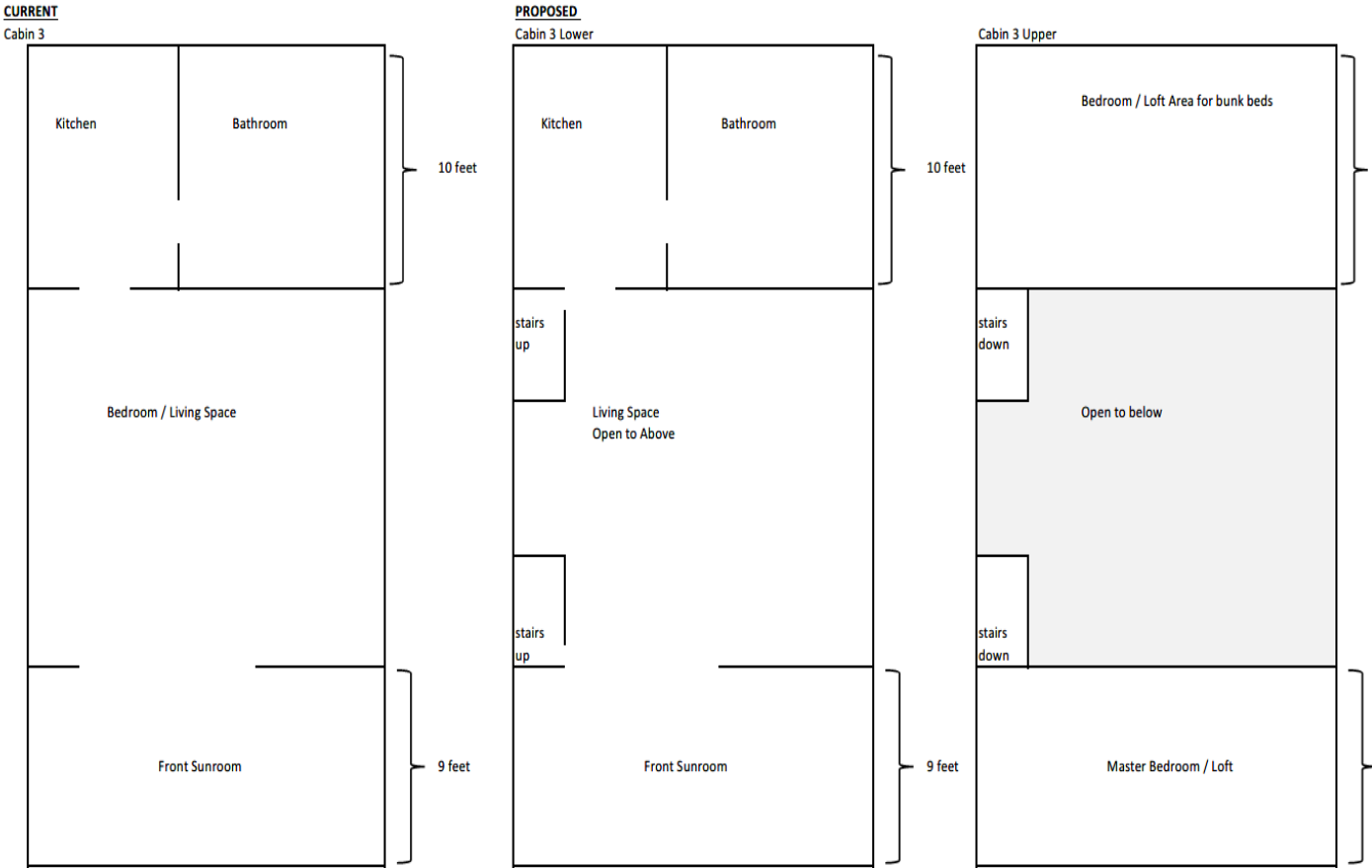
PROPOSED
Combine two cabins - Lower / Main level



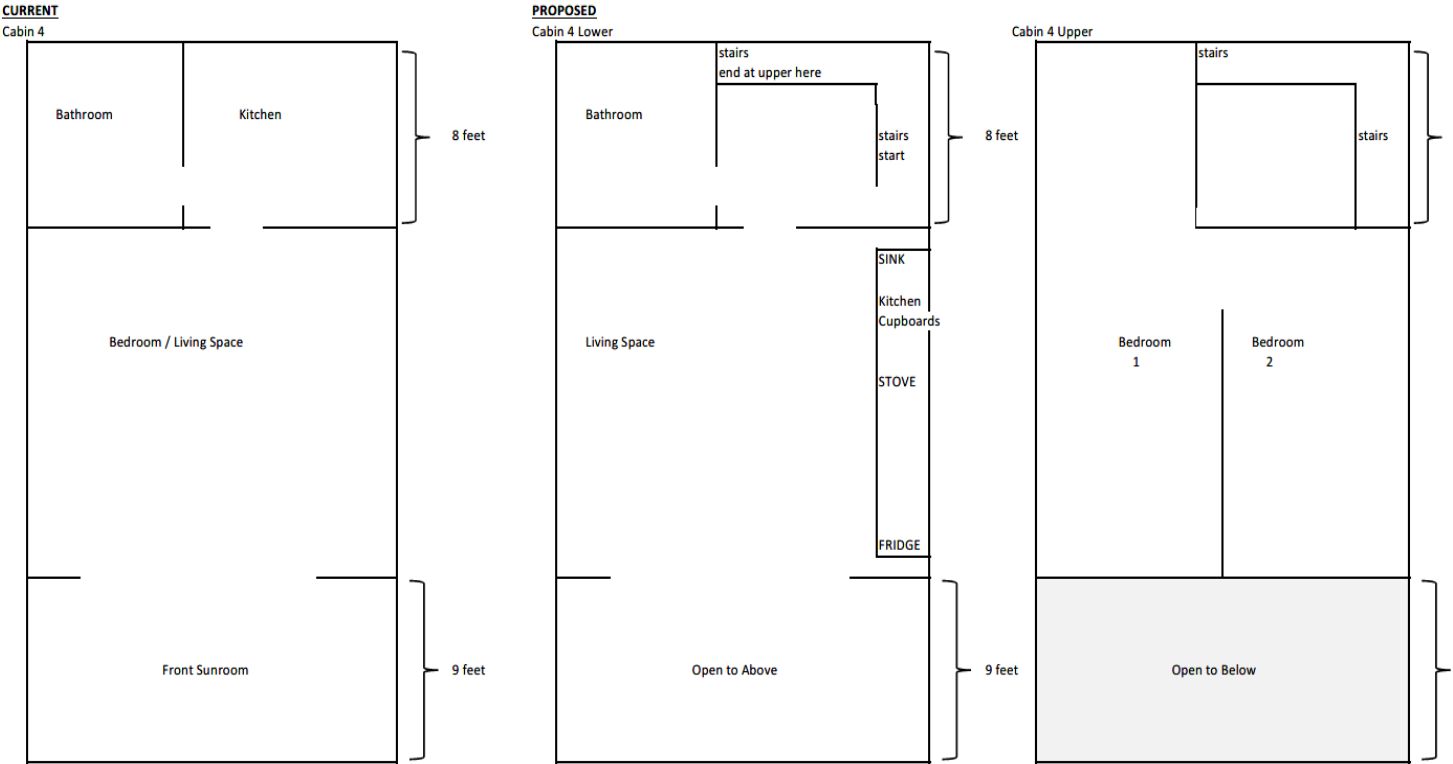
Upper / Second Story



Cabin 3 – Current and Proposed



Cabin 4 – Current and Proposed



Submissions: Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk at clerkplanning@northfrontenac.ca Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or by electronic participation to provide comments regarding the proposed development to the Committee. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Additional Information: Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed planning application, you must make a written request to the undersigned.

Appeal: If a "specified person" or "public body" as defined in the Planning Act files an appeal of a decision of the Committee of Adjustment in respect of the proposed planning application has not made a written submission or provide comments to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

Notice of Collection: Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions, and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

Dated at Plevna, Ontario this 9th day of January 2025.

Tara Mieske, Clerk/Planning Manager
Township of North Frontenac
Email: clerkplanning@northfrontenac.ca



Planning Report

To: Members of Committee of Adjustment

Prepared By: Dmitry Kurylovich, Senior Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager of Community Planning, County of Frontenac

Re: Application for Permission to Expand Legal Non-Complying Structures (Dwellings)

Address: 1922B South Road

Legal Description: Part Lot 18, Concession 13, Geographic Township of Clarendon.

File Number: A01/25 (Ehret)

Owner(s): Jeremy Ehret & Janice Haigh-Ehret

Applicant(s): Same as owners

Date Prepared: February 19, 2024

Date of Public Meeting: February 24, 2024

Recommendation:

That the Committee of Adjustment for the Township of North Frontenac receive comments from the public, and subject to any issues being raised at the public meeting, approve the application subject to the conditions outlined in Appendix A of this report.

Proposal:

The subject property supports four one storey detached dwellings/cabins. The proposal under this application proposes to add a second storey addition on two of the four dwellings, and to replace and enlarge the other two dwellings by adding a second storey and expanding the existing footprints.

The proposed additions will continue to be serviced with an existing sewage system that is located more than 30 metres (98.4 feet) from the water.

According to data obtained from the Municipal Property Assessment Corporation (MPAC), the subject cabins were constructed in 1990, prior to Township Zoning By-Law Number 55-19 coming into effect.

Since all the cabins are located less than 30 metres (98.4 feet) from the high watermark of Lake Kashwakamak as required by the Zoning By-law, all of them are non-compliant.

Permission under Section 45(2) of the Planning Act is required to enlarge the existing non-complying dwellings. Refer to the site plan (Attachment 2) and the list of existing structures below for the site context.

Existing Development

- A one storey cabin with an approximate floor area of 390 square feet located 3.35 metres (11 feet) from the highwater mark. (Cabin 1)
- A one storey cabin with an approximate floor area of 375 square feet located 7.92 metres (26 feet) from the highwater mark. (Cabin 2)
- A one storey cabin with an approximate floor area of 522 square feet located 3.96 metres (13 feet) from the highwater mark (Cabin 3)
- A one storey cabin with an approximate floor area of 522 square feet located 6.7 metres (22 feet) from the highwater mark. (Cabin 4)
- A 45.5 square metre (500 square foot) boat house.
- A Class 4 Sewage system located 32.9 metres (108 feet) from the highwater mark.

Proposed Development

- A two storey 126.8 square metres (1,365 square foot) dwelling with no decks or porches.
 - This proposed dwelling is the consolidation and expansion of Cabin 1 and Cabin 2. This includes the 55.7 square metres (600 square foot) grass area that is between Cabin 1 and Cabin 2.
- A two storey cabin with an approximate floor area of 48.5 square metres (522 square feet) located 3.96 metres (13 feet) from the highwater mark.
- A two storey cabin with an approximate floor area of 48.5 square metres (522 square feet) located 6.7 metres (22 feet) from the highwater mark.

- A 46.45 square metre (500 square foot) boat house.
- A Class 4 Sewage system located 32.9 metres (108 feet) from the highwater mark.

Background Information

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Recreational Commercial (RC)
Current size (area) of subject property	0.71 hectares (1.77 acres)
Existing road frontage and access	Terminus of right-of-way easement from South Road
Waterfront	183 metres (600 feet) on Kashwakamak Lake
Natural heritage features	Property is mostly vegetated with exception of existing development and activity areas.
Surrounding land uses	Waterfront residential lots to the east and north. Fernleigh Lodge is located 45 metres (147 feet) to the west

Pre-application Consultation:

The property owner consulted with Township and County planning staff prior to the submission of this application.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

Comments

Mississippi Valley Conservation Authority (MVCA)

Comments dated February 19, 2025 indicate no objection to the application. No natural hazard concerns were noted.

The following conditions are recommended:

1. In accordance with the provisions of the relevant Municipal Zoning By-law, unvegetated sections of the shoreline that are not in compliance with the allowable clearing for water access, shall be planted to a minimum depth of 3m (measured from the shoreline towards the rear of the lot) with native plant species. Vegetation on the slope face should also be augmented, where practical (acknowledging the presence of bedrock). This effort will help to mitigate the effects of erosion on the shoreline and help maintain slope stability.
2. Erosion control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake and wetland). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated
3. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is directed towards the slope and waterbody.

Septic Approval Authority (Township of North Frontenac)

A sewage disposal system permit will be required for the installation of the new Class-4 sewage disposal system. The new sewage system is located outside of the minimum waterbody setback.

Public Comments

County planning staff are not aware of any public comments received at the time of drafting this report.

Conformity and Consistency with Policy Planning Documents

Applications for permission are required to be consistent with the Provincial Planning Statement, 2024 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conforms to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

North Frontenac Zoning By-Law Number 55-19

The subject property is zoned Recreational Commercial (RC) in the Township of North Frontenac Zoning By-Law Number 55-19. The RC Zone permits Tourist Establishments on lots that are more than 4 hectares (10 acres) in size. Planning staff note that while the lot does not meet the minimum size requirement, the existing Tourist Establishment use was existing prior to this current Zoning By-law coming into effect. The use is therefore legally non-complying.

The Zoning By-law requires all non-waterfront structures to be located a minimum of 30 metres (98.4 feet) from the estimated highwater mark of any waterbody. The intent of the 30 metre (98.4 foot) waterbody setback is to provide a vegetative buffer between development and waterbodies for the purpose of maintaining aquatic habitat, filtration of run-off, and reducing visual impacts of development on the waterfront character of the area.

The existing dwellings were constructed within the required 30 metre (98.4 foot) waterbody setback before the current Zoning By-law came into effect and is therefore considered to be a non-complying structure.

Section 3.24 of the Zoning By-law allows the renovation, repair, or reconstruction of existing non-complying structures as long as the footprint and volume of the structures are not increased. Since the application proposes to increase the livable space of the dwelling within the waterbody setback, approval is required under Section 45(2) of the Planning Act.

The proposed dwelling reconstruction and expansion will maintain the existing waterbody setback. The development as proposed will not exceed the maximum lot coverage permitted by the Zoning By-law.

County Planning staff are of the opinion that the proposal conforms with the Zoning By-law.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Planning Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

Waterfront Character

The proposed application will introduce taller structures, which will be more visible from the Lake due to their proximity to the shoreline.

Although the massing will increase along the shoreline, County planning staff are of the opinion that the proposed development will not result in significant impacts to the existing waterfront character of the area.

The area around the subject property has been used for commercial recreational purposes and tourism since at least 1990, with some operations, such as the Fernleigh Lodge, dating back to the early 1900's. Historical recreational commercial and residential uses are often characterized by development that is closer to the water and on lots that are narrower than permitted by the current Zoning By-law.

County planning staff are of the opinion that the proposed development is in-line with the general massing of the neighboring parcels along the shoreline based on the distance between structures, their size, and proximity to the water.

Sewage Disposal System Services

The existing sewage disposal system will be inspected at the building permit stage. The existing system is located more than 30 metres (98.4 feet) from the waterbody.

Natural Heritage

The proposed development will require the removal of at least one old conifer that is located between Cabin 1 and Cabin 2. However, given the proximity of the tree to the dwelling, and its evident age and height, County planning staff are of the opinion that the tree would eventually be deemed a hazard and need to be removed. No other vegetation is anticipated to be impacted during development.

Although the proposed non-permeable area is proposed to increase by approximately 55 square metres (600 square feet) as a result of dwelling expansion, County planning staff are of the opinion that the potential increased run-off would not be significant enough to result in measurable negative impacts to the health and quality of the shoreline and Lake.

The overall development will not require significant site alteration or the removal of any shoreline vegetation. The applicant will be required to install a sediment and erosion control barrier to ensure no construction material or fill enters the water.

Minimum Distance Separation

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property.

Natural Hazards

No evident natural hazards were identified by MVCA staff.

Legal Non-Conforming Structures

In accordance with Section 45(2) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of an existing legal non-conforming building or structure, where the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and

following the date the By-law was passed. No permission may be given by the Committee to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated.

In considering whether to grant a permission pursuant to Section 45(2), the relevant tests are:

1. Is the application desirable for appropriate development of the subject property?

County planning staff are of the opinion that the application is desirable for the appropriate development of the subject property.

The proposed development will allow for more flexibility and use of the structures and the property. The applicant will have to either demonstrate that the proposed development can be serviced with the existing sewage system or expand/upgrade it at the building permit stage. The sewage system distribution bed is located more than 30 metres (98.4 feet) from the water.

The total proposed footprint is below the maximum lot coverage permitted by the Zoning By-law.

2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

County planning staff are of the opinion that the proposal will not result in any undue adverse effects on the surrounding properties and neighbourhood or quality of the adjacent waterbody.

The overall development will conform to the aesthetic and massing in the area and the proposed increase in size is not anticipated to result in significant negative impacts on the health of the Lake.

Recommendation

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A01/25, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

Attachments

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1 – Key Map

Attachment 2 – Applicant Submitted Site Plan

Attachment 3 – Applicant Submitted Building Drawings

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Application A01/25 (Ehret)

Applicability

1. That the permission granted through application A01/25 is only to construct:
 - a. A two storey 126.8 square metres (1,365 square foot) dwelling with no decks or porches.
 - i. This proposed dwelling is the consolidation and expansion of Cabin 1 and Cabin 2 as illustrated by the Site Plan (Attachment 2). This expansion includes the 55.7 square metres (600 square foot) grass area between Cabin 1 and Cabin 2.
 - b. A two storey cabin with an approximate floor area of 522 square feet located 3.96 metres (13 feet) from the highwater mark, illustrated as Cabin 3 on the Site Plan (Attachment 2).
 - c. A two storey cabin with an approximate floor area of 522 square feet located 6.7 metres (22 feet) from the highwater mark, illustrated as Cabin 4 on the Site Plan (Attachment 2).
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.
3. This permission is only applicable to Zoning By-Law Number 55-19, as amended, and not to any subsequent zoning by-laws.

No Adverse Impacts

4. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

Building Permits

5. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.

6. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

Construction Method

7. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place and in good working order until all disturbed areas have been stabilized and re-vegetated.
8. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
9. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

Appendix B: Relevant Planning Policy

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent and minor variance applications on rural lands, planning authorities must comply with Sections 2.5 and 2.6 of the PPS, and apply the relevant policies of the following sections:

- Chapter 3: Infrastructure and Public Service Facilities of the PPS contains policies that direct the development of public and private infrastructure including transportation networks, sewage, water and stormwater services, waste management, and public spaces, recreation, parks, trails, and open spaces.
- Chapter 4: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Chapter 5: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 5.2 of the PPS.

The following policies are applicable to this application:

- Conserving biodiversity and considering the ecological benefits provided by nature (Section 2.5.1.g).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 2.5.1.a).
- Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts (Section 3.6.4).
- Natural features and areas shall be protected for the long term (Section 4.1.1).
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of

property damage, and not create new or aggravate existing hazards (Section 5.1.1).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

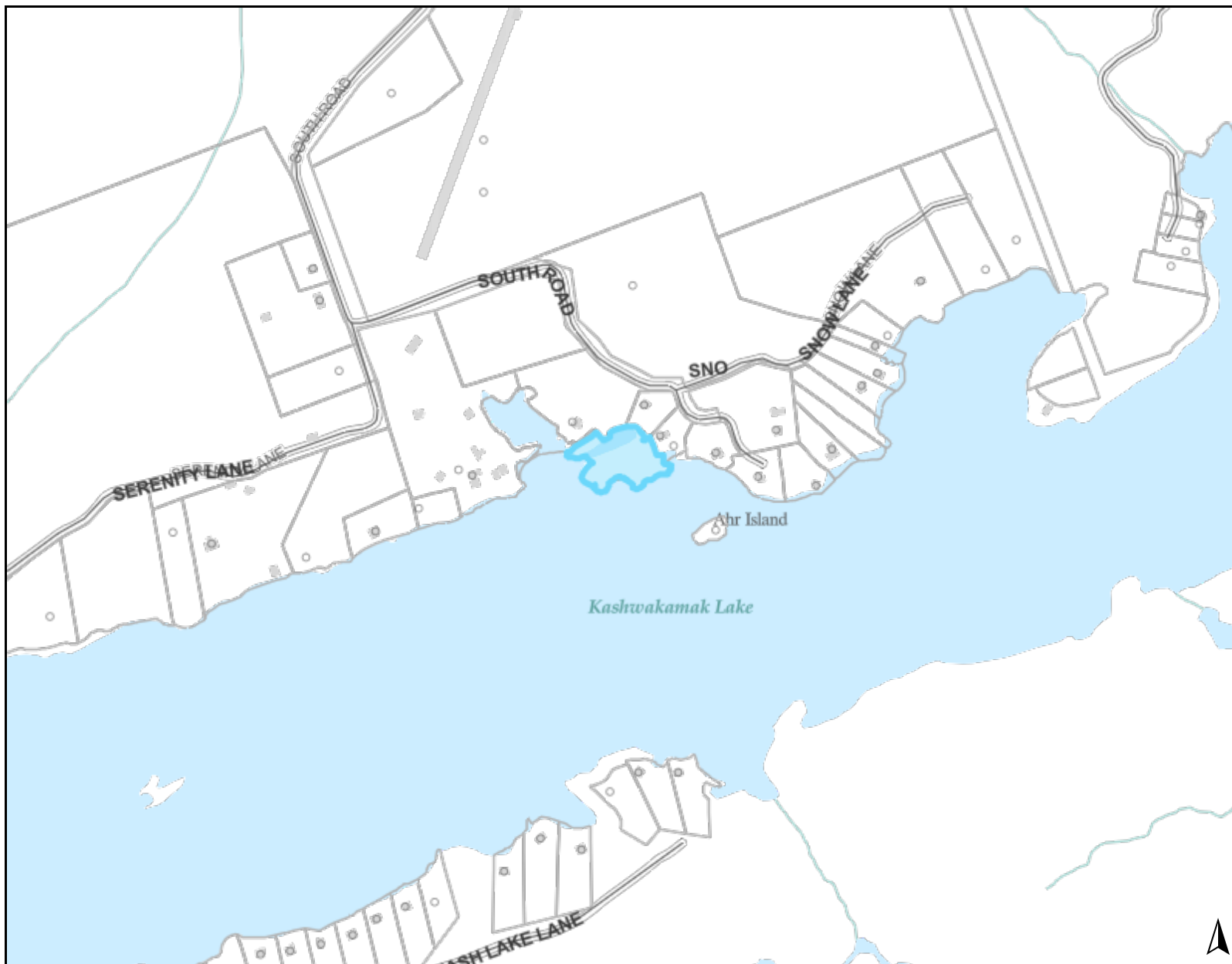
Township of North Frontenac Official Plan (2017)

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- Section 4.7.2.C states that all tourist commercial uses requiring servicing shall be located on a lot that can be adequately serviced with water supply and sewage disposal.
- Section 4.7.2.E states that in reviewing applications for tourist commercial development, Council should have regard to the protection of the natural environment, the open space character and the scenic qualities of the area
- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the

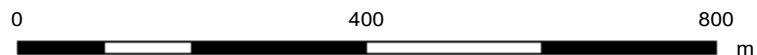
density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.

- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.
- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.



Legend

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

CURRENT STRUCTURES:

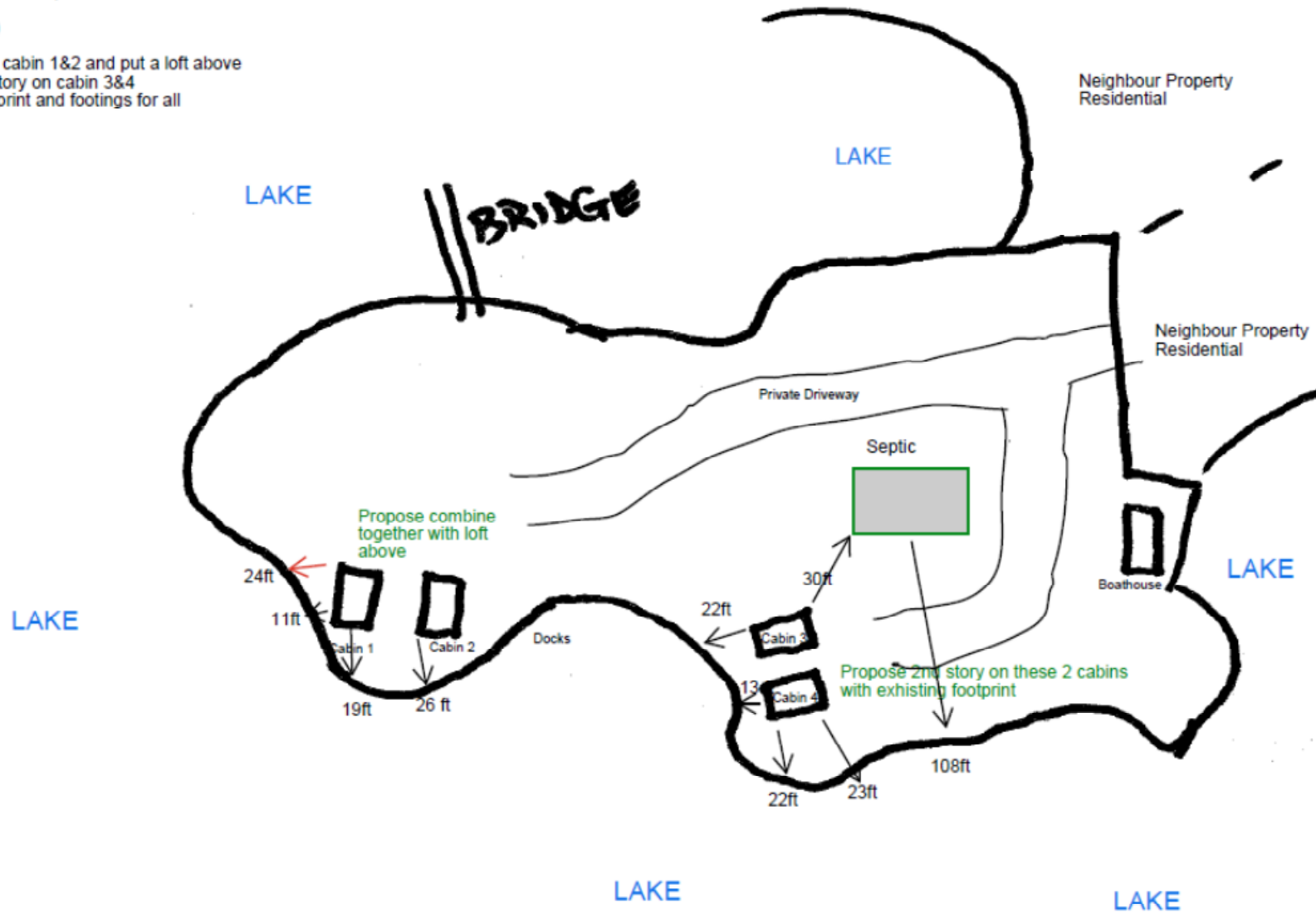
Cabin 1 - 30x13 feet
Cabin 2 - 30x12.5 feet
Cabin 3 - 36x14.5 feet
Cabin 4 - 36x14.5 feet
Boathouse 20x24 feet

Space between cabin 1&2 - 30x21 feet
Space between cabin 3&4 - 36x9

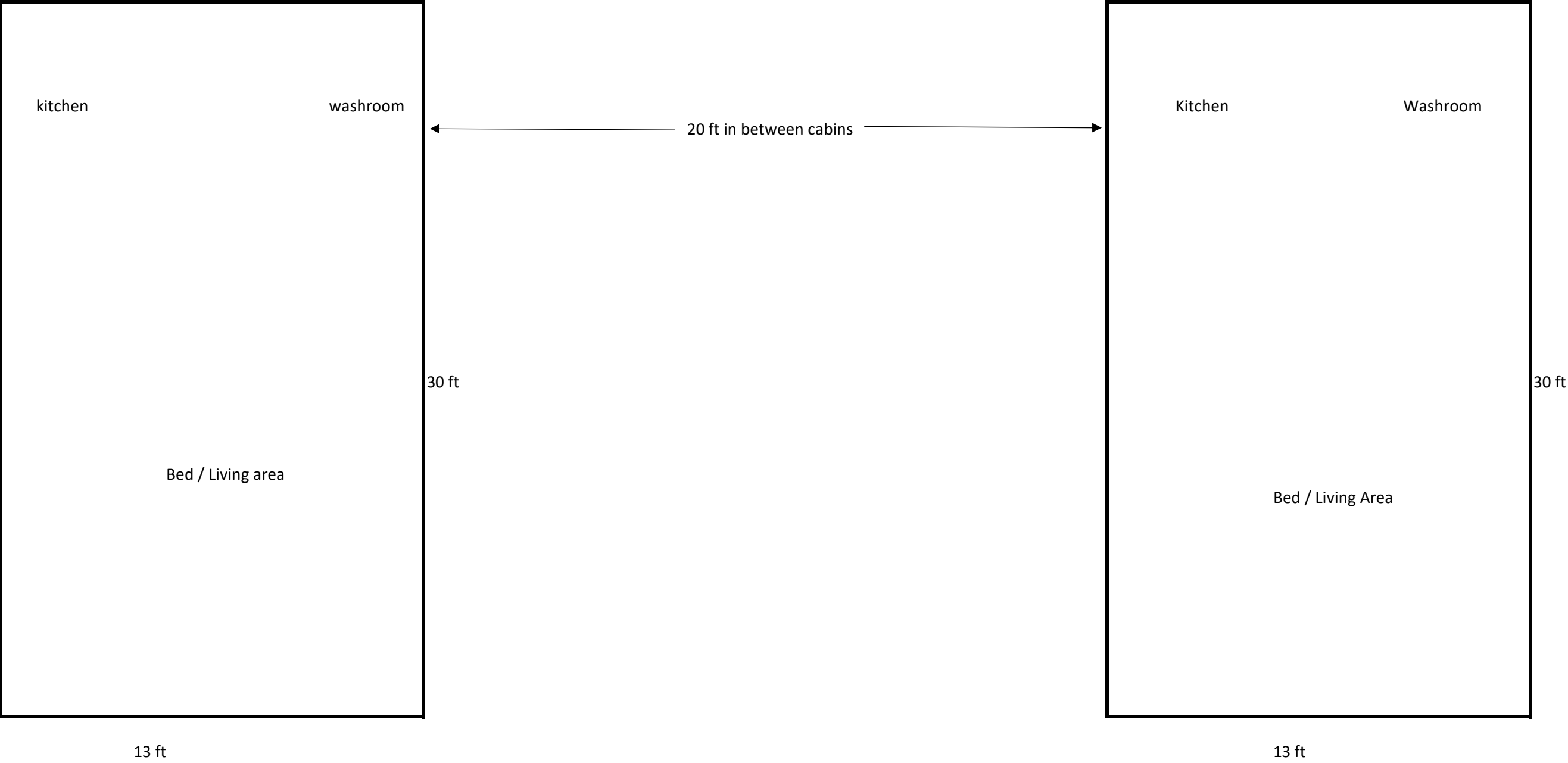
Septic Area 20x40

Propose Combine cabin 1&2 and put a loft above
Propose second story on cabin 3&4
Use existing footprint and footings for all

Owners: Janice Haight-Ehret and Jeremy Ehret
Address: 1922B South Road Cloyne

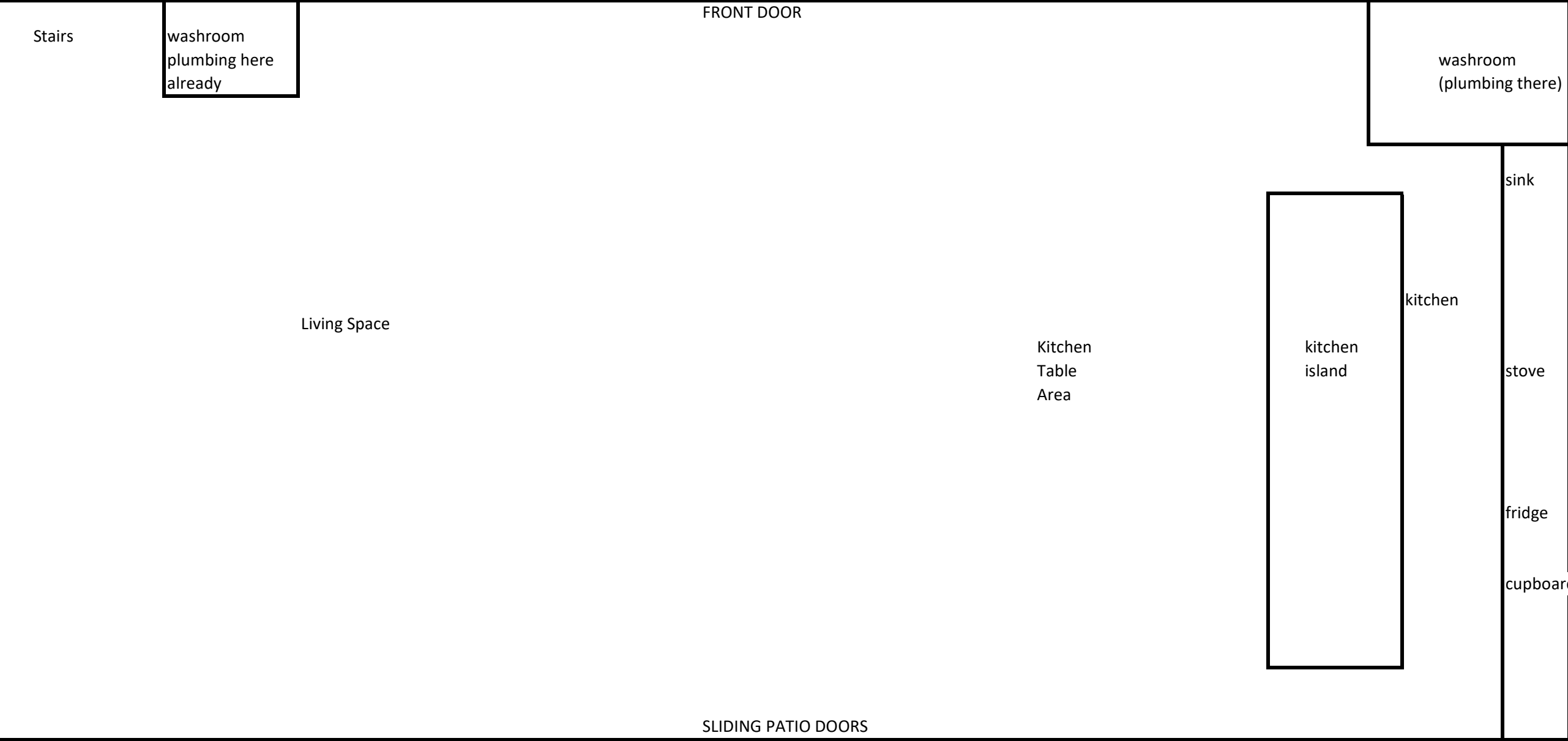


CURRENT
Cabin 1 & 2



PROPOSED

Combine two cabins - Lower / Main level

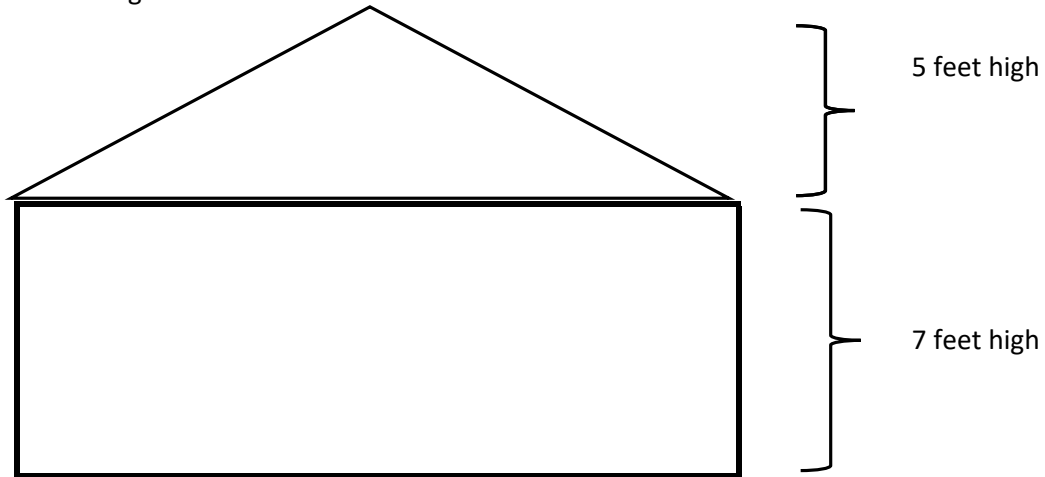


Upper / Second Story



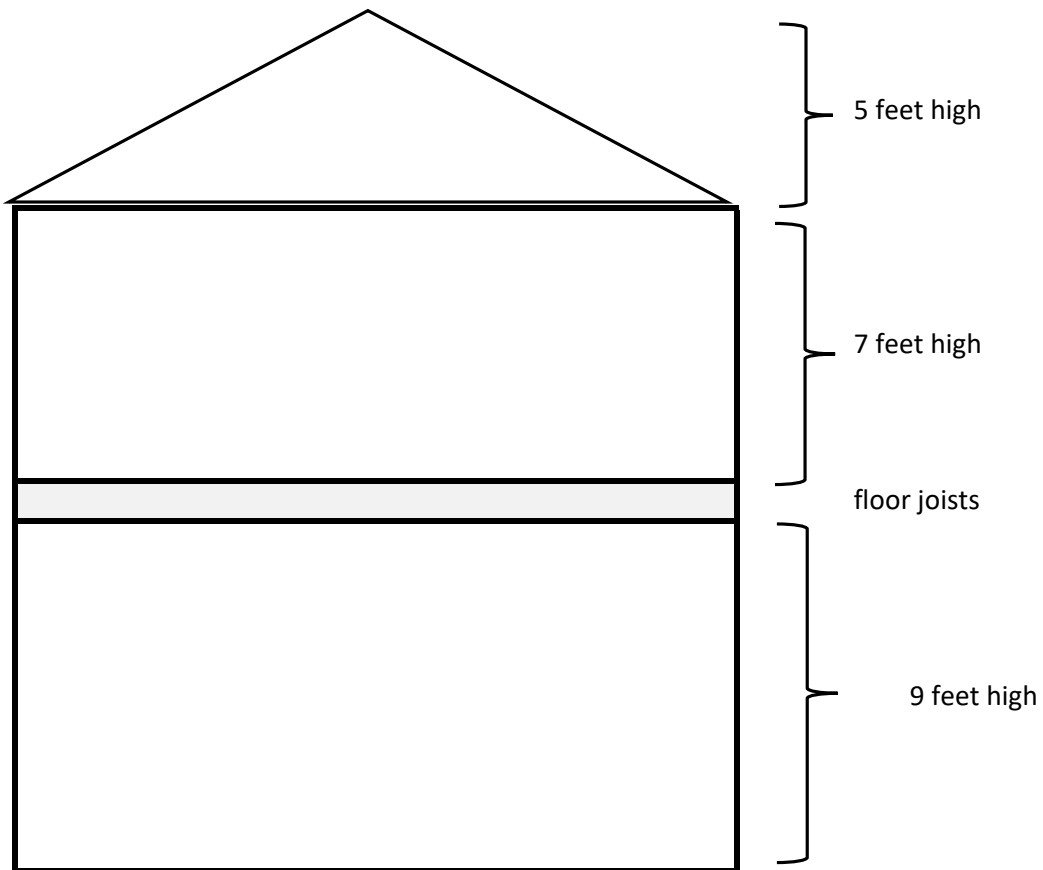
CURRENT

All Cabins Height

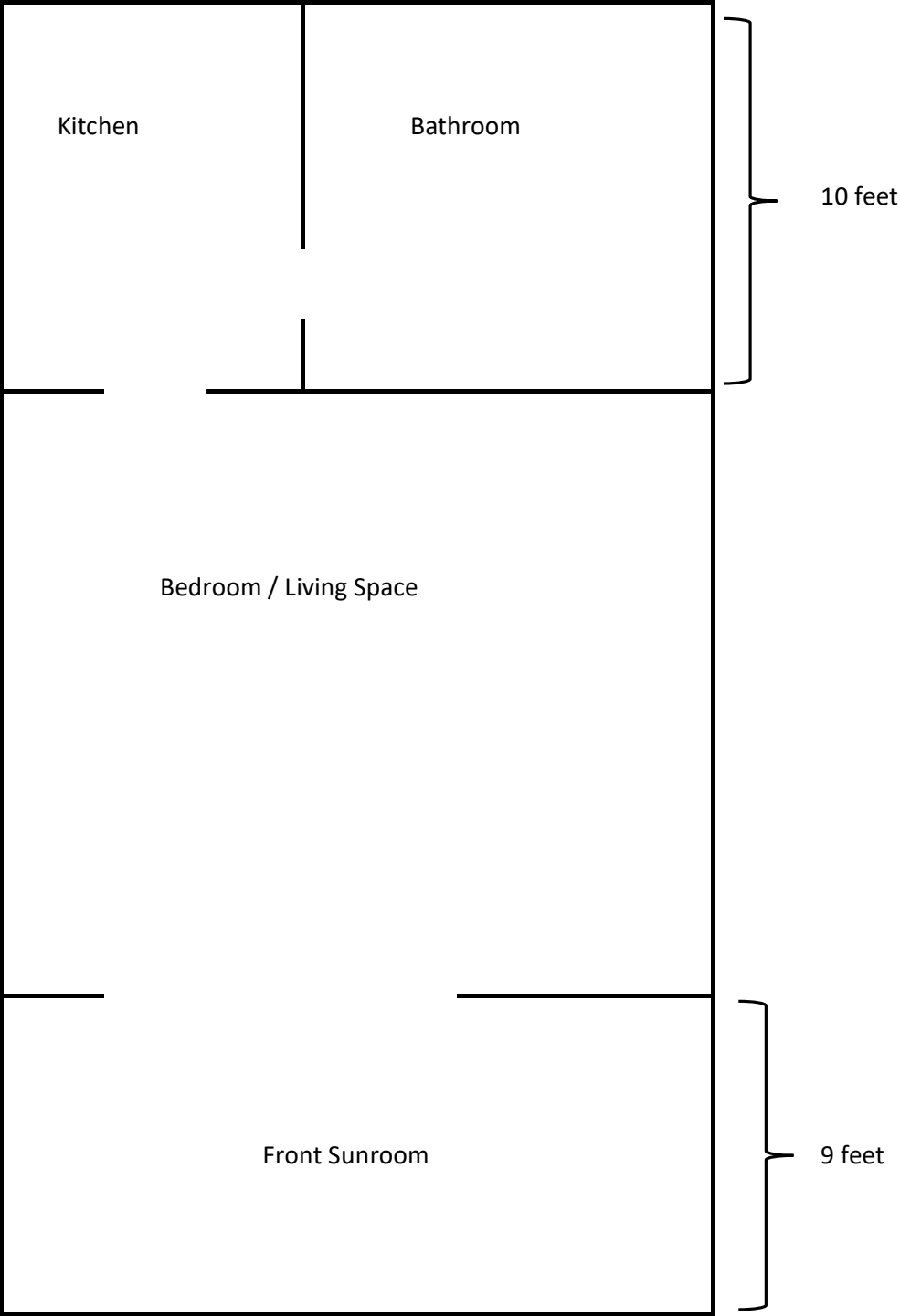


PROPOSED

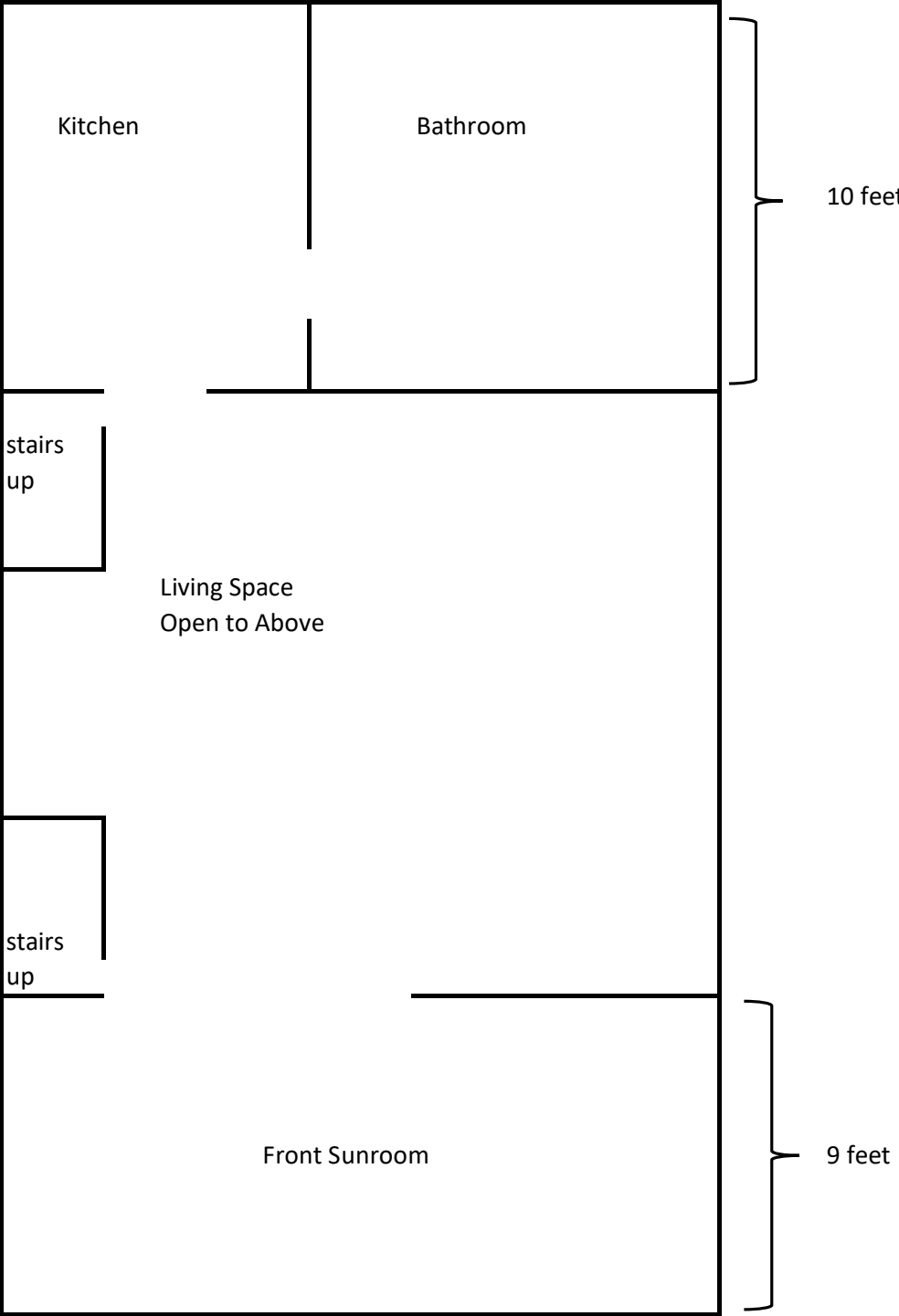
All Cabins New Height



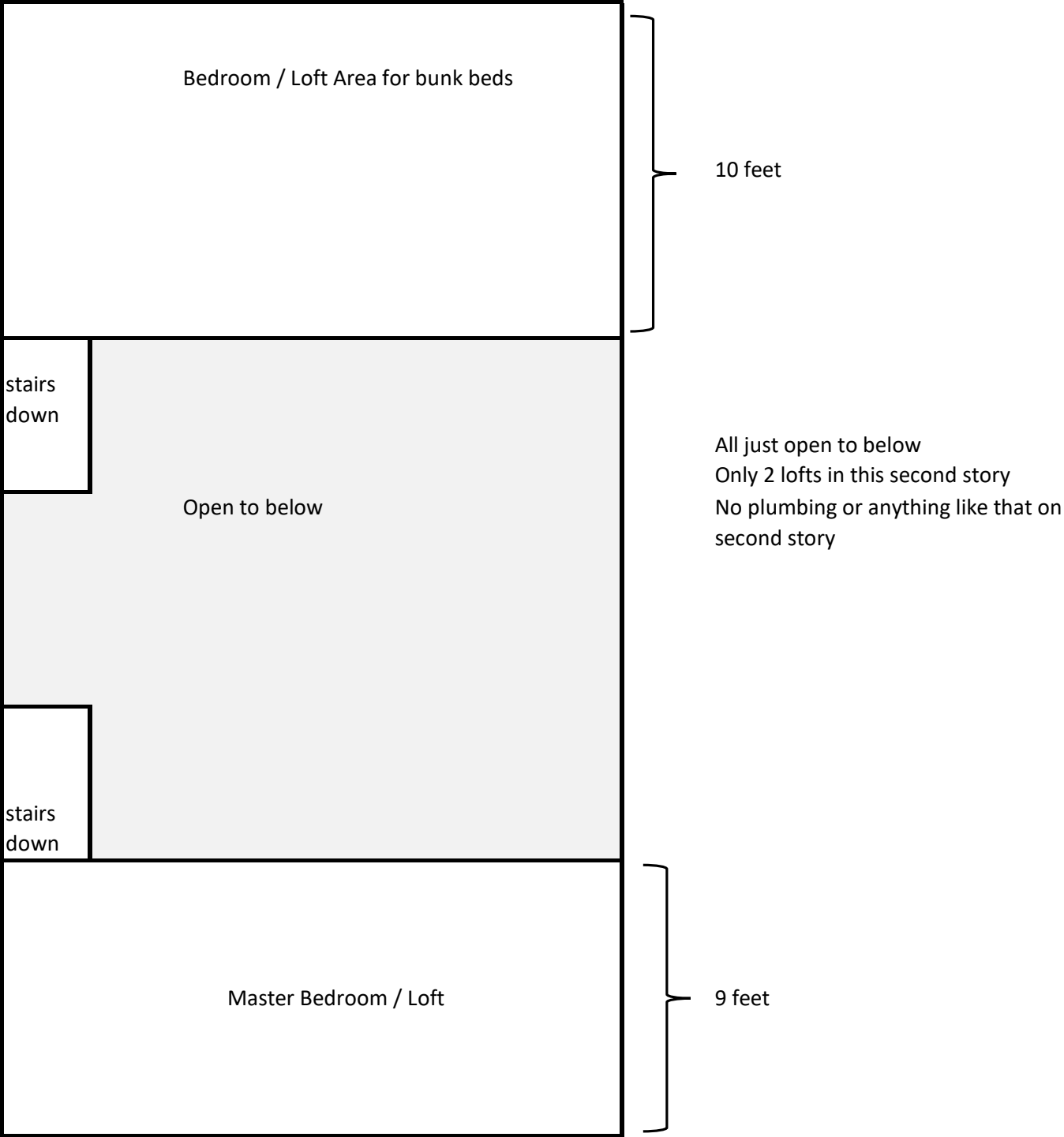
CURRENT
Cabin 3



PROPOSED
Cabin 3 Lower



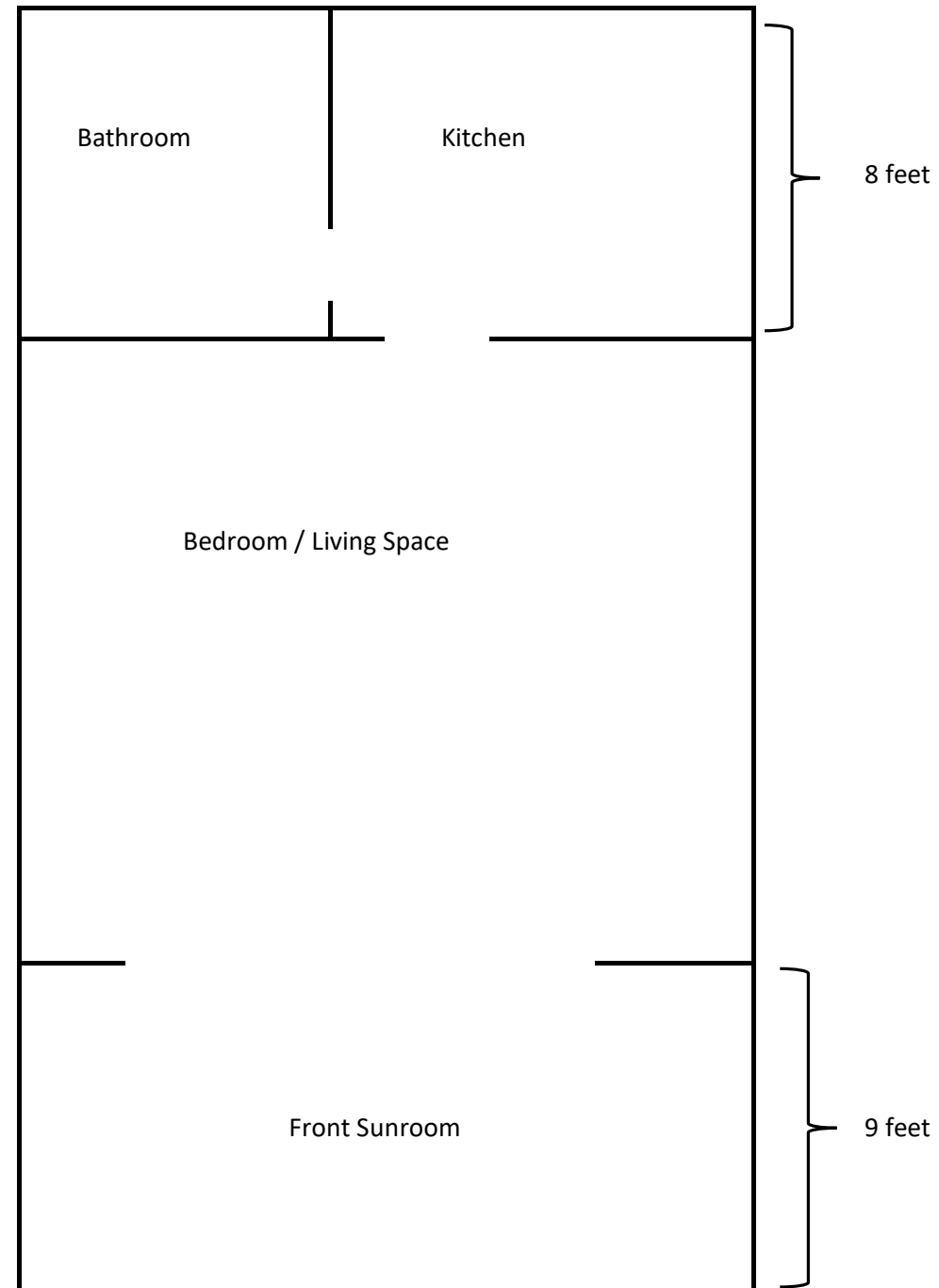
Cabin 3 Upper



All just open to below
Only 2 lofts in this second story
No plumbing or anything like that on
second story

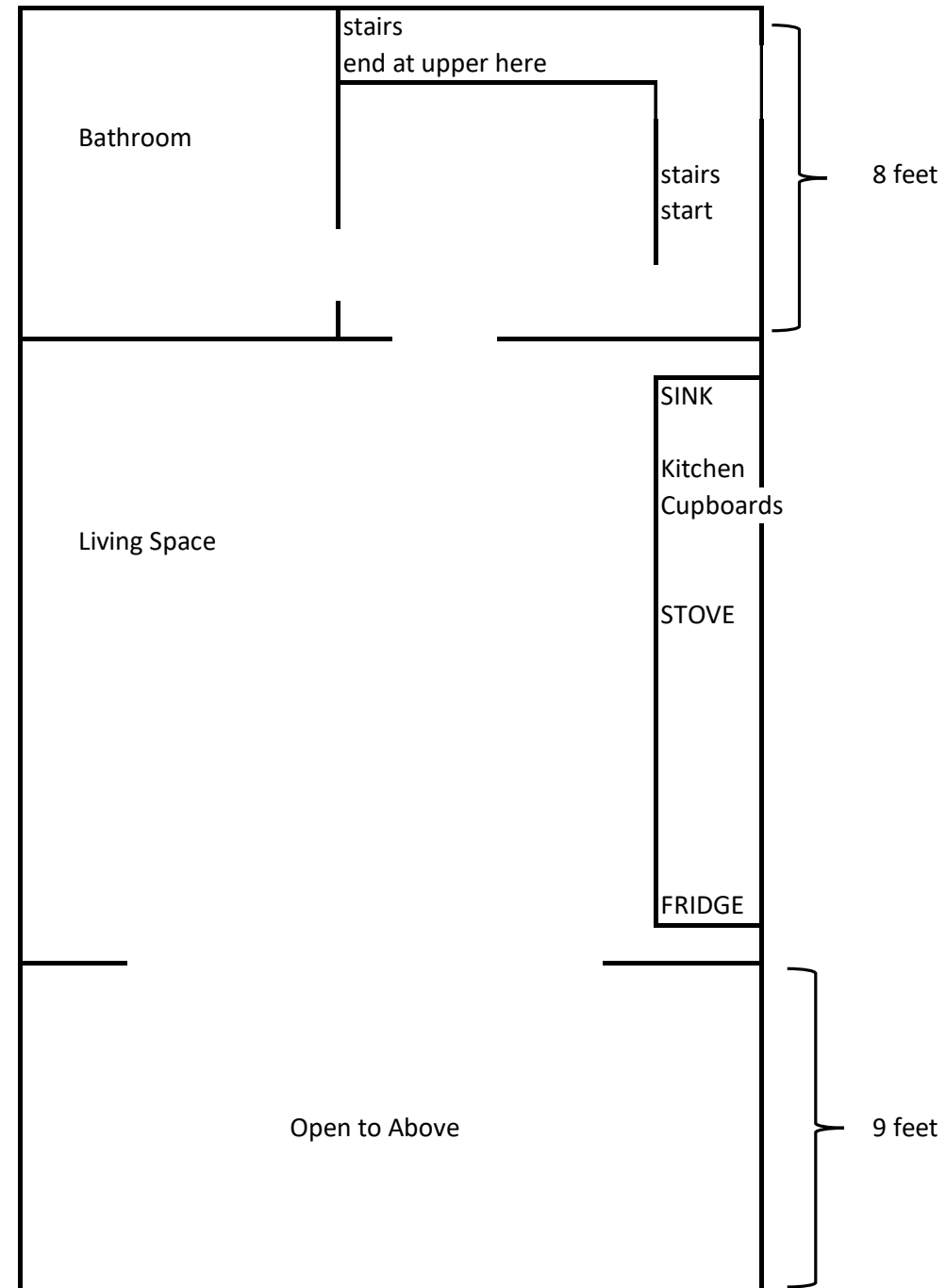
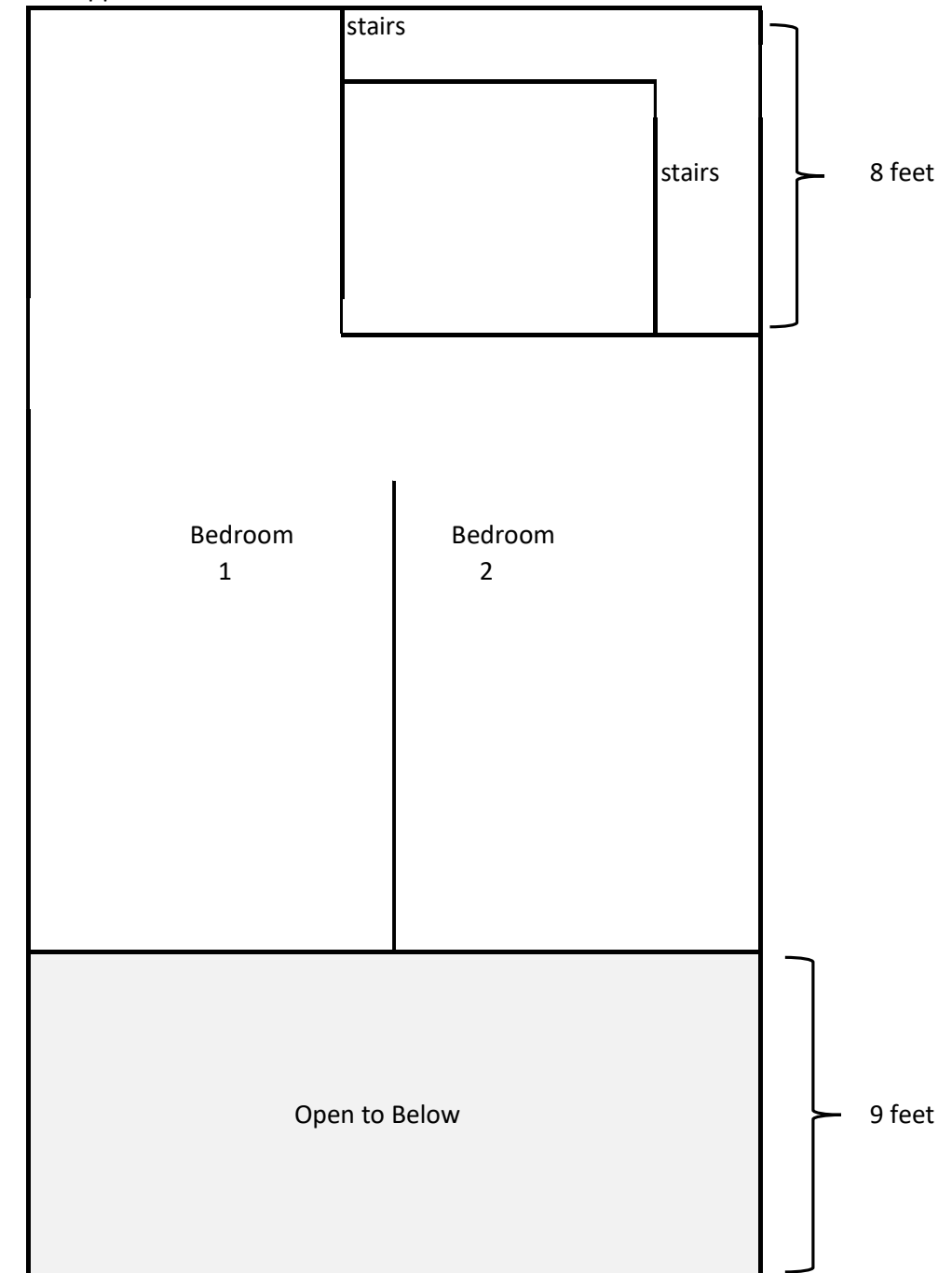
Cabin 4

10



Cabin 4 Low

Page 10 of 10

[illegible]

Schedule 'A' to By-law ~~#25-21~~

Committee of Adjustments – Procedural Policy

Section 1.0 – Definitions

In this by-law:

“Applicant” means the owner or authorized agent who submitted the Planning Application.

“Application” means an Application made under the Planning Act, R.S.O. 1990, c.P, 13, for Minor Variance under Section 45, an Application for Consent under Section 53, an Application for power of sale and foreclosure under Section 50 or an Application for validation of title under Section 57.

“Committee” means the Committee of Adjustment/Planning Advisory Committee appointed by By-law of the Council of the Corporation of the Township of North Frontenac.

“Inaugural Meeting” means the first meeting of the Committee held after the passing of the Appointing By-law of the Committee at the commencement of each Council term.

“Meeting” means any Meeting or Hearing of the Committee held in accordance with the provisions of this Procedural By-law.

“Member” means an individual appointed by the Council of the Corporation of the Township of North Frontenac to the Committee of Adjustment/Planning Advisory Committee and includes the ~~Chair~~Alternate Member.

“Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended.

“Secretary/Treasurer” means the Secretary/Treasurer of the Committee of Adjustments/Planning Advisory Committee or in their absence the person appointed as the Acting Secretary/Treasurer, as appointed by Council.

~~“Acting Secretary/Treasurer” means the Acting Secretary/Treasurer as appointed by Council who shall have all the powers of the Secretary/Treasurer in the absence of the Secretary/Treasurer.~~

Section 2.0 – Notice of Application/Hearing

2.1 The Notice of Application/Hearing, including a copy of the Application to be considered at a hearing shall be given by the Secretary-Treasurer in a manner that the Committee of Adjustments/Planning Advisory Committee deems appropriate, in accordance with the Planning Act.

2.2 The Committee of Adjustments/Planning Advisory Committee shall hold a Public Hearing/Meeting on every Application before a decision is rendered.

2.3 The Secretary-Treasurer shall provide the Applicant with a copy of correspondence received from the Planner(s), applicable agencies and others who respond to the circulation of the Notice of Application/Hearing.

Section 3.0 – Site Visits

3.1 Following receipt of the Application, the Committee Member assigned to complete the site visit shall attend the subject property and prepare a report for the Committee. The Member completing the site visit shall be determined on a rotating basis through the Members in alphabetical order and shall be notified by the Secretary-Treasurer.

3.2 The Member will attend the site visit without any other Members of the Committee (with the exception of the Alternate for training purposes) and may not discuss any merits of the Application or any issue/matter in connection with the Application to be considered by the Committee with the Applicant or any interested individuals.

3.3 Water Access Properties

Where the inspection is for a property which is water access only, the applicant shall provide transportation to the site for the Committee Member, Planning staff and other applicable persons. The Township will provide Personal Flotation Devices (PFDs) to the Committee Member and Planning staff.

If the Committee Member and/or Planning staff feel the transportation provided is unsafe or the conditions are unsafe to attend the site, they have the right to refuse to complete the site visit at that time. If the refusal is due to unsafe transportation, the Township will arrange transportation at the applicant's expense. If the unsafe conditions are due to the weather, the inspection will be rescheduled for the earliest date possible. This may result in the application being deferred if the inspection cannot be completed within the required time frame prior to the meeting date.

3.43 The Planner(s) and/or applicable Township staff may attend the site visit with the Committee Member.

Section 4.0 – Convening of Meetings

4.1 Meeting Dates

The Committee shall meet once a month. The date and time of regular Meetings will be established for the following twelve (12) months at ~~the November~~^a Meeting ~~of the~~ prior ~~to the end of the~~ year. Every attempt will be made to hold the Meetings on a consistent day.

In the case of the year ~~of~~ prior to the re-appointment of the Committee, the Meeting dates shall be set at the Inaugural Meeting of the Committee.

4.2 Special Meetings

Additional Meetings may be held through a Special Meeting request by the Chair to the Secretary-Treasurer; at the request of the Council of North Frontenac; or by request of the Secretary-Treasurer to the Chair. The date of the Special Meeting will be dependent on the availability of Members.

4.3 Cancellation of Meetings

Where it is determined by the Secretary-Treasurer that there are insufficient Agenda items for a Meeting, the Secretary-Treasurer shall cancel the Meeting, providing a minimum of 48 hours' notice of the cancellation to Committee Members, the Applicant(s) and any interested parties.

A Meeting may also be cancelled at the request of the Chair to the Secretary-Treasurer.

4.4 Location

The Committee of Adjustment Meetings will take place in the Council Chambers at the Municipal Office, 6648 Road 506, Plevna, unless otherwise specified. The room and location for the Committee Meetings shall be identified on the Notice of Application/Hearing circulated by the Secretary-Treasurer in accordance with the Planning Act.

All Committee Meetings shall be open to the public. Closed Session Meetings of the Committee may only be held in accordance with the Municipal Act, 2001 c. 25, s. 239 (2).

Section 5.0 – Quorum

5.1 Pursuant Planning Act, R.S.O. 1990, c. P.13, s. 44 (5) where a Committee is composed of three Members, two Members constitute a quorum.

5.2 The time limit for a Quorum is thirty (30) minutes after the time appointed for the Meeting. If no Quorum is present after thirty (30) minutes, the Chair or Secretary-Treasurer shall adjourn the Meeting and the business shall be carried forward to the next Meeting or a Special Meeting.

5.3 If a Member of the Committee is absent from the Meeting, the Alternate Member of the Committee will assume the role and responsibilities of the absent Member.

5.4 Members of the Committee are encouraged to notify the Secretary-Treasurer when the member is aware that they will be absent from any mMeeting-of-the-Committee-of Adjustment/Planning Advisory Committee.

Section 6.0 – Chair

6.1 The Chair of the Committee shall be elected by the Members of the Committee at the Inaugural Meeting of the Committee for a one-year term and on an annual basis every January thereafter. Any Member may be nominated, or nominate themselves, for the position of Chair and present their case for being named Chair. The incumbent is

free to run for the position. If no other Member wishes to run for the position, the incumbent will remain in the position.

6.2 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member on the Committee, including voting.

6.3 Where the Chair is absent, the Secretary-Treasurer shall call for the election of an Acting Chair for the Meeting.

6.4 An Acting Chair shall be appointed for each Meeting or portion thereof in the Chair's absence.

Section 7.0 – Agenda

The Committee Agenda will contain the following:

1. Call To Order
2. Opening Remarks
3. Traditional Land Acknowledgement
- 1.4. Requests for Withdrawal or Deferral of Application(s)
- 2.5. Approval of Agenda
- 3.6. Disclosures of Pecuniary Interest and General Nature Thereof
- 4.7. Delegations
- 5.8. Adoption of Minutes
- 6.9. Business Arising from Minutes
- 7.10. Consent Applications*
- 8.11. Minor Variance Applications*
- 9.12. Validation of Title Applications*
- 10.13. Power of Sale and Foreclosure Applications*
- 11.14. Zoning By-law Amendment Applications (Recommendations to Council)*
- 12.15. Communications
- 13.16. Other Business (including reports from Secretary/Treasurer and Committee Members)
- 14.17. Adjournment

*These items will only be included on the Agenda if a complete application has been submitted for consideration.

The Secretary-Treasurer will prepare an electronic Agenda for the use of the Members at Meetings. Agendas will be provided to each Member and include the following information:

- Copies of each Application;
- Reports from Planners and commenting Agencies;
- Comments Received from the Public prior to the preparation of the Agenda.

Agendas will be provided to Members via email at least a minimum of three (3) days prior to the Meeting. The Agenda shall also be posted to the Township's Website.

Section 8.0 - Disclosures of Pecuniary Interest

8.1 The Chair shall call for any declaration of Pecuniary Interest from Members; the provisions of the Municipal Conflict of Interest Act shall apply.

8.2 At a Meeting in which a Member discloses a Pecuniary Interest, the Member must file a written statement on a form provided by the Secretary-Treasurer of the Member's interest at the Meeting or as soon as possible afterwards.

8.3 The Secretary-Treasurer shall establish and maintain a registry in which the following shall be kept:

- i. A copy of each statement filed;
- ii. A copy of each declaration recorded.

The registry shall be available for public inspection on the Township's Website.

8.4 All Members required to do so by the Provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 as amended, shall disclose any direct or indirect Pecuniary Interest for themselves or a family member; and shall state the general nature of such Pecuniary Interest; and it shall be recorded by the Secretary-Treasurer accordingly. It is recommended the Member leave the Meeting for the duration of the matter for which a Pecuniary Interest is declared by the Member.

8.4 Where a Member has a Pecuniary Interest they shall not use their office in any way to attempt to influence any decision of the Committee.

Section 9.0 – Delegations

9.1 Any person wishing to appear as a delegation must make a request to the Secretary-Treasurer 14 days prior to the Meeting. The delegate must provide a copy of their presentation to the Secretary-Treasurer to be included in the Agenda at least 7 days prior to the Meeting.

9.2 The Committee may require representatives of Non-Government Agencies, Government Agencies, Voluntary Sector Representatives or other experts to attend Meetings as presenters or advisors because of their knowledge of a particular subject. Such invitations will be agreed upon by the Committee and the Secretary-Treasurer will make the request.

9.3 Delegations are permitted to attend the meeting electronically.

9.4 Delegations are limited to ten (10) minutes. The Chair may extend this time limit as deemed necessary. An additional ten (10) minute Committee question period is permitted following the presentation.

Section 10.0 – Procedures for Hearing/Meeting

10.1 At the Opening of the Meeting, the Chair shall read the Opening Remarks and Traditional Land Acknowledgement.

10.2 The Chair shall call for any requests for deferral or withdrawal of any matters before the Committee;

- i. A request for a deferral of an Application to a later Meeting date must be for reasonable cause.
- ii. The Committee may set a new Meeting date for consideration of the deferred Application.
- iii. The Committee may indicate requirements or conditions for deferral, such as re-notification, amendment to the Application or additional information being submitted.

10.3 A request for a deferral of the matter on the scheduled Meeting date by the Applicant must be for reasonable cause. If the request for deferral is granted, the Committee, in consultation with the Secretary-Treasurer, will set a new Meeting date for the Application to be heard. The Committee may not discuss or take any action on the Application at the Meeting.

10.4 The Applicant may request that an Application be withdrawn. Such requests may be made to the Secretary-Treasurer in advance of the Meeting date or at the Meeting. The Secretary-Treasurer will record that the Application was withdrawn from the Committee's Agenda and the Committee will discuss or take any action on the Application at the Meeting. ~~take no action on the matter at the Meeting.~~

10.5 For each Agenda item, the Chair shall ask if the Applicant (s) are present and to introduce themselves.

10.6 The Committee will receive an overview from the County Planner of the application including comments provided from outside agencies and
~~information regarding the Application from all applicable agencies, the County Planner(s)~~ and others who responded to the circulation of the Notice of an Application/Hearing.

10.7 The Committee member who attended the site will present a report regarding their finding during the report.

10.7 The Committee may ask questions of the Applicant (s) at this time, including if they ~~Applicant~~ understand ~~s~~ the conditions requested or if ~~the Applicant~~ they have ~~yes~~ any questions or comments.

10.8 At any time, the Chair or Committee may ask the Secretary-Treasurer to:

- Read aloud all comments received by agencies who responded to the circulation of the notice of the Application;
- Read aloud any letters received from persons expressing interest in the Application.

10.9 Following the presentation of the Application, the Chair shall invite anyone else having an interest in the Application to identify themselves and express their interest. Remarks or questions shall be confined to the Application before the Committee.

10.10 The Members of the Committee ~~shall~~may ask questions of the interested party relevant to the Application before them.

10.11 After hearing submissions from members of the public, the Committee shall give the Applicant~~(s)~~ the opportunity to respond.

10.12 If an application is deferred by the Committee, any member of the public who provided comments on the application at the first meeting may provide additional comments at a subsequent meeting.

10.13 With respect to Applications for Consent (including Changes of Conditions) and Certificate of Validation, the Chair may ask the Secretary-Treasurer to read aloud the proposed conditions to be attached to the decision should the Committee approve the Application.

Section 11.0 - Motions

11.1 The Committee shall consider all information provided on the Application and the Chair shall:

- i. Ask Members for a Motion with respect to the disposition of the Application;
- ii. Permit discussions on the Motion;
- iii. Call for a vote by the Committee on the Motion.

11.2 The Committee may make a Motion to approve deny or defer an Application.

11.3 If the Chair wishes to make a Motion or leave the chair for any reason, the duties of the Chair must be delegated to another Member until the Chair resumes the position.

Section 12.0 - Voting

12.1 The Chair shall call the vote immediately after all the Members desiring to speak to a Motion have spoken.

12.2 All Members present shall be required to vote and, if any Member refuses to do so, they will be deemed to be voting in the negative.

12.3 Any Motion on which there is a tie vote shall be deemed to be defeated.

12.4 Each Member of the Committee shall indicate by a show of hands, or by any other form of acknowledgment, their position on the Motion. The majority decision of the Committee on ~~this~~the Motion shall constitute the decision of the Committee. If the initial Motion fails, a new Motion shall be requested by the Chair and continued until the majority of the Members approve a Motion.

12.5 The Alternate Member shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Meeting, unless they are acting in the absence of a Committee Member.

Section 13.0 - Notice of Decision

13.1 The Chair shall announce the Decision of the Committee.

13.2 No decision of the Committee on an Application is valid unless it is concurred by the majority of the Members that heard the Application. The Decision of the Committee shall be set out in writing and shall set out the reasons of the Decision.

13.3 A written Decision will be prepared for each hearing detailing any conditions imposed by the Committee. In the case of a Minor Variance, the Decision shall be signed by all Members who concur with the Decision. [For Members participating electronically, the Decision will be provided through DocuSign by the Secretary/Treasurer to be signed by the Member.](#)

13.4 A copy of the Decision shall be provided to the Committee. Decisions of the Committee shall be circulated in accordance with the Planning Act.

Section 14.0 - Minutes

14.1 The Secretary-Treasurer shall prepare a record of Minutes of each Meeting/[Hearing](#) containing a summary of the verbal representations made to the Committee. A copy of the draft Minutes shall be circulated to the Committee for consideration. Once approved, a copy of the Minutes shall be circulated to the Council of the Township of North Frontenac and posted to the Township's Website.

Section 15.0 – Rules of Procedure

15.1 It shall be the duty of the Chair to:

- i. Call the Meeting to order;
- ii. Ensure a Quorum is established and is maintained throughout the course of the Meeting;
- iii. Put to a vote all motions that arise in the course of the proceedings and announce the result of each vote;
- iv. Decline to put to [a](#) vote motions that infringe upon the rules set out under this Procedural Policy;
- v. Uphold on all occasions the rules and observance of order and decorum amongst the Members and attendees in accordance with this By-law;
- vi. Rule on Points of Privilege and Points of Order and decide all questions relating to the orderly procedure of the Meeting;
- vii. Adjourn the Meeting without question or suspend the Meeting to a time to be named by the Chair, if considered necessary due to grave disorder;
- viii. Adjourn the Meeting when the business is concluded.

15.2 A Member shall not:

- i. Disobey the Rules of Procedure;
- ii. Disturb other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Meeting;
- iii. Display any behavior which may be considered disruptive, inconsiderate or disrespectful, or use any profane or offensive words or insulting expressions;
- iv. Speak until recognized by the Chair;
- v. Interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege;
- vi. Leave a Meeting at any time without advising the Chair;
- vii. Comment or question on matters other than those directly pertaining to the subject Application before the Committee;
- viii. Use their status on the Committee for personal or political gain.
- ix. All cell phones and electronic devices shall be turned off or otherwise set so as to not emit any audible sound during the Meeting.

15.3 ~~The conduct of Meetings, Hearings, Members and Staff with~~ With respect to matters of conduct not specifically addressed ed in this By-law, generally shall be in accordance with the Statutory Powers Act, R.S.O. 1990, c.22 as amended and the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended. Conduct not covered by these Acts will be in accordance with Robert's Rules.

15.4 The Committee may decide, by Resolution, to suspend the operation of all or part of the rules of procedure, provided d the suspension does not produce a result inconsistent with the requirements of statute or purport to suspend any statutory requirement. In the event of a conflict, statutory requirements always prevail over a By-law unless a statute provides otherwise.

The Committee may, by Resolution, "waive" or suspend a rule of procedure with a majority vote of the Members present.

Section 16.0 – Point of Privilege

16.1 A Member may, at any time, raise a Point of Privilege directing attention to a matter that affects the integrity, character or reputation of an individual(s) or the entire Committee, or the ability of an individual to participate.

16.2 A Point of Privilege shall take precedence over any other matter.

16.3 A Member shall not be permitted to enter into any debate or introduce any motion not related to the Point of Privilege.

16.4 The Chair shall decide upon the Point of Privilege and advise the Members of the decision.

16.5 The Chair's decision shall be final unless a Member immediately appeals the decision. The questions "Shall the ruling of the Chair be upheld?" shall be called without debate and its results shall be final.

16.6 When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to the Point of Privilege.

16.7 A Member may, at any time, raise a Point of Order to a perceived violation of the rules of procedure.

16.8 The Chair shall decide upon the Point of Order and advise the Members of the decision. The decision of the Chair is final unless immediately appealed by a Member.

Section 17.0 – Council Liaison

17.1 The Council Liaison to the Committee is a Member of Council appointed by the Council of [the Township of](#) North Frontenac.

17.2 The role of Council Liaison is to attend Meetings of the Committee and provide reports of the proceedings to Council.

17.3 The Council Liaison shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Meeting unless there is a clear infringement of Council's Policies (i.e. Official Plan, Zoning By-law, etc.).

Section 18.0 – Code of Conduct

18.1 The Committee shall have regard for the Code of Conduct Policy for Members of Council which applies to Members of the Committee of Adjustments.

Schedule 'A' to By-law

Committee of Adjustments – Procedural Policy

Section 1.0 – Definitions

In this by-law:

“Applicant” means the owner or authorized agent who submitted the Planning Application.

“Application” means an Application made under the Planning Act, R.S.O. 1990, c.P, 13, for Minor Variance under Section 45, an Application for Consent under Section 53, an Application for power of sale and foreclosure under Section 50 or an Application for validation of title under Section 57.

“Committee” means the Committee of Adjustment/Planning Advisory Committee appointed by By-law of the Council of the Corporation of the Township of North Frontenac.

“Inaugural Meeting” means the first meeting of the Committee held after the passing of the Appointing By-law of the Committee at the commencement of each Council term.

“Meeting” means any Meeting or Hearing of the Committee held in accordance with the provisions of this Procedural By-law.

“Member” means an individual appointed by the Council of the Corporation of the Township of North Frontenac to the Committee of Adjustment/Planning Advisory Committee and includes the Alternate Member.

“Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended.

“Secretary/Treasurer” means the Secretary/Treasurer of the Committee of Adjustments/Planning Advisory Committee or in their absence the person appointed as the Acting Secretary/Treasurer, as appointed by Council.

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Section 2.0 – Notice of Application/Hearing

2.1 The Notice of Application/Hearing, including a copy of the Application to be considered at a hearing shall be given by the Secretary-Treasurer in a manner that the Committee of Adjustments/Planning Advisory Committee deems appropriate, in accordance with the Planning Act.

2.2 The Committee of Adjustments/Planning Advisory Committee shall hold a Public Hearing/Meeting on every Application before a decision is rendered.

2.3 The Secretary-Treasurer shall provide the Applicant with a copy of correspondence received from the Planner(s), applicable agencies and others who respond to the circulation of the Notice of Application/Hearing.

Section 3.0 – Site Visits

3.1 Following receipt of the Application, the Committee Member assigned to complete the site visit shall attend the subject property and prepare a report for the Committee. The Member completing the site visit shall be determined on a rotating basis through the Members in alphabetical order and shall be notified by the Secretary-Treasurer.

3.2 The Member will attend the site visit without any other Members of the Committee (with the exception of the Alternate for training purposes) and may not discuss any merits of the Application or any issue/matter in connection with the Application to be considered by the Committee with the Applicant or any interested individuals.

3.3 Water Access Properties

Where the inspection is for a property which is water access only, the applicant shall provide transportation to the site for the Committee Member, Planning staff and other applicable persons. The Township will provide Personal Flotation Devices (PFDs) to the Committee Member and Planning staff.

If the Committee Member and/or Planning staff feel the transportation provided is unsafe or the conditions are unsafe to attend the site, they have the right to refuse to complete the site visit at that time. If the refusal is due to unsafe transportation, the Township will arrange transportation at the applicant's expense. If the unsafe conditions are due to the weather, the inspection will be rescheduled for the earliest date possible. This may result in the application being deferred if the inspection cannot be completed within the required time frame prior to the meeting date.

3.4 The Planner(s) and/or applicable Township staff may attend the site visit with the Committee Member.

Section 4.0 – Convening of Meetings

4.1 Meeting Dates

The Committee shall meet once a month. The date and time of regular Meetings will be established for the following twelve (12) months at a Meeting prior to the end of the year. Every attempt will be made to hold the Meetings on a consistent day.

In the case of the year prior to the re-appointment of the Committee, the Meeting dates shall be set at the Inaugural Meeting of the Committee.

4.2 Special Meetings

Additional Meetings may be held through a Special Meeting request by the Chair to the Secretary-Treasurer; at the request of the Council of North Frontenac; or by request of

Schedule 'A' to By-law
Committee of Adjustment
Procedural Policy
Page 2 of 10

the Secretary-Treasurer to the Chair. The date of the Special Meeting will be dependent on the availability of Members.

4.3 Cancellation of Meetings

Where it is determined by the Secretary-Treasurer that there are insufficient Agenda items for a Meeting, the Secretary-Treasurer shall cancel the Meeting, providing a minimum of 48 hours' notice of the cancellation to Committee Members, the Applicant(s) and any interested parties.

A Meeting may also be cancelled at the request of the Chair to the Secretary-Treasurer.

4.4 Location

The Committee of Adjustment Meetings will take place in the Council Chambers at the Municipal Office, 6648 Road 506, Plevna, unless otherwise specified. The room and location for the Committee Meetings shall be identified on the Notice of Application/Hearing circulated by the Secretary-Treasurer in accordance with the Planning Act.

All Committee Meetings shall be open to the public. Closed Session Meetings of the Committee may only be held in accordance with the Municipal Act, 2001 c. 25, s. 239 (2).

Section 5.0 – Quorum

5.1 Pursuant Planning Act, R.S.O. 1990, c. P.13, s. 44 (5) where a Committee is composed of three Members, two Members constitute a quorum.

5.2 The time limit for a Quorum is thirty (30) minutes after the time appointed for the Meeting. If no Quorum is present after thirty (30) minutes, the Chair or Secretary-Treasurer shall adjourn the Meeting and the business shall be carried forward to the next Meeting or a Special Meeting.

5.3 If a Member of the Committee is absent from the Meeting, the Alternate Member of the Committee will assume the role and responsibilities of the absent Member.

5.4 Members of the Committee are encouraged to notify the Secretary-Treasurer when the member is aware that they will be absent from any Meeting.

Section 6.0 – Chair

6.1 The Chair of the Committee shall be elected by the Members of the Committee at the Inaugural Meeting of the Committee for a one-year term and on an annual basis every January thereafter. Any Member may be nominated, or nominate themselves, for the position of Chair and present their case for being named Chair. The incumbent is free to run for the position. If no other Member wishes to run for the position, the incumbent will remain in the position.

6.2 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member on the Committee, including voting.

6.3 Where the Chair is absent, the Secretary-Treasurer shall call for the election of an Acting Chair for the Meeting.

6.4 An Acting Chair shall be appointed for each Meeting or portion thereof in the Chair's absence.

Section 7.0 – Agenda

The Committee Agenda will contain the following:

1. Call To Order
2. Opening Remarks
3. Traditional Land Acknowledgement
4. Requests for Withdrawal or Deferral of Application(s)
5. Approval of Agenda
6. Disclosures of Pecuniary Interest and General Nature Thereof
7. Delegations
8. Adoption of Minutes
9. Business Arising from Minutes
10. Consent Applications*
11. Minor Variance Applications*
12. Validation of Title Applications*
13. Power of Sale and Foreclosure Applications*
14. Zoning By-law Amendment Applications (Recommendations to Council)*
15. Communications
16. Other Business (including reports from Secretary/Treasurer and Committee Members)
17. Adjournment

*These items will only be included on the Agenda if a complete application has been submitted for consideration.

The Secretary-Treasurer will prepare an electronic Agenda for the use of the Members at Meetings. Agendas will be provided to each Member and include the following information:

- Copies of each Application;
- Reports from Planners and commenting Agencies;
- Comments Received from the Public prior to the preparation of the Agenda.

Agendas will be provided to Members via email a minimum of three (3) days prior to the Meeting. The Agenda shall also be posted to the Township's Website.

Section 8.0 - Disclosures of Pecuniary Interest

8.1 The Chair shall call for any declaration of Pecuniary Interest from Members; the provisions of the Municipal Conflict of Interest Act shall apply.

8.2 At a Meeting in which a Member discloses a Pecuniary Interest, the Member must file a written statement on a form provided by the Secretary-Treasurer of the Member's interest at the Meeting or as soon as possible afterwards.

8.3 The Secretary-Treasurer shall establish and maintain a registry in which the following shall be kept:

- i. A copy of each statement filed;
- ii. A copy of each declaration recorded.

The registry shall be available for public inspection on the Township's Website.

8.4 All Members required to do so by the Provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 as amended, shall disclose any direct or indirect Pecuniary Interest for themselves or a family member; and shall state the general nature of such Pecuniary Interest; and it shall be recorded by the Secretary-Treasurer accordingly. It is recommended the Member leave the Meeting for the duration of the matter for which a Pecuniary Interest is declared by the Member.

8.4 Where a Member has a Pecuniary Interest they shall not use their office in any way to attempt to influence any decision of the Committee.

Section 9.0 – Delegations

9.1 Any person wishing to appear as a delegation must make a request to the Secretary-Treasurer 14 days prior to the Meeting. The delegate must provide a copy of their presentation to the Secretary-Treasurer to be included in the Agenda at least 7 days prior to the Meeting.

9.2 The Committee may require representatives of Non-Government Agencies, Government Agencies, Voluntary Sector Representatives or other experts to attend Meetings as presenters or advisors because of their knowledge of a particular subject. Such invitations will be agreed upon by the Committee and the Secretary-Treasurer will make the request.

9.3 Delegations are permitted to attend the meeting electronically.

9.4 Delegations are limited to ten (10) minutes. The Chair may extend this time limit as deemed necessary. An additional ten (10) minute Committee question period is permitted following the presentation.

Section 10.0 – Procedures for Hearing/Meeting

10.1 At the Opening of the Meeting, the Chair shall read the Opening Remarks and Traditional Land Acknowledgement.

10.2 The Chair shall call for any requests for deferral or withdrawal of any matters before the Committee;

- i. A request for a deferral of an Application to a later Meeting date must be for reasonable cause.
- ii. The Committee may set a new Meeting date for consideration of the deferred Application.
- iii. The Committee may indicate requirements or conditions for deferral, such as re-notification, amendment to the Application or additional information being submitted.

10.3 A request for a deferral of the matter on the scheduled Meeting date by the Applicant must be for reasonable cause. If the request for deferral is granted, the Committee, in consultation with the Secretary-Treasurer, will set a new Meeting date for the Application to be heard. The Committee may not discuss or take any action on the Application at the Meeting.

10.4 The Applicant may request that an Application be withdrawn. Such requests may be made to the Secretary-Treasurer in advance of the Meeting date or at the Meeting. The Secretary-Treasurer will record that the Application was withdrawn from the Committee's Agenda and the Committee will discuss or take any action on the Application at the Meeting..

10.5 For each Agenda item, the Chair shall ask if the Applicant(s) are present and to introduce themselves.

10.6 The Committee will receive an overview from the County Planner of the application including comments provided from outside agencies and

and others who responded to the circulation of the Notice of an Application/Hearing.

10.7 The Committee member who attended the site will present a report regarding their finding during the report.

10.7 The Committee may ask questions of the Applicant(s) at this time, including if they understand the conditions requested or if they have any questions or comments.

10.8 At any time, the Chair or Committee may ask the Secretary-Treasurer to:

- Read aloud all comments received by agencies who responded to the circulation of the notice of the Application;
- Read aloud any letters received from persons expressing interest in the Application.

10.9 Following the presentation of the Application, the Chair shall invite anyone else having an interest in the Application to identify themselves and express their interest. Remarks or questions shall be confined to the Application before the Committee.

10.10 The Members of the Committee may ask questions of the interested party relevant to the Application before them.

10.11 After hearing submissions from members of the public, the Committee shall give the Applicant(s) the opportunity to respond.

10.12 If an application is deferred by the Committee, any member of the public who provided comments on the application at the first meeting may provide additional comments at a subsequent meeting.

10.13 With respect to Applications for Consent (including Changes of Conditions) and Certificate of Validation, the Chair may ask the Secretary-Treasurer to read aloud the proposed conditions to be attached to the decision should the Committee approve the Application.

Section 11.0 - Motions

11.1 The Committee shall consider all information provided on the Application and the Chair shall:

- i. Ask Members for a Motion with respect to the disposition of the Application;
- ii. Permit discussions on the Motion;
- iii. Call for a vote by the Committee on the Motion.

11.2 The Committee may make a Motion to approve deny or defer an Application.

11.3 If the Chair wishes to make a Motion or leave the chair for any reason, the duties of the Chair must be delegated to another Member until the Chair resumes the position.

Section 12.0 - Voting

12.1 The Chair shall call the vote immediately after all the Members desiring to speak to a Motion have spoken.

12.2 All Members present shall be required to vote and, if any Member refuses to do so, they will be deemed to be voting in the negative.

12.3 Any Motion on which there is a tie vote shall be deemed to be defeated.

12.4 Each Member of the Committee shall indicate by a show of hands, or by any other form of acknowledgment, their position on the Motion. The majority decision of the Committee on the Motion shall constitute the decision of the Committee. If the initial Motion fails, a new Motion shall be requested by the Chair and continued until the majority of the Members approve a Motion.

12.5 The Alternate Member shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Meeting, unless they are acting the absence of a Committee Member.

Section 13.0 - Notice of Decision

13.1 The Chair shall announce the Decision of the Committee.

13.2 No decision of the Committee on an Application is valid unless it is concurred by the majority of the Members that heard the Application. The Decision of the Committee shall be set out in writing and shall set out the reasons of the Decision.

13.3 A written Decision will be prepared for each hearing detailing any conditions imposed by the Committee. In the case of a Minor Variance, the Decision shall be signed by all Members who concur with the Decision. For Members participating electronically, the Decision will be provided through Docusign by the Secretary/Treasurer to be signed by the Member.

13.4 A copy of the Decision shall be provided to the Committee. Decisions of the Committee shall be circulated in accordance with the Planning Act.

Section 14.0 - Minutes

14.1 The Secretary-Treasurer shall prepare a record of Minutes of each Meeting containing a summary of the verbal representations made to the Committee. A copy of the draft Minutes shall be circulated to the Committee for consideration. Once approved, a copy of the Minutes shall be circulated to the Council of the Township of North Frontenac and posted to the Township's Website.

Section 15.0 – Rules of Procedure

15.1 It shall be the duty of the Chair to:

- i. Call the Meeting to order;
- ii. Ensure a Quorum is established and is maintained throughout the course of the Meeting;
- iii. Put to a vote all motions that arise in the course of the proceedings and announce the result of each vote;
- iv. Decline to put to a vote motions that infringe upon the rules set out under this Procedural Policy;
- v. Uphold on all occasions the rules and observance of order and decorum amongst the Members and attendees in accordance with this By-law;
- vi. Rule on Points of Privilege and Points of Order and decide all questions relating to the orderly procedure of the Meeting;
- vii. Adjourn the Meeting without question or suspend the Meeting to a time to be named by the Chair, if considered necessary due to grave disorder;
- viii. Adjourn the Meeting when the business is concluded.

15.2 A Member shall not:

- i. Disobey the Rules of Procedure;
- ii. Disturb other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Meeting;
- iii. Display any behavior which may be considered disruptive, inconsiderate or disrespectful, or use any profane or offensive words or insulting expressions;
- iv. Speak until recognized by the Chair;

- v. Interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege;
- vi. Leave a Meeting at any time without advising the Chair;
- vii. Comment or question on matters other than those directly pertaining to the subject Application before the Committee;
- viii. Use their status on the Committee for personal or political gain.
- ix. All cell phones and electronic devices shall be turned off or otherwise set so as to not emit any audible sound during the Meeting.

15.3 With respect to matters of conduct not specifically addressed in this By-law, generally shall be in accordance with the Statutory Powers Act, R.S.O. 1990, c.22 as amended and the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended. Conduct not covered by these Acts will be in accordance with Robert's Rules.

15.4 The Committee may decide, by Resolution, to suspend the operation of all or part of the rules of procedure, provided the suspension does not produce a result inconsistent with the requirements of statute or purport to suspend any statutory requirement. In the event of a conflict, statutory requirements always prevail over a By-law unless a statute provides otherwise.

The Committee may, by Resolution, "waive" or suspend a rule of procedure with a majority vote of the Members present.

Section 16.0 – Point of Privilege

16.1 A Member may, at any time, raise a Point of Privilege directing attention to a matter that affects the integrity, character or reputation of an individual(s) or the entire Committee, or the ability of an individual to participate.

16.2 A Point of Privilege shall take precedence over any other matter.

16.3 A Member shall not be permitted to enter into any debate or introduce any motion not related to the Point of Privilege.

16.4 The Chair shall decide upon the Point of Privilege and advise the Members of the decision.

16.5 The Chair's decision shall be final unless a Member immediately appeals the decision. The questions "Shall the ruling of the Chair be upheld?" shall be called without debate and its results shall be final.

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17.1 The Council Liaison to the Committee is a Member of Council appointed by the Council of the Township of North Frontenac.

17.2 The role of Council Liaison is to attend Meetings of the Committee and provide reports of the proceedings to Council.

17.3 The Council Liaison shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Meeting unless there is a clear infringement of Council's Policies (i.e. Official Plan, Zoning By-law, etc.).

Section 18.0 – Code of Conduct

18.1 The Committee shall have regard for the Code of Conduct Policy for Members of Council which applies to Members of the Committee of Adjustments.

The Corporation of the Township of North Frontenac

By-law # 19-19

Being a By-law To Adopt a Code of Conduct Policy for Members of Council for the Corporation of the Township of North Frontenac

Whereas pursuant to Section 223.2 of the Municipal Act S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to Code of Conduct;

And Whereas the Code of Conduct applies to all Township Committees, Boards and Commissions which comprise and are defined as local boards in subsection 1 (1) and Section 223.1 of the Municipal Act S.O. 2001, c. 25, as amended;

Now Therefore the Council of the Corporation of the Township of North Frontenac, hereby enacts as follows:

1. **That** the Code of Conduct Policy for the Township of North Frontenac, consisting of the attached Schedule A is hereby adopted.
2. **That** this By-law shall come into force and take effect on the day of final passing thereof.

READ a first and second time this 1st day of March, 2019.

READ a third time and finally passed this 1st day of March, 2019.

Deputy Mayor

Clerk

The Corporation of the Township of North Frontenac

Code of Conduct for Members of Council

1.0 Application & Purpose

- 1.1 This Code of Conduct applies to all Members of the Council of the Township of North Frontenac, including the Mayor and, unless specifically provided, with necessary modifications to all Township committees, agencies, boards and commissions which comprise and are defined as local boards in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*.
- 1.2 The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedural By-law and other sources of applicable law, including but not limited to:
- *Municipal Act, 2001*
 - *Municipal Conflict of Interest Act*
 - *Municipal Elections Act, 1996*
 - *Municipal Freedom of Information and Protection of Privacy Act*
 - *Human Rights Code*
 - *Occupational Health and Safety Act*
 - *Provincial Offences Act*
 - *Criminal Code*

2.0 Statement of Principles

- 2.1 This Code of Conduct is intended to set a high standard of conduct for Members in order to provide good governance and a high level of public confidence in the administration of the Township by its Members as duly elected or appointed public representatives to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.
- 2.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner;
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of the influence of their office and act without any personal or private interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are at all times representatives of the Township and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township; and
- Members shall uphold the spirit and the letter of the laws of Ontario and Canada, and the laws and policies adopted by Council.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are *not* operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Code of Conduct:

- (a) “CAO” means the Chief Administrative Officer of the Township;
- (b) “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (c) “confidential information” means information or records that are in the possession, in the custody or under the control of the Township that the Township is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedural By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation;
- (d) “conflict of interest” means a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests

and his or her public interests as an elected representative such that it might influence his or her decision in a particular a matter;

- (e) “Council” means the Council for the Township and includes, as the context may require and with all necessary modifications, any Township committee, agency, board or commission, which comprises and is defined as a local board in the *Municipal Act, 2001*, and includes a joint board;
- (f) “fiduciary” means the obligation of a person in a position of authority to act on behalf of another, assuming a duty to act in good faith and with care, candour and loyalty in fulfilling this obligation;
- (g) “frivolous” means of little or no weight, worth, importance or any need of serious notice;
- (h) “local board” means a local board as defined in s. 1(1) of the *Municipal Act, 2001* but does not include the local boards set out in s. 223.1 of that statute;
- (i) “Mayor” means the head of council for the Township.
- (j) “meeting” means a regular, special or other meeting of Council or a committee of Council where:
 - (i) a quorum of Members is present, and
 - (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council;
- (k) “Member” means a Member of the Council for the Township or a local board of the Township;
- (l) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;
- (m) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (n) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (o) “staff” means the CAO and all officers, directors, managers, supervisors and all non-union and union staff, whether full-time, part-time, contract, seasonal

or volunteer, as well as agents and consultants acting in furtherance of the Township's business and interest;

- (p) "Township" means The Corporation of the Township of North Frontenac;
- (q) "vexatious" means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

4.0 General Obligations

4.1 In all respects, a Member shall:

- (a) make every effort to act with good faith and care;
- (b) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the Township's Procedural By-law or other applicable procedural rules and policies;
- (c) seek to advance the public interest with honesty;
- (d) seek to serve their constituents in a conscientious and diligent manner;
- (e) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability and spirituality;
- (f) refrain from making statements known to be false or with the intent to mislead Council or the public;
- (g) recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times;
- (h) accurately communicate the decisions of Council;
- (i) respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings; and
- (j) refrain from making disparaging comments about another Member or person or unfounded accusations about the motives of another Member or person;

5.0 The Role of Staff

- 5.1 Council as a whole approves the budget, policies and governance of the Township through its By-laws and Resolutions. An individual Member does not direct nor oversee the functions of the staff of the Township.
- 5.2 The Township's staff serve Council and work for the Township as a body corporate under the direction of the CAO. Inquiries of staff from Members should be directed to the CAO or to the appropriate senior staff as directed by the CAO.
- 5.3 A Member shall comply with the Township's Council and Staff Relationship Policy.
- 5.4 A Member shall not publicly criticize staff. Should a Member have any issue with respect to any staff member, such issue shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior.
- 5.5 A Member shall respect the role of staff in the administration of the business and governmental affairs of the Township, and acknowledge and appreciate that staff:
 - (a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - (b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - (c) carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

6.0 Township Property

- 6.1 Council is the custodian of the assets of the Township. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 6.2 By virtue of their office or appointment, a Member must not use or permit the use of the Township's land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Township. No Member shall seek financial gain for themselves, family or friends from the use or sale of

Township's intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Township.

7.0 Gifts and Benefits

- 7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Township. A Member shall not accept a fee, advance, gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of his or her duties except as provided in Section 7.2. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.
- 7.2 For greater clarity, despite Section 7.1, a Member is entitled to accept any compensation, remuneration or benefits authorized by law but shall not accept any gift or benefit other than in the following circumstances:
- (a) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (b) a political contribution otherwise reported by law, in the case of a Member running for office;
 - (c) services provided without compensation by persons volunteering their time for a charitable or non-profit event;
 - (d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
 - (e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Township;
 - (f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate municipal business purpose related to the normal business of the Township,
 - (ii) the person extending the invitation or a representative of the organization is in attendance, and

- (iii) the value is reasonable and the invitations are infrequent;
- (g) gifts not having a value greater than \$10; and
- (h) any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

7.3 A Member who has received and accepted a gift or benefit pursuant to Section 7.2 shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit in accordance with the Disclosure Statement set out in Appendix "A". The list shall be provided to the Clerk on an annual basis commencing on March 31 of every year and shall be a matter of public record.

7.4 A Member shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

8.0 Confidential Information

8.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Township that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council. Examples of types of information that a Member must keep confidential, unless expressly authorized by Council or as required by law, include, but are not limited to:

- (a) matters related to ongoing litigation or negotiation, or that is the subject of solicitor-client privilege;
- (b) information provided in confidence, for example the identity of a complainant where a complaint is made in confidence;
- (c) price schedules in contract tender or Request for Proposal submissions if so specified;
- (d) personnel matters about an identifiable individual;
- (e) "personal information" as defined in the *Municipal Freedom of Information and Protection of Privacy Act*; and
- (f) any census or assessment data that is deemed confidential.

- 8.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned into the Clerk at the end of the closed meeting. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.
- 8.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Township that is relevant to matters before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the Township and must follow the same processes as any private citizen to obtain such information.
- 8.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Township, Council or any other person, or for financial or other gain for themselves or others.
- 8.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, Township policies, procedures and rules, ethical standards and, where appropriate, professional standards.
- 8.6 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.

9.0 Discrimination and Harassment

- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff. A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.
- 9.3 A Member shall comply with the Township's Workplace Harassment and Violence Policy, included in the Township's Municipal Health and Safety Policy, as amended.

10.0 Improper Use of Influence

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

11.0 Conflicts of Interest

- 11.1 A Member shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary. A Member shall comply with the requirements of the *Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.
- 11.2 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest, pecuniary or non-pecuniary.

12.0 Council Policies and Procedures

- 12.1 A Member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

13.0 Election Activity

- 13.1 A Member is required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and any Township policies pertaining to elections. The use of the Township's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

14.0 Respect for the Code of Conduct

- 14.1 A Member shall respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the Township. A Member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. A Member shall interact courteously and respectfully with the

Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner.

- 14.2 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A Member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Township.

15.0 Penalties for Non-Compliance with the Code of Conduct

- 15.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member:

- (a) a reprimand; or
- (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period up to ninety (90) days.

16.0 Remedial or Corrective Measures or Actions

- 16.1 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:

- (a) provide a written or verbal apology;
- (b) return property or make reimbursement of its value or of money spent;
- (c) be removed from or not be appointed to the membership on a committee of Council;
- (d) be removed from or not be appointed as chair of a committee of Council; and
- (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

17.0 Legal Fees

- 17.1 A Member is personally obligated to comply with the requirements of this Code of Code and is therefore responsible for his or her own legal fees and costs if they retain a lawyer or paralegal to provide counsel, advice or representation on any matter related to the Code of Conduct, including, but not limited to, an investigation by an Integrity Commissioner.

18.0 Complaint Protocol

18.1 The Complaint Protocol – Code of Conduct is Appendix “B” to the Code of Conduct.



Appendix "A"
Disclosure Statement for Gifts or Benefits

Member's Name: _____

Gift Received or Nature of Benefit: _____

Received From: _____

Date of Receipt: _____ Value of Gift or Benefit: _____

Please describe the circumstances under which the gift or benefit was received:

Please describe your intentions with respect to the gift or benefit:

Do you anticipate transferring the gift or benefit described above to the municipality?

Yes, immediately ☐ Yes, eventually ☐ No ☐

Member's Signature

Date

Appendix “B”

Complaint Protocol

Part A - Informal Complaint Protocol

1. Any individual who identifies or witnesses behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or activity themselves in the following manner by following the Informal Complaint Procedure:
 - (a) document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
 - (b) advise a third party about the concerns regarding the Member’s actions;
 - (c) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - (d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - (e) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
 - (f) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to settle or resolve the issue;
 - (g) if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
 - (h) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.
2. Individuals are strongly encouraged to pursue the Informal Complaint Procedure as the first means of remedying behaviour or activity of a Member that they believe violates the Code of Conduct.
3. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner’s potential role as a mediator/conciliator of issues relating to a complaint.
4. The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in Part B.

Part B - Formal Complaint Procedure

Formal Complaints

- 1.(1) Any individual who identifies or witnesses behaviour or activity by a Member that they reasonably believe contravenes the Code of Conduct may file a formal complaint to request an inquiry by the Integrity Commissioner as to whether a Member has contravened the Code of Conduct in accordance with the following requirements:
 - (a) all complaints shall be in writing on the prescribed form (Formal Complaint Form #1) as attached hereto and shall be dated and signed by an identifiable individual;
 - (b) the complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and must be accompanied by a supporting sworn affidavit setting out the evidence in full in support of the allegation; and
 - (c) Council may also file a complaint against any of its Members of an alleged contravention of the Code of Conduct by passing a Resolution requesting the Integrity Commissioner to undertake an inquiry.
- (2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest (collectively, a “complainant”) may file a formal request that the Integrity Commissioner carry out an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a Member in accordance with the following requirements:
 - (a) all requests (also referred to as “complaints”) shall be in writing on the prescribed form (Formal Complaint Form # 2) dated and signed by an identifiable individual;
 - (b) the request shall include a statutory declaration attesting to the fact that:
 - (i) the complainant became aware of the contravention not more than six (6) weeks before the date of the complaint, or
 - (ii) in the case where the complainant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection 223.4.1(5) of the *Municipal Act, 2001*, that the complainant became aware of the alleged contravention during that period of time;
 - (c) Council may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member and provide a statutory declaration as required by Section 1(2).
- (3) Complainants who file a formal complaint under Section 1(1) or 1(2) must provide a full and complete record of evidence to the Integrity Commissioner who is under no obligation whatsoever to, but may, seek additional information to supplement or complete the evidentiary record to substantiate or support the allegations set out in the complaint or request.

Filing of Complaint and Classification by Integrity Commissioner

- 2.(1) The complaint may be filed with the Clerk by hard copy or directly with Integrity Commissioner by a sealed hard copy or by e-mail to the email address(es) set out on the Township's website.
- (2) The Integrity Commissioner shall initially classify the complaint to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council procedures, policies or rules as set out in Section 3 or whether it is a request under sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*.

Complaints Outside Integrity Commissioner's Jurisdiction

- 3.(1) If the complaint, including the supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint relates to matters addressed by other legislation under another Township procedure, policy or rule or request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

- (a) if the complaint is, on its face, an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that:
 - (i) the Integrity Commissioner will refer it to the appropriate police service, or
 - (ii) the complainant may pursue it with the appropriate police service if the complainant wishes to pursue any such allegation;

Municipal Freedom of Information and Protection of Privacy Act

- (b) if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the CAO and/or Clerk to deal with under its access and privacy policies under that statute;

Other Procedure, Policy or Rule Applies

- (c) if the complaint appears to fall within the scope of another procedure, policy or rule of the Township, the complainant shall be advised to pursue the matter under such procedure, policy or rule with the Township's CAO;

Lack of Jurisdiction

- (d) if the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (for example, it relates to a decision of Council or a local board as a whole and not one or more individual Members), the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate;

- (2) If the complaint with respect to non-compliance with the Code of Conduct or the request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, relates to any of the following matters, the Integrity Commissioner shall advise the complainant in writing as follows:

Matter Already Pending

- (a) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, a human rights or workplace harassment complaint or similar process, or to a civil matter that is pending before the courts, the Integrity Commissioner may, in his/her sole discretion, suspend any investigation, in whole or in part, pending the result of the other process;

Similar Matter Already Pending

- (b) if the complaint is in relation to a similar matter which is subject to an outstanding complaint before the Integrity Commissioner, the Integrity Commissioner may, in his/her sole discretion, consider the matter in conjunction with the similar matter or deal with it separately, including not undertaking an inquiry if the matter can be adequately addressed in any report and/or recommendations made with respect to the complaint in the similar matter; and

Other Ethical Code or Policy Applies

- (c) if the complaint is in relation to a matter which is governed by a code of conduct, ethical code or similar procedure or policy of another body or entity which also governs the Members (for example, another board, body or committee to which the Member has been appointed), the Integrity Commissioner shall consider the most appropriate forum for the complaint and may, in his/her sole discretion, defer consideration of the matter pending any determination made by the other body or entity and shall so advise the complainant and, if necessary, the Member.
- (3) Nothing in Section 3 precludes the Integrity Commissioner from reporting to Council any matter summarily dismissed or not otherwise investigated.

Limitation Period

- 4.(1) The Integrity Commissioner shall not accept a complaint under the Code of Conduct for which the event giving rise to the complaint occurred or came to the attention of the complainant more than six (6) months prior to the date of the filing of the complaint. The complainant must establish that the event giving rise to the complaint occurred and/or came to the complainant's attention within six (6) months of the complaint being filed in accordance with Section 2.
- (2) The Integrity Commissioner shall not accept a request relating to section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* except in accordance with the requirements of subsections 8(2)-(6) of that statute and section 223.4.1 of the *Municipal Act, 2001*.

Refusal to Conduct Investigation

5. The Integrity Commissioner has a discretion as to whether to carry out an investigation. If the Integrity Commissioner is satisfied, after considering the information contained in the complaint, that a complaint:
- (a) is frivolous or vexatious,
 - (b) is not made in good faith,
 - (c) constitutes an abuse of process,
 - (d) discloses no grounds or insufficient grounds for an investigation, or
 - (e) does not warrant a full investigation,

the Integrity Commissioner shall not be required to conduct an investigation and may summarily dismiss the complaint, and, where this becomes apparent during the course of an investigation, the Integrity Commissioner shall terminate the inquiry and provide notice to the complainant and, if necessary, to the Member.

Opportunities for Resolution

6. Following receipt and review of a formal complaint or at any time during the investigation where the Integrity Commissioner, in his or her discretion, believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

Investigation

7. (1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in his or her sole discretion, that no additional information is required, or where otherwise required by the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:
- (a) provide the Member with an outline of the complaint with sufficient particularity to allow the Member to understand the complaint against him or her but the Integrity Commissioner shall not have any obligation to disclose:
 - (i) the identity of the complainant, or
 - (ii) the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner, unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion;
 - (b) request that the Member provide a written response to the allegations in the complaint to the Integrity Commissioner within ten (10) days;

- (c) provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within ten (10) days; and
 - (d) extend the timelines set out above if the Integrity Commissioner deems it necessary to do so in his or her sole and absolute discretion.
- (2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may contact and speak to or correspond with any other persons, access and examine any other documents or electronic materials, including any materials on the Township's computers and servers, and may enter any Township work location relevant to the complaint for the purpose of investigation and potential resolution.
- (3) The Integrity Commissioner may, but is under no obligation, to provide the Member with a draft of the proposed draft report on the complaint.
- (4) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had an opportunity either in person or in writing to comment to the Integrity Commissioner on any preliminary or proposed finding(s).
- (5) The Integrity Commissioner may, but is under no obligation, to advise either the Member or the complainant of any proposed sanction or recommendation the Integrity Commissioner may include in the report to Council.
- (6) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, intimidation, delay, reprisal or retaliation by the Member or by any other person encountered during the formal complaint investigation.
- (7) The Integrity Commissioner is entitled to make such additional inquiries and provide such additional reports to Council where necessary and as required to address any instances of non-compliance with any decision of Council including the failure to comply with any penalties or corrective measure or actions imposed by Council.
- (8) The Integrity Commissioner shall retain all records related to the complaint and investigation but may provide copies of certain records, in confidence, to Township's CAO and/or Clerk who are required to ensure that any such records are securely and confidentially retained.

No Complaint Prior to Municipal Election

- 8. (1) Notwithstanding any other provision of this Complaint Protocol, no complaint may be filed with the Integrity Commissioner, no report shall be made by the Integrity Commissioner to Council during the period of time starting on nomination day for a regular municipal election year, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.
- (2) If the Integrity Commissioner has received a complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election

year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect of the same complaint if within six (6) weeks after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with subsection 223.4(8) of the *Municipal Act, 2001*.

Advice Provided to Member by Integrity Commissioner

9. (1) Subject to Section 9(2), a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code of Conduct in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (2) If the Integrity Commissioner applies to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Member is entitled to advise the judge of any written advice given by the Integrity Commissioner provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (3) A Member under investigation by the Integrity Commissioner shall not request advice from the Integrity Commissioner as to the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law with respect to any matter that the Integrity Commissioner is investigating or reviewing with respect to the Member, nor is the Member entitled to rely upon any statement(s) made by the Integrity Commissioner during the course of any investigation or review that may impact the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law.

Authority to Abridge or Extend

- 10.(1) Notwithstanding any requirement, obligation or timeline, set out in the Code of Conduct or this Complaint Protocol, the Integrity Commissioner shall retain the right to abridge or extend any provision therein in the public interest.

Investigation Report

- 11.(1) The Integrity Commissioner shall report to the complainant and the Member no later than ninety (90) days after the official receipt of any complaint under the Code of Conduct. If the investigation process is anticipated to or takes more than ninety (90) days, the Integrity Commissioner shall provide an interim report to Council and must advise the parties of the approximate date the report will be available. The Integrity Commissioner may also, at his or her discretion, advise any witnesses or other persons of the approximate date the report will be available.
- (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended remedial or corrective measure or action.

- (3) The Integrity Commissioner may provide a copy of the report to the complainant and the Member whose conduct has been investigated in advance of the public release of the report, in strict confidence until the report is publicly released. The Member shall have the right to address the report if it is considered by Council.
- (4) Where the complaint is not sustained, the Integrity Commissioner is not obligated to report to Council on the result of the investigation or any findings but may do so at his/her discretion and may also include such information as he/she deems necessary in a report or as part of an annual or other periodic report by the Integrity Commissioner.
- (5) The Integrity Commissioner shall complete the investigation under the *Municipal Conflict of Interest Act* no later than one hundred eighty (180) days after the official receipt of any complaint validly made under Section 1(2) of this Part.

Findings

12.(1) If the Integrity Commissioner determines that:

- (a) there has been no contravention of the Code of Conduct, or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, or
- (b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it, including having sought and followed the advice of the Integrity Commissioner;
 - (ii) it was trivial,
 - (iii) it was committed through inadvertence, or
 - (iv) it resulted from an error in judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including but not limited to, a recommendation of no penalty.

- (2) If the Integrity Commissioner considers it appropriate, once he or she has concluded the investigation under Section 1(2) of this Part, he or she may apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member has contravened section 5, 5.1 or 5.2 of that statute. If the Integrity Commissioner does not proceed with an application to the judge, he or she shall so advise the complainant.

Report to Council

13. Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Clerk shall place the report on the next regular agenda of Council for consideration by Council and Council must consider the report at that meeting and may accept or refuse the recommendations set out in the report and accept, refuse or vary any penalties or sanctions contained in the report. A report from the Integrity Commissioner may also be considered by Council in advance of its next regular meeting should Council

agree to hold a special or other meeting before its next regular meeting to consider the report.

Duty of Council

14. Council shall consider and make a determination on the Integrity Commissioner's report under Section 13 at the same meeting at which the report is tabled.

Public Disclosure

- 15.(1) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where it does not interfere with the course of any investigation, except as required by law and as required by this Complaint Protocol.
- (2) The Integrity Commissioner shall retain all records related to the complaint and investigation although copies may be provided to the Township's CAO and/or Clerk, subject to the duty of confidentiality under subsection 223.5 of the *Municipal Act, 2001*.
- (3) The identity of the Member who is the subject of the complaint shall not be treated as confidential information in the Integrity Commissioner's report to Council. The identity of the complainant and of any other person, including witnesses, may be disclosed if deemed appropriate and necessary by the Integrity Commissioner or if consented to by the complainant or any other person.
- (4) All reports from the Integrity Commissioner to Council shall be made available to the public by the Clerk.

Delegation by the Integrity Commissioner

16. The Integrity Commissioner may delegate in writing to any person, other than a Member of Council, any of the Integrity Commissioner's powers and duties under Part V.1 of the *Municipal Act, 2001*.

Complaint Protocol Applicable to Local Boards and Members

17. The provisions of this Complaint Protocol shall apply, mutatis mutandis, to all local board of the Township and their Members.

Code of Conduct — Formal Complaint Form #1

Affidavit

I, _____ (first and last name), of the

Township of _____ in the Province of Ontario.

Make Oath and Say (or Affirm)

1. I have reasonable and probable grounds to believe that:

_____ (specify name of Member),

a member of the Council of The Corporation of the Township of North Frontenac or a local board of the Township, has contravened section(s) _____ of the Code of Conduct of the Township of North Frontenac. The particulars of which are attached hereto.

2. Facts constituting the alleged contravention (use separate page if required)

This affidavit is made for the purpose of requesting that this matter be reviewed and/or investigated by the Township of North Frontenac's Integrity Commissioner and for no other improper purpose.

SWORN (or AFFIRMED) before me at the)
the _____ of _____ on)
_____ (date))
)

(Signature)

A Commissioner for taking affidavits etc.

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation.

Municipal Conflict of Interest Act— Formal Complaint Form # 2

Statutory Declaration

I, _____ (first and last name), of the

Township of _____ in the Province of Ontario.

I solemnly declare that:

1. I have reasonable and probable grounds to believe that:

_____ (specify name of Member),
a member of the Council of The Corporation of the Township of North Frontenac or a local board
of the Township, has contravened section(s) _____ of the *Municipal
Conflict of Interest Act*, R.S.O. 1990, c. M.50. The particulars of which are attached hereto.

2. I became aware of the facts constituting the alleged contravention not more than six (6) weeks
ago and they comprise the following: (use separate page if required)

This declaration is made for the purpose of requesting that this matter be investigated by the
Township of North Frontenac's Integrity Commissioner and for no other improper purpose.

DECLARED before me at the _____)
the _____ of _____ on _____)
_____ (date) _____)
_____)

(Signature)

A Commissioner for taking affidavits etc.

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal
Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation.

Conflict of Interest

- MUNICIPAL CONFLICT OF INTEREST ACT

2

MUNICIPAL CONFLICT OF INTEREST ACT

- Governs individual councillors/committee members, not the municipality
- Duty of each member to comply with the Act
- Applies when acting as councillor or member of committee or local board
- Failure to comply can result in the following:
 - seat declared vacant
 - disqualified from holding office for up to 7 years
 - required to make restitution to any person suffering loss or the municipality

MUNICIPAL CONFLICT OF INTEREST ACT

- A conflict of interest is defined as any pecuniary interest, direct or indirect, in any matter under consideration by council, committee or local board
 - Any financial or monetary interest
 - The pecuniary interest can be positive or negative
- A pecuniary interest of the following persons is an indirect interest:
 - Member's parent, spouse, same sex partner or natural, adopted or step-child
 - Member's employer or business partner
 - A private corporation in which the Member is a shareholder, director or senior officer
 - A public corporation in which the Member has a controlling interest

MUNICIPAL CONFLICT OF INTEREST ACT

- What are Member's obligations?
- Disclose the nature of your interest prior to any consideration of the matter at the meeting
- Not take part in the discussion or vote on the matter
- Do not attempt in any way before, during, or after the meeting to influence the vote
- If in closed meeting, immediately leave the room during the discussion
- If absent from the meeting, declare the conflict at the next meeting

MUNICIPAL CONFLICT OF INTEREST ACT

- Exceptions to the conflict of interest
- Having a pecuniary interest in common with electors generally (e.g; property owner, utility customer)
- Receiving an allowance, honorarium, remuneration, salary or benefit as a member of council/committee or as a member of the volunteer fire department
- Having a pecuniary interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member

MUNICIPAL CONFLICT OF INTEREST ACT

- **Penalty**

- 9 (1) If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:
 - 1. Reprimand the member or former member.
 - 2. Suspend the remuneration paid to the member for a period of up to 90 days.
 - 3. Declare the member's seat vacant.
 - 4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
 - 5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be.
- (2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,
 - (a) took reasonable measures to prevent the contravention;
 - (b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice and acted in accordance with the advice
 - (c) committed the contravention through inadvertence or by reason of an error in judgment made in good faith.

MUNICIPAL CONFLICT OF INTEREST ACT

- **Code of Conduct**
- Members of Committee's of Adjustment are also bound by the municipality's Code of Conduct
- Non-pecuniary interests can also create conflicts



Declaration of Pecuniary Interest

As per Section 5.1 of the Municipal Conflict of Interest Act, at a meeting at which a member discloses an interest, the member must file a written statement on the form provided by the Clerk of the member's interest at the meeting or as soon as possible afterwards.

I, _____, declare a pecuniary interest in
(Print full name)

Item _____ on the _____ Council Meeting Agenda.
(Agenda Item #) (Date of Council Meeting)

I am making this declaration due to (general nature of pecuniary interest):

I confirm that I will not vote on the matter, I will not take part on discussion on any question in respect of the matter, and I will not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

(Signature of Council Member)

(Date)

Clerk's Acknowledgement:

Received on _____ by _____
(Date) (Print full name)

Signature of Clerk or Designate