



**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF THE WHOLE MEETING  
AGENDA**

TIME: 7:00 PM,  
DATE: Tuesday, January 9, 2018  
PLACE: Council Chambers.

1. Call to Order
2. Declaration of pecuniary interest and the general nature thereof
3. Approval of Agenda
4. Scheduled Closed Session - N/A
5. \*\*\*Recess \*\*\* - N/A
6. Public Meeting
  - (a) Zoning Amendment - Concession XIII, Part of Lots 24 & 25, Loughborough 3 - 28
7. Delegations
  - (a) Stephen Saunders, re: Private Shooting Range 29 - 34
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  - (a) Louise Fragnito, Treasurer, re: Tax Sale Policy Update 36 - 41
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9. Reports for Information
  - (a) Wayne Orr, Chief Administrative Officer, re: 20 Years in Review 43 - 46
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10. Rise & Report from Committees of Council
  - (a) County Council
  - (b) Arena Board
  - (c) Police Services Board
  - (d) Portland Heritage

11. Information Items
  - (a) Honourable Bob Chiarelli, Minister of Infrastructure, re: New Municipal Asset Management Planning Regulation 49 - 50
  - (b) Honourable Charles Sousa, Minister of Finance, re: Federal Legalization of Cannabis 51 - 52
  - (c) Honourable Tracy MacCharles, Minister of Government and Consumer Services and Honourable Bill Mauro, Minister of Municipal Affairs, re: Bill 59, Putting Consumers First Act, 2017 53 - 54
12. Notice of Motions
13. Announcements/Statements by Councillors
14. Question of Clarity (from the public on outcome of agenda items)
15. Closed Session (if requested)
16. Adjournment



## PLANNING REPORT TO COMMITTEE OF THE WHOLE



**AGENDA DATE:** January 9, 2018 **REPORT DATE:** January 8, 2018

**SUBJECT: PUBLIC MEETING - Zoning for New Lot: Milligan/Hamilton**

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### **RECOMMENDATION:**

It is recommended that the Committee receive the Planning Report dated January 8, 2018 for information and hear comments from the public on a by-law to rezone lands in Part of Lots 24 and 25, Concession XIII, District of Loughborough from Rural Zone (RU) to Special Limited Service Residential-Waterfront Zone (RLSW-119).

### **BACKGROUND:**

An application has been submitted to amend the Township of South Frontenac Comprehensive Zoning By-law to rezone a portion of land that was the subject of a consent application to create a new waterfront residential lot. The rezoning is a condition of final approval of the consent. Attachment #1 shows the location of the subject land and Attachment #2 illustrates the proposed new lot and the retained portion both of which have waterfrontage on Buck Lake.

Attachment #2 shows that the new lot would be accessed from Billy Green Road by way of Twisty Lane - an existing lane leading to two developed waterfront lots.

Specifically, the amendment would rezone the proposed new lot from Rural (RU) to Special Limited Service Residential-Waterfront (RLSW-119). This zoning would be to recognize that the new lot would be used for residential purposes with waterfrontage on Buck Lake and accessed by a private lane. A minimum 40 metre setback from the lake for development is also specified.

### **ANALYSIS:**

The subject land is designated Rural in the Official Plan which permits waterfront residential development as one of the predominant uses. At 12 acres in size and with 800 ft. of waterfrontage and 300 ft. of frontage on Twisty Lane, the new lot would meet all of the minimum standards for lot creation required in the Plan.

However, the Plan identifies this South Basin of Buck Lake as being highly-sensitive for lake trout. The Plan describes that such lakes have been determined by the province to be at capacity for development with respect to additional nutrient loadings and that, generally, the creation of new lots through the severance consent process within 300 metres of the lake shores will not be considered for approval except under certain circumstances. These include situations where drainage of the proposed lot flows to a separate, non-sensitive watershed as a result of existing topographical and physical features on the site.

An Environmental Impact Statement was prepared by Ontario Lake Assessments to address the above. In preparing the report, the environmentalist attended the site with representatives from the conservation authority, KFL&A Public Health, a representative from the Ministry of the Environment and Climate Change (Victor Castro) and Township staff. The report examined the soils and hydrogeological nature of the land; its natural heritage features and functions; the potential for impact on lake trout habitat; the potential for impact on nearshore fish habitat; and the potential for impact on species at risk.

The findings of the EIS indicate support for the application and it provides a list of recommendations to achieve low impact development - one of which is a minimum 40 metre setback from the lake for any development. It should be noted that the report and its recommendations will form part of a site plan

agreement that will be registered on the title of the new lot. A copy of the environmental report dated July 7, 2017 is attached hereto as Attachment #3.

The application was given conditional approval by the Committee of Adjustment on July 13, 2017 subject to obtaining a rezoning among other standard conditions.

All commenting agencies had no objection at the consent stage. At time of preparation of this report no comments had been received from the public in response to the advertisement of the application.

From a planning perspective, the proposal appears to be consistent with the intent of the Official Plan to permit waterfront development in the Rural areas of the Township. On sensitive lakes, such development is only permitted on the basis of special circumstances where the lay of the land dictates that lake trout habitats will be protected. The EIS submitted with the application addresses this special circumstance and supports the application. Thus, the application to rezone can also be supported by the Planning Department.

## **FINANCIAL and STAFFING CONSIDERATIONS**

N/A

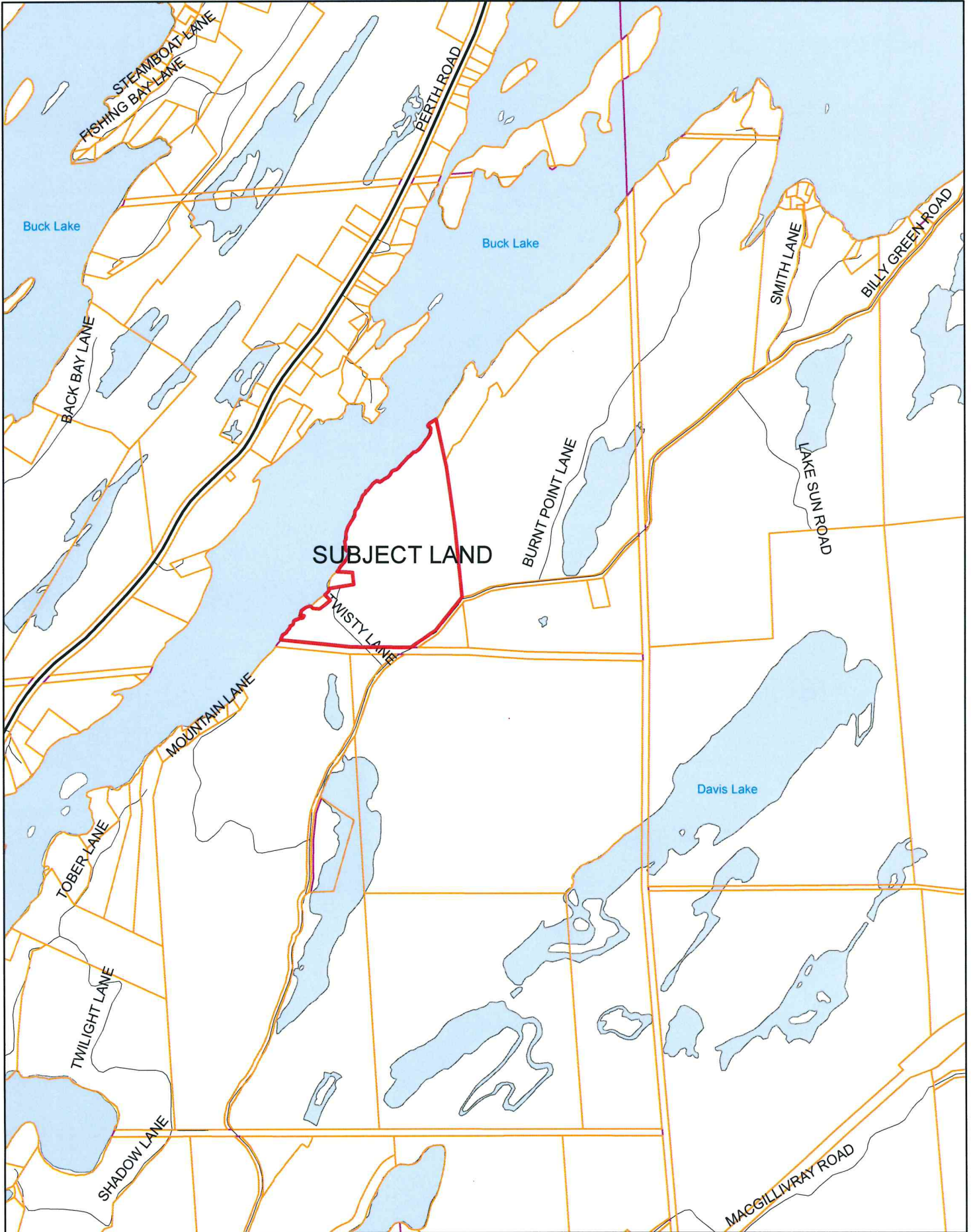
## **ATTACHMENTS**

Attachment #1 – shows the location of the subject land.

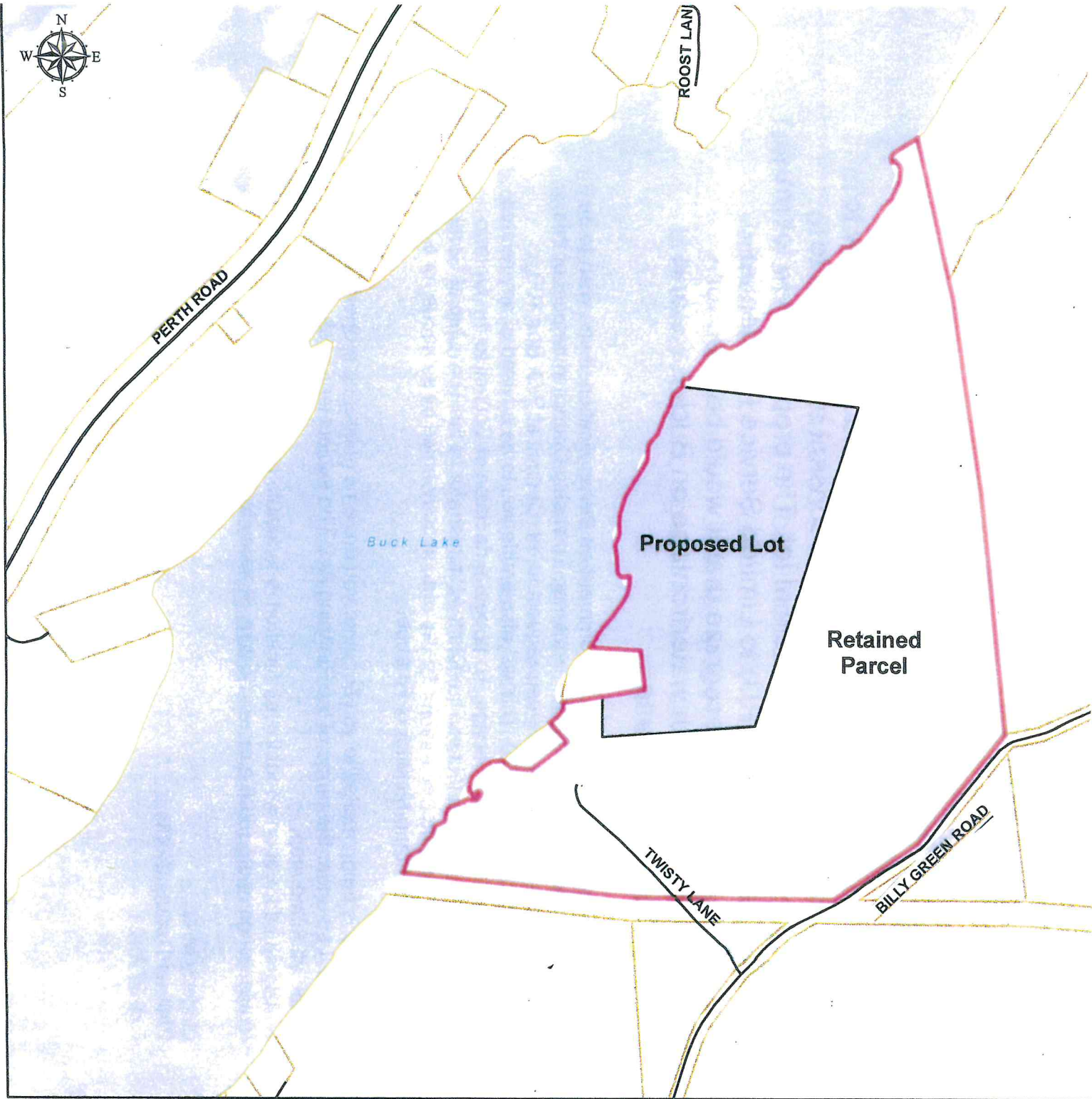
Attachment #2 - is a depiction of the proposed new lot and retained lot.

Attachment #3 - is a copy of the Environmental Report dated July 7, 2017.

**Submitted/Approved by: Lindsay Mills    Prepared by: Lindsay Mills**



# ATTACHMENT #2



# ATTACHMENT #3



**ENVIRONMENTAL IMPACT ASSESSMENT  
SEVERANCE APPLICATION  
S-34-17-L  
BUCK LAKE (SOUTH BASIN)  
LOUGHBOROUGH DISTRICT  
SOUTH FRONTENAC TOWNSHIP**

**PREPARED FOR:  
GEORGE HAMILTON and CAROL MILLIGAN  
1477 CHAMPLAIN DR.  
PETERBOROUGH, ONTARIO  
K9L 1N3**

**PREPARED BY:  
ONTARIO LAKE ASSESSMENTS  
3654 STAGE COACH ROAD  
R.R. #3  
HARROWSMITH, ONTARIO  
KOH IVO**

**JULY 7, 2017**

## **Executive Summary**

**The following report examines the potential for environmental impacts as the result of creating a new residential lot on the South Basin of Buck Lake. Buck Lake is designated as 'highly sensitive' by the MOECC and is recognised as such in the OP and Zoning By-law for South Frontenac Township. This designation does not allow for the creation of new lots unless very stringent requirements of MOECC can be achieved.**

**The Natural Heritage Features and Functions of concern with this application is of course the water quality of Buck Lake; the potential for impact on lake trout habitat; the potential for impact on nearshore fish habitat and also the potential for impact on species at risk.**

**Each of the above factors were examined in detail, both through a field presence and review of the relevant print material. In addition, satisfactory outcomes were determined and achieved through the cooperation of staffs from MOECC, the KFLAHU and the staffs of the Township of South Frontenac.**

**As such, the findings indicate support for the application and recommendations are provided to achieve a low impact development with this approval.**

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## 1.0 INTRODUCTION / BACKGROUND:

The proponents, George Hamilton and Carol Milligan, wish to sever one parcel from an existing lot of record on the east side of Buck Lake (South Basin) in Loughborough District. The existing 19.0 ha (47 ac) parcel contains one cottage and a workshop/storage shed; there is on the order of 732± m (2,400 ft) of shoreline. The property is on Concession 13; Part Lots 24 & 25; 1051B Twisty Lane.

The property fronts on Billy Green Road to the east and on the shoreline of Buck Lake to the west; the proposed new lot will not have frontage on Billy Green Road. The parcel to be severed will have approximately 213m (650 to 750 ft) of shoreline on the lake and will be accessed from Twisty Lane. The retained portion is designated as managed forest and residential; the proposed parcel to be severed will also be managed forest and residential. The proposed parcel to be severed will be 4.86 ha± (12 ac) in area. The property is zoned rural; when the severance is approved a re-zoning to limited service residential – waterfront zone (RLSW) will be required for the new lot.

Buck Lake is managed by the Ministry of Natural Resources and Forestry (MNR) for a lake trout fishery and has been determined by the Ministry of the Environment and Climate Change (MOECC) through both lake modeling and the evaluation of water quality data to be highly sensitive to increases in nutrient loading. As such, Buck Lake (South Basin) is identified as highly sensitive in the Official Plan (OP) for South Frontenac Township and on the Land Use Plan Map (Schedule A) to the OP and also as such in the Comprehensive Zoning By-Law 2003-75. The highly sensitive designation prohibits the creation of new waterfront lots unless it can be demonstrated to the satisfaction of MOECC that site conditions prevail that will result in nutrient containment.

This EIA demonstrates, that for this application as proposed, the strict and protective conditions required by MOECC can be achieved and that there will be no impact to the water quality of Buck Lake as a result.

## 2.0 BACKGROUND INFORMATION

### 2.1 Buck Lake (South Basin) – Location and Physical Features \*

Municipality - South Frontenac  
 District(s) - Bedford, Storrington and Loughborough Districts  
 Watershed – Cataraqui River Watershed  
 Bedrock – Precambrian Shield

Watershed Area – 51.28 km<sup>2</sup>  
 Lake Area - 4.910 x 10<sup>6</sup> m<sup>3</sup>  
 Lake Volume - 60.990 x 10<sup>6</sup> m<sup>3</sup>  
 Maximum Depth – 41.0 metres  
 Mean Depth – 12.4 metres

\* From MOE/MNR report Inland Lake Trout Management in Southeastern Ontario January 1993

## 2.2 Buck Lake (South Basin) – Water Quality and Lake Modeling Results

There are two water quality parameters of importance related to potential development impacts on lakes with cold water fisheries; these are phosphorus concentrations and oxygen concentrations below the thermocline.

The Provincial Water Quality Objective (PWQO) for phosphorus is 10 ug/L for oligotrophic lakes that are naturally below that level. A review of the MOECC Lake Partner Program sample results from 2002 to 2015 inclusive, show that Buck Lake (South Basin) is close to the 10 ug/L objective. The average total phosphorus (TP) is between 9.5 ug/L and 10.3 ug/L for that period of record (see Appendix 1). As such every effort should be made to manage phosphorus levels at or below the 10 ug/L threshold.

Buck Lake (South Basin) is a deep oligotrophic lake containing a cold-water fishery and is managed by MNRF as a lake trout lake with a natural reproducing population. While it appears fairly large in both area and volume, it ranks only 40<sup>th</sup> largest by volume and 41<sup>st</sup> largest by area, when compared to 52 other lakes in the above mentioned report; it ranks only 29<sup>th</sup> of the 53 lakes when comparing the warm surface water volume to the cold water volume. The warm water volume ( $38 \times 10^6 \text{m}^3$ ) at the end of the summer is almost two times larger than the cold water volume ( $23 \times 10^6 \text{m}^3$ ). It is this factor that most contributes to the lake sensitivity. Buck Lake (South Basin) was classified as moderately sensitive in the above report. While the lake modelling undertaken in the above mentioned report is still valid today, changes in the oxygen objective has resulted in a reclassification to highly sensitive.

Since the writing of that report, there is a new PWQO for oxygen and a new methodology has been developed to evaluate and classify lake trout lakes. The PWQO requires a mean volume weighted hypolimnion dissolved oxygen value of 7.0 mg/L. Using the data from both historical and more recent measured oxygen profiles, the MOECC determined that the south basin of Buck Lake could not meet the 7.0 mg/L objective and on that basis re-classified the basin as highly sensitive. This designation is recognized in the Official Plan (OP) (p.21) for South Frontenac Township (Personal communication V. Castro, MOECC).

Each of the water quality data, the lake modeling and the ‘highly sensitive’ lake designation are accepted at face value and are considered to be correct and appropriate for Buck Lake. **As such, Section 5.2.10 (p.24) of the OP is satisfied and therefore a new lake impact assessment inclusive of lake modelling is not a required to fulfill the conditions of this EIA.**

## 3.0 SITE EVALUATION APPROACH:

The evaluation of this site for the potential to sever one new lot on Buck Lake (South Basin) was undertaken with a view to satisfy the requirements of the Township of South Frontenac OP (March 2003) and the Comprehensive Zoning By-Law 2003-75. This approach includes Best Management Practices (BMP) not only for the retained lot but also for the proposed new lot that are protective

of the shoreline buffer area, the lake riparian area, fish habitat and the water quality of Buck Lake (South Basin).

Accordingly, every effort has been made to address the following sections of the OP:

- 1) *Section 5.2 (Environmental Protection) (p.14) addresses development requirements for areas designated Environmental Protection; this designation applies to all wetlands, lakes and watercourses. This designation requires a 30 metre setback from lakes, fish habitat, and wetlands zoned EP.*
- 2) *Section 5.2.7 (p.19) (Environmentally Sensitive Areas) .... includes all lands within 90 metres (295') of the high water mark of lakes and rivers....  
5.2.7 (a)(i) Council may permit development and site alterations within and adjacent to Environmentally Sensitive Areas ..... when an Environmental Impact Assessment .... indicates no negative impacts on natural features or the ecological functions occur.*
- 3) *5.2.7(a) (vii)(p.19) ....site plan control will be used where appropriate to implement remedial measures/mitigation measures identified by an Environmental Impact Assessment.*
- 4) *5.2.7 (b)(p.19) (Policies for Development and Site Alteration Adjacent to Lakes and Rivers) 5.2.7 (b)(i) 'All lands within 90 metres of the high water mark of all lakes and rivers which are not designated EP are included as Environmentally Sensitive Areas'. Vegetation in the setback area should be disturbed as little as possible consistent with pedestrian passage, safety, provision of views and ventilation.*
- 5) *5.2.7(b)(ii)1(p.20) On lots created subsequent to the approval of this plan and having steep slopes, minimal wood vegetation, thin soils and soils with poor phosphorus retention capability, setbacks of up to 90 metres (295') may be required. 2) On lots created subsequent to approval of this OP which have fewer constraints, reduced setbacks are permitted with an absolute minimum of 30 metres (98') for ideal sites.*
- 6) *5.2.7(b)(ii)4(p.20) Development and/or site alterations proposed within 30 metres (98') of the high water mark will require an Environmental Impact Assessment .....*
- 7) *Section 5.2.8 Lake Trout Lakes (p.22) All development or site alterations proposed within 30 metres of the high water mark will require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. A Lake Impact Assessment prepared in accordance with Section 5.2.10 of this plan may also be required.*

*All development or site alterations on or adjacent to a sensitive lake trout lake will be subject to Site Plan Control.*

- 8) *Section 5.2.10 (p.24) (Lake Impact Assessments) This section indicates that development next to any waterbody has the potential to negatively impact on water quality and fisheries. A Lake Impact Assessment (LIA) must be prepared by a qualified individual in consultation with and to the satisfaction of the municipality and the Ministry of Environment.*
- 9) *Section 5.2.11 (p.24) (Environmental Impact Assessment) This section addresses any development or site alteration within or adjacent to any Environmentally Sensitive Area, Provincially Significant Wetland....., or within 300 metres of a sensitive lake trout lake, Council in consultation with the Conservation Authority, will require a preliminary Environmental Impact Assessment (PEIA). Should the municipality determine from the results of the preliminary assessment that a more detailed Environmental Impact Assessment (EIA) is required, it shall be prepared by a qualified individual and shall consist of the elements of Section 5.2.11 (a), (b), (c), (d), (e), and (f) of the OP (p24 &25).*

Likewise, every effort has been made to address the following sections of the Comprehensive Zoning By-Law 2003 - 75:

- 1) *5.8.2(p.30) .... no building or structure ..... or septic tank installation including the weeping tile field shall be located : 1. within a minimum distance of 30 metres (98.4') horizontal of the high water mark of a waterbody..... . Additional setbacks of up to a maximum of 90 metres (295.3') horizontal may be required .....*
- 2) *5.8.4(p.31) Natural vegetation buffers should be maintained within 30 metres (98.4') of the high water mark.*
- 3) *5.37.1(p.47) Environmentally Sensitive Lands identified on the schedules to this by-law include all lands that have ..... fish habitat, significant wildlife habitat, ....., all lands within 300 metres of the high water mark of highly sensitive lake trout lakes and 90 metres of the high water mark of any other waterbody, 50 metres from Areas of Natural and Scientific Interest and significant portions of the habitat of an endangered or threatened species, 30 metres from fish habitat, ..... . An Environmental Impact Assessment shall accompany all development or site alteration applications.*
- 4) *8.3.1 ZONE REGULATIONS (p.61) For Single detached or Seasonal Dwelling  
Minimum Lot Area - 10,000 m<sup>2</sup> (107,642 ft<sup>2</sup>)  
Minimum Water Frontage - 91 metres (300')  
Minimum Setback from the High Water Mark – 30 m (98.4')*

#### 4.0 SITE LOCATION:

The property is located on the east shoreline towards the south end of the south basin of Buck Lake. The legal description is Part Lots 24 & 25; 1051B Twisty Lane; Concession 13; District of Loughborough, Township of South Frontenac (Grange W. Elliot Ltd. 1996). To get to the property

take Perth Road to the Opinicon Road, then Maple Leaf Road, then Billy Green Road to 1051B Twisty Lane. The property is indicated on the 1:50,000 topographic map (Westport 31/C9) and the Google Earth image (below). The property is zoned rural.

Buck Lake (South Basin) is a basin in the Cataraqui River Watershed and is downstream from the north basin of Buck Lake. Both are located on the Frontenac Axis portion of the Precambrian Shield. The majority of the watershed is forested but historically contained small homesteads with small plots of cleared land; there are active farming practices within the catchment for the South basin of Buck Lake. Most lakes in the area are developed with permanent and seasonal residences.

The majority of the shoreline of Buck Lake is developed; there were 15 permanent residences and 191 seasonal residences and 100% of the shoreline is patented lands (MOE/MNR Inland Lake Trout Management in Southeastern Ontario 1993). This is dated information for Buck Lake; the reality is that many conversions to permanent residences have occurred since the publication of the above report.

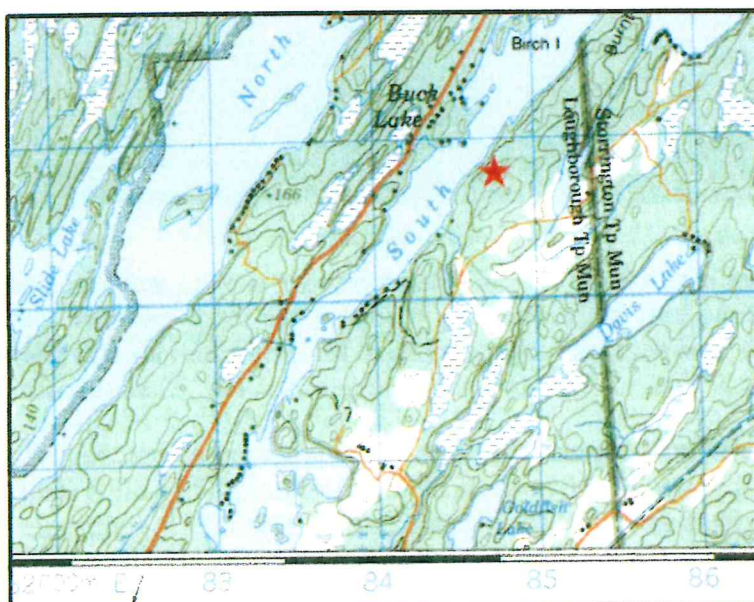


Figure 1

#### 5.0 DESCRIPTION OF EXISTING LOT (PARCEL):

The existing lot is 19.0<sup>±</sup> hectares (47.0<sup>±</sup> acres) in size (see survey Figure 3 below). The property fronts on Buck Lake (South Basin) with the majority of the area of the property extending inland and easterly to the Billy Green Road. The south end of the property is traversed by Twisty Lane that provides access to the cottage on the proposed retained portion plus two additional cottages on adjacent properties. An unopened road allowance exists along the southern boundary between Concessions 12 & 13.

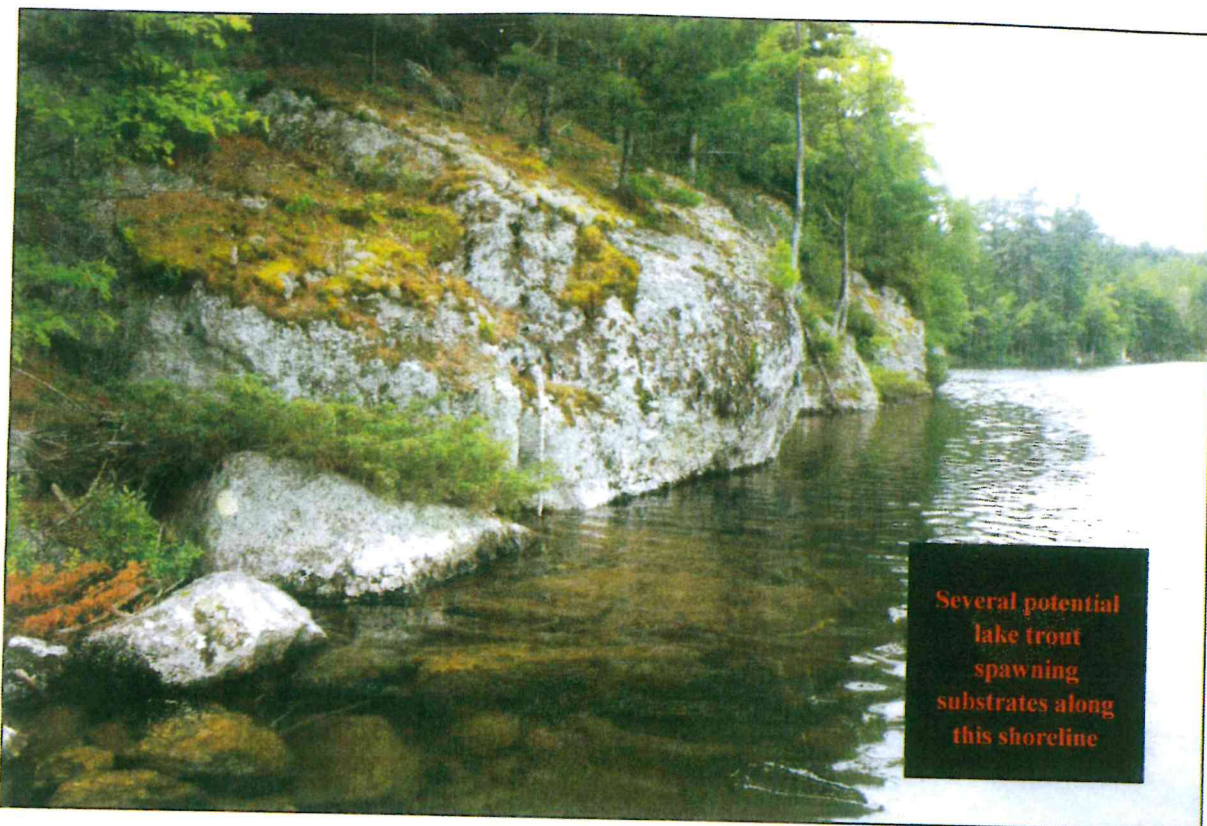


**Figure 2**

The shoreline fronting on Buck Lake is approximately 732± m (2,400 ft) in length. Much of the shoreline rises quickly from the water and is mostly granite outcrop (see photograph 1, below). The water depths along this shoreline drop off quickly, roughly six metres of depth at six metres off shore; depths verified June 26, 2017, during in-water shoreline survey.

The interior is very rugged undulating terrain with bare rock outcrops interspersed with areas of deep soils in valley areas typical of Precambrian Shield areas on the Frontenac Axis. Using Google Earth & a GPS, the elevations (133m ASL at lake, June 26, 17 GPS) rise sharply from the lake, a 6 m rise at 10m from shore (GE), then to a 12m rise at 50m (from shore GPS). The high point elevation is 177m ASL at 170m from the lakeshore. A valley lays inland and parallels the lakeshore at a distance of 60 to 80 m from the lake that has deep underlying soils in excess of 3m (10') in depth, soil depth confirmed June 21<sup>st</sup>, 2017. The valley acts as a small catchment for the runoff from the high elevations to the east and contains a small ephemeral flow during the freshet; it is not indicated as ES (Environmentally Sensitive) on Schedule B in the Zoning By-Law. This flow discharges between the two neighboring properties.

A small intermittent stream flows along the southern boundary and alongside Twisty Lane and delivers spring freshet flow into the lake. This stream provides drainage from a large wetland located off the property south of the Billy Green Road.



Photograph 1 - June 26, 2017 OLA

The property is well treed with a mixed deciduous forest containing white cedar (*Thuja occidentalis*), red oak (*Quercus velutina*), sugar maple (*Acer saccharum*), white birch (*Betula papyrifera*), ironwood (*Carpinus caroliniana*), basswood (*Tilia Americana*), and white pine (*Pinus strobes*). Juniper bush (*Juniperus horizontalis*) is located sporadically along the shoreline and along and over rock outcrops.

#### 6.0 WETLAND and ENVIRONMENTALLY SENSITIVE (ES) AREA

There is a small area on this property that is indicated as wetland on Schedule A to the OP; it is the same area indicated as ES on Schedule B to the zoning By-law. The identified area on the above schedules is located in the northern extent of the proposed retained portion of the property at a distance of 108m  $\pm$  from the proposed septic site and an even greater distance from the proposed building envelope; this ES area will in no way be influenced by the creation of this proposed lot.

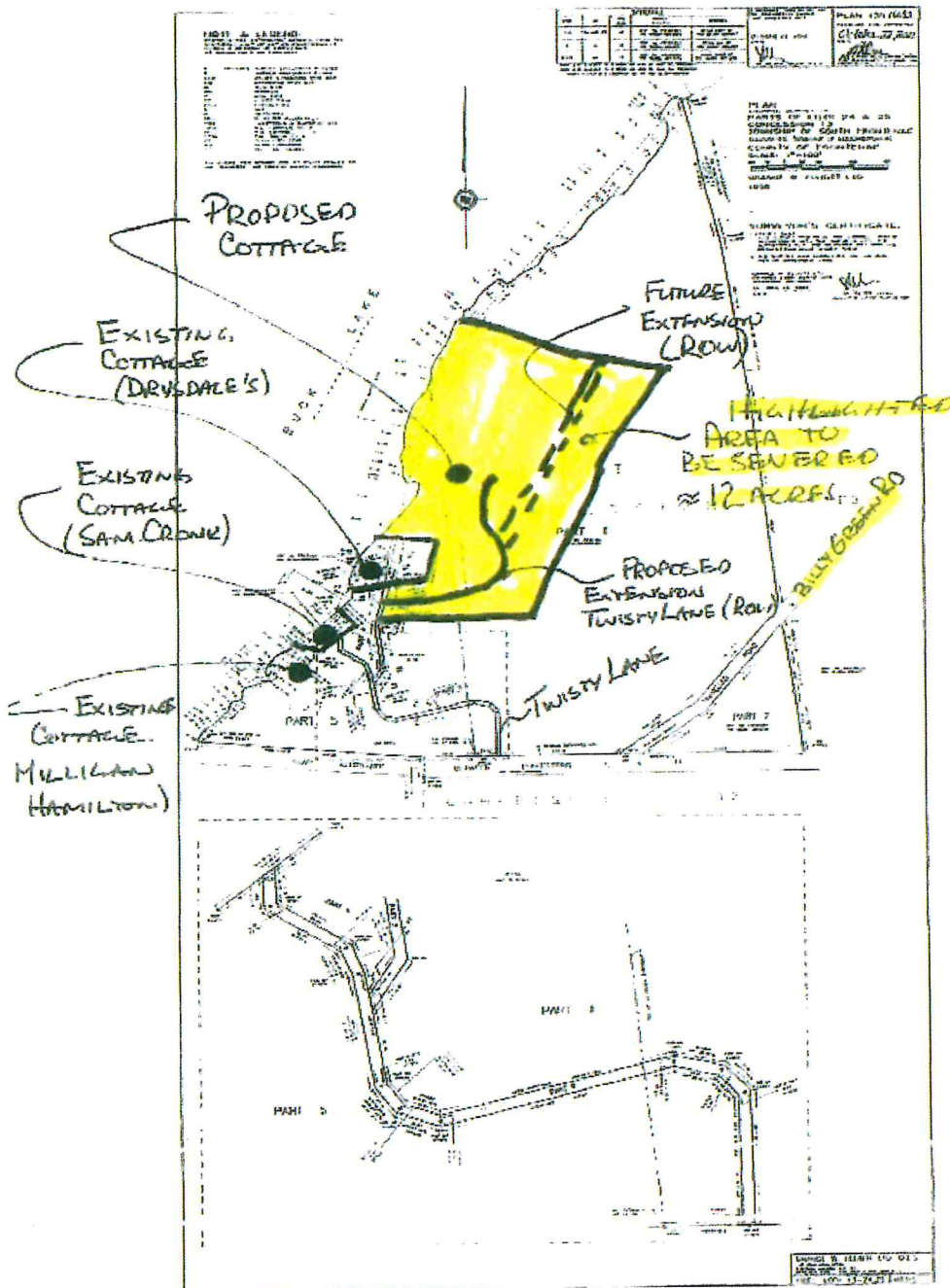


Figure 3

## 7.0 SPECIES AT RISK / THREATENED OR ENDANGERED SPECIES

This property shares a lakefront that also has shoreline fronting on Frontenac Provincial Park in the north basin of Buck Lake. Frontenac Provincial Park is a threshold wilderness park included in the United Nations Educational, Scientific and Cultural Organization (UNESCO) designated Thousand Islands-Frontenac Arch Biosphere Reserve. This UNESCO designated area also includes the Thousand Islands National Park and extends into Adirondack State Park in New York State. The UNESCO designation applies to all lands, both public and private, in the geographic area known as the Frontenac Arch and includes this property.

Three threatened species of turtles and eastern rat snakes are found within the park and locally and are considered to be Species at Risk (SAR). These are Eastern Rat Snakes (*Elaphe obsoleta obsoleta*), northern map turtles (*Graptemys geographica*), common musk turtles (*Stenotherus odoratus*), and Blanding's Turtles (*Emydoidea blandingii*) as well as many other species.

In order to address these concerns, the author has communicated with Dr. Gabriel Blouin-Demers, Professor at Ottawa University and Dr. Patrick Weatherhead with the University of Illinois Ecology and Evolutionary Biology Program; both persons have completed studies on these species in eastern Ontario.

### 7.1 Eastern Rat Snakes (*Elaphe obsoleta obsoleta*)

Eastern rat snakes are common from New England to the southern states; in Ontario the species occurs in only two locations, north of lake Erie and in the area of the Frontenac Axis, roughly Westport to Gananoque. Eastern rat snakes are tree-climbing constrictors that prey on birds and small rodents. This large and docile snake is subject to human persecution due to ignorance; it is protected under Ontario's Fish and Game Act. This snake is common in the U.S. and receives no special status. One of the key measures identified for protection of this species is the identification and protection of hibernacula (information from [www.rom.on.ca/ontario/risk](http://www.rom.on.ca/ontario/risk)). Dr. Blouin-Demers indicates that rat snake hibernacula are difficult to find. In his 15-year experience the only way to know for sure is to equip snakes with radio transmitters and follow them to hibernacula sites. The snakes are known to use the same sites year after year. Dr. Weatherhead also confirmed the need to use telemetry to follow snakes to hibernation sites. Hibernation sites are anywhere a dry cavity can be located below frost level.

Dr. Weatherhead did indicate that the probability of a cottage being placed on a hibernaculum is **very remote** because the density of hibernacula is so low. He has made a very proactive and practical suggestion as a mitigative measure to protect the snakes during the construction phase. Excavation and building should only be permitted during the period June 1<sup>st</sup> to September 30<sup>th</sup> when snakes have left their hibernaculum in Eastern Ontario.

This property, both the retained and the proposed parcel to be severed, contains prime habitat for eastern rat snakes. There is lots of woody debris (deadfalls) that provide nesting sites for egg laying and much of the granite ridges have broken rock rubble along their bases that could provide entry points.

**There is no evidence of possible hibernaculum sites in the proposed building envelope located at a distance of 40m from the lake. There is however a large granite ridge with much broken rock and fissures at the 50-60 metre setback that could contain caverns that are suitable for below frost hibernaculas for this species. For this reason, and due to the large setback of the septic bed (the primary nutrient source) it is recommend that relief be granted from the 50m setback down to a 40m setback for the structure in order to protect any potential hibernaculum that might be located at the 50-60m distance.**

**This recommendation is in keeping with Section 5.2.7(b)(ii)2(p.20) *On lots created subsequent to approval of this OP which have fewer constraints, reduced setbacks are permitted with an absolute minimum of 30 metres (98')* for ideal sites.** The sewage system setback and the soil chemistry guarantee that nutrients will be contained therefore some relief from topographical constraints and in this case a potential SAR habitat can be granted. A building setback at 40m distance is a reasonable compromise.

## **7.2 Common Musk Turtles (Stinkpot Turtles)**

The common musk turtle or stinkpot turtle has a range over much of eastern North America from the Gulf of Mexico to Ontario. In Ontario it is largely associated with the sedimentary bedrock area south of the Precambrian Shield. It prefers shallow slow moving water typically associated with marshes and wetlands. Musk turtles do not bask in the sun on land; instead they bask at the water surface. Musk turtles are protected in Ontario under the Fish and Wildlife Conservation Act. Threats to this species include habitat loss and collisions with boat propellers (information from [www.rom.on.ca/ontario/risk](http://www.rom.on.ca/ontario/risk)). Dr. Blouin-Demers believes that the issue of boat collisions with basking musk and Blanding's turtles is not an issue because of their preference for marshy wetland areas.

**There is no habitat on the proposed lot for stinkpot turtles.**

## **7.3 Blanding's Turtle**

Blanding's turtle range is from southwest Quebec to southwestern Ontario through the Great Lakes Region west to Iowa and South Dakota and Missouri plus scattered locals in the New England states. This species is found in lakes, ponds, and marshes with productive eutrophic habitats with soft organic bottoms and abundant aquatic vegetation. Blanding's turtles often travel inland considerable distances to lay eggs; this results in significant mortality to turtles in high-density road network areas.

Wetland alteration or destruction is believed to be an important factor in the decline of several populations of Blanding's turtles. The pet trade industry has also been identified as responsible for declines in Blanding's and map turtle populations. Dr. Blouin-Demers believes that the issue of boat collisions with basking musk and Blanding's turtles is not an issue because of their preference for marshy wetland areas.

**Blanding's turtles may frequent the forested areas of the property but the development activity associated with this proposal will not impact vital habitat for this species.**

#### 7.4 Northern Map Turtles

The northern map turtle ranges from the Great Lakes down the Mississippi River to Louisiana and east to the Appalachian and Adirondack Mountain barriers. It also occurs in Ontario from Georgian Bay south to Lake Ontario and down the St. Lawrence to Montreal area. The northern map turtle is not well studied and there is not much evidence to support the position that there has been any decline. Population declines have been documented in southwestern Ontario where up to 70 % of wetlands have been drained.

Map turtles are more of a lake dwelling species that is extremely wary and will dive at the slightest provocation (information from [www.rom.on.ca/ontario/risk](http://www.rom.on.ca/ontario/risk)). Despite this behavior Dr. Blouin-Demers reports that on the Rideau and St. Lawrence River many map turtles are injured or wounded by boat propellers. These waterways experience heavy boat traffic and fast bass boats and PWCs. Map turtles in Ontario are protected under the Fish and Wildlife Conservation Act.

**Several map turtles and one snapping turtle were observed basking on rocks close to the Buck Lake boat launch on June 26, 2017. There is no aspect of this proposal that will impact this species.**

#### 8.0 FISH HABITAT

The shoreline in front of and adjacent to the proposed new lot was examined June 26<sup>th</sup>, 2017 and large portions of the shoreline were determined to be habitat that would be considered Type 1 or Type 2 fish habitat by the MNRF.

Type 1 fish habitat is considered by MNRF to be critical to the overall productive capacity of the fishery. It includes: spawning areas for species with stringent spawning requirements (e.g. coarse rock rubble and boulder size substrate for lake trout spawning shoals; small coarse sand and gravel substrates for bass and centrachidae to spawn); essential rearing and nursery areas for young fish and forage species; very productive feeding areas such as macrophyte beds; refuges (e.g. young-of-year small mouth bass require rocky areas in which to hide to avoid predation); plus many others.

Type 2 fish habitat while still important is not a limiting factor to the overall productive capacity. Type 2 fish habitat includes feeding areas for large fish; cool shelter and shaded refuge areas; plus others.

For Buck Lake (South Basin), of particular interest is the need to protect lake trout near-shore spawning shoals from alteration or harm as a result of dock placement and other human intrusions at the shoreline etc. Lake trout spawning shoals are usually shallow (< 1.0m depth) bolder shoals and near-shore sites that are exposed to high energy wave wash. Additionally, pea gravel spawning substrate for large and smallmouth bass and near-shore nursery habitat could be of significance.

The entire in-water shoreline was examined and photographed on June 27, 2017. Much of the documentation of that site visit is recorded on the photographs that follow. The majority of the shoreline drops off relatively quickly into deep water (6-8m) within 6-8 metres from shore.

There are several Type 1 habitat locations where suitable substrate and site conditions exist for potential lake trout spawning use; these are not prime sites (locales) but rather may be ancillary locations (Figure 4 below). Lake trout spawning shoals typically are found near points of land on downwind shorelines in high energy wave wash zones. There is very little suitable habitat for small and largemouth bass spawning along this shoreline, only two redds were located that were active this spring.

Much of the Type 2 habitats identified in Figure 4 are characterized by aquatic vascular plants dominated by tape grass and coontail. Both provide nursery habitat for bass and centrachid species; many small fish were observed in the grasses and the accumulated woody debris.

The littoral zone area at the site of the proposed water access for the proposed new lot has a soft organic substrate. It is an accumulation zone here that provides a substrate that encourages a healthy growth of submergent and emergent vascular plant growth (see Photographs 2 and 3 below). Many small centrachidae and minnows were observed here as well as an adult bass. Similar conditions are also located at the mouth of the creek that outlets to the lake near the southern boundary of the property.

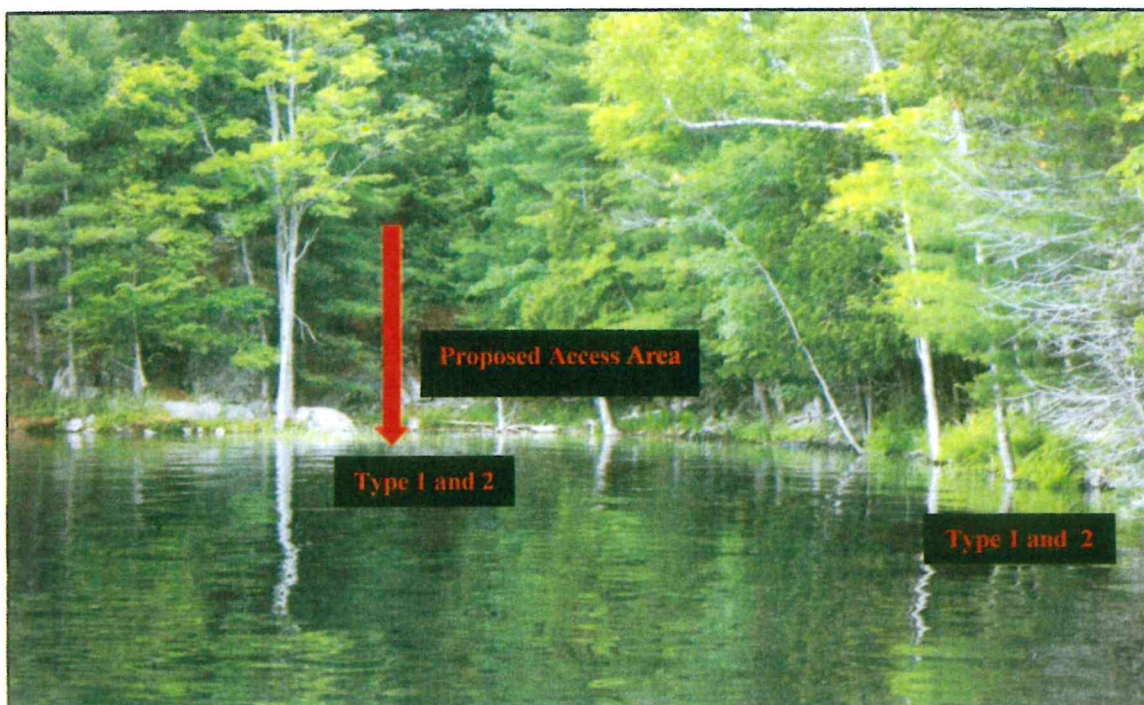


Figure 4

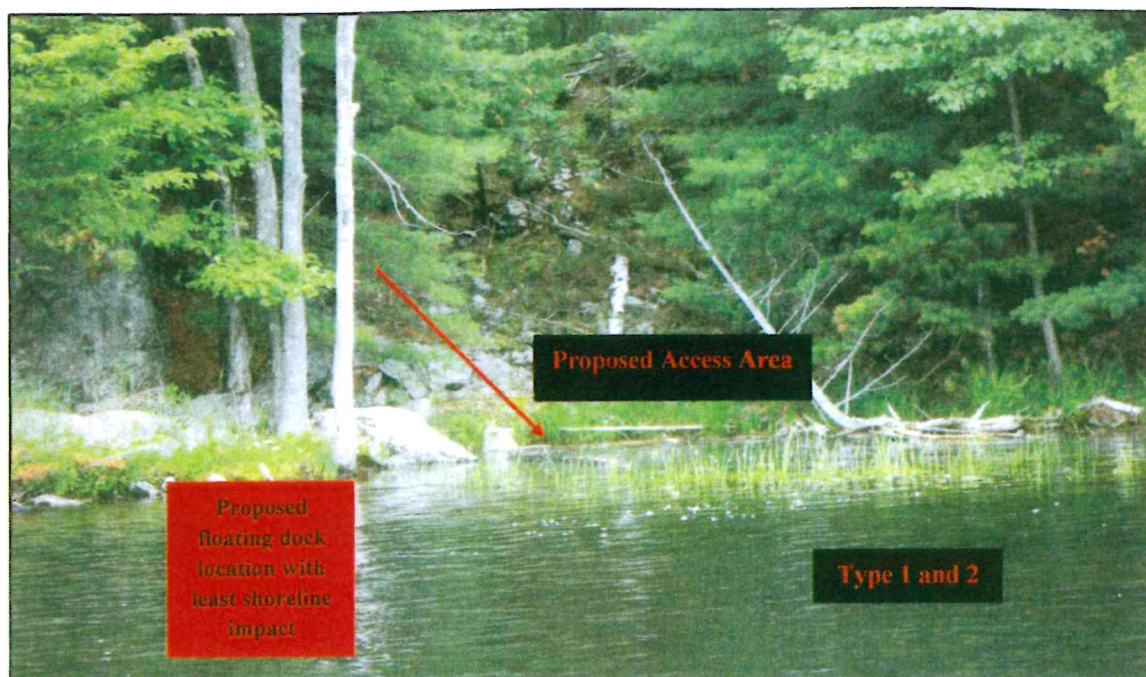
## 9.0 PROPOSED LOT TO BE SEVERED

The proposed lot to be severed is 4.86 ha<sup>±</sup> (12 ac<sup>±</sup>) in size with 198m to 229m (650 – 750') of water frontage. Much of the shorefront rises sharply from the water and makes for difficult water access with the exception of one location where there is a natural depression in the shoreline topography that leads to the water.

The shoreline at this location rises with a slope of about 60% for the first 10m inland from shore and then declines to a more moderate slope of 20% from the 10m mark to about 45 metres inland; the average slope overall is 29%. Soil depths in this foreslope area are generally shallow (< 25cm) with broken rock rubble at the surface. The foreslope area is considered to be undisturbed forest and is very well treed at present with lots of dead woody debris on the forest floor. Section 5.2.7b)(iii) of the OP references the 'Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies' for guidance in determining setback distances for development. Using that scoring methodology the setback for development should be 50m from the waterfront for the building envelope and the septic bed.



Photograph 2- June 26, 2017 OLA



Photograph 3 – June 26, 2017 OLA

That scoring works well for this lot with the exception that it does not take into consideration the opportunity for the backslope location of the septic bed, the 90m setback distance of the septic bed nor the soil chemistry.

Beyond approximately 40 m from the shoreline a granite outcrop occurs and the topography then drops into a valley behind. The opportunity exists to locate a septic system in this valley/backslope area at a distance of 80-90m from the lake. It is the location of the site that was excavated and agreed upon with the MOECC and the KFLAHU.

*Section 5.2.7(b)(ii)1)(p.20 of the OP) states “On lots created subsequent to the approval of this plan and having steep slopes, minimal wood vegetation, thin soils and soils with poor phosphorus retention capability, setbacks of up to 90 metres (295’) may be required. 2) On lots created subsequent to approval of this OP which have fewer constraints, reduced setbacks are permitted with an absolute minimum of 30 metres (98’) for ideal sites.*

**For the above reason and for the SAR discussion it is recommended that a 40m setback from the water in every direction for the residence is the optimum compromise.**

#### **10.0 SOIL CHEMISTRY and PROPOSED SEPTIC LOCATION:**

Discussions began with Victor Castro (MOECC) in the fall of 2016 to determine the requirements of the Ministry to create a new lot on Buck Lake. It was explained that the only circumstance where a new lot could be created was essentially a total containment of nutrients originating from the septic bed. To satisfy this request the parent soils would have to have:

- 1) > 1% of both Al and Fe and also have < 1% CaCO<sub>3</sub> equivalence by weight,

- 2) three metres of parent material soil depth below the septic bed and
- 3) 1.5 m of parent material above the saturated zone (water table)\*.

\*The above are delineated in the Lakeshore Capacity Assessment Handbook May 2010 p. 38 and 39.

To satisfy these requirements soil samples were collected from the 'B' soil horizon and the bottom of a 1.6 metre test hole on October 29<sup>th</sup>, 2016 and submitted to Caduceon Environmental Laboratories for analysis. Due to difficulties getting CaCO<sub>3</sub> analysis on the samples the MOECC agreed to undertake this additional testing (see Appendix 2 for test results). The soil results were all favourable and therefore satisfy requirement #1 above.

In order to satisfy requirements #2 and #3 above, Victor Castro and Gord Mitchell agreed to meet on site to determine a test location for the septic system and witness the excavation; this was completed on June 21<sup>st</sup>, 2017 (see Photographs 4, 5, and 6 below).

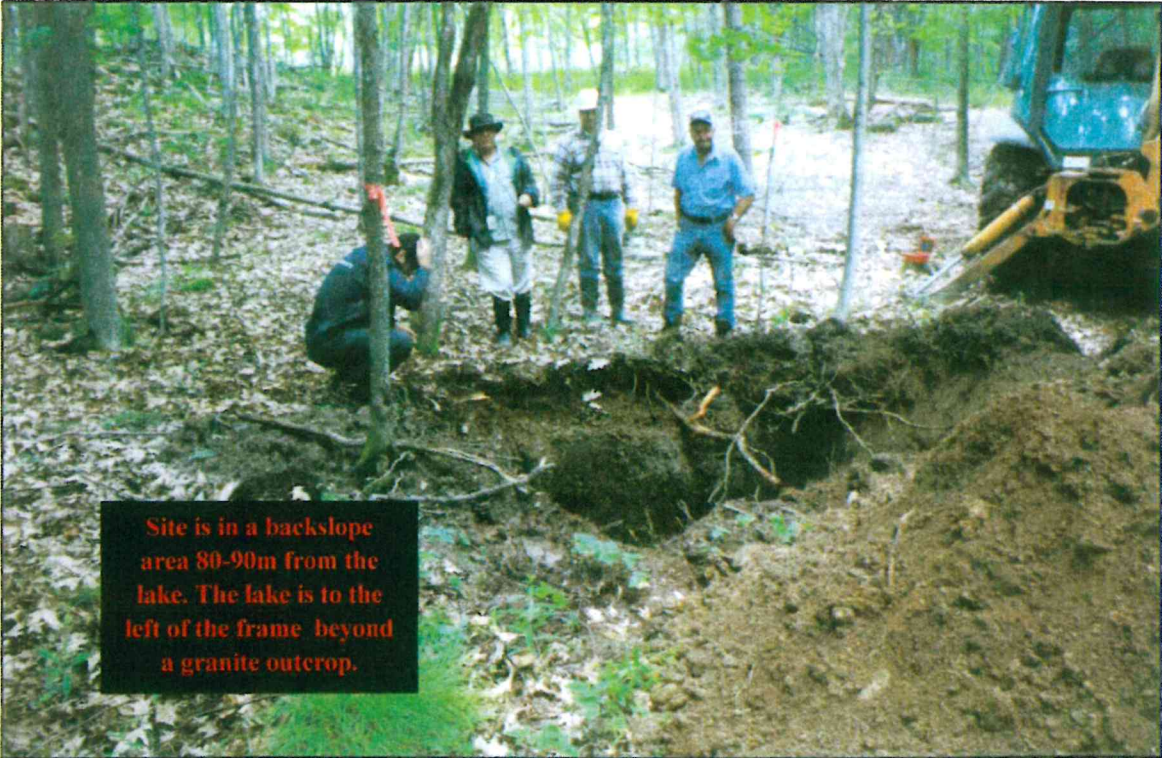
The excavation confirmed >3.0m of soil depth; the surface 0.5m was brown forest soil containing lots of decomposed organics; the depths below that consisted of a brown-gray coloured clay; there were very few rocks. The presence of the clay soils at depth necessitates the need for a raised filter-bed. In addition, the excavation to a depth of 3.0m did not intercept any water and the excavation remained dry despite the spring of 2017 being the wettest spring on record.

This site is in a backslope area 80-90m horizontal distance from the lake and approximately 300 m<sup>±</sup> from the lake in a circuitous flow path through a forested valley; the parent material soil chemistry is known to bind phosphorus in perpetuity and with heavy clay parent soils that is also known to remove nutrients. The parent soil depths are > 3m deep and therefore a raised bed will also >3m above the water table.

**The site conditions for the septic satisfies all the requirements of MOECC and the KFLAHU for approval of this lot.**



Photograph 4 – June 21, 2017 OLA



Photograph 5 – June 21, 2017 OLA



Photograph 6 – June 21, 2017 OLA

#### 11.0 SUMMARY:

This proposal and this site are unique and therefore not to be considered precedent setting for the following reasons:

- 1) The proposed lot size is large (4.86 ha<sup>±</sup>).
- 2) The proposed lake frontage is large (213m <sup>±</sup>).
- 3) The septic location is in a backslope area with a circuitous flow path of 300m<sup>±</sup>.
- 4) The septic bed location is 80-90m setback distance from the lake.
- 5) The septic location has >3m depth of soil parent materials.
- 6) The parent soils are high in Al and Fe and are low in CaCO<sub>3</sub> and therefore bind nutrients and meet all the requirements of MOECC for highly sensitive lakes.
- 7) The water table is >3 metres below the surface at the proposed septic bed location.
- 8) The septic system will be a Class IV system with a raised bed and will meet all the requirements of the KFLAHU
- 9) Given the location of the septic system and the safeguards achieved regarding nutrient containment, there is opportunity for some flexibility in terms of the required setback from the water for the residence in order to accommodate terrain constraints. The front of the building envelope should be allowed within of 40m horizontal distance in all directions.
- 10) The proposed water access site does not have any lake substrate suitable for lake trout spawning.
- 11) The proposed water access point can accommodate a floating dock with minimal impact on the Type 2 fish habitat in the confined/protected bay. A recommendation

for placement of this dock is included; final placement will require approval from the CRCA.

- 12) There are no species at risk issues with respect to the building envelope, the septic location, the driveway construction or the waterfront access.

#### 12.0 RECOMMENDATIONS:

1. The lot **should be approved** conditional upon proceeding by way of Site Plan Control.
2. The setback for the residence should be 40m± horizontal distance from the water in all directions.
3. Rain gutters and roof leaders should be directed into a soak away pit or french drain; the drain to be to the rear of the building if possible.
4. The septic tank must be located in the backslope area; the septic bed must be located at the site of the test excavation; 80-90m from the lake.
5. The proposed access to the shoreline must be at the site indicated in this report.
6. Access to the water must be by way of a floating dock; final permits for location and shoreline alteration to be arranged with the CRCA.
7. The natural trees/vegetation in the 40m setback must be maintained in a natural state; allowing for minor trimming and clearing to create a view and ventilation.
8. No maintained 'lawn' area is to be permitted within the setback.
9. Best Management Practices to be used for the duration of the construction period to contain sediment and debris on site; e.g. staked hay bales across the downslope in front of the building envelope.

Prepared By:



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Reginald E. Genge (Hons. B.Sc.)  
Principal  
Ontario Lake Assessments  
[rgenge@xplornet.ca](mailto:rgenge@xplornet.ca)  
613-376-3863

January 01, 2018

File ref# 677 60 10 - SS004

South Frontenac Township  
C/o Wayne Orr, Chief Administrative Officer

Re: Private Shooting Range

This letter will record and confirm my intent to present to the Committee of the Whole, January 09, 2018 regarding my request for a letter from the township specific to my private range. The basis of the presentation is to clear up misconceptions and miscommunication surrounding my request.

On November 28, 2017, I requested a letter from Lindsay Mills on behalf of the township for the Chief Firearms Office (CFO). To fully certify a private range, the CFO's office requests a letter from the municipality stating:

- 1) They have no objections to a private range being used within its jurisdiction, and
- 2) That the private range use will not contravene any municipal by-laws and regulations relating to the use of the range and discharging of firearms.

To clarify, I am not requesting permission to operate a private range but rather asking for a letter from the township for the CFO Office (Federal Government) to obtain the full certification of my existing private range *to include the discharge of restricted weapons*. Under provincial law I have, lawfully and without incident, operated a private range at the same location for the past eighteen years. My family and invited guests have and will be the primary users of the range. There will not be any increase in traffic nor discharging of firearms. This will not be a public range.

#### Additional Information

To have my range certified by the Chief Firearms Office there are many steps I must follow particularly those involving safety. I am required to:

- 1) Notify the Ontario Provincial Police of my intent, in the event they have any concerns. This has been done, see attached letter;
- 2) Have 2 million dollars in liability insurance policy in place. I have 5 million dollars, see attached letter;
- 3) Adhere to all safety standards set out and inspected by the provincial and federal governments. The primary objective of an approved range by the Chief Firearms Office is safety. There is nothing the township must do in regards to the operation, supervision or inspection of a private range. In regards to safety, this range has a fixed backstop and firing points. This means that currently and in the future, any discharge of weapons will always be in one safe direction. A point to note is, during the various hunting seasons,

hunters discharge firearms in the same area and neighbouring properties in every direction with no backstop using the same calibre of rifles I use on my present range.

I have been a police officer for 30 years and a member of the Canadian Armed Forces as an Infantry Officer for 18 years, with one tour in Afghanistan. I am a qualified Range Safety Officer (RSO) with both of these organizations. I have just completed a RSO course with the Canadian Shooting Sports Association which qualifies me to be a RSO at any range in the Province.

In regards to noise, I have been discharging weapons at my residence for 18 years with no complaints. In fact, I moved most of the discharging of high calibre rifles to the back of my property to avoid disturbing my immediate neighbours who have no concerns (see attached signed notice of intent). Please note that it is impossible to have an outdoor range almost anywhere in the province where someone would not hear. For example, the South Frontenac Rifle and Pistol Club located on Macdoo's Lane and the Shotgun Skeet Range located on the same road, are both within less than a kilometer of the residences located on Montreal Street in the City of Kingston.

As some of the councillors are not familiar with rifles and pistols, I will bring photos of various pistols/rifles to differentiate between restricted and non-restricted firearms, the type of ammunition each fires and the associated safety concerns.

The purpose of my private range, is to continue to practice as I will be shooting in competition this summer. It is virtually impossible to become a member of any of the local shooting clubs because they are full.

I respectfully submit, I am only asking for a letter that I am not in contravention of any by-laws and that there are no concerns. Any discharging of firearms I presently conduct, is never before 10:00 am and no later than 6:00 pm to avoid any potential disruptions. The federal and provincial governments also restrict the discharging of firearms after dark, therefore, I am not in contravention of the South Frontenac noise by-law. My numerous qualifications in regards to the safe handling and discharging of firearms and location of discharging, address any safety concerns above and beyond.

Respectfully Submitted,

Stephen Saunders

File Ref # 677-60-10-SS003

Approved Outdoor Range

3350 Scanlan Road

Harrowsmith Ont. K0H 1V0

**NOTICE OF INTENT TO HAVE CURRENT OUTDOOR RANGE APPROVED**

This notice will record and confirm my intent to my immediate neighbors to have my current range approved by the Chief Firearms Office. The range will be in compliance with all Municipal, Provincial and Federal laws and regulations in regards to noise and the discharge of firearms.

Their signature signifies that they support my intent and have no objections for this approval of a certified range.

| NAME                | DATE        | ADDRESS           | SIGNATURE   |
|---------------------|-------------|-------------------|-------------|
| Brandon Grant       | Dec 29 /17  | 3346 Scanlan Rd   | [Signature] |
| Melissa Miller      | Dec 29 /17  | 3346 Scanlan Rd   | [Signature] |
| Tony Sousa          | Jan. 01 /18 | 3342 Scanlan Rd.  | [Signature] |
| MARCEL MORIN        | Jan 02 /18  | 3341 Scanlan Rd   | [Signature] |
| [Signature]         | Jan 2 /18   | 3372 Scanlan Rd   | [Signature] |
| Jenny Van Ruyphacht | Jan 2 /2018 | 3364 Scanlan Rd   | [Signature] |
| LISA THOMPSON       | Jan 2 /2018 | 3364 Scanlan Rd   | [Signature] |
| Aranda Robinson     | Jan 3, 2018 | 3358 Scanlan Rd   | [Signature] |
| STEVE RODRIGUES     | JAN 3 2018  | 3351 SCANLAN RD.  | [Signature] |
| Jamie Seale         | JAN 3, 2018 | 3330 Scanlan Road | [Signature] |
| Natalie Seale       | Jan 3, 2018 | 3330 Scanlan Road | [Signature] |
| Trabel Kaminowski   | JAN 3, 2018 | 3358 SCANLAN RD   | [Signature] |
|                     |             |                   |             |

Ontario  
Provincial  
Police

Police  
provinciale  
de l'Ontario



Frontenac  
Ontario Provincial Police

5282 Hinchinbrooke Rd  
Box 141  
Hartington, ON  
K0H 1W0

Tel: (613) 372-1932  
Fax: (613) 372-1938

File Reference: 7400

07 December 2017

Stephen Saunders  
3350 Scanlan Rd  
Harrowsmith, ON  
K0H1V0

**Re: Notice of Intent**

Dear Mr. Saunders

Please accept this letter as acknowledgement of your Notice of Intent to operate a private shooting range on your property at 3350 Scanlan Road in Harrowsmith, ON.

Thank you,

A handwritten signature in black ink, appearing to read "Kevin Prentiss", is written over a horizontal line.

Sgt. Kevin Prentiss #7750  
A/Detachment Commander  
Ontario Provincial Police  
Frontenac Detachment



# Arthur J. Gallagher (Canada) Group

## EVIDENCE OF INSURANCE

This is to certify to: To Whom it May Concern  
 that Policies of Insurance as herein described have been issued to the Insured named below and are in force at this date.

Named Insured: Steve Saunders (CCFR #7935) in association with Canadian Coalition for Firearm Rights  
 Address: 3350 Scanlan Road  
 Harrowsmith Ontario

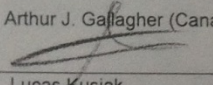
Operations to which this certificate applies: Proof of liability insurance for a range located at 3350 Scanlan Road Harrowsmith Ontario

| Insurer/Policy No.               | Type of Policy               | Effective/Expiry (mm/dd/yyyy)                                      | Coverage Limits                      |                            |
|----------------------------------|------------------------------|--|--------------------------------------|----------------------------|
| Lloyd's Underwriters<br>SR005960 | Commercial General Liability | 12/20/17<br>Until membership Expires, current expiry date 10/21/18 | Each Occurrence<br>General Aggregate | \$5,000,000<br>\$5,000,000 |

Insurance afforded is subject to the terms, conditions and exclusions of the applicable policy. This Certificate is issued as a matter of information only, and confers no rights on the holder and imposes no liability on the Insurer. This certificate will certify that the individual named here is a member in good standing of the Canadian Coalition for Firearm rights.

Date: December 20, 2017

Broker: Arthur J. Gallagher (Canada)

  
 Lucas Kusiak  
 Authorized Representative  
 416-620-2627

**CANADIAN  
SHOOTING SPORTS  
ASSOCIATION  
CERTIFICATION**

**PRESENTED TO**

*Stephen Saunders*

Membership Number 1697796

**RSO**

**Safety**

**Club Level**

*Steve Forno*

\_\_\_\_\_  
**President**

**October 12, 2017**

\_\_\_\_\_  
**Date**

**Delegation request from: David Townsend, SFCSC**

**To Support SFCSC Seniors Active Living Centre, motion from Council required**

- WHEREAS The population of South Frontenac is growing at the rate of 2-3% annually, and of that, the greatest projected growth is in the older age categories of 55+, with population projected to be more than 12,000 people aged 55+ by 2036 and,
- WHEREAS Older seniors living in a rural community face multiple barriers as they age, such as outliving car ownership, decreases in physical mobility and loss of long-term partners, which results in greater social isolation and greater risk of poor health and,
- WHEREAS Results from the South Frontenac 2016 Recreation Survey support the case that many residents are older adults (30% of respondents were 55+) and survey respondents indicated that their priorities were wellness/fitness centre (ranked #1 out of 35) and an increase in local activity programming (ranked #3 out of 35), showing that there is a demand for a seniors active living centre and,
- WHEREAS The Township of South Frontenac does not deliver recreation programming and there is no appropriate physical space in South Frontenac that can host a seniors recreation centre and,
- WHEREAS The Province of Ontario has passed the *Seniors Active Living Centres Act, 2017 (SALCA)* as part of their Seniors Strategy of 2014 and as a result have allocated \$8M over three years to expand the number of Ontario Seniors Active Living Centres (previously called Elderly Persons Centres) by adding 40 new programs across the Province and,
- WHEREAS A legislated element of the program requires new, community-based centres to work with municipalities to provide a minimum 20 per cent of the net annual cost of maintaining and operating the program and,
- WHEREAS Southern Frontenac Community Services Corporation has responded to this call for proposals and has prepared a robust application based on sound evaluation of the opportunity, with an estimated annual operating cost of \$60,000 and,
- WHEREAS Southern Frontenac Community Services Corporation has a long history of providing seniors outreach, is a familiar name in the community, has the physical space to operate a seniors centre, has a pool of over 200 volunteers and a professional staff team and awareness that this project aligns with the organization's recently updated Strategic Plan and will build on existing programs (Café, Social Club, external fitness programs), it is likely to be successful at delivering a Seniors Active Living Centre and,
- THEREFORE That the Township of South Frontenac allocate 20% of the net annual operating costs to support the funding application, the equivalent of BE IT SO \$12,000 annually over each of the next three years to Southern Frontenac Community Services Corporation in a combination of cash and in-kind MOVED services to be negotiated annually with the Township of South Frontenac.



## REPORT TO COUNCIL TREASURY DEPARTMENT



**AGENDA DATE:** January 9<sup>th</sup>, 2018

**SUBJECT:** Tax Sale Policy Update

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### **RECOMMENDATION:**

That Council support the recommended changes in the tax sale policy and that the changes be brought forward for approval at the January 16<sup>th</sup> meeting.

### **BACKGROUND:**

In April 2013, a tax sale policy was approved by Council. The approval of the policy has provided a consistent methodology and tool in how tax properties are managed once they fall within this threshold. This includes the legislated processing of tax sales as well as entering into extension agreements and issuing RFP's for failed tax sales.

A copy of the original policy is included along with recommended changes, highlighted in red within the document.

### **ANALYSIS:**

As a result of Bill 68, a number of areas related to the billing and collection of property taxes have or will be changed.

The recommended changes below were discussed with the Corporate Services Committee and the Committee was supportive of the changes.

#### 1. Timing of tax sale:

Section 373 of the Municipal Act pertains to tax arrears and tax registration proceedings. Currently, the tax sale process is started once a property is three years in arrears. With the legislative change within Bill 68, municipalities now have the authority to begin the tax sale process after a property is two years in arrears.

Staff recommends making this change within our policy. The longer property owners do not pay, the harder it is for them to get back into good standing

Effective January 1, 2019, staff would begin applying the amended legislation to the tax collection process. The Township would use 2018 to communicate with property owners in relation to this change for example through the banner ad, newsletter as well as targeted communication to those who based on current and ongoing arrears would be affected by this change to encourage payment of tax arrears and to avoid registration and additional related costs.

#### 2. Tax sale advertising:

Currently Section 379 of the Municipal Act requires that tax sale properties be advertised once a week for four weeks in both the Ontario Gazette and in a local newspaper. Although not yet proclaimed, it is anticipated that this wording will be replaced with "in accordance with the regulations". The new requirements have not yet been disclosed but the understanding is that the Ministry would like to reduce the advertising costs associated



## REPORT TO COUNCIL TREASURY DEPARTMENT



with a tax sale. For this reason the tax sale policy replaces the current reference to the Municipal Act with "in accordance with the regulations".

### 3. Extension Agreements:

Currently the Municipal Act requires that Council pass a by-law for each extension agreement before the agreement can be executed. Although not yet proclaimed, the proposed change would remove the requirement for a by-law for each extension agreement and further, would provide that Council could delegate the authority for extension agreements to the Treasurer.

Currently, extension agreements presented to Council meet specific requirements where a property owner must pay all outstanding penalties along with all taxes which fall within the third year of arrears. Further, they must provide for a payment plan which would have their arrears fully paid within 2 years while maintaining current instalments as they become due. If a property owner defaults in any of the requirements, the tax sale process would then continue at the point where the agreement had been reached.

The policy has been updated with the wording "In accordance to section 378(1) of the Municipal Act or the Treasurer may, under delegated authority as permitted, enter into extension agreements on behalf of the Township."

If supported, a separate by-law will be brought forward to delegate the authority to the Treasurer.

### 4. Payments out of Court:

Currently, excess funds from a successful tax sale are paid into court and after a period of one year, if the funds remain unclaimed, the Township applies to withdraw the funds out of court.

Although not yet proclaimed, the new language speaks to payments into court being held for a period of 10 years to be available to the property owner or interested parties after which the funds would be forfeited to the Provincial Crown where the Public Guardian would then be the only party able to apply for the funds. The Township would no longer be able to apply for these funds.

The policy has been updated with the following wording: Payments out of court will be processed as prescribed under section 380 of the Municipal Act.

Over the last 5 years, the Township applied for a total of just over \$90,000 from unclaimed funds paid into court.

5. Administrative Charges: Under section 371(1) the Municipal Act, tax sale costs included on an account can include all reasonable costs incurred by the municipality. Currently, costs added to tax accounts in relation to tax sales are primarily related to billings from Realtax or for courier and advertising costs. The Township does not currently apply any administrative charge for the staff time spent throughout the tax sale process.



# REPORT TO COUNCIL TREASURY DEPARTMENT



In surveying several municipalities, many do apply an administrative charge once the tax sale process has started on a property. The timing of the charge being added to the account would be after the initial notice period has expired to provide the property owner the opportunity to avoid tax sale proceedings. Further, the administrative charge would be a flat fee.

An amount of \$325 is recommended as an administrative fee within the revised policy with further wording providing for a 2% inflation increase per year after 2019, rounded to the next dollar. This provides for a reasonable average allocation in relation to staff time and would be added at the beginning of the process as this is where most of staff time is invested in the process.

**ATTACHMENTS:**

Tax Sale Policy – Revised - Draft

**Submitted/approved by:**

Louise Fragnito

**Prepared by:**

Louise Fragnito

# TAX SALE POLICY

## 1. Purpose:

The purpose of the policy is to establish guidelines on the Township's process within the legislated Tax sale process of the Municipal Act.

## 2. Policy:

The Township's goal is to return properties to a state where taxes are collected on a regular basis. All properties in tax arrears are subject to this policy.

## 3. Definitions:

Cancellation price: an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the municipality after the treasurer becomes entitled to register a tax arrears certificate under section 373 in proceeding under this Part or in contemplation of proceeding under this Part and may include,

- (a) legal fees and disbursements,
- (b) the costs of preparing an extension agreement under section 378,
- (c) the costs of preparing any survey required to register a document under this Part, and
- (d) a reasonable allowance for costs that may be incurred subsequent to advertising under section 379

## 4. Guidelines:

Under section 373(1) where any part of tax arrears is owing with respect to land on January 1 in the ~~third~~ **second** year following that in which the real property taxes become owing, the treasurer of the municipality may prepare and register a tax arrears certificate against the title to that land.

1. On a yearly basis, by March 31<sup>st</sup>, a listing of qualifying accounts will be generated by the Treasury Department, excluding any properties that already have tax arrears certificates issued.
2. The Township will send each taxpayer on the list a final tax arrears letter. They will be given **a minimum of 21 days** to pay any arrears that are in the **2 years** or beyond along with all penalties, water arrears and other cost and the letter will further specify that tax sale proceedings will begin should the overdue amount not be paid.
3. A reasonable payment arrangement will be accepted by the Township if it matches the guidelines provided under the tax sale extension agreement provision under item 5(d). The property would not be placed in the tax sale process but should the arrangement not be followed the tax sale process would immediately begin.
4. The listing of qualifying remaining tax sale properties will be distributed internally to other departments to ensure that there are no outstanding issues on the properties that may involve the Township or other organizations such as the Municipal Property Assessment Corporation (MPAC). Should there be any properties that do fall under this category; they will be excluded from the tax sale registration to provide for further investigation.
5. Once the list has been streamlined ~~and the 21 days have lapsed~~, tax arrears certificates will be issued to the remaining properties. **Further, an administrative charge of \$325 will be added to the tax account in relation to the Township's cost in administering the tax sale process. The administrative fee will be indexed at a rate of 2% rounded to the next dollar on a yearly basis as of January 1<sup>st</sup>, 2019.**

~~Currently this process is outsourced but consists of the following steps being undertaken in coordination with the Township.~~

**The tax sale process consists of the following steps which are undertaken through outsourced services in coordination with Township staff.**

- a) Farm Debt Notice: It is legislated that every property listed receives a farm debt notice. The legal intent of the farm debt notice is to inform farmers of their right under Section 5 of the Farm Debt Mediation Act that they are entitled to make application for a review of their financial affairs. However, this is the first official non-Township communication which notifies the taxpayer that the tax sale registration will take place after a 15 business day period should the arrears not be paid.
- b) Title Search: Every property prior to a tax arrears certificate being issued must have a title search to ensure that the proper information is on file including registered owners, interested parties and proper land details. Should any issues be encountered such as ownership and MPAC related data, the process on that property will be put on hold until it has been resolved.
- c) Registration of Tax Arrears Certificate: The tax arrears certificate is registered on title for the property.
- d) Extension Agreement: **In accordance to Section 378(1) of the Municipal Act or the Treasurer may, under delegated authority as permitted, enter into extension agreements on behalf of the Township.**

At any time prior to the end of ~~the 1~~ one year from the date of registration of the tax arrears certificate, the Township may approve ~~by by-law~~ an extension agreement with the taxpayer. To be eligible for consideration, the extension agreement must include that all current taxes will be paid within the required due dates and that the existing arrears on the account will be paid off within a one to two year period. Acceptance ~~by council~~ of this agreement will put the tax sale process on hold for the property. Should there be any breach of the agreement, the tax sale process will resume from the date of the breach.

- e) First Notice to Interested Parties: A first notice is sent out to all interested parties within 60 days of the registration of the tax arrears certificate. This notice advises them that a tax arrears certificate has been issued on the property and that should the cancellation price not be paid within a year of the date of registration of the tax arrears certificate, the property will go up for public tender. Interested parties include, but are not limited to: registered owners, mortgage companies, and registered lien holders
- f) Statutory declaration: For each property, the Township receives a listing of the interested parties to whom notices were sent out
- g) Registration of Cancellation Certificate: At any time when the cancellation price is paid during the one year from the date of registration of the tax arrears certificate, a cancellation certificate will be issued on the property.
- h) Final Notice to Interested Parties: Within 30 days after 280 days have passed since the registration of the tax arrears certificate, a final notice is sent to all interested parties.
- i) Tax Sale Advertising: After a one year period from the date of registration of the tax sale certificate, if the cancellation price has not been paid, the treasurer will make a statutory declaration that the remaining properties will be part of a public tender.

~~It is legislated that the land be advertised for sale once in the Ontario Gazette as well as once a week for a period of 4 weeks in the local municipality's newspaper. Properties will be advertised in accordance with the regulations.~~

- j) Successful Purchaser: Various criteria must be met for a bid to be successful but one main item is that the bid must be at a minimum the cancellation price listed within the public advertising.

If there is a successful purchaser, the Township will prepare and register a tax deed in the name of the successful purchaser once all legislated requirements have been met. Any excess funds from the cancellation price must be paid into court and a notice is sent to all interested parties. ~~After a period of 1 year, any excess funds will be collected by the Township if the funds exceed the legal costs involved to receive the funds. These funds will be assigned to the allowance for doubtful tax accounts. Payments out of court will be processed as prescribed under section 380 of the Municipal Act.~~

- k) No successful Purchaser: Under the Municipal Act, the Township has the option to vest or re-advertise the properties that were not successfully sold

within 2 years of the tax sale date. After the two year period, the process is deemed to be cancelled and would need to start over. Appendix A provides the flow of the steps to be taken.

Within 30 days of tender opening, the Treasury department will distribute to all departments the listing of unsold properties and will provide for a 6 month period where these properties can be vested. A request to vest will need to be supported by a detailed rationale of purpose, benefits, risks, and costs before it can be presented to Council for consideration.

For the properties where there is no interest and/or once the six months have expired, the Township will issue an RFP to the market for each property.

- l) RFP to Market: Prospective buyers will bid on the property regardless of the cancellation price along with a proposal of the intended use for the property. They will be requested to provide a deposit equivalent to 10% of their bid. The Township is under no obligation to accept any of the bids received.

The assessment of received bids will be conducted by the Corporate Services Committee, which will provide a recommendation to Council. If a bid is accepted, a conditional agreement of purchase and sale will be entered with the purchaser and the Township.

The original agreement of purchase and sale will be drafted by the Township's legal counsel and will be reviewed at each instance to ensure no additional clause should be incorporated within the agreement. A further 40% deposit will be required from the purchaser. The agreement will specify that all deposits received will be non-refundable once the agreement is signed unless the Township is unable to transfer ownership of the property due to uncontrollable circumstances.

The Township will vest the property and write off all taxes on the property. The property will be declared surplus by the Township. The remaining 50% of the bid price will be collected from the purchaser. Once payment is received, the Township will prepare and register a tax deed in the name of the purchaser.

Approved by Council: April 2<sup>nd</sup>, 2013

Revised by Council: \_\_\_\_\_



REPORT TO COUNCIL  
PUBLIC WORKS DEPARTMENT



**AGENDA DATE:** January 9, 2018

**SUBJECT:** Purchase of Surplus County of Frontenac Vehicle

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**RECOMMENDATION:**

That Council approve an offer of \$60,000 for the purchase of the surplus Emergency Support Unit from the County of Frontenac.

**BACKGROUND:**

The Public Works Department is looking to replace its mechanical mobile repair vehicle. An item was included in the 2018 Capital Budget for this purpose.

It was suggested that staff explore the potential for converting a surplus County Emergency Support Unit. It is staff's view that this is an ideal unit to convert to the mobile repair vehicle.

**FINANCIAL/STAFFING IMPLICATIONS:**

An amount of \$100,000 was approved in the 2018 Capital Budget for the replacement of the Mechanic's Truck (F25). A reserve bid of \$60,000 has been established by the County for the surplus Emergency Support Unit.

**ATTACHMENTS: - N/A**

**Submitted/approved by:**

**Mark Segsworth, P. Eng.  
Public Works Manager**



## REPORT TO COUNCIL CLERKS DEPARTMENT



**AGENDA DATE:** January 9, 2018

**SUBJECT:** 20 Years Strong – 1998 to 2018

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**RECOMMENDATION:**

For information only.

**BACKGROUND:**

On January 1, 1998, the former Townships of Bedford, Loughborough, Portland and Storrington amalgamated to form the Corporation of the Township of South Frontenac.

An order was made under Section 25.2 of the Municipal Act, to implement the proposal for the restructuring of the County of Frontenac, its constituent municipalities and the City of Kingston. This came about based on the restructuring proposal entitled "Proposal for the Reform of Local Governance Kingston/Frontenac" dated July 10, 1996 and the Supplementary Proposal dated September 5, 1996.

The County of Frontenac and its local boards were dissolved and replaced by the Frontenac Management Board. The board was composed of four members being the Mayors from each of the Corporations of the Township of North Frontenac, the United Municipality of Central Frontenac, South Frontenac and Frontenac Islands. The Board was to be responsible for the management of Fairmount Home for the Aged, the general welfare administration within the new townships, the county library board as outlined in the Amalgamation Order.

In the transition provisions, the staff complement for the new City, the New Townships and the Frontenac Managements Board were to restrict their maximum staff compliments to the combined totals that existed in each of the former municipalities on June 22, 1996.

The Township of South Frontenac and surrounding municipalities started out with the "Ice Storm '98". The strength of the South Frontenac community was evident as Council, staff, volunteer firefighters and emergency services had to reach out to those in need in the community as many were without electricity and heat and many roads required extensive clearing of trees and branches before a snow plow or sander could get through, off to a good start!

Below is a listing of key milestones and highlights over the last 20 years:

**Taxation/Financial:**

- Elimination of Area Rating
- New Financial System
- Community Grants
- Budget Process and Timeline
- Asset Investment Reserve
- Investment Policy
- Mileage payment from \$0.30 to \$0.55

**Roads/Public Works:**

- Solid Waste Collection Township wide

Our strength is our community.



## REPORT TO COUNCIL CLERKS DEPARTMENT



- Sydenham Water Works
- 4 Sand/Salt Structures
- Multi-Year Construction Planning
- Asset Management Plan
- Private Lane Upgrading Program
- Communal Waste Bins
- 25 Year Vehicle Replacement Program
- Signage Program
- Omaha Orange fleet colour
- Harrowsmith Intersection improvement
- Waste Management changes
- Private Lane/Public Road Standards
- Mitchell Creek Bridge Replacement
- Household Hazardous Waste Depot
- New Bedford Patrol Facility

### Emergency Planning/Civic Numbering/Fire Services

- Ice Storm 1998
- Emergency Plan
- 25 Year Vehicle Replacement Program
- Training Program for Volunteer Firefighters
- Water Shuttle Accreditation
- Mutual Aid Agreements
- Discontinued Fire Permits in Bedford
- Civic Number and Road Naming
- Fire Marquee Insurance Billing
- Motor Vehicle Accident Revenue
- Fire Hall Studies (2009 and 2013)
- First New Fire Hall in several years
- 130 + Volunteer Firefighters

### Council/Communication

- Electronic and Telephone Voting for Municipal Elections
- New Website
- Civic Web/Electronic Agendas/PA System
- Two Organizational Reviews
- Town Hall Meetings
- Lake Association Meetings
- 1-800 # for SF residents
- OMERS for all employees
- Union Negotiations – no strikes!
- Weekly Advertising Banners
- Message Sign
- Closing of Offices at Christmas/Change of Office Hours
- Logo/Motto/Coat of Arms/Chain of Office
- Compensation Review

### Contracts

- Cemetery Sales and Administration
- Garbage and Recycling
- Grass Cutting/Snow Removal

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## REPORT TO COUNCIL CLERKS DEPARTMENT



- By-law Enforcement/Animal Control
- Policing Contract
- Utilities Kingston- Water Plant
- Household Hazardous Waste Operation

### Facilities

- Frontenac OPP detachment established in Hartington
- Sydenham Library and upgrades to other libraries
- Office Renovations – two locations
- South Frontenac Museum
- Verona Medical Clinic
- Upgrades to Fields, Parks and Recreation facilities
- Accessibility Improvements
- Established Emergency Operations Centres (EOC's) & generators
- Ambulance base in Sydenham

### Planning

- Official Plan Updates
- Consolidation of Zoning By-laws
- Trailer Licensing
- CivicWeb/Electronic Agendas and Minutes
- Verona and Harrowsmith Community Improvement Plans
- Identification of sensitive lake trout lakes
- 1700 Consent Applications
- 670 Minor Variance Applications

### Recreation

- Joined Frontenac Arch Biosphere 2005
- Annual Recreation and Activity Guide
- Recreation Master Plan
- Swim and Day Camp programs equalized
- Pay rates to summer staff equalized
- Improvements to Frontenac Community Arena
- Consolidated User Agreements
- On-Line Registration program
- South Frontenac Rides and cycling incentives

### Employment/Human Resources

- Full Time Recreation/Arena Supervisor
- Facilities/Solid Waste Supervisor
- Technical Assistant
- Second Full Time Building Inspector
- Fire Chief
- Human Resources/Legislative Compliance Officer
- Facilities/Solid Waste Support Assistant
- Receptionist
- Manager of Development Services
- Landfill Site Supervisor
- Area Supervisor
- Mechanic
- 18 Retirements

Our strength is our community.



## REPORT TO COUNCIL CLERKS DEPARTMENT



### Celebrations/Events

- 1998 Plowing Match in Storrington
- Y 2 K Uncertainty and transition
- Long Service Recognition Awards
- Volunteer Recognition Awards (68)
- County of Frontenac Anniversary
- Annual Canada Day events in each district
- Canada's 150<sup>th</sup> Celebrations
- Family Day annually at Frotnenac Community Arena
- South Frontenac Rides initiatives
- Triathlon/Duathlon
- Battersea Pumpkin Festival
- Verona Community Festival/Car Show
- Sheep Dog Trials at Centennial Park
- Annual Pitch-In Canada Events
- Harrowsmith and Sydenham Santa Claus Parades
- Time Capsule Project

South Frontenac has progressed significantly over the last 20 years and now more than ever "Our Strength is our Community".

### **South Frontenac – 20 Years Strong – 1998-2018**

**FINANCIAL/STAFFING IMPLICATIONS: N/A**

**Submitted/approved by:**

Wayne Orr,  
Chief Administrative Officer

**Prepared by:**

Angela Maddocks  
Deputy Clerk



## REPORT TO COUNCIL CLERKS DEPARTMENT



**AGENDA DATE:** January 9, 2018

**SUBJECT:** Conflict of Interest Act

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**RECOMMENDATION:**

For information only.

**BACKGROUND:**

Bill 68, modernizing Ontario's Municipal Legislation Act, includes changes and additions that include a code of conduct, accountability and transparency, the requirement of an integrity commissioner, as well as municipal conflict of interest and open meeting requirements.

When the procedural by-law was reviewed, the CAO presented a report with other changes that included an option for electronic participation by members in an open meeting.

Under the new legislation, members of Council must file a written statement or declaration of interest that is to be made available for public inspection.

As part of our practice moving forward, each Council member will be given copies of the "Conflict of Interest" form attached to this report that will be given to the Deputy Clerk to read as part of the agenda – declaration of pecuniary interest and general nature thereof.

**FINANCIAL/STAFFING IMPLICATIONS:** N/A

**ATTACHMENT:**

Conflict of Interest Form

**Submitted/approved by:**

Angela Maddocks  
Deputy Clerk



# CONFLICT OF INTEREST

## Declaration of Interest – Municipal Conflict of Interest Act

RE: Township of South Frontenac Agenda Item# \_\_\_\_\_ Dated \_\_\_\_\_ 20\_\_

I, Councillor \_\_\_\_\_, declare a potential (deemed/direct/indirect) pecuniary interest on:

- Council Agenda
- Committee of the Whole
- Corporate Services Committee
- Development Services Committee
- Public Services Committee

For the following reason(s): \_\_\_\_\_

Councillor Signature: \_\_\_\_\_

Councillor Name: \_\_\_\_\_

**For an ‘indirect pecuniary interest’, see Section 2 of the Municipal Conflict of Interest Act.**

**For a “deemed” direct or indirect pecuniary interest see Section 3 of the Municipal Conflict of Interest Act.**

**From:** Minister of Infrastructure [<mailto:Minister.MOI@ontario.ca>]  
**Sent:** December-28-17 3:40 PM  
**To:** Minister of Infrastructure <[Minister.MOI@ontario.ca](mailto:Minister.MOI@ontario.ca)>  
**Subject:** A message from the Minister of Infrastructure / Un message du Ministre de l'Infrastructure

Dear Head of Council:

On December 13, 2017, the province approved a new municipal asset management planning regulation (O. Reg. 588/2017) under the *Infrastructure for Jobs and Prosperity Act, 2015*. It can be found on Ontario's e-laws website by following [this hyperlink](#).

Improved asset management planning has been a key objective of the province's Municipal Infrastructure Strategy since 2012. Building on this objective, O. Reg 588/2017 will help municipalities take stock of their infrastructure challenges, better understand what important services need to be supported over the long-term, and seek new opportunities to address infrastructure challenges through innovative solutions.

O. Reg. 588/2017 comes after more than a year and a half of consultations with municipalities, stakeholders and the broader public. The new requirements will be introduced using a phased approach. Having heard from municipalities that the original timelines proposed for preparation of asset management plans did not provide adequate time for implementation, we have increased the phase-in period from four to six years, according to the following dates:

- January 1, 2018: Effective date of Regulation (there are no requirements that must be met at this time).
- July 1, 2019: Date for municipalities to have a finalized strategic asset management policy.
- July 1, 2021: Date for municipalities to have an approved asset management plan for core assets (roads, bridges and culverts, water, wastewater and stormwater management) that discusses current levels of service and the cost of maintaining those services.
- July 1, 2023: Date for municipalities to have an approved asset management plan for all municipal infrastructure assets that discusses current levels of service and the cost of maintaining those services.
- July 1, 2024: Date for municipalities to have an approved asset management plan for all municipal infrastructure assets that builds upon the requirements set out in 2023. This includes a discussion of proposed levels of service, what activities will be required to meet proposed levels of service, and a strategy to fund the activities.

We have also addressed other important feedback heard during consultations, by:

- Removing the requirement for a licensed engineering practitioner to endorse completed asset management plans; and
- Reducing the level of detail required under the financial planning aspects of the regulation.

During our consultations, we also heard that it is important to align the new asset management planning regulation and the asset management planning requirements under O. Reg. 82/98 to the *Development Charges Act, 1997*. In response to this feedback, an amendment has been made to O. Reg. 82/98 to provide that on July 1, 2024, the sections of this regulation that set out the content for asset management plans in respect of transit services will be repealed. After this date, the asset management plan content requirements in respect of transit services in support of development charge by-laws will be found in O. Reg. 588/2017. The repeal of the provisions in O. Reg. 82/98 has been post-dated to align with the date of full phase in of

the requirements in O. Reg. 588/2017. The requirements in O. Reg 82/98 will continue to apply until July 1, 2024 to municipalities that are preparing asset management plans to support a development charge by-law in respect of transit services.

I also wanted to advise that the ministry is planning to collect information from municipal asset management plans, such as levels of service and financial planning information, but this information collection has not been set out in the regulation. We continue to work with our partners at the Ministry of Municipal Affairs to plan for the collection of this information through the Financial Information Return. We are proposing that this information would be collected starting in 2025 (one year after the final requirements of O. Reg. 588/2017 are phased in). After the initial submission in 2025, municipalities would submit asset management planning information every time their plan is updated (at least every 5 years). More information will be provided on the ministry's proposed data collection processes in 2018.

Lastly, we heard that many municipalities will need additional support to help with implementation of O. Reg. 588/2017. To address capacity concerns, we will be providing up to \$25 million over the next five years in dedicated funding for asset management planning tools and supports. This funding will be targeted to build municipal capacity through coaching and communities of practice, as well as support to get planning activities done (e.g. condition assessments) in small communities. More details will be provided in 2018.

O. Reg 588/2017 will provide a strong basis for improved asset management planning and set the stage for advancing Ontario's Municipal Infrastructure Strategy as we work together to address municipal infrastructure challenges collaboratively. If you have any questions, please contact us by emailing [MunicipalAssetManagement@ontario.ca](mailto:MunicipalAssetManagement@ontario.ca).

Sincerely,

[Original signed by]

Bob Chiarelli  
Minister

Ministry of Finance  
Office of the Minister

Ministère des Finances  
Bureau du ministre



7<sup>th</sup> Floor, Frost Building South  
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Telephone: 416-325-0400  
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Toronto ON M7A 1Y7  
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Télécopieur: 416-325-0374

Dear Heads of Municipal Councils:

Ontario continues to prepare for federal legalization of cannabis by moving ahead with its safe and sensible framework to govern the lawful use and retail distribution of cannabis as a carefully controlled substance within the province. On December 12, 2017, Ontario passed legislation that will regulate the lawful use, sale and distribution of recreational cannabis by the federal government's July 2018 deadline.

I am writing to provide you with an update on the provincial work underway to establish a retail and distribution channel for legal cannabis. I would also like to confirm the Province's commitment to engaging with municipalities on funding to help address the incremental costs associated with the implementation of cannabis legalization in Ontario.

Our objectives in the establishment of the retail and distribution system for legal cannabis are to protect youth and eliminate the illegal market. Municipalities are essential partners in the efforts to achieve these goals.

As noted in my October 27 letter, the various engagements the province has had with municipalities have been beneficial. Over the course of November and December, staff from the Ministry of Finance and the Liquor Control Board of Ontario (LCBO) met with staff of the municipalities identified for the initial cannabis retail stores for July 2018. These meetings provided valuable insights on provincial guidelines and areas of local interests that will inform store siting. I would like to thank the staff of these municipalities for their thoughtful feedback.

With the conclusion of the federal government's consultation with provinces and territories on the tax framework, we now have a better understanding of the revenue share to address the costs of legalization. During those discussions, we negotiated for a greater share of revenue on the basis that both the province and municipalities bear incremental costs. We now look forward to engagement with municipalities on a reasonable distribution of the province's share of the federal excise tax revenue. Given the federal government's forecasts of modest revenue and the Federation of Canadian Municipalities' estimated cost projections, our engagement will need to acknowledge that it appears unlikely there will be enough revenue to fully cover the incremental municipal and provincial costs associated with legalization.

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- 2 -

In January 2018, the Ministry of Finance will work with the Association of Municipalities of Ontario and the City of Toronto to launch an engagement process with municipalities on cannabis-related funding. This process will consider what is known about incremental municipal and provincial costs and set out a proposed approach to funding for municipalities that supports our shared policy objectives.

To help guide this engagement, I would like to propose the following principles:

- Address Implementation Costs – An approach to funding should acknowledge that the province and municipalities will incur upfront incremental costs as a result of the federal government’s decision to legalize cannabis and that a funding approach should focus on helping to address these costs.
- Respect the Role of Municipalities – An approach to funding should recognize the efforts of municipalities in their areas of jurisdiction associated with the legalization of cannabis.
- Align with the Term of the Federal Tax Framework – An approach to funding should align with the two-year term agreed to between the federal, provincial and territorial governments on the federal excise tax.

As we conclude the holiday season and reflect on the past year, I would like to thank you again for your meaningful engagement with the province as we all prepare for the legalization of cannabis in July 2018. Please accept my best wishes for the New Year.

Sincerely,



Charles Sousa  
Minister

- c: The Honourable Yasir Naqvi, Attorney General of Ontario  
The Honourable Bill Mauro, Minister of Municipal Affairs  
Ali Ghiassi, Chief of Staff, Minister’s Office, Ministry of Finance  
Scott Thompson, Deputy Minister, Ministry of Finance  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project,  
Ministry of Finance  
Lynn Dollin, President, Association of Municipalities of Ontario  
Pat Vanini, Executive Director, Association of Municipalities of Ontario  
Municipal CAOs and City Managers

**Ministry of  
Municipal Affairs**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
 Toronto ON M5G 2E5  
 Tel.: 416 585-7000  
 Fax: 416 585-6470

**Ministère des  
Affaires municipales**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
 Toronto ON M5G 2E5  
 Tél. : 416 585-7000  
 Téléc. : 416 585-6470



Ontario

**Ministry of Government and  
Consumer Services**

Office of the Minister

6<sup>th</sup> Floor, Mowat Block  
 900 Bay Street  
 Toronto, ON M7A 1L2  
 Tel.: 416-212-2665  
 Fax: 416-326-1947

**Ministère des Services  
gouvernementaux et des  
Services aux  
consommateurs**

Bureau du ministre

6<sup>e</sup> étage, Edifice Mowat  
 900, rue Bay  
 Toronto, ON M7A 1L2  
 Tél. : 416 212-2665  
 Téléc.: 416 326-1947

MGCS3766MC-2017-797

December 15, 2017

Dear Heads of Municipal Councils:

We are pleased to provide an update on Bill 59, Putting Consumers First Act (Consumer Protection Statute Law Amendment), 2017. Bill 59 made amendments to the City of Toronto Act, 2006 and the Municipal Act, 2001. Upon proclamation, these amendments will allow local municipalities to regulate the location and number of payday loan establishments. We would like to inform you that the government has proclaimed these sections into force effective January 1, 2018.

During consultations to inform the development of Bill 59, the government heard from municipalities that there was interest in an expanded municipal authority to regulate payday lenders. As a government we have listened. We thank municipal leaders for your contributions to protecting consumers and your communities.

Additional regulatory changes to strengthen protection for consumers using payday loans and cheque-cashing services will come into force on July 1, 2018 and include the following:

- It will be mandatory for payday lenders to provide borrowers with an extended payment plan if borrowers take out three or more loans with the same lender within a 63-day period.
- Payday lenders can only lend up to 50 per cent of a borrower's net pay per loan.
- The cost of borrowing a payday loan must be disclosed as an annual percentage rate in advertisements and agreements.
- The maximum fee for cashing government-issued cheques will be capped at \$2 plus one per cent of the face value of the cheque, or \$10, whichever is less.
- It will be mandatory for cheque cashing service providers to provide a receipt when cashing government-issued cheques.

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If you have any questions about the amendments, you may contact Ann Missetich, Manager of Consumer and Business Policy via email at [Ann.Missetich@ontario.ca](mailto:Ann.Missetich@ontario.ca) or by telephone at 416-326-8868.

Thank you for your continued support of strengthening financial protection for consumers in Ontario's communities. We look forward to continuing to work with you on this important initiative in the future.

Sincerely,



Tracy MacCharles  
Minister of Government and Consumer Services



Bill Mauro  
Minister of Municipal Affairs

c: Municipal Clerks/CAOs