The Corporation of the Township of Seguin

Agenda for the Regular Meeting of Council

to be held on Monday, February 2nd, 2026

in the Township of Seguin Council Chambers and Electronic Participation

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01. Land Acknowledgement. **2:30 p.m.**

02. Call to Order and Approval of Agenda.

03. Disclosure of pecuniary interest and the general nature thereof.

04. Adoption of Minutes:

a) Minutes of the Regular and Closed Session Meetings of Council held January 12, 2026. ®

b) Minutes of the Special Meeting of Council held January 15, 2026. ®

05. Public Meeting:

Adjourn to Public Meeting for Planning Act Applications. ®

a) Consent Application No. B-2025-0038-H (Coons). Report No. PL-2026-010.

b) Zoning By-law Amendment Application No. R-2025-0014-F and Consent Application No.'s B-2025-029-F & B-2025-030-F (Jacques). Report No. PL-2026-012.

c) Consent Application No.'s B-2025-0027-H & B-2025-0028-H (McDougall & Torenvliet, Sandy Bay Vacations Inc.). Report No. PL-2026-017.

Close Public Meeting for Planning Act Applications. ®

Decisions:

a) Consent Application No. B-2025-0038-H (Coons). ®

b) Consent Application No.'s B-2025-0027-H & B-2025-0028-H (McDougall & Torenvliet, Sandy Bay Vacations Inc.). ®

06. Shore/Concession Road Allowances:

a) Shore Road Allowance Application No. RAS-2025-0003-H (Caravaggio). Clear Lake. Report No. PL-2026-014. ®

b) Shore Road Allowance Application No. RAS-2024-0006-H (Scott). Little Whitefish Lake. Report No. PL-2026-009.

07. Staff Reports: Resolution to receive Reports. ®

By-law Enforcement:

a) Report No. BL-2026-001, Administrative Monetary Penalty (AMP) System Implementation. ®

Community Services:

b) Report No. CS-2026-001, Annual Drinking Water Sample Results.

Planning:

c) Report No. PL-2026-013, Consent Application No. B-2025-0036-H (Schwartz). ®

d) Report No. PL-2026-016, Zoning By-law Amendment Application No. R-2025-0015-C and Consent Application No. B-2025-0017-C (Boyle, Buzanis, Manchee). ®

Treasury:

e) Report No. TR-2026-001, 2026 Donations. ®

08. Business:

a) Statement of the Treasurer for 2025 – Remuneration of Elected Officials and Remuneration of Appointed Members. ®

b) Resignation of Kristine Cameron from Seguin Recreation and Culture Committee. ®

c) 2026 FONOM Conference. ®

09. By-laws:

a) By-law No. 2026-009, Being a By-law to appoint a Building Official/By-law Enforcement Officer (Laura Adams) for The Corporation of the Township of Seguin. ®

b) By-law No. 2026-011, Being a By-law to stop up temporarily parts of the highways municipally known as Victoria Street West and Oak Street in the Village of Rosseau, now the Township of Seguin, District of Parry Sound for the Seguin Sled Dog Mail Run. ®

c) By-law No. 2026-012, Being a By-law to Authorize the Execution of a Memorandum of Understanding (MOU) Prescribed Snowmobile Trail Land Use Permission Between the Six Star Snow Riders Snowmobile Club and The Corporation of the Township of Seguin. ®

10. Council Reports.

11. Board/Committee Agendas & Minutes:

a) Seguin Business Committee - Draft Minutes of December 4, 2025.

b) Muskoka Watershed Council (MWC) - Agenda of January 21, 2026.

c) North Bay Parry Sound District Health Unit (NBPSDHU) - Agendas for Finance and Property Committee and Board of Health Meetings of January 28, 2026.

12. Correspondence: Listed below.

Resolution to receive the Board & Committee Agendas & Minutes and the Correspondence as listed on the Agenda. **®**

13. Closed Session:

Adjourn to Closed Session. ®

a) Ontario Land Tribunal Appeal re: Minor Variance Application No. A-2025-0026-M (Rouse).
b) West Parry Sound OPP Detachment Board Representatives.

Reconvene Open Session. ®

Resolutions from Closed Session. ®

14. Confirming By-law No. 2026-013. ®

15. Adjournment. ®

Correspondence:

a) Association of Municipalities of Ontario – Communications.
b) Municipal Property Assessment Corporation – Communications.
c) North Bay Parry Sound District Health Unit – Communications.
d) Good Roads – Communications.
e) Ontario Heritage Trust – Communications.
f) The Labour Market Group – Communications.
g) Federation of Ontario Cottagers' Association - Communications.
h) Federation of Canadian Municipalities – Communications.
i) Parry Sound Area Chamber of Commerce (PSACC) - Jansz Interiors.
j) PSACC - January 2026 Newsletter.
k) PSACC - Meet Smith Consulting.
l) PSACC - See Our Upcoming Events 2026.
m) Town of Parry Sound - Amendment to Canada Post Corporations Act Affecting Libraries.
n) Township of The Archipelago - Opposition of Bill C-15.
o) City of Peterborough - Sustainable Funding for Police Resolution.
p) Township of Brudenell, Lyndoch and Raglan - Solve the Crisis and Winter Homelessness Program.
q) Township of Brudenell, Lyndoch and Raglan - Affordable Rental Housing.
r) Township of Brudenell, Lyndoch and Raglan - Removing HST GST from New Homes to Support Housing Affordability.
s) Township of Tay Valley - Collaborative Action on Sustainable Waste Management in Ontario.
t) Municipal Property Assessment Corporation (MPAC) - Municipal Partnerships Report.

u) Municipality of Shuniah - Bill 9 - Municipal Accountability Act 2025.
v) City of Stratford - Bill 68 Conservation Authorities.
w) Georgian Bay Biosphere (GBB) - January News 2026.
x) John McCash – Waste Management Strategy Review.
y) Township of Larder lake - Elect Respect Pledge.
z) Muskoka Watershed Council (MWC) - January 2026 News.
aa) Environment and Climate Change Canada - New Regulatory Changes Impacting Firefighting Foams.
bb) Federation of Northern Ontario Municipalities (FONOM) - Homelessness Crisis Accelerating in Northern Ontario.
cc) Township of Hornepayne - Small Northern New Residential Property Tax Class.
dd) Township of The Archipelago - Replacement of Tennis Courts at the Parry Sound JK-Grade 12 School.
ee) Municipality of North Grenville, Merrickville-Wolford Village OPP Detachment Board - Enhanced School Bus Safety and the Implementation of Stop-Arm Camera Systems.
ff) Michael Bowins - OFTR Motorcycle Trails off of Highway 518.
gg) Don and Michelle Berry - OFTR Motorcycle Trails off of Highway 518.
hh) Kris Barnard - OFTR Motorcycle Trails off of Highway 518.
ii) Emily Jasiewicz - OFTR Motorcycle Trails off of Highway 518.
jj) Nicholas Sheridan - OFTR Motorcycle Trails off of Highway 518.
kk) Donald Sanderson - OFTR Motorcycle Trails off of Highway 518.

Adoption of Minutes

The Corporation of the Township of Seguin

Draft Minutes of a Regular Meeting of Council

held on Monday, January 12th, 2026 at 2:30 pm
in the Township of Seguin Council Chambers
and Electronic Participation

The following Members were present:

- Mayor Ann MacDiarmid (Council Chambers)
- Councillor Ward 1 Ken Adams (Council Chambers)
- Councillor Ward 2 Mario Buszynski (videoconference)
- Councillor Ward 3 Greg Getty (Council Chambers)
- Councillor Ward 4 Terry Fellner (Council Chambers)
- Councillor Ward 5 Ted Collins (Council Chambers)
- Councillor Ward 6 Gail Finnson (Council Chambers)

Approval of Agenda.
After the meeting was called to order Mayor MacDiarmid asked for approval of the agenda. Council approved the agenda with the following additions/changes. Addition to 07. Staff Reports item a) Zoning By-law Amendment Application No. R-2024-0025-F & Consent Application No.'s B-2024-20/21/22-F (L'Ecuyer) of correspondence from Kim & Glenn Redmond.

Disclosure of Pecuniary Interest.
Mayor MacDiarmid requested that any disclosures of conflict of interest/pecuniary interest be declared for the record. None were declared.

The following resolutions were considered.

Resolution No. 2026-001
Moved by: Councillor Ken Adams
Seconded by: Councillor Greg Getty
"**THAT** the Council of The Corporation of the Township of Seguin does hereby adopt the Minutes of the Regular and Closed Session Meetings of Council held December 1st, 2025 as circulated.".

CARRIED

Resolution No. 2026-002
Moved by: Councillor Gail Finnson
Seconded by: Councillor Terry Fellner
"**THAT** the Council of The Corporation of the Township of Seguin does hereby adjourn the Regular Meeting to hold a Public Meeting for the following matters:

- Zoning By-law Amendment Application No. R-2025-0021-H (Vovk Ives).
- Consent Application No.'s B-2025-0025-C & B-2025-0026-C (Marshall).".

CARRIED

The Mayor advised Council would now hold public meetings for proposed Consent and Zoning By-law Amendment Applications.

The Mayor advised in accordance with the Planning Act, Council would consider all matters placed before it prior to granting a Consent or passing a Zoning By-law Amendment.

The Mayor advised anyone wishing to receive notice of a decision or notice of passing of a Zoning By-law Amendment and who had not submitted such a request in writing should provide their full name and address to the Clerk.

The Mayor advised no one other than the prescribed persons may appeal an application under the provisions of the Planning Act. If they do not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the Township of Seguin prior to the decision of Council, then the Ontario Land Tribunal may dismiss the appeal.

The Mayor advised the purpose of proposed Zoning By-law Amendment Application No. R-2025-0021-H (Vovk Ives) is to add an exception to the existing Limited Service Residential Zone to permit two cottages resulting in additional lot coverage and gross floor area on the property for a temporary period of three years.

The Mayor asked the Clerk to state the method by which Notice of the meeting was provided and the dates on which that Notice was provided.

The Clerk advised Notice of the public meeting was provided by posting the property, posting on the Township of Seguin's website, and by regular mail on December 8th, 2025. Notice was therefore considered to be provided in accordance with the requirements of the Planning Act.

The Mayor asked if the Township had received any correspondence with respect to this application.

The Clerk advised no correspondence had been received.

The Mayor asked if there was anyone present in-person in the Council Chambers who wished to speak in favour of or in opposition to this application.

Chris Busby of Broadview Building Co., Agent for the Applicant attended the meeting in-person and spoke to advise Council he was present to answer any questions Council may have of him related to the application.

The Mayor asked if anyone had registered to speak to this application via electronic participation.

The Clerk advised no one had registered to speak to this application via electronic participation.

The Mayor advised the purpose of proposed Consent Application No.'s B-2025-0025-C and B-2025-0026-C (Marshall) is to grant rights-of-way over a portion of an existing private roadway to benefit two waterfront lots on Horseshoe Lake.

DRAFT

The Mayor asked the Clerk to state the method by which Notice of the meeting was provided and the dates on which that Notice was provided.

The Clerk advised Notice of the public meeting was provided by posting the property on December 18th, 2025, posting on the Township of Seguin's website, and by regular mail on December 22nd, 2025. Notice was therefore considered to be provided in accordance with the requirements of the Planning Act.

The Mayor asked if the Township had received any correspondence with respect to these applications.

The Clerk advised no correspondence had been received.

The Mayor asked if there was anyone present in-person in the Council Chambers who wished to speak in favour of or in opposition to these applications.

Mark Kocaurek, the owner of 130B Christie Bay Road attended the meeting in-person and spoke to advise Council he was present to answer any questions Council may have of him related to the applications.

The Mayor asked if anyone had registered to speak to these applications via electronic participation.

The Clerk advised no one had registered to speak to these applications via electronic participation.

The Mayor advised Council would now close the public meeting and reconvene to the regular meeting.

Resolution No. 2026-003
Moved by: Councillor Ken Adams
Seconded by: Councillor Greg Getty
"**THAT** the Public Meeting held for the following matters is hereby closed and the Regular Meeting is hereby reconvened:

- Zoning By-law Amendment Application No. R-2025-0021-H (Vovk Ives).
- Consent Application No.'s B-2025-0025-C & B-2025-0026-C (Marshall).".

CARRIED

Resolution No. 2026-004
Moved by: Councillor Ken Adams
Seconded by: Councillor Ted Collins
"**THAT** By-law No. 2026-001, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (4903-010-002-14700, R-2025-0021-H, 8B Kenozha Road, Vovk Ives), is hereby deemed to have been read a first, second and third time and passed by Council.".

CARRIED

Resolution No. 2026-005
Moved by: Councillor Gail Finnson
Seconded by: Councillor Ted Collins
"**THAT** the Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application No.'s B-2025-0025-C & B-

2025-0026-C (Marshall), subject to the conditions set out in the Decisions.".

CARRIED

Angela Vander Eyken, Ecology Advisor and Theryn Corning, Technician representing Generations Effect attended the meeting in-person and addressed Council to provide a presentation and update to Council on the 2025 Expanding Phragmites Control and Wetland Enhancement in Seguin Township.

Resolution No. 2026-006
Moved by: Councillor Terry Fellner
Seconded by: Councillor Ted Collins
"**THAT** the Council of The Corporation of the Township of Seguin does hereby receive the Staff Reports as presented on the Agenda for the January 12th, 2026 meeting of Council.

Planning:

- Report No. PL-2026-001, Zoning By-law Amendment Application No. R-2025-0021-H (Vovk Ives).
- Report No. PL-2026-003, Consent Application No.'s B-2025-0025-C & B-2025-0026-C (Marshall).
- Report No. PL-2026-002, Zoning By-law Amendment Application No. R-2024-0025-F & Consent Application No.'s B-2024-20/21/22-F (L'Ecuyer).
- Report No. PL-2026-004, Rock Crushing By-law – Direction Report.".

CARRIED

Resolution No. 2026-007
Moved by: Councillor Ken Adams
Seconded by: Councillor Ted Collins
"**THAT** By-law No. 2026-002, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (4903-030-007-02500, R-2024-0025-F, 11 McNeice Farm Road), is hereby deemed to have been read a first, second and third time and passed by Council.".

CARRIED

Resolution No. 2026-008
Moved by: Councillor Greg Getty
Seconded by: Councillor Terry Fellner
"**THAT** the Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application No.'s B-2024-020/021/022-F (L'Ecuyer), subject to the conditions set out in the Decision.".

CARRIED

Council considered Staff Report No. PL-2026-004, Rock Crushing By-law – Direction Report. Council directed staff to prepare a draft by-law as per the 4 points outlined in the Staff Report but change 2) Allows for crushing for a maximum of 15 days in 30 days to be a maximum of 7 days per site. And include a process whereby people may apply to Council for extensions.

As requested by Councillor Buszynski, Council discussed road maintenance in the Township. After discussion no direction for change in maintenance procedures was provided to staff.

DRAFT

Lisa Thompson, Executive Director of the Ontario Federation of Trail Riders attended the meeting in-person to request Council support a proposal by the Federation to develop a trail on Crown land in Seguin Township. Council directed the Mayor to send a letter of support for the Ontario Federation of Trail Riders' application to the Ministry of Natural Resources for the proposed trail in Seguin Township.

Resolution No. 2026-009
Moved by: Councillor Terry Fellner
Seconded by: Councillor Greg Getty
"**THAT** the Council of The Corporation of the Township of Seguin does hereby authorize the following Members of Council to attend the 2026 Association of Municipalities of Ontario (AMO) Conference being held August 16th to 19th, 2026 in Ottawa, Ontario. Reimbursement of expenses will be as per Township Policy:

- Mayor Ann MacDiarmid
- Councillor Gail Finnson.".

CARRIED

Resolution No. 2026-010
Moved by: Councillor Ken Adams
Seconded by: Councillor Gail Finnson
"**THAT** By-law No. 2026-003, Being a By-law to authorize borrowing for the year 2026, is hereby deemed to have been read a first, second and third time and passed by Council.".

CARRIED

The Members of Council provided verbal updates on the various meetings and events they have been involved in since the last meeting of Council.

Resolution No. 2026-011
Moved by: Councillor Gail Finnson
Seconded by: Councillor Ken Adams
"**THAT** the Council of The Corporation of the Township of Seguin does hereby receive the Board & Committee Minutes & Agendas and the Correspondence as presented on the Agenda and Addendum for the January 12th, 2026 Meeting of Council.".

CARRIED

Resolution No. 2026-012
Moved by: Councillor Greg Getty
Seconded by: Councillor Gail Finnson
"**THAT** the Council of The Corporation of the Township of Seguin does hereby proceed to a closed meeting at 4:20 p.m. in order to address matters pertaining to:

- A proposed or pending acquisition or disposition of land by the municipality or local board, related to:
  - Potential Land Disposition – 18 McKaig Road.
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose, related to:
  - Waste Management Tipping Fees.".

CARRIED

Resolution No. 2026-013
Moved by: Councillor Greg Getty

Seconded by: Councillor Ken Adams
"**THAT** the Council of The Corporation of the Township of Seguin does hereby rise from closed session and declare the regular meeting reconvened at 4:52 p.m.".

CARRIED

Resolution No. 2026-014
Moved by: Councillor Gail Finnson
Seconded by: Councillor Ken Adams
"**THAT** By-law No. 2026-006, Being a By-law to Authorize the execution of an Agreement of Purchase and Sale between Timothy Elliot Dyck In Trust and The Corporation of the Township of Seguin for PIN 52180-0804, Being Part of Lot 114, Concession B, more Particularly Described as Part 1 Plan 42R-22830, former Township of Foley, now Township of Seguin, District of Parry Sound (18 McKaig Road), is hereby deemed to have been read a first, second and third time and passed by Council.".

CARRIED

Resolution No. 2026-015
Moved by: Councillor Gail Finnson
Seconded by: Councillor Greg Getty
"**THAT** By-law No. 2026-004, Being a By-law to confirm the proceedings of meetings of Council, is hereby deemed to have been read a first, second and third time and passed by Council.".

CARRIED

Resolution No. 2026-016
Moved by: Councillor Ken Adams
Seconded by: Councillor Gail Finnson
"**THAT** the Council of The Corporation of the Township of Seguin does hereby adjourn this Meeting of Council at 4:54 p.m. to meet again on Thursday, January 15th, 2026 at 9:00 a.m. or at the call of the Mayor.".

CARRIED

DRAFT

_____
Ann MacDiarmid,
Mayor

_____
Craig Jeffery,
Clerk

The Corporation of the Township of Seguin

Draft Minutes of a Special Meeting of Council

held on Thursday, January 15th, 2026 at 9:00 am
in the Township of Seguin Council Chambers
and Electronic Participation

The following Members were present:

- Mayor Ann MacDiarmid (Council Chambers)
- Councillor Ward 1 Ken Adams (Council Chambers)
- Councillor Ward 2 Mario Buszynski (Council Chambers)
- Councillor Ward 3 Greg Getty (Council Chambers)
- Councillor Ward 4 Terry Fellner (Council Chambers)
- Councillor Ward 6 Gail Finnson (Council Chambers)

Regrets were received from:

- Councillor Ward 5 Ted Collins

Approval of Agenda.
After the meeting was called to order Mayor MacDiarmid asked for approval of the agenda. Council approved the agenda with the following additions/changes. Addition to item a) Discussion – Waste Management Strategy of correspondence from Cindy Bratteleig, Lori Harvey & Jeremy Parr, Crystal Oystrick & Matthew Lewczuk, Stefan Buszynski, Dan Riverso, Mike Panasiuk, Robert Balash, and Kerry & AJ Mueller. Addition to item a) Discussion – Waste Management Strategy of comments from Councillor Buszynski and Councillor Collins.

Disclosure of Pecuniary Interest.
Mayor MacDiarmid requested that any disclosures of conflict of interest/pecuniary interest be declared for the record. None were declared.

The following resolutions were considered.

Resolution No. 2026-017
Moved by: Councillor Mario Buszynski
Seconded by: Councillor Ken Adams
"**THAT** the Council of The Corporation of the Township of Seguin does hereby convene this Special Meeting of Council at 9:02 a.m. in order to consider the following matter:

- Discussion – Waste Management Strategy.".

CARRIED

Council considered the 2025 Waste Management Review Report. Director of Public Works Tom MacLeod, Director of Strategic Initiatives Forrest Pengra, Chief

Financial Officer Michele Fraser, and Environment and Climate Programs Coordinator Preston Neilson provided a presentation on the Report. Council directed staff to prepare a recommendation report on the waste management strategy based on the input provided by Members of Council.

Resolution No. 2026-018
Moved by: Councillor Gail Finnson
Seconded by: Councillor Ken Adams
"**THAT** By-law No. 2026-005, Being a By-law to confirm the proceedings of meetings of Council, is hereby deemed to have been read a first, second and third time and passed by Council.".

CARRIED

Resolution No. 2026-019
Moved by: Councillor Gail Finnson
Seconded by: Councillor Greg Getty
"**THAT** the Council of The Corporation of the Township of Seguin does hereby adjourn this Special Meeting of Council at 11:01 a.m. to meet again on Monday, February 2nd, 2026 or at the call of the Mayor.".

CARRIED

_____
Ann MacDiarmid,
Mayor

_____
Andrea Spinney,
Deputy Clerk

DRAFT

Public Meeting

Prepared for: Mayor and Members of Council

Subject: Consent Application B-2025-0038-H (Coons)

From: Lauren Rettie, Senior Planner, Planning Department

Agenda Date: February 2nd, 2026 **Report No:** PL-2026-010

Executive Summary:

The purpose of the proposed Consent Application is to grant right-of-way over a portion of an existing private roadway to benefit a waterfront lot on Little Lake Joseph.

It is recommended that any public and agency comments be given consideration.

Staff recommend that the right-of-way application be approved.

Prepared for: Mayor and Members of Council

Subject: Consent Application B-2025-0038-H (Coons)

From: Lauren Rettie, Senior Planner, Planning Department

Agenda Date: February 2nd, 2026 **Report No:** PL-2026-010

Recommendation:

That Consent Application B-2025-0038-H be provisionally approved, subject to the conditions of approval outlined in Schedule A.

Background & Analysis:

Consent Application:	B-2025-0038-H
Owner:	Elizabeth Mary Coons
Agent:	W. Robert Kerr
Civic Address:	None
Roll No.:	4903-010-001-15300

Proposal:

The purpose of the proposed Consent application is to grant right-of-way over a portion of an existing private roadway (Coons Road) on the subject lands (Property Roll 4903-010-001-15300) to benefit 23B Coons Road.

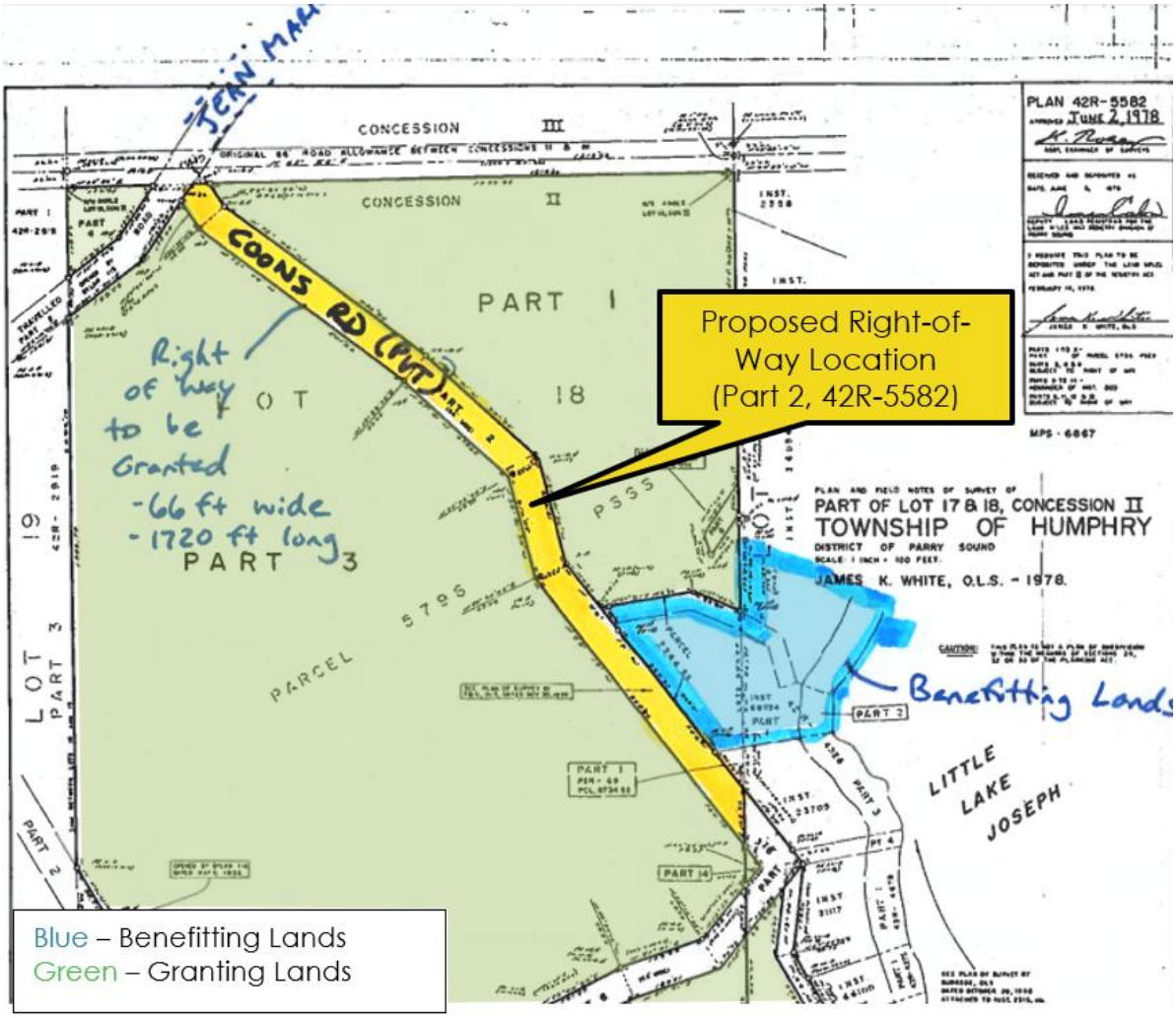
The proposed right-of-way would encompass a portion of an existing and established private road, providing legal access over a portion of the subject lands and benefiting a waterfront property on Little Lake Joseph. The application does not propose any form of new access construction that would require the removal of vegetation or disturbance to the natural terrain.

Figure 1 illustrates the benefiting lands and the granting lands. Figure 2 illustrates the proposed right-of-way location, which encompasses a portion of the existing private road (Coons Road). The right-of-way lands are identified as Part 2 on the survey in Figure 2.

Figure 1: Key Map - Granting and Benefitting Lands



Figure 2: Proposed Right-of-Way, Part 2, Plan 5582



Subject (Granting) Lands:

Lot Area: +/-20 hectares
Lot Frontage: +/- 100 metres
Official Plan Designation: Rural and Resource Area
Zoning By-law 2006-125: Rural Residential (RR) Zone, small portion of Rural (RU) Zone
Access: Jean Marie Road (Public)
Existing Development: Vacant
Surrounding Land Uses: Rural, Waterfront Residential

Comments:

Clerk: No objection
Building: No comments received
Fire/By-law: No comments received
Public Works: No comments received
Treasury: No objection

Public Participation & Access

Notice of the application was circulated and posted in accordance with the Planning Act. Notice was also posted on the Township's website.

No public comments have been received.

Land Use Planning Policy

Planning Act

The application has been reviewed per Section 2 of the Planning Act and is in accordance with the applicable provincial interests.

Provincial Planning Statement, 2024 (PPS) and Growth Plan for Northern Ontario (GPNO)

The Provincial Planning Statement is a province-wide document requiring consistency of all decisions with its policies.

The subject lands are classified as Rural Lands in the PPS. Section 2.6.1 envisions residential development within the Rural Lands, provided that site conditions are suitable for the provision of appropriate sewage and water services. The proposed application to create a right-of-way that would provide legal access over the subject lands to an existing residential waterfront property is consistent with the PPS.

Section 4 of the PPS requires that natural heritage features and areas be protected for the long term. No natural heritage features or areas have been identified on the lands per Schedule C of the Official Plan.

The applications are consistent with the PPS and GPNO policies.

Township of Seguin Official Plan

The subject lands are designated Rural and Resource Area, as per Schedule A of the Official Plan, which permits low-density residential uses. The granting lands are vacant, and the benefiting lands are developed with a dwelling.

Rights-of-way are permitted in accordance with the policies listed in Section E – Transportation and Servicing of the Seguin Official Plan. The Official Plan generally permits private roads and rights-of-way provided that natural and cultural heritage features are not negatively impacted. No heritage features have been identified on the subject lands.

The proposed right-of-way will provide access to an existing waterfront residential property, and the existing use on the lands will continue. In consideration of the above, the application conforms with the Official Plan.

Zoning By-law 2006-125

A majority of the subject property is zoned Rural Residential (RR), with a small portion to the South of the property zoned Rural (RU). Permitted uses in both zones include a detached dwelling, a secondary dwelling unit and accessory structures. The subject lands are vacant and forested.

Provision 4.8 b) of the Zoning By-law permits access by way of a legal private right-of-way for properties that do not front on a public road. As a result of this application, the right-of-way will establish legal access for the existing waterfront property at 23B Coons Road over the subject lands. The right-of-way will be registered on title and will therefore satisfy the intent of the Zoning by-law. As the private road already exists, the proposed right-of-way will not negatively impact the granting or the benefitting lands.

The proposed application complies with the intent of the Zoning By-law.

Financial Impact:

There are no financial impacts associated with this application.

Options/Alternatives:

Council has three options on how to proceed with this Report:

- Option 1: Council can approve the application to permit the Consent, per Schedule A.
- Option 2: Council can defer the application for Consent to address concerns.
- Option 3: Council can deny the application to permit the Consent.

Staff recommends Option 1.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

It is staff's opinion that the consent application to permit the right-of-way is consistent with the Provincial Planning Statement. The application will maintain the intent of the Seguin Official Plan and the provisions of the Zoning By-law. It is recommended that Council approve the proposed consent application.

Prepared by:



Lauren Rettie
Senior Planner

Reviewed by:



Taylor Elgie, MCIP, RPP
Director of Planning



Jason Inwood,
Chief Administrative Officer

Attachments:

Schedule A – Conditions of Approval
Schedule B – Application

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

COUNCIL DECISION re: CONSENT APPLICATION

TAKE NOTICE THAT the Council for The Corporation of the Township of Seguin considered the following Application for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13.

SUBJECT:	Consent Application B-2025-0038-H
Owner:	Elizabeth Mary Coons
Location:	CON 2 PT LOTS 17 AND 18 RP 42R5582 PARTS 1 TO 9, 11 & 14 PT PARTS 10 12 AND 13
Civic Address:	None
Assessment #:	4903-010-001-15300

THE PURPOSE and EFFECT of the consent is to grant right-of-way over a portion of an existing private roadway (Coons Road) on the subject lands (Property Roll 4903-010-001-15300) to benefit 23B Coons Road.

Right-of-Way

LOCATION: PT LT 18 CON 2 HUMPHREY, PART 2 PLAN 42R-5582

DECISION: PROVISIONAL APPROVAL
DATE: February 2nd, 2026

THE REASONS for Council's Decision are:

Given that the Minister of Municipal Affairs and Housing has delegated approval authority under Section 53 of the Planning Act to the Council, the Council is satisfied that the proposed Consent under Section 53 of the Planning Act is consistent with the 2024 Provincial Planning Statement, conforms to the Township's Official Plan, has regard to the regulations of the Zoning By-Law 2006-125, will provide for the orderly development of the Township, and does not fall under the exclusive consideration of Section 51 of the Planning Act.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

DRAFT

CONDITIONS:

The Township's Director of Planning shall not give Final Approval and shall not issue a Certificate regarding Consent **B-2025-0038-H (Coons)** until the Owner satisfies the following conditions of Provisional Approval.

If the Owner fails to satisfy the condition(s) of Provisional Approval as set out herein on or before the **of , 2028**, then this Provisional Approval shall lapse per Subsection 53(41) of the Planning Act.

THAT Consent Application **B-2025-0038-H (Coons)** be Provisionally Approved, subject to the Township's standard conditions of approval, including but not limited to the following conditions, and that this approval applies to the lands described below and as illustrated in Appendix I to these conditions of approval:

1. That this approval applies described as follows:

File B-2025-0038-H	Granting Parcel	Benefitting Parcel
Right-of-Way Width: +/- 20 metres Area: +/- 1 hectare	Roll Number: 4903-010-001-15300	23B Coons Road

2. The owner shall have delivered to the Planning Official the following:

   a. A plan of survey prepared by an Ontario Land Surveyor indicating the right-of-way to be conveyed. All dimensions are to be provided in metric units.

   b. The document conveying the right-of-way so the final consent may be endorsed thereon by the Planning Official.

3. That the Deed Stamping and Review Fee of $166.00 per deed for this application shall have been paid for by the applicant.

4. That all Municipal taxes to date shall be paid in full.

5. That all Township fees and disbursements (legal, engineering, planning), if any incurred by the Township for this application shall be paid for by the owner.

DRAFT

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is the day of , 2026.

Take notice that an appeal to the Ontario Land Tribunal may be made by filing a notice of appeal with the Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at https://olt.gov.on.ca/e-file-service by selecting Seguin Township as the Approval Authority or by email to info@seguin.ca or by mail to 5 Humphrey Drive, Seguin ON, P2A 2W8 no later than 4:30 p.m. on **the day of , 2026.** The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal. The fee can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario.

All written and oral public input was taken into consideration when the merits of this Planning Act application was determined with appropriate measures being included as conditions of approval where required as part of the decision of the approval authority.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Mayor/ Clerk Initials	

CERTIFICATION

I, Taylor Elgie, Director of Planning for The Corporation of the Township of Seguin, do hereby certify that the foregoing is a correct copy of the Decision with respect to the above noted Application.

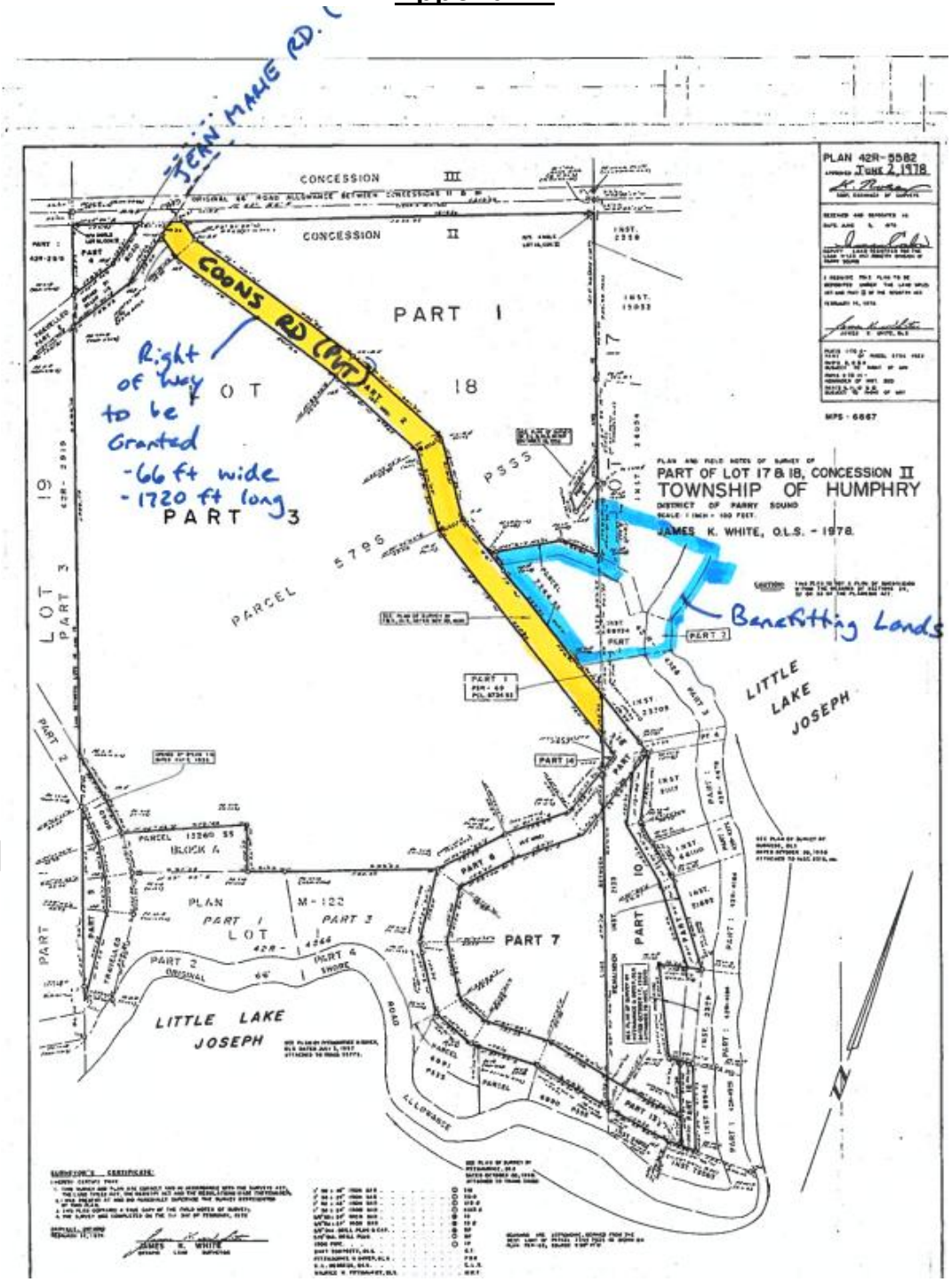
Dated this _____ day of _____, 2026.

_____
Taylor Elgie, MCIP, RPP
Director of Planning

DRAFT

Seguin Municipal Building
5 Humphrey Drive,
Seguin, ON. P2A 2W8

Appendix 1



Township of Seguin

Application for

CONSENT

OFFICE USE ONLY		Date Stamp:
Application No.: B- 2025-0038-H -		
File Name: Coons		November 19, 2025
Civic Address: N/A		
Application Complete: ☒ Yes ☐ No	Fee Received: ☒ Yes ☐ No	

ROLL # 4903- 0100 - 011 - 5300 **- 0000**

Did you pre-consult with the Township Planning Department? ☐ Yes ☐ No

If yes, please submit a copy of your completed "Pre-Consultation Form".

Pre-consultation Date: _____

Attending Planner: _____

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only.

Primary Contact: **W. ROBERT KERR**

a) Registered Owner(s): Elizabeth Mary Coons

(List all owners and contact information if multiple exist)

Mailing Address: 267 Sulphur Springs Rd, Ancaster ON L9G 4T7

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: doncoons@nas.net

b) Agent: W. Robert Kerr

Mailing Address: 1-6 Dominion St, Bracebridge, ON P1L 2A6

Home Phone: _____ Home Fax: _____

Business Phone: 705-645-2286 Business Fax: _____

Email Address: rkerr@lrklaw.ca

c) Planner: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

d) Surveyor: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

e) Solicitor: Ares Law - Bernard Keating

Mailing Address: 14 Ontario St, Bracebridge, ON P1L 2A7

Phone Number: 705-645-8743 Fax Number: _____

Email Address: keating@areslaw.ca

f) Engineer: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): 2

b) Lot(s): 18

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : 42R-5582 Part(s): 1-3, 6-8

e) Geographic Township (former municipality) : Humphrey

f) Civic Address: Un-numbered - Coons Rd

g) Dimensions of the existing subject lands:

Frontage (m)	Depth (m)	Area (ha)
Entire lot: 113 m	Entire lot: various	Entire lot: 20 ha
ROW: 20.1 m	ROW: 524 m	ROW: 1.05 ha

h) Official Plan (current designation of subject lands): Road (private)

i) Zoning (current zoning of subject lands) : Rural & Resource Area

3. PROVINCIAL POLICY

a) Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O. as amended?

- ☑ Yes
- ☐ No

If no, please explain:

b) Is the subject land within an area of land designated under any provincial plan(s)?

- ☑ Yes
- ☐ No

If yes, does the application conform (ie: does not conflict) with the applicable provincial plan(s)?

- ☑ Yes
- ☐ No

4. CONSENT

a) Purpose of the Consent:

- ☐ New Lot(s)
- ☐ Lot Addition
- ☑ Easement or Right-of-Way
- ☑ Title Correction
- ☐ Other: _____

b) Dimensions, uses, and structures of lands to be developed:

Lands	Frontage (m)	Depth (m)	Area (ha)	Existing Use	Proposed Use	Existing Structures	Proposed Structures
RETAINED LOT			20 ha (50 acres)	vacant (road)	Same	None	None
LOT ADDITION							
BENEFITTING LOT	123 m (404 ft)		1.36 ha (3.36 acres)	Waterfront Residential	Same	Cottage residence	Same
SEVERED LOT 1 /ROW	20.1 m (66 ft)	524 m (1720 ft)	1.05 ha	Road	Same	None	None
SEVERED LOT 2							

**Attach an additional sheet if necessary.*

c) If known, provide the name of the person to whom the land or an interest in the land is to be transferred, charged or leased:

Name(s): 1001264241 Ontario Inc.

Mailing Address: 1 Bedford Rd, Suite 2902, Toronto, ON M5R 2B5

Phone Number: _____ Fax Number: _____

Email Address: c/o nathalie@tinti.ca

d) Is this a submission of a previous consent application?

- ☐ Yes
- ☑ No

If yes, please indicate the file number: _____

e) Does the applicant request a certificate for the retained land?

- ☐ Yes
- ☑ No

If yes, please provide a lawyer's statement that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act.

5. HISTORY

a) Date the subject land was acquired by the current owner: 2010

b) When was the present lot created: Prior to at least 1978

c) How was the present lot created:

- ☐ Consent
- ☐ Plan of Subdivision
- ☐ Original Patent
- ☑ Reference Plan
- ☐ Other: _____

d) Are there any easements or right-of-ways affecting the subject lands:

- ☑ Yes
- ☐ No

If yes, indicate and describe the purpose of the easement, or right-of-way:

Parts 2, 6 & 8 on 42R-5582 are an existing road used by many adjacent properties for access by vehicle

e) Have any lands been severed from the original parcel acquired by the Owner of the subject land:

- ☐ Yes
- ☑ No

If yes, please indicate the following:

Date of transfer: _____

Name of transferee: _____

Land use on severed land: _____

6. EXISTING USES

a) Existing uses of the subject land:

- Parts 2, 6 & 8 on 42R-5582 are an existing road
- Remainder of parcel is vacant land (forested)

b) Length of time that the existing uses have continued: Since at least 1960 (65 years)

c) Dimensions of all existing buildings or structures on subject land.
**Attach separate sheet if more than 4 structures exist*

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)
1.						
2.						
3.						
4.						

d) Location of all buildings and/or structures on the subject land (metric)

Type of building / structure	Front Yard (m)	Interior Side Yard (m)	Exterior Front yard (m)	Rear yard (m)
1.				
2.				
3.				
4.				

e) What are the adjacent land uses:

To the north: Waterfront Residential

To the south: Waterfront Residential

To the west: Vacant land (non-waterfront)

To the east: Waterfront Residential

7. ACCESS

a) Access to the subject land is provided by: Stanley House Rd. to Jean Marie Rd. to Coons Rd.

- ☐ Provincial highway
- ☑ Municipal road (year round)
- ☐ Municipal road (seasonal)
- ☐ Private road / Right-of-Way
- ☐ Other road

Water

b) If access to the subject land is by water only, indicate the following:
Provide written confirmation of parking and docking facilities.

Docking facility: _____

Distance from docking to subject land: _____

Distance from docking to nearest public road: _____

Parking facility: _____

Distance from docking to parking: _____

Distance from parking to nearest public road: _____

8. SERVICES

a) Water is provided to the subject land by:

- ☐ Private well
- ☐ Privately owned/operated communal well
- ☐ Lake or other water body
- ☑ Other: N/A

b) Sewage disposal is provided to the subject land by:

- ☐ Private sewage system
- ☐ Privately owned/operated communal sewage system
- ☐ Privy
- ☑ Other: N/A

c) Storm drainage is provided to the subject land by:

- ☑ Ditches
- ☐ Swales
- ☑ Natural
- ☐ Other: _____

9. OTHER APPLICATIONS

Indicate if the subject land is the subject to any applications currently under the Planning Act:

Application	File #	Status
Plan of Subdivision/Condominium (Section 51)		
Consent (Section 53)		
Minor Variance (Section 45)		
Zoning By-law (Section 34)		
Official Plan (Section 22)		
Site Plan (Section 41)		

10. DIRECTIONS: HOW TO GET THERE

Civic Address: Coons Road (Benefitting Lands: 23B Coons Rd).

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

Hwy 141 East to ON-632 (South) to Stanley House Rd (West) to Jean Marie Rd (South) to Coons Rd.

11. PLANS REQUIRED

Please attach a copy of the sketch, site plan, or survey **drawn to scale, in metric**. *One copy must be submitted on 8.5" x 11" paper and an electronic* version in Adobe Acrobat pdf format.

Minimum requirements will be a sketch showing the following:

- ❑ The boundaries and dimensions (frontage, depth, area) of the subject land, the part(s) that is to be **severed** and the part that is to be **retained**.
- ❑ The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land.
- ❑ The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- ❑ The distance between the subject land and the nearest township lot line or landmark
  (ie: bridge, or railway crossing, etc.)
- ❑ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- ❑ The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the Applicant, may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- ❑ The existing use of the adjacent land. (ie: residential, agricultural, commercial, etc.)
- ❑ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right-of-way.
- ❑ If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- ❑ If the subject land has lake frontage, label the lake name.
- ❑ The location and nature of any easement affecting the subject land.
- ❑ Label the lots numerically (ie: Lot 1, Lot 2)
- ❑ North arrow and scale.

12. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), Elizabeth Mary Coons the undersigned,
Registered Owner(s)

being the Registered Owner(s) of the subject land, hereby authorize

W. Robert Kerr to act as my Agent with respect to the
Agent

preparation and submission of this Application.

Elizabeth Mary Coons — November 11, 2025
Signature of Owner — Date

Signature of Owner — Date

13. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form, collected and maintained pursuant to Section 53 of The Planning Act, will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

Elizabeth Mary Coons	November 11, 2025
Signature of Owner	Date
Signature of Owner	Date
	November 2025
Signature of Witness	Date

14. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I W. Robert Kerr (Owner(s)/(Agent)) of the Town of Bracebridge in the County/District/Regional Municipality of Muskoka do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Bracebridge in the Province of Ontario this 17th day of November, 2025.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Signature of Commissioner

Sandra Anne Fitzsimmons, a Commissioner, etc., Province of Ontario, for Lee, Roche & Kerr, Barristers and Solicitors. Expires May 22, 2028

Commissioners Stamp

15. ADDITIONAL FEES AND ACKNOWLEDGEMENT

If Planning, Engineering and/or legal and land appraisal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

In consideration of being permitted to proceed with the application for consent without first securing the required development approval(s), the registered owner(s) and agent hereby release and discharge the Township from any and all claims for liability, costs, expenses, damages, losses associated with or resulting from an inability to meet, or failure to meet, the conditions imposed in any conditional approval of the consent application in this matter requiring the obtaining of development approval(s).

Elizabeth Mary Coons — November 11, 2025

Signature of Owner(s)/Agent — Date

Please submit this application to the Township of Seguin Planning Department at:

Township of Seguin
5 Humphrey Drive
Seguin, ON P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846

Prepared for: Mayor and Members of Council

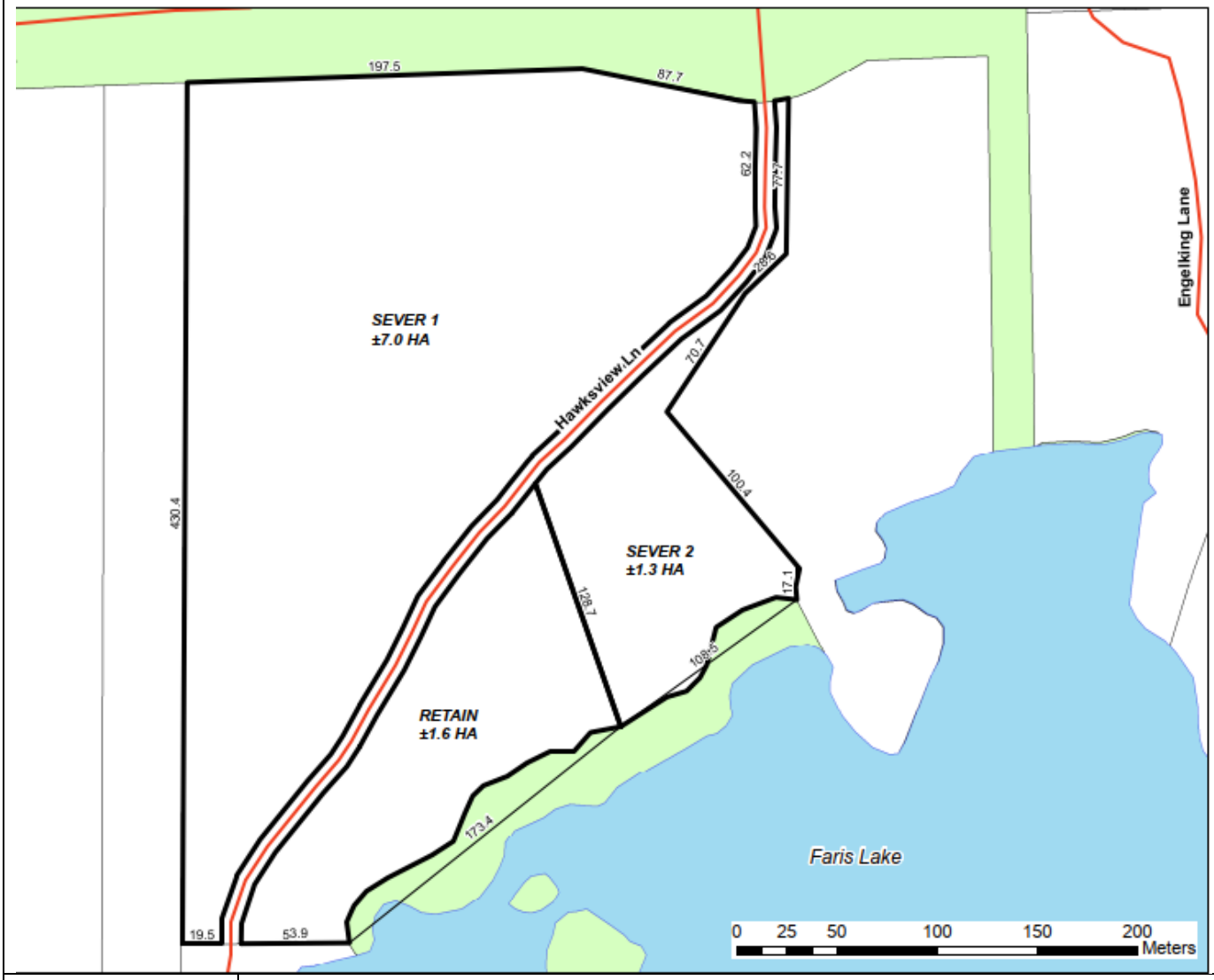
Subject: Zoning By-law Amendment and Consent R-2025-0014-F and B-2025-029-30-F(Jacques)

From: Taylor Elgie, MCIP, RPP, Director of Planning, Planning Department

Agenda Date: February 2, 2026 Report No: PL-2026-012

Public Meeting Report

Proposal	The purpose of the proposed Consent is to sever a rural backlot with frontage along Highway 518, and create a new shoreline lot. The two shoreline lots will have 108 and 173 metres of waterfrontage, and areas of 1.3 and 1.6 hectares. They will be accessed by a ROW over Hawksview Lane. The rural backlot will be 7 hectares, with close to 200 metres of frontage on Highway 518 and frontage on a private road. As a component of the application, a privately held island will be deeded to the municipality to ensure there is no new overall development on the lake. The purpose of the associated Zoning By-law Amendment is to rezone the island to Open Space, rezone the rural lot to Rural, implement the recommendations of an EIS, and rezone the shoreline lots to an LSR zone.
File Details	Zoning By-Law Application: R-2025-0014-F Consent Application: B-2025-029-30-F Owner: Franklin Jacques Agent: John Jackson Planner Inc. Subject Lands: FOLEY CON 10 PT LOT 6 RP 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2 Roll No. 4903-030-003-00605
What is the Request?	The applicant wishes to create two new lots: one rural backlot and one new waterfront parcel. An interesting component of the application is that the applicant would deed the Township an island on the lake, which would be a condition of approval. The goal is to meet the overall intent of the Official Plan.

	The environmental study will need to be peer reviewed and implemented via zoning and site plan control.
	
Internal and Agency Comments	Clerk: No comments Building: No objections. Fire/By-law: No comments Public Works: No comments Treasury: No comments Please note that all comments will be considered as part of the staff recommendation report to Council.
Public Comments	Schedule D includes the comments submitted to date.

<table>
<tr><td></td><td>Please note that all comments will be considered as part of the staff recommendation report to Council.</td></tr>
<tr><td>Official Plan</td><td>Designations - Rural and Resource Area, Environmental Protection and Narrow Waterbodies

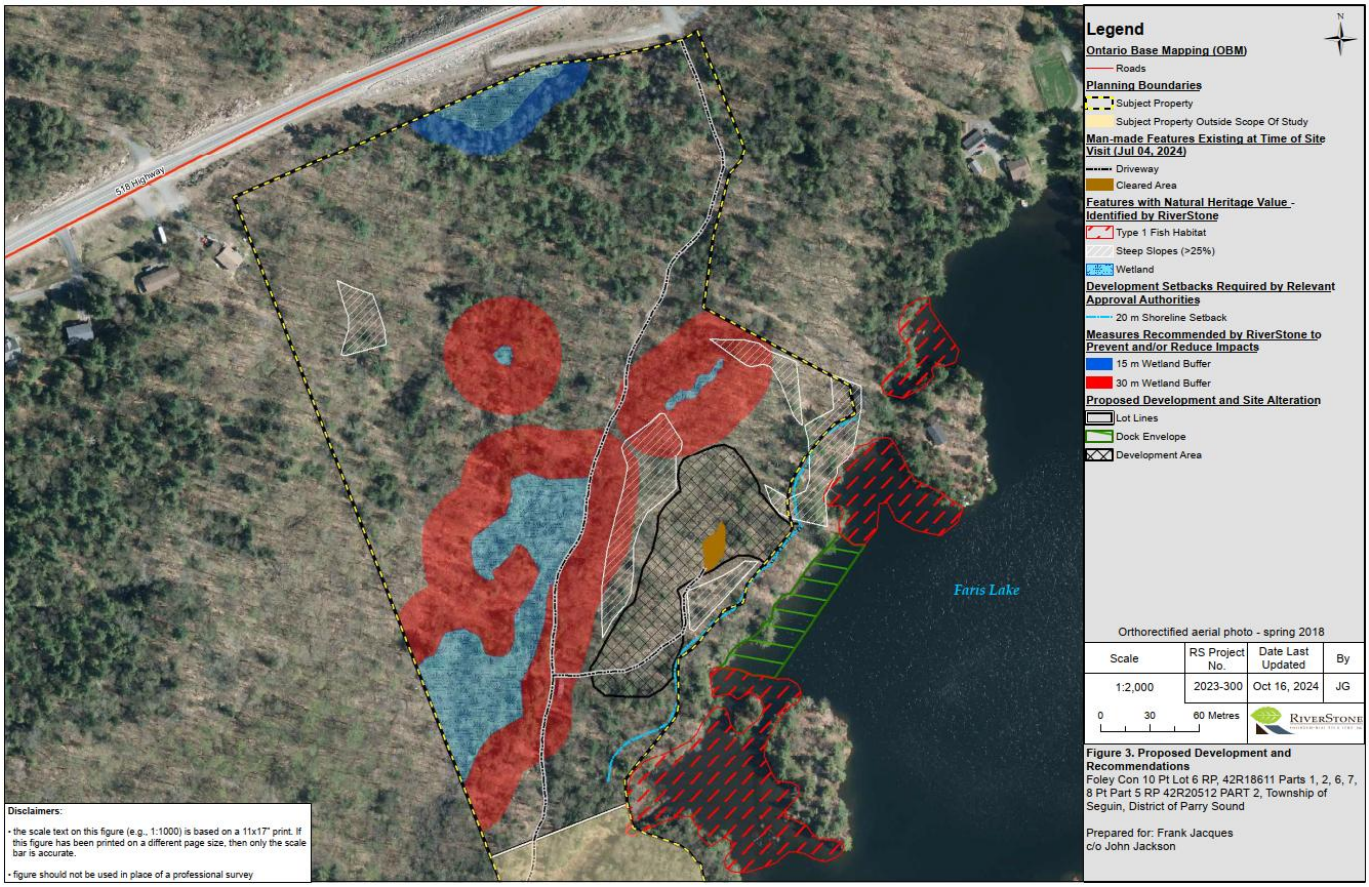
Faris Lake is a High Sensitivity, which requires a minimum lot frontage of 200m, and is also at Recreational Carrying Capacity. New lots are not permitted on these types of waterbodies.

However, the applicant has proposed to give the Township a developable island in exchange for the additional shoreline lot. In this regard, there are no net-new lots.

A full planning analysis will occur in the recommendation report.</td></tr>
<tr><td>Zoning</td><td>Shoreline Residential One (SR1), Environmental Protection (EP)</td></tr>
<tr><td>Access</td><td>Private ROW from MTO Road 518.

The applicant was advised to speak with the MTO regarding an appropriate location for access to the back lot. The MTO noted that no new entrance off 518 will be permitted. In this regard, the existing entrance must be used.</td></tr>
<tr><td>Lot Size and Frontage</td><td><table>
<tr><td></td><td>Proposed</td><td>Required</td></tr>
<tr><td>Severed 1 (Back Lot)</td><td>Frontage - 284 metres
Area - 7 hectares</td><td>Frontage - 120 metres
Area - 4 hectares</td></tr>
<tr><td>Severed 2</td><td>Frontage – 108.5 metres
Area – 1.3 hectares</td><td>Frontage - 200 metres
Area - 1 hectare</td></tr>
<tr><td>Retained</td><td>Frontage – 173.4 metres
Area – 1.6 hectares</td><td>Frontage - 200 metres
Area - 1 hectare</td></tr>
</table></td></tr>
<tr><td>Existing Development and Site</td><td>- Lot is vacant
- Lands are well vegetated with areas of slopes.
- Shoreline is natural.</td></tr>
</table>

Supporting Studies	- Planning Justification Report by John Jackson Planning Inc – Schedule B o Although the report pre-dates the current rural severance policy, staff do not think an update is required. o The report notes the island, which is to be deeded to the Township, is indeed developable, and therefore the 'swap' maintains the intent of the Plan so that no net new development will occur. o It is concluded that the proposal is consistent with the PPS (note, it was analyzed to the 2020 PPS, but staff do not feel this warrants an addendum), conforms with the local plan and is good planning. - Site Evaluation Report by Riverstone Environmental Solutions Inc. - Schedule C o This report is still awaiting a municipal peer review, and a recommendation will not be brought forward until it is peer-reviewed. o The report provides several recommendations and identifies a development envelope per the following figure. It concludes that development is consistent with the relevant policies and legislation.



Key Considerations and Next Steps	- A full recommendation and analysis will be brought forward for Council's consideration at a future Council meeting. The recommendation report will consider public and agency comments. - Staff have noted the EIS should be updated to demonstrate an appropriate building envelope on the island to confirm it is a developable parcel (both a building and septic). It should also be updated to ensure that Faris Lake is evaluated as high sensitivity. - A peer review will be required. - It has been flagged that a restrictive covenant exists on one of the severed lots. This needs to be addressed by the applicant prior to a decision.

Prepared By:

T. Elgie

_____
Taylor Elgie, MCIP, RPP
Director of Planning

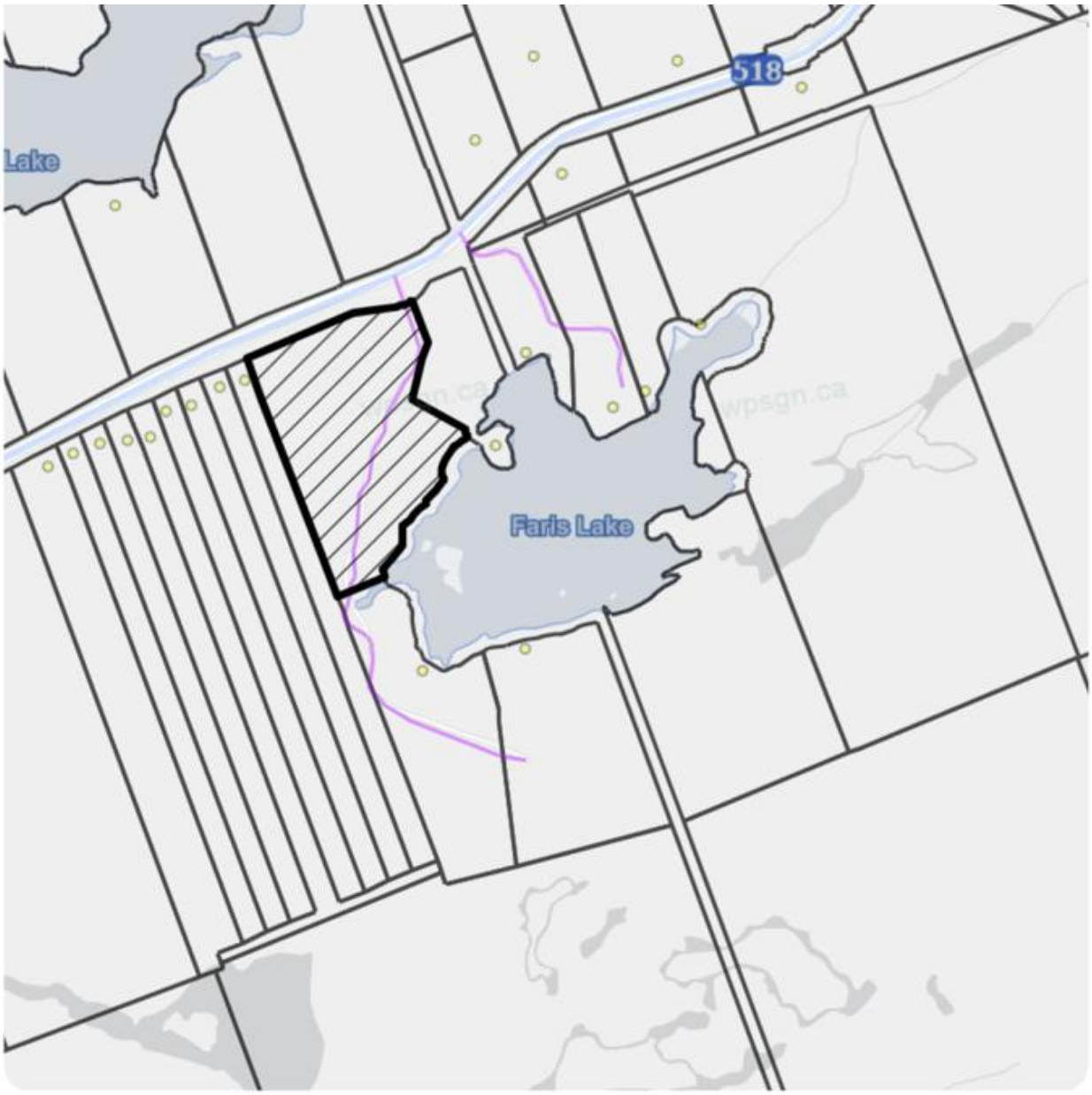
Reviewed By:

_____
Jason Inwood
Chief Administrative Officer

Attachments:

Schedule A – Applications
Schedule B – Planning Justification Report
Schedule C – Environmental Study
Schedule D – Public Comments

Figure 1: Key Map



Township of Seguin

Application for

CONSENT

AS PER BY-LAW 2015-071, APPLICANTS ARE REQUIRED TO PRE-CONSULT WITH THE TOWNSHIP PLANNING DEPARTMENT PRIOR TO SUBMITTING AN APPLICATION.

CONSENT APPLICATION CHECKLIST
Please ensure you have completed the following prior to submitting your application:

- ❑ Fully complete all sections of the application.

- ❑ Sign application in all appropriate locations and obtain signed authorization from the Owner(s) if you are acting as their Agent.

- ❑ Declaration of Owner(s)/Agent must have a Commissioner's stamp and signature.

- ❑ Application fees attached, made payable to the Township of Seguin.
  - Consent: Severance $800.00
  - Consent: Lot Addition $800.00
  - Consent: Right-of-Way $800.00
  - Consent: Right-of-Way per multiple (after initial) $100.00

- ❑ Sketch or site plan (in metric) in accordance with the requirements of the application form. All sketches or site plans must be *drawn to scale, in metric units only*.

- ❑ Copy of any correspondence, approvals or permits from outside agencies/departments.
  - North Bay Mattawa Conservation Authority
  - Ministry of Transportation, etc.
    (See Consent Application - Appendix 1- contact information)

- ❑ Copy of all studies and reports required to be submitted with your application (List of studies as per Township of Seguin Official Plan B.14 including Planning Justification Report).

- ❑ Copy of your completed Consultation Form from the Planning Department, if you chose to use this service.

- ❑ Copy of your Deed.

- ❑ 10 copies of required plans (see section 11 of Application Form)

TOWNSHIP POSTING PROCEDURES:

In order to help with a site inspection of your property, the following posting and marking will be done at least two weeks prior to your scheduled public meeting:

Severance - Lot Addition

1) A sign will be posted that is clearly visible, approximately 8 ½" x 11" bearing your name and application number, at the main access of the retained lands and at approximate centre of the severed lands.

2) The boundaries of the severed and retained lands may also be marked at the roadway and/or at shoreline with bright tape, fluorescent paint, etc.

Right of way - Easement

1) A sign will be posted that is clearly visible, approximately 8 ½" x 11" bearing your name and application number, at the main access of the subject lands.

2) The centre of proposed right-of-way may be marked and/or flagged at every 15 metres along the proposed right of way to the benefitting property.

It is the responsibility of the Applicant to ensure that signage of the lands and/or right of way that is associated with the subject Application is maintained in good repair and remains visible to the public for the duration of the review process. Failure to do so may result in delay of your application.

Council members and/or Township staff may conduct site inspections of your lands. By submitting this application you are authorizing the Township to access your lands for the purposes of conducting the required site inspection. Please be advised that where access is by water or by summer maintained municipal road or by private road, the consideration of the application may be delayed during the winter until such time as safe access can be obtained to the lands.

You may be required to submit a copy of the Deed for the subject land. If access is provided by private road/right-of-way from a municipal road, attach a copy of the deed indicating if the access is registered on title.

Parkland Dedication Fee is applicable for new lots created. (See Appendix 2)

Your application will not be processed until it is complete. A complete application will be determined in accordance with the requirements of the Planning Act, the Provincial Policy Statement, and the Township of Seguin Official Plan. Please be advised that technical and supporting studies submitted as part of a complete application may be required to be peer reviewed. If a Peer Review is required, the cost will be at the expense of the applicant in accordance with policies of the Seguin Official Plan. The Planning Department will obtain prior authorization to proceed with the peer review from the applicant. To expedite the processing of your application please ensure it is complete upon submission. Incomplete applications will be returned for you to attend to the identified submission deficiencies. We will not hold incomplete applications in our office.

If you require additional assistance regarding this application please contact the Planning Department at:

Township of Seguin
5 Humphrey Dr.,
Seguin, ON, P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846

List of Appendices

1. Emergency Contact References
2. On-Site Sewage System Review – Planning Act Proposal
3. Endangered Species Act (ESA), 2007 Implications for Landowners
4. Parkland Dedication

Township of Seguin

Application for

CONSENT

OFFICE USE ONLY		Date Stamp:
Application No.: B- 2025 - 0029-30 - F File Name: Jacques Civic Address: N/A		Nov 7/2025
Application Complete: ☒ Yes ☐ No	Fee Received: ☒ Yes ☐ No	

ROLL # 4903-030 **-** 003 **-** 00605 **- 0000**

Did you consult with the Township Planning Department? ☒ Yes ☐ No
If yes, please submit a copy of your completed "Consultation Form".

1. CONTACT INFORMATION:
All communication will be directed to the Primary Contact only.

Primary Contact: John Jackson Planner Inc.

a) Registered Owner(s): Franklin Jacques
(List all owners and contact information if multiple exist)
346 KINGSWOOD RD TORONTO ON,M4E 3N9

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

b) Agent: John Jackson Planner Inc.

Mailing Address: 1 Mall Drive,Unit 2 Parry Sound, ON P2A 3A9

Home Phone: _____ Home Fax: _____

Business Phone: 705-746-5667 Business Fax: _____

Email Address: JJplan@vianet.ca

c) Planner: Agent

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

d) Surveyor: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

e) Solicitor: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

f) Engineer: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): 10

b) Lot(s): 6

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : 42R-18611(42R-20512) Part(s): 1,2,6,7,8 (5)

e) Geographic Township (former municipality) : Foley

f) Civic Address: Hawksview Lane

g) Dimensions of the existing subject lands:

Frontage (m)	Depth (m)	Area (ha)
±280	±430	9.8

h) Official Plan (current designation of subject lands) : Waterfront

i) Zoning (current zoning of subject lands) : SR1, LSR, EP

3. PROVINCIAL POLICY

a) Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O. as amended?

- [X] Yes
- [ ] No

If no, please explain:

_____

b) Is the subject land within an area of land designated under any provincial plan(s)?

- [X] Yes
- [ ] No

If yes, does the application conform (ie: does not conflict) with the applicable provincial plan(s)?

- [X] Yes
- [ ] No

4. CONSENT

a) Purpose of the Consent:

- [X] New Lot(s)
- [ ] Lot Addition
- [ ] Easement or Right-of-Way
- [ ] Title Correction
- [ ] Other: _____

b) Dimensions, uses, and structures of lands to be developed:

Lands	Frontage (m)	Depth (m)	Area (ha)	Existing Use	Proposed Use	Existing Structures	Proposed Structures
RETAINED LOT	173	128	1.6	Vacant	Res	None	
SEVERED LOT 1	285	430	7.0	Vacant	Res	None	
SEVERED LOT 2	108	250	1.3	Vacant	Res	None	
SEVERED LOT 3							
SEVERED LOT 4							

**Attach an additional sheet if necessary.*

c) If known, provide the name of the person to whom the land or an interest in the land is to be transferred, charged or leased:

Name(s): _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

d) Is this a submission of a previous consent application?

Yes
X No

If yes, please indicate the file number: _____

5. HISTORY

a) Date the subject land was acquired by the current owner: 2003

b) When was the present lot created: Consent - 2006

c) How was the present lot created:

X Consent
Plan of Subdivision
Original Patent
Reference Plan
Other: _____

d) Are there any easements or right-of-ways affecting the subject lands:

X Yes
No

If yes, indicate and describe the purpose of the easement, or right-of-way:

Hawksview Lane

e) Have any lands been severed from the original parcel acquired by the Owner of the subject land:

X Yes
No

If yes, please indicate the following:

Date of transfer: 2006

Name of transferee: Jacques

Land use on severed land: Vacant

6. EXISTING USES

a) Existing uses of the subject land:
Vacant

b) Length of time that the existing uses have continued: _____

c) Dimensions of all existing buildings or structures on subject land.
**Attach separate sheet if more than 4 structures exist*

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)

d) Location of all buildings and/or structures on the subject land (metric)

Type of building / structure	Front Yard (m)	Interior Side Yard (m)	Exterior Front yard (m)	Rear yard (m)

e) What are the adjacent land uses:

To the north: Vacant

To the south: Seasonal

To the west: Residential

To the east: Seasonal

7. ACCESS

a) Access to the subject land is provided by: Hawksview Lane

- Provincial highway
- Municipal road (year round)
- Municipal road (seasonal)
- X Private road / Right-of-Way
- Other road
- Water

b) If access to the subject land is by water only, indicate the following:
Provide written confirmation of parking and docking facilities.

Docking facility: _____

Distance from docking to subject land: _____

Distance from docking to nearest public road: _____

Parking facility: _____

Distance from docking to parking: _____

Distance from parking to nearest public road: _____

8. SERVICES

a) Water is provided to the subject land by:
- [X] Private well
- [ ] Privately owned/operated communal well
- [ ] Lake or other water body
- [ ] Other: _____

b) Sewage disposal is provided to the subject land by:
- [ ] Private sewage system
- [ ] Privately owned/operated communal sewage system
- [ ] Privy
- [ ] Other: _____

c) Storm drainage is provided to the subject land by:
- [ ] Ditches
- [ ] Swales
- [X] Natural
- [ ] Other: _____

9. OTHER APPLICATIONS

Indicate if the subject land is the subject to any applications currently under the Planning Act:

Application	File #	Status
Plan of Subdivision/Condominium (Section 51)		
Consent (Section 53)		
Minor Variance (Section 45)		
Zoning By-law (Section 34)		
Official Plan (Section 22)		
Site Plan (Section 41)		

10. DIRECTIONS: HOW TO GET THERE

Civic Address: Hawksview Lane

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

Highway 141 west to Highway 400 north to exit 220 onto Highway 518 E

Turn Right onto Hawksview Lane.

11. PLANS REQUIRED

Please attach 10 copies of the sketch, site plan or survey **drawn to scale, in metric**.
One copy must be submitted on 8.5" x 11" paper and an electronic version in Adobe Acrobat pdf format.

Minimum requirements will be a sketch showing the following:

- ❑ The boundaries and dimensions (frontage, depth, area) of the subject land, the part(s) that is to be **severed** and the part that is to be **retained**.
- ❑ The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land.
- ❑ The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- ❑ The distance between the subject land and the nearest township lot line or landmark (ie: bridge, or railway crossing, etc.)
- ❑ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- ❑ The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the Applicant, may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- ❑ The existing use of the adjacent land. (ie: residential, agricultural, commercial, etc.)
- ❑ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right-of-way.
- ❑ If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- ❑ If the subject land has lake frontage, label the lake name.
- ❑ The location and nature of any easement affecting the subject land.
- ❑ Label the lots numerically (ie: Lot 1, Lot 2)
- ❑ North arrow and scale.

12. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), Franklin Jacques _____ the undersigned, being the
Registered Owner(s)

Registered Owner(s) of the subject land, hereby authorize John Jackson Planner Inc.
Agent

to act as my Agent with respect to the preparation and submission of this Application.

_____	November 7th 2023
Signature of Owner	Date
_____	November 7th 2023
Signature of Owner	Date

13. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form, collected and maintained pursuant to Section 53 of The Planning Act, will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

_____	Novermber 7th 2023
Signature of Owner	Date
_____	November 7th 2023
Signature of Owner	Date
_____	November 7th 2023
Signature of Witness	Date

14. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I John Jackson (Owner(s)/Agent) of the Town

of Parry Sound in the County/District/Regional Municipality of Parry Sound

do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Parry Sound

in the District of Parry Sound

this 7th day of November, 2023.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Signature of Commissioner

Patrick James Christie, a Commissioner, etc., Province of Ontario, for Parry Sound Area Property Consulting Inc. Expires September 4, 2027

Commissioners Stamp

15. ADDITIONAL FEES

If Planning, Engineering and/or legal and land appraisal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

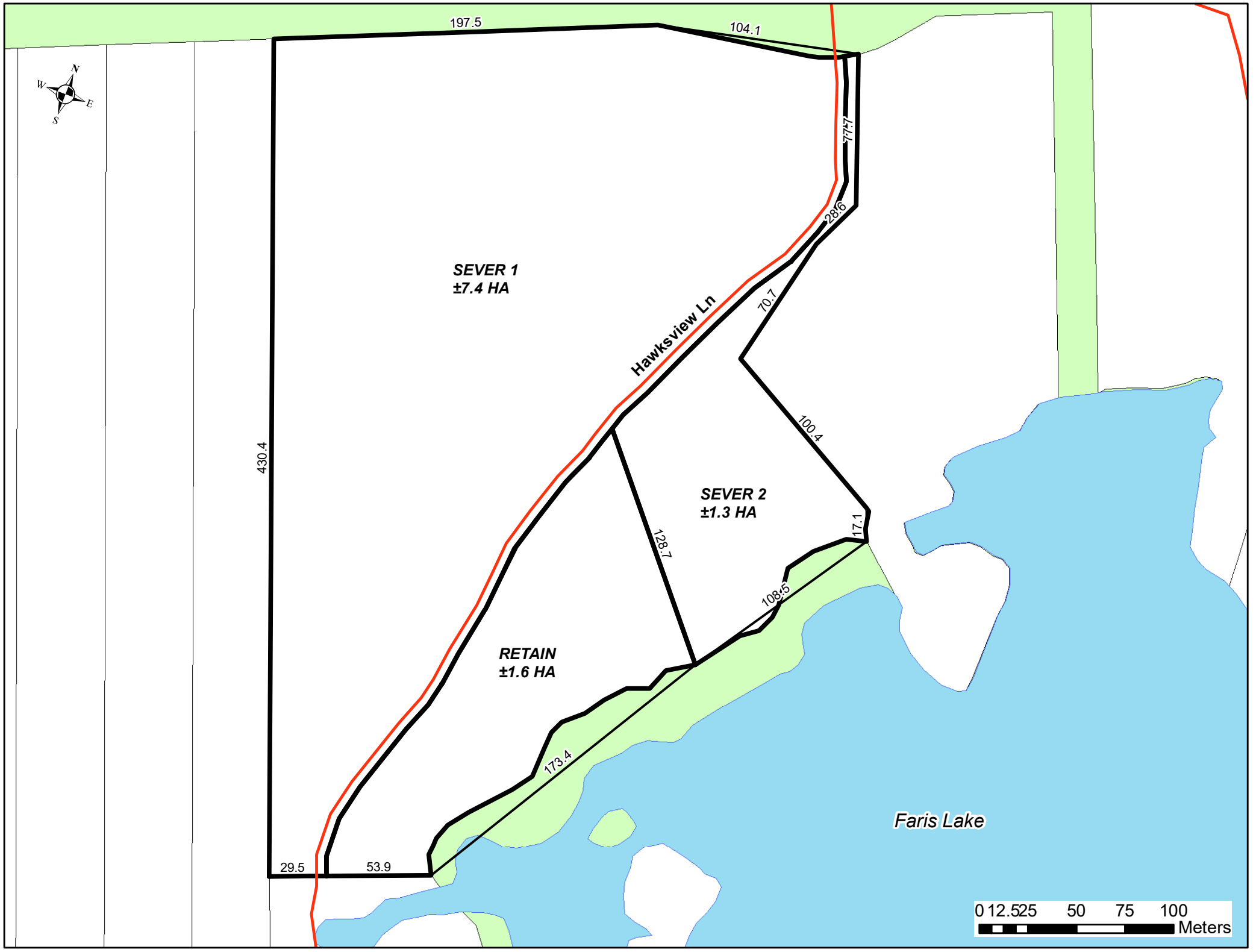
Signature of Owner(s)/Agent

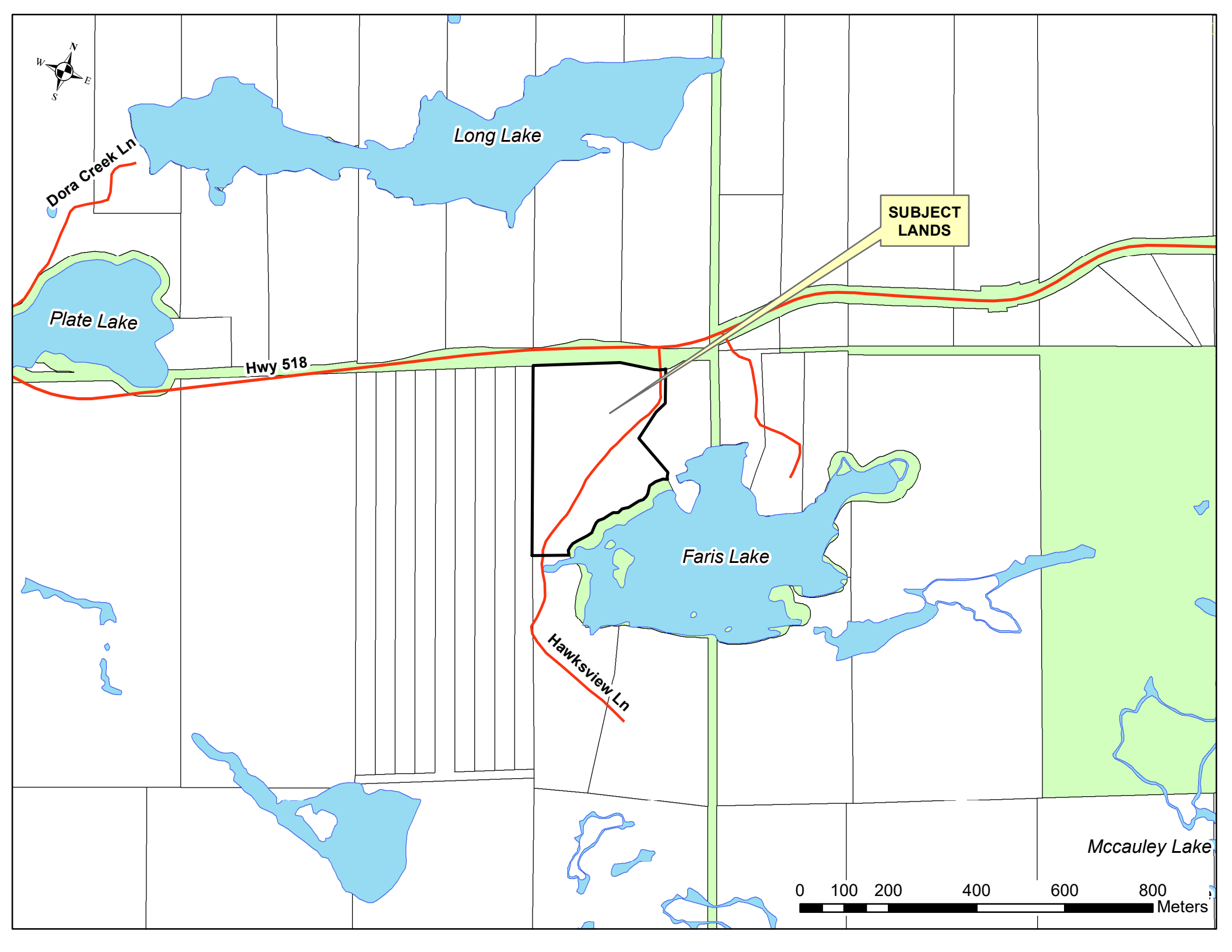
Nov 7, 2023

Date

Please submit this application to the Township of Seguin Planning Department at:

Township of Seguin
5 Humphrey Drive
RR #2 Parry Sound, ON P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846


197.5
104.1
177.7
28.6
70.7
100.4
17.1
108.5
128.7
173.4
29.5
53.9
430.4
SEVER 1
±7.4 HA
SEVER 2
±1.3 HA
RETAIN
±1.6 HA
Hawksview Ln
Faris Lake
0 12.525 50 75 100
Meters


N
W
E
S
Long Lake
Dora Creek Ln
SUBJECT LANDS
Plate Lake
Hwy 518
Faris Lake
Hawksview Ln
Mccauley Lake
0
100
200
400
600
800
Meters

Township of Seguin

Application for

ZONING BY-LAW AMENDMENT

IT IS RECOMMENDED THAT YOU CONSULT WITH THE TOWNSHIP PLANNING DEPARTMENT PRIOR TO SUBMITTING YOUR APPLICATION.

ZONING BY-LAW AMENDMENT APPLICATION CHECKLIST
Please ensure you have completed the following prior to submitting your application:

- ❑ Fully complete all sections of the application.
- ❑ Sign application in all appropriate locations and obtain signed authorization from the Owner(s) if you are acting as their Agent.
- ❑ Declaration of Owner(s)/Agent must have a Commissioner's stamp and signature.
- ❑ Application fees attached. Cheque made payable to the Township of Seguin.
  - $1,000.00 – Zoning By-law Amendment: Minor
  - $1,500.00 – Zoning By-law Amendment: Major
- ❑ Sketch or site plan (in metric) in accordance with the requirements of the application form. All sketches or site plans must be *drawn to scale, in metric units only*.
- ❑ Copy of any correspondence, approvals or permits from outside agencies/departments.
- ❑ Copy of all studies and reports required to be submitted with your application.
- ❑ Copy of your completed Consultation Form from the Planning Department, if you chose to use this service.
- ❑ If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, the following is required:
  - a servicing options report; and
  - a hydrogeological report
- ❑ Copy of your Deed.

❑ APPLICANTS POSTING INSTRUCTIONS

- In order to facilitate consideration of your Application for Zoning By-law Amendment, we ask that you complete the following upon submission of the application to the Township.

- Post a clearly visible sign approximately 14" x 18" bearing your name, your Application number (provided by the Township Planning Department), lot and concession number, and the Plan number, on the main access side of your property, preferably where your driveway accesses onto the Township Road (and in the middle of your shoreline frontage, if possible).

- Mark out, on the ground, the location of the proposed lot lines - marking it clearly with stakes and coloured ribbon.

- It is the responsibility of the Applicant to mark the property which is the subject of this Application.

Council members and/or Township staff may conduct site inspections of your lands. By submitting this application you are authorizing the Township to access your lands for the purposes of conducting the required site inspection. Please be advised that where access is by water or by summer maintained municipal road or by private road, the consideration of the application may be delayed during the winter until such time as safe access can be obtained to the lands.

You may be required to submit a copy of the Deed for the subject land. If access is provided by private road/right-of-way from a municipal road, attach a copy of the deed indicating if the access is registered on title.

Your application will not be processed until it is complete. A complete application will be determined in accordance with the requirements of the Planning Act, the Provincial Policy Statement, and the Township of Seguin Official Plan. Please be advised that technical and supporting studies submitted as part of a complete application may be required to be peer reviewed. If a Peer Review is required, the cost will be at the expense of the applicant in accordance with policies of the Seguin Official Plan. The Planning Department will obtain prior authorization to proceed with the peer review from the applicant. To expedite the processing of your application please ensure it is complete upon submission. Incomplete applications will be returned for re-submission. We will not hold incomplete applications in our office.

If you require additional assistance regarding this application please contact the Planning Department at:

Township of Seguin
5 Humphrey Drive
Seguin, ON, P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846

Township of Seguin

Application for

ZONING BY-LAW AMENDMENT

OFFICE USE ONLY		Date Stamp:
Application No.: R- 2025 0014 F - [redacted]		
File Name: Jacques		Nov 7, 2025
Civic Address: N/A		
Application Complete: ☒ Yes ☐ No	Fee Received: ☒ Yes ☐ No	

4903-030-003-00605

ROLL # 4903-_____ - _____ - _____ - 0000

Did you consult with the Township Planning Department? **O** Yes ☐ No

If yes, please submit a copy of your completed "Consultation Form".

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only.

Primary Contact: John Jackson Planner Inc.

a) **Registered Owner(s):** Franklin Jacques

(List all owners and contact information if multiple exist)

Mailing Address: 346 kingswood rd Toronto on,M4E 3N9

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

b) **Agent:** John Jackson Planner Inc.

Mailing Address: 1 Mall Drive,Unit 2 Parry Sound, ON P2A 3A9

Home Phone: _____ Home Fax: _____

Business Phone: 705-746-5667 Business Fax: _____

Email Address: JJplan@vianet.ca

c) Planner: John Jackson Planner Inc

Mailing Address: 2-1 Mall Drive, Parry Sound, ON P2A 3A9

Phone Number: 705-746-5667 Fax Number: _____

Email Address: JJPlan@vianet.ca

d) Surveyor: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

e) Solicitor: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

f) Engineer: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): 10

b) Lot(s): 6

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : 42R-18611(42R-20512) Part(s): 1,2,6,7,8 (5)

e) Geographic Township (former municipality) : Foley

f) Civic Address: Hawksview Lane

g) Dimensions of subject lands:

Frontage (m)	Depth (m)	Area (ha)
±280	±430	9.8

h) Official Plan (current designation of subject lands) : Waterfront

i) How does the application conform to the Official Plan: Supports Lot Creation

j) Are there any easements or right-of-ways affecting the subject lands?

- ☑ Yes
- ☐ No

If yes, indicate and describe the purpose of the easement or right-of-ways: Rights-of-way to existing waterfront lots

k) The subject land is within an area where zoning with conditions apply:

- ☑ Yes
- ☐ No

If yes, please attach an explanation of how the application conforms to the Official Plan policies relating to the zoning with conditions.

l) The subject land is within an area where the municipality has pre-determined the minimum and maximum density requirement or the minimum and maximum height requirements:

- ☐ Yes
- ☑ No

If yes, state the requirements: _____

m) The subject land is within an area of land designated under any provincial plan or plans:

- ☑ Yes
- ☐ No

If yes, does the application conform to or does not conflict with the applicable provincial plan or plans:

- ☑ Yes
- ☐ No

3. ZONING BY-LAW AMENDMENT

a) The current zoning of the subject land: SR1, LSR, EP

b) The nature and extent of the proposed rezoning: Proposed road-front lot to be rezoned from SR1 to Rural (RU)

c) The purpose of the proposed rezoning: Proposed lot will no longer front on Faris Lake

d) Dimensions of the proposed lands to be rezoned:
If only a portion of the subject property is being rezoned.

Frontage (m)	Depth (m)	Area (ha)
285	430	7.0

e) The application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement:

- ❑ Yes
- ☑ No

If yes, attach details of the Official Plan or Official Plan amendment that deals with the above matter.

f) The application is to remove land from an area of employment:

- ❑ Yes
- ☑ No

If yes, attach details of the Official Plan or Official Plan amendment that deals with the above matter.

g) The requested amendment to the Zoning By-law is consistent with the policy statements issued under subsection 3 (1) of the Act:

- ☑ Yes
- ❑ No

4. EXISTING AND PROPOSED USES

a) Date the subject land was acquired by the current Owner: 2003

b) Existing uses of the subject land:

Vacant

c) Length of time that the existing uses have continued: --

d) Proposed uses of the subject land:

Residential

**Attach a separate description if necessary*

e) Date the existing building(s) or structure(s) on the subject land were constructed:

Type of building/ structure	Date Constructed
1. None	
2.	
3.	
4.	

f) Location of all buildings and/or structures on the subject land (metric):

Existing:

Type of building / structure	Front Yard (m)	Interior Side Yard (m)	Exterior Side yard (m)	Rear yard (m)
None				

Proposed:

Type of building / structure	Front Yard (m)	Interior Side Yard (m)	Exterior Side yard (m)	Rear yard (m)
Unknown				

**Attach separate sheet if more than 4 existing or proposed structures*

g) Dimensions of all buildings or structures on subject land.

Existing:

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)

Proposed:

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)

h) What are the adjacent land uses:

To the north: Vacant

To the south: Seasonal

To the west: Residential

To the east: Seasonal

5. ACCESS

a) Access to the subject land is provided by: Hawksview Lane/Hwy 518

- ☑ Provincial highway
- ❑ Municipal road (year round)
- ❑ Municipal road (seasonal)
- ☑ Private road / Right-of-Way
- ❑ Other road
- ❑ Water

b) If access to the subject land is by water only, indicate the following:
Provide written confirmation of parking and docking facilities.

Docking facility: _____

Distance from docking to subject land: _____

Distance from docking to nearest public road: _____

Parking facility: _____

Distance from docking to parking: _____

Distance from parking to nearest public road: _____

6. SERVICES

a) Water is provided to the subject land by:

- ❑ Private well
- ❑ Privately owned/operated communal well
- ❑ Lake or other water body
- ❑ Other: _____

b) Sewage disposal is provided to the subject land by:

- ❑ Private sewage system
- ❑ Privately owned/operated communal sewage system
- ❑ Privy
- ❑ Other:_____

c) Storm drainage is provided to the subject land by:

- ❑ Ditches
- ❑ Swales
- ☑ Natural
- ❑ Other: _____

7. OTHER APPLICATIONS

a) Indicate if the subject land is the subject to any applications currently under the Planning Act:

Application	File #	Status
Plan of Subdivision/Condominium (Section 51)		
Consent (Section 53)		
Minor Variance (Section 45)		
Zoning By-law (Section 34)		
Official Plan (Section 22)		
Site Plan (Section 41)		

b) The subject land has been the subject of a Minister's Zoning Order:

- ❑ Yes
- ☑ No

If yes, indicate the Ontario Regulation number of the order: _____

8. DIRECTIONS: HOW TO GET THERE

Civic Address: Hawksview Lane

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

Highway 141 west to Highway 400 north to exit 220 onto Highway 518 E

Turn Right onto Hawksview Lane.

9. PLANS REQUIRED

Please attach 10 copies of the sketch, site plan or survey **drawn to scale, in metric**.
One copy must be submitted on 8.5" x 11" paper and an electronic version in Adobe Acrobat pdf format.

Minimum requirements will be a sketch showing the following:

- ❑ The boundaries and dimensions (frontage, depth and area) of the subject land.
- ❑ Indicate the area to be rezoned.
- ❑ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- ❑ The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the Applicant, may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, banks of rivers or stream, wetlands, wooded areas, wells and septic tanks.
- ❑ The current uses on land that is adjacent to the subject land.
- ❑ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right-of-way.
- ❑ If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- ❑ If the subject land has lake frontage, label the lake name.
- ❑ The location and nature of any easement affecting the subject land.
- ❑ North arrow and scale.

10. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), Franklin Jacques (*Registered Owner(s)*) the undersigned, being the Registered Owner(s) of the subject land, hereby authorize John Jackson Planner Inc. (*Agent*) to act as my Agent with respect to the preparation and submission of this Application.

Signature of Owner — February 25, 2025 — Date

Signature of Owner — Date

11. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form, collected and maintained pursuant to Section 34 of The Planning Act, will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

Signature of Owner — February 25, 2025 — Date

Signature of Owner — Date

Signature of Witness — February 25, 2025 — Date

12. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I John Jackson (Owner(s)/Agent) of the Municipality

of McDougall in the County/District/Regional Municipality of Parry Sound

do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Parry Sound

in the District of Parry Sound

this 25 day of February, 20 25.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Signature of Commissioner

Patrick James Christie, a Commissioner, etc.,
Province of Ontario, for
Parry Sound Area Property Consulting Inc.
Expires September 4, 2027

Commissioners Stamp

13. ADDITIONAL FEES

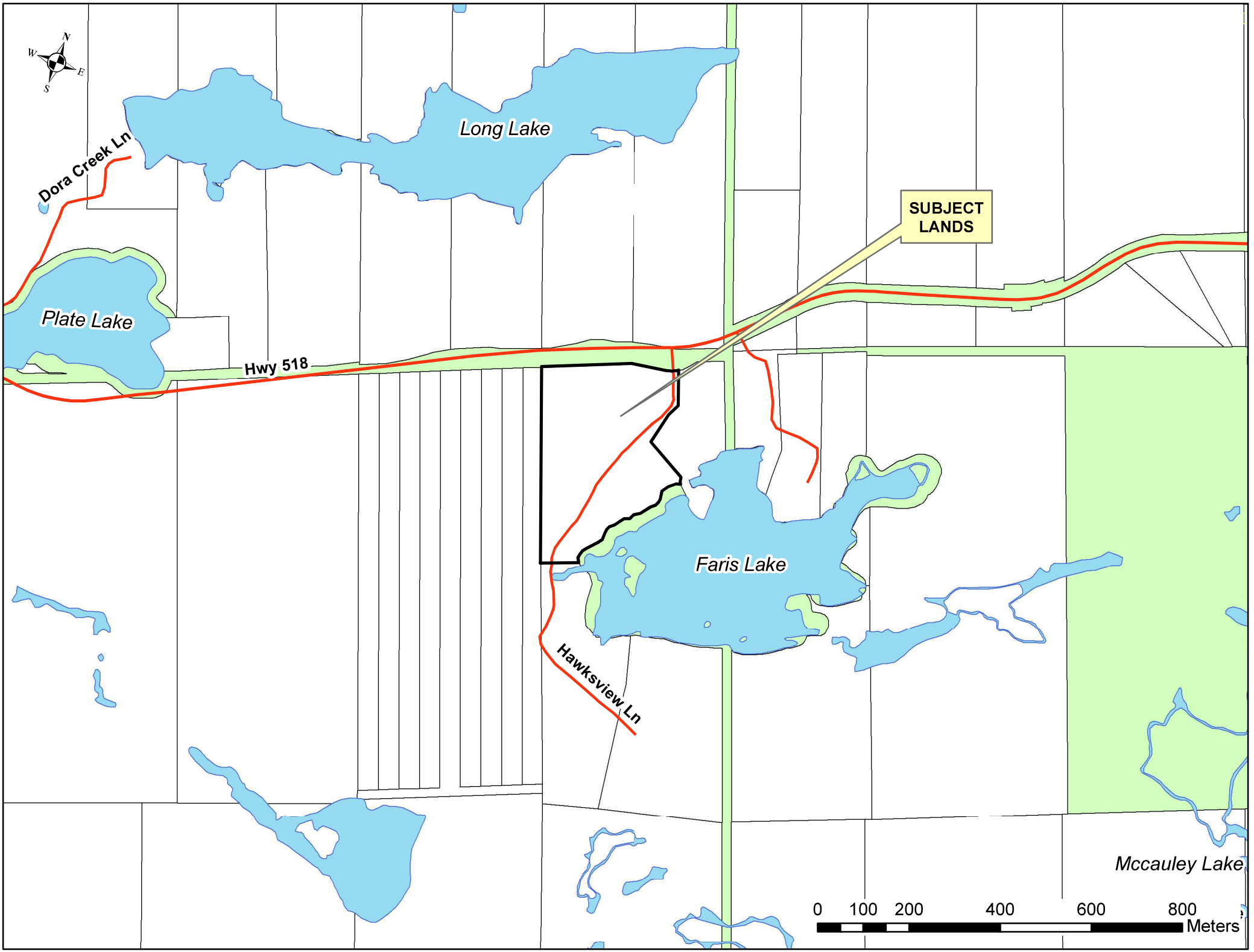
If Planning, Engineering and/or legal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

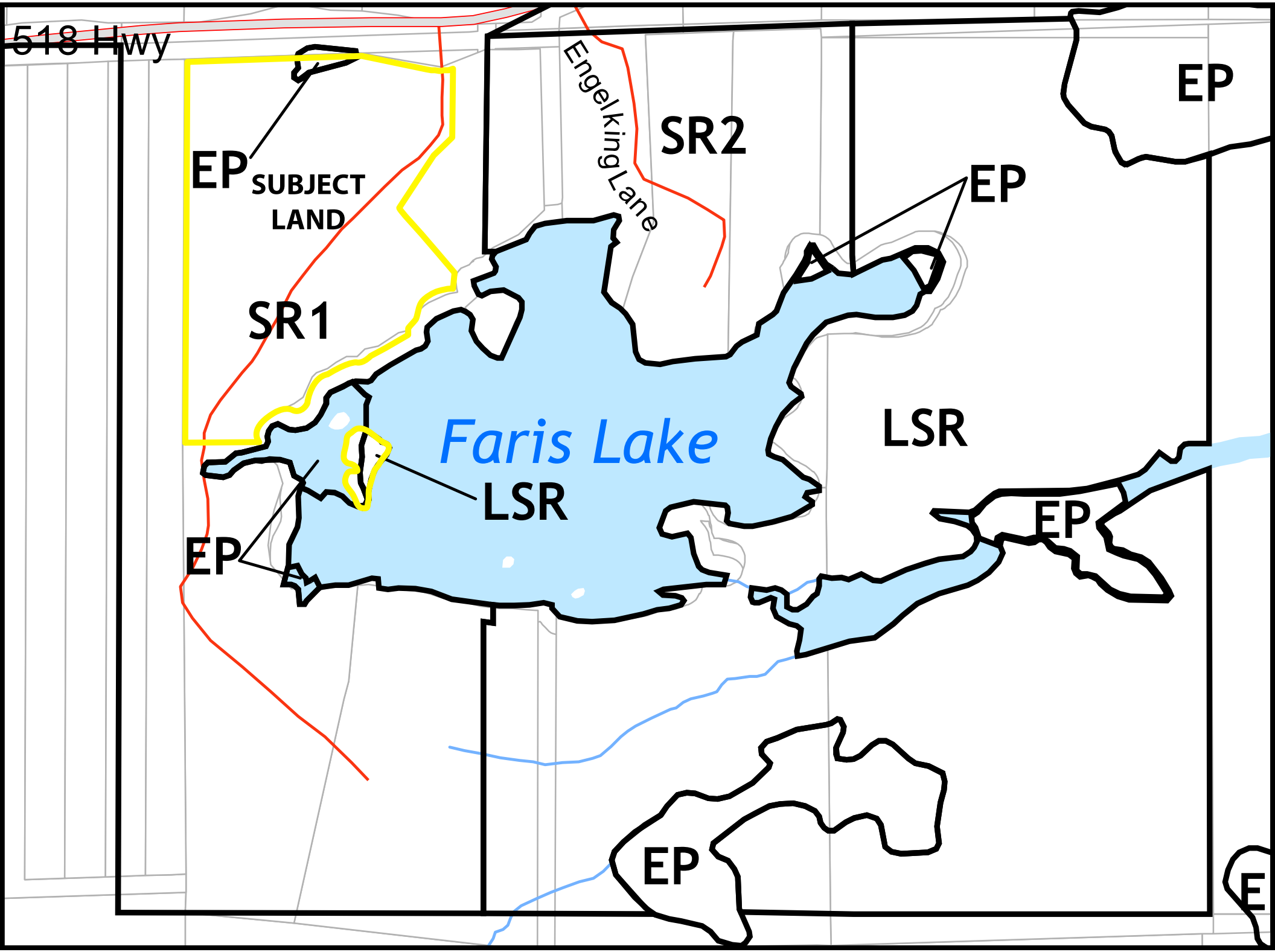
Signature of Owner(s)/Agent

February 25, 2025
Date

Please submit this application to the Township of Seguin Planning Department at:

Township of Seguin
5 Humphrey Dr., RR#2
Parry Sound, ON
P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846


N
W
E
S
Long Lake
Dora Creek Ln
SUBJECT LANDS
Plate Lake
Hwy 518
Faris Lake
Hawksview Ln
Mccauley Lake
0 100 200 400 600 800
Meters


518 Hwy
Engelking Lane
SR2
EP
EP
SUBJECT
LAND
SR1
Faris Lake
LSR
LSR
EP
EP
EP
E

John Jackson Planner, Inc.
1 Mall Drive Unit #2, Parry Sound, Ontario P2A 3A9
Tel: (705) 746-5667 E-Mail: JJPlan@Vianet.ca

Schedule B to PL-2026-012

PLANNING JUSTIFICATION REPORT

PROPOSED RURAL CONSENT

PART LOT 6, CONCESSION 10

GEOGRAPHIC TOWNSHIP OF FOLEY

PARTS 1, 2, 6, 7, 8, 42R-18611

ROLL #4903 03000 300 605

HIGHWAY 518

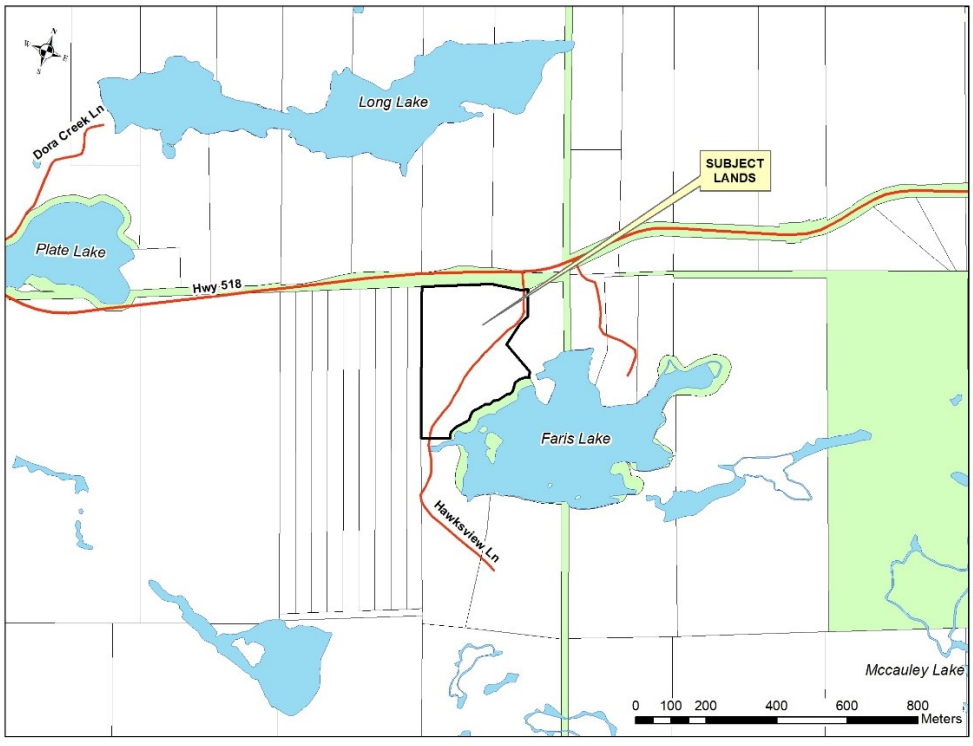
HAWKSVIEW LANE – FARIS LAKE

OWNER: Frank Jacques

October 30, 2023

PURPOSE/BACKGROUND

Frank Jacques owns a parcel of land accessed off Highway No. 518 via Hawksview Lane that fronts on the Highway and Faris Lake. Mr. Jacques also owns an island in Faris Lake that will be a key consideration in this application.

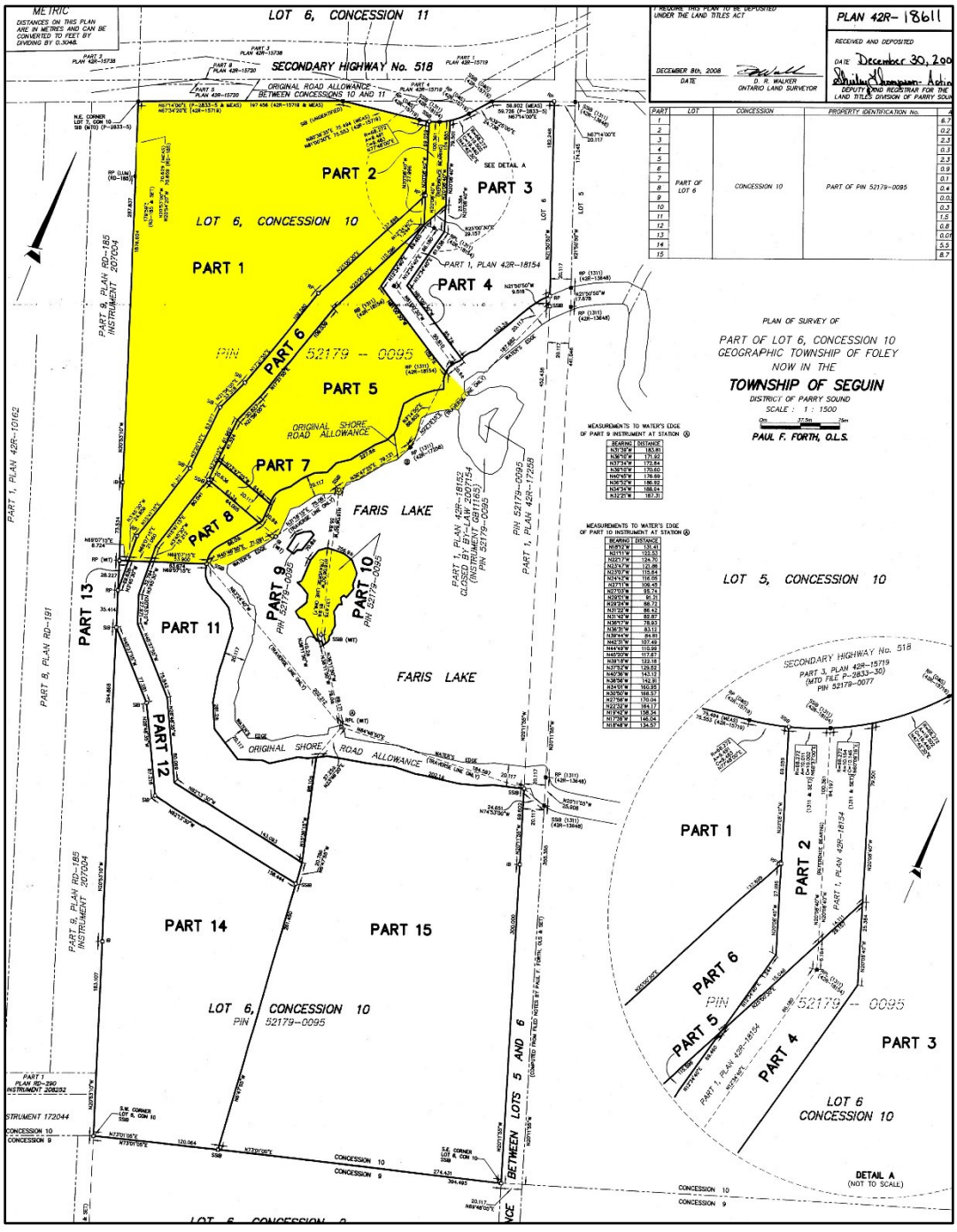


This application will ultimately propose a new rural lot by separating the Waterfront and the rural back lot adjacent to Highway No. 518.

PROPERTY DESCRIPTION

The subject lands consist of two parcels.

These parcels include a 30 acre parcel adjacent to Highway No. 518 with approximately 1000 feet on frontage on Faris Lake and a small island (±1 acre) in Faris Lake.



The subject lands are presently vacant and are heavily forested.



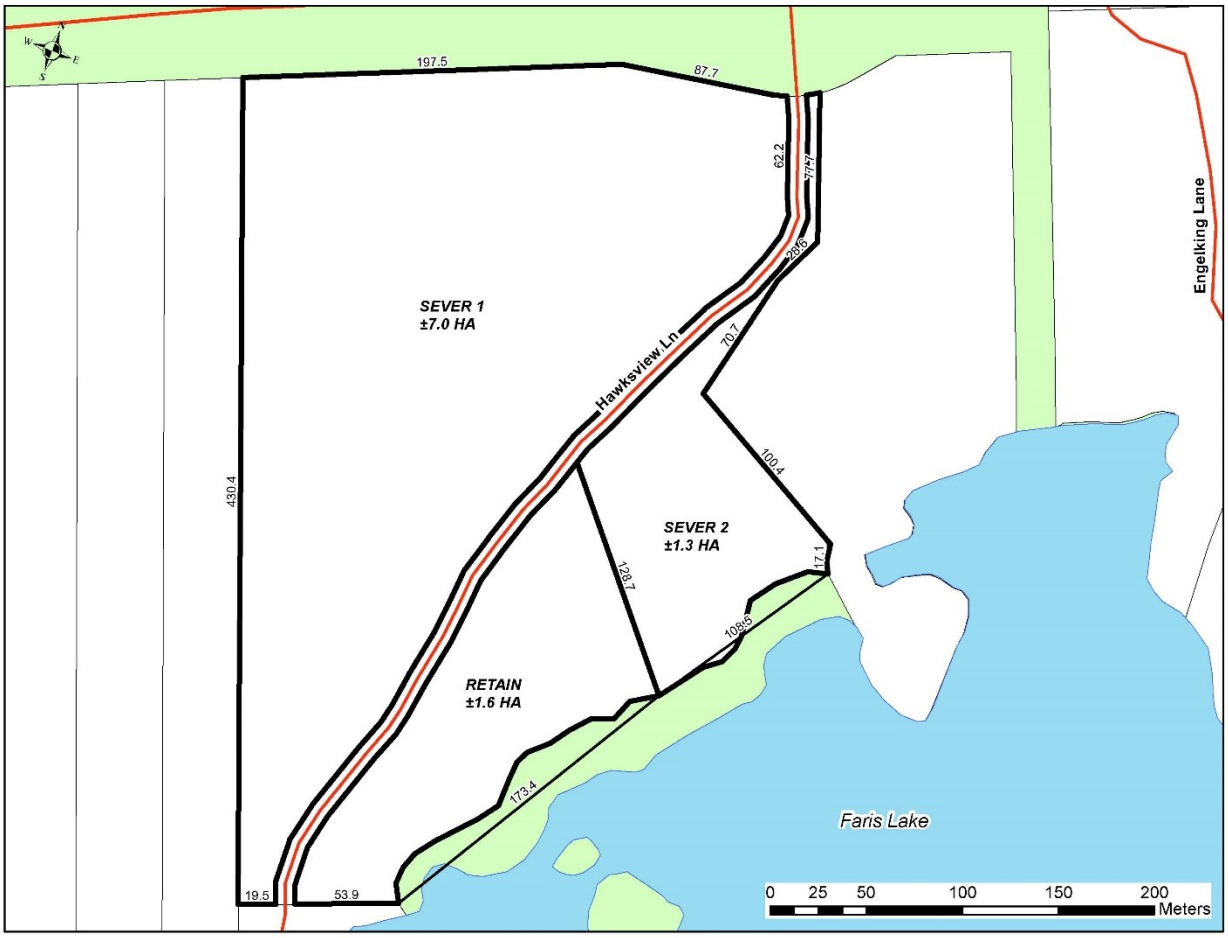
PROPOSED TRANSACTION

The owner hopes to accomplish two objectives in this application.

One is to create a new Rural lot fronting on Highway No. 124 and accessed off Hawksview Lane.

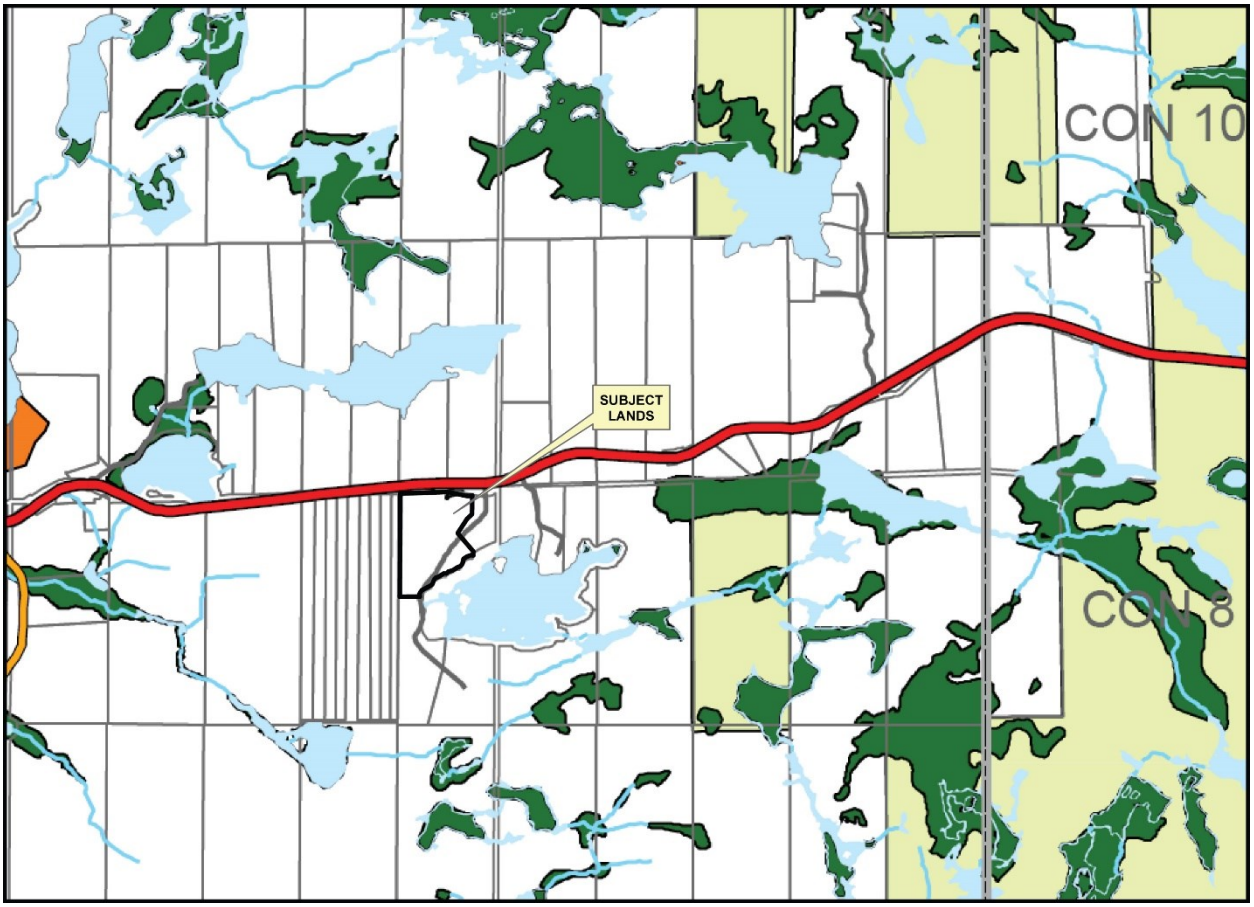
The second transaction is to exchange the development rights from the island in Faris Lake for a new lakefront lot.

Faris Lake is poorly equipped to provide any access to the island so it would seem to be a reasonable request to convey the island to the Municipality and create a new road access property on Faris Lake.



OFFICIAL PLAN

The subject lands are designated Rural in Seguin's official plan.



In the Official Plan Appendices, Faris Lake is identified as having Moderate Sensitivity to development with a minimum frontage of 200 metres.

Faris Lake has a Recreation Lake Capacity set at 5 lots. It can be noted this transaction will not create any new units of development on Faris Lake.

The general purpose of the application is for a new lot in the Rural Area. The criteria for new lots is set out in B.12.2.5

"B.12.2.5 Rural and Resource Area - New Lots for Residential Purposes

In accordance with the Growth Management Goals and Objectives of this Plan to focus growth to settlement areas and maintain the rural character of the Township, only a limited number of new lots for residential purposes can be created in the Township. Limited residential development the Rural and Resource Area will occur by consent. In this regard, lot creation by consent in the Rural and Resource Area will be limited to:

a) A maximum of three severed lots and one retained lot on a parcel having an area of 40 hectares or greater, as existed on April 24, 2007.

b) A maximum of two severed lots and one retained lot on a parcel having an area between 20 hectares and 40 hectares, as

existed on April 24, 2007.

c) A maximum of one severed lot and one retained lot on a parcel having an area less than 20 hectares, as existed on April 24, 2007.

d) A maximum of 15 new lots may be created in the Rural and Resource Area Designation per calendar year.
In considering the creation of a new lot in the Rural and Resource Area, Council shall be satisfied that the proposed lot(s):

i) should have a minimum lot area of 1.2 hectares;

ii) should have a minimum lot frontage of 90 metres;

iii) is located at least 300 metres from the limits of the shoreline of a high sensitivity, over-threshold lake, in accordance with Section B.3.1.1.1 a) and b) of the Official Plan or an at capacity Lake Trout Lake in accordance with Section B.3.2.1 b) of the Official Plan

iv) Limited back lot development as defined in the policies of Section B.12.2.4 c) of the Official Plan shall be permitted subject to the new lot(s) having minimum lot area of 4 hectares, and a minimum frontage of 120 metres on a year-round maintained public road;

v) Preserves natural vegetation in the front yard in order to maintain the rural character of the area."

It would appear that the new lot would conform with the above criteria.

BACKLOT CONSIDERATION

Although the proposed transaction is not creating a new waterfront unit, the backlot policies would be considered.

"B.12.2.4 Waterfront Lots

New waterfront lots shall only be permitted where it is demonstrated to the satisfaction of Council that the abutting waterbody can sustain the impact associated with the additional lot(s) and shall not exceed the lower, or most precautionary, of the recreational or biological capacity of the waterbody.

In addition to the Shoreline Development policies of this Plan when considering applications for lot creation Council shall require that:

a) There is sufficient frontage on each lot to ensure that there is an appropriate waterfront amenity area outside of sensitive fish habitat, steep slopes, or other environmentally sensitive areas;

b) The physical characteristics of the land enable the development in accordance with the policies of this Plan and the regulations of the Zoning By-law without alteration to the natural landscape

through filling or blasting.

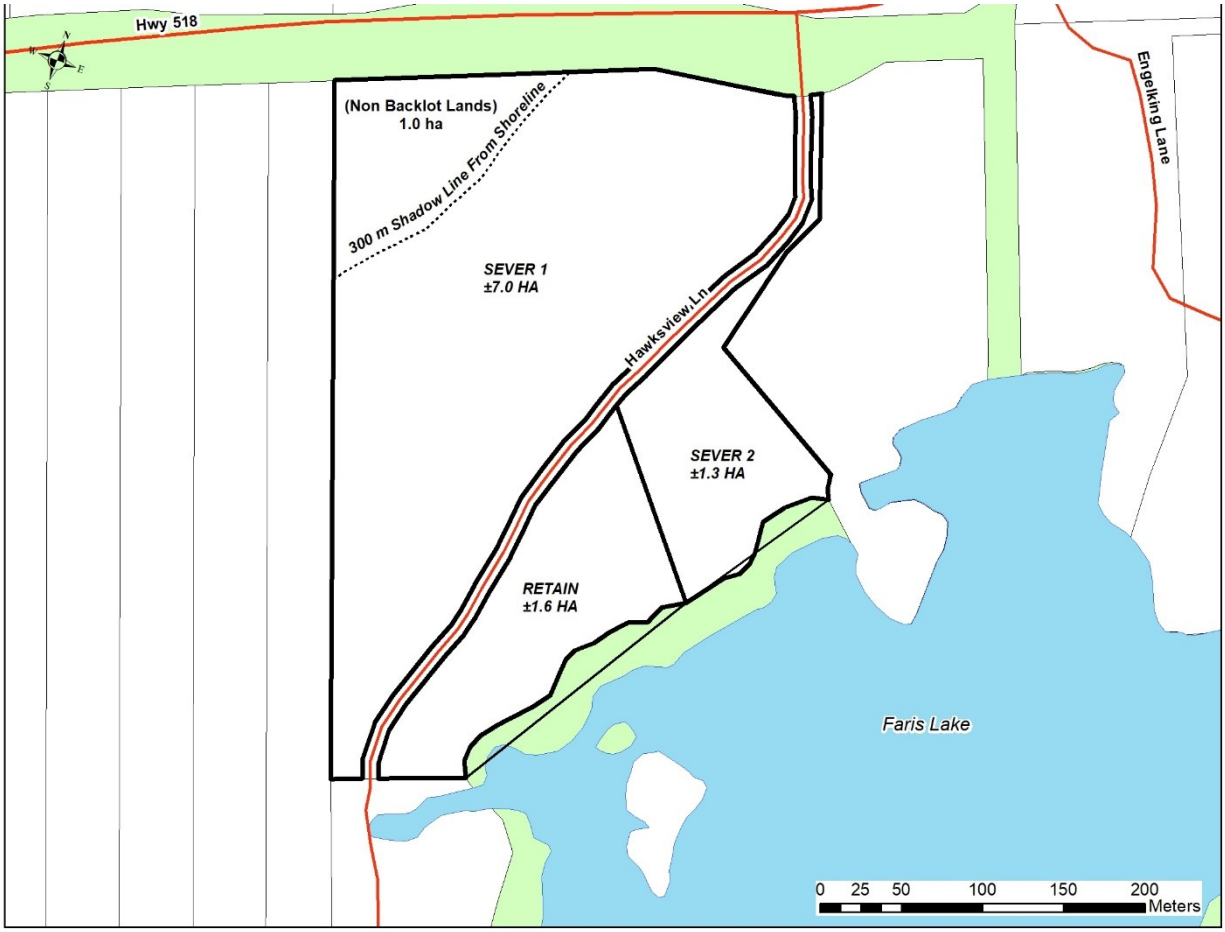
c) Backlot development, which is the form of a development operating as an additional tier of lots parallel or within 300 metres to the high water line, is strongly discouraged by this Plan. New backlot development may be permitted through a Zoning By-law Amendment, if the lot to be created has a significantly large area and frontage, is located within close proximity to a maintained public access point to the lake and fronts on a year-round maintained public road. An unopened road allowance or right-of-way to the lake is not an appropriate form of access to permit backlot development.

d) A sewage system in accordance with the policies of this Plan can be accommodated on site, with all components of the system being located a minimum of 20 metres from the high water or defined flood elevation and each lot is generally a minimum lot size of 1 hectare or as approved in accordance with Section E.5.2 and E.5.3 of this Plan.

e) The water setback shall be a minimum of 20 metres for all principal buildings and the Zoning By-law will establish specific standards regarding accessory buildings and structures.

f) The lot shall maintain all significant soil, vegetation and tree cover as part of its development.

g) Appropriate access to the Lake can be obtained."



NATURAL HERITAGE

About 20 years ago, the owner had the property assessed for environmental impacts by Michalski Nielson. A copy of this report is accessible at: https://drive.google.com/open?id=1-zs03IF2e60f2k4nbzM0ok-dXN7dto52&usp=drive_fs

The environmentalists that reviewed the property are now undertaking assessments under a new company RiverStone Environmental Solutions.

This firm has been asked to update this previous study and assess any new legislation respecting the proposed consent described above.

PLANNING ANALYSIS

The proposed application is being considered in accordance with all relevant plans, policies and legislation.

NORTHERN ONTARIO GROWTH PLAN

This plan is a general economic growth plan supporting all those endeavours that will contribute to the growth in Northern Ontario so long as there are no critical environmental features being adversely impacted.

In the case at hand, there is not believed to be any conflicts with the proposal and the Growth Plan.

MATTERS OF PROVINCIAL POLICY

Under section 2 of the Planning Act, approval authorities must have regard to matters of provincial interest.

> ***a) The protection of ecological systems, including natural areas, features and functions;***
>
> ***b) The protection of the agricultural resources of the Province;***
>
> ***c) The conservation and management of natural resources and the mineral resource base;***
>
> ***d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;***
>
> ***e) The supply, efficient use and conservation of energy and water;***
>
> ***f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;***
>
> ***g) The minimization of waste;***
>
> ***h) The orderly development of safe and healthy communities;***
>
> ***h.1) The accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;***
>
> ***i) The adequate provision and distribution of educational, health, social, cultural and recreational facilities;***
>
> ***j) The adequate provision of a full range of housing, including affordable housing;***
>
> ***k) The adequate provision of employment opportunities;***
>
> ***l) The protection of the financial and economic well-being of the Province and its municipalities;***
>
> ***m) The co-ordination of planning activities of public bodies;***
>
> ***n) The resolution of planning conflicts involving public and private interests;***
>
> ***o) The protection of public health and safety;***
>
> ***p) The appropriate location of growth and development;***

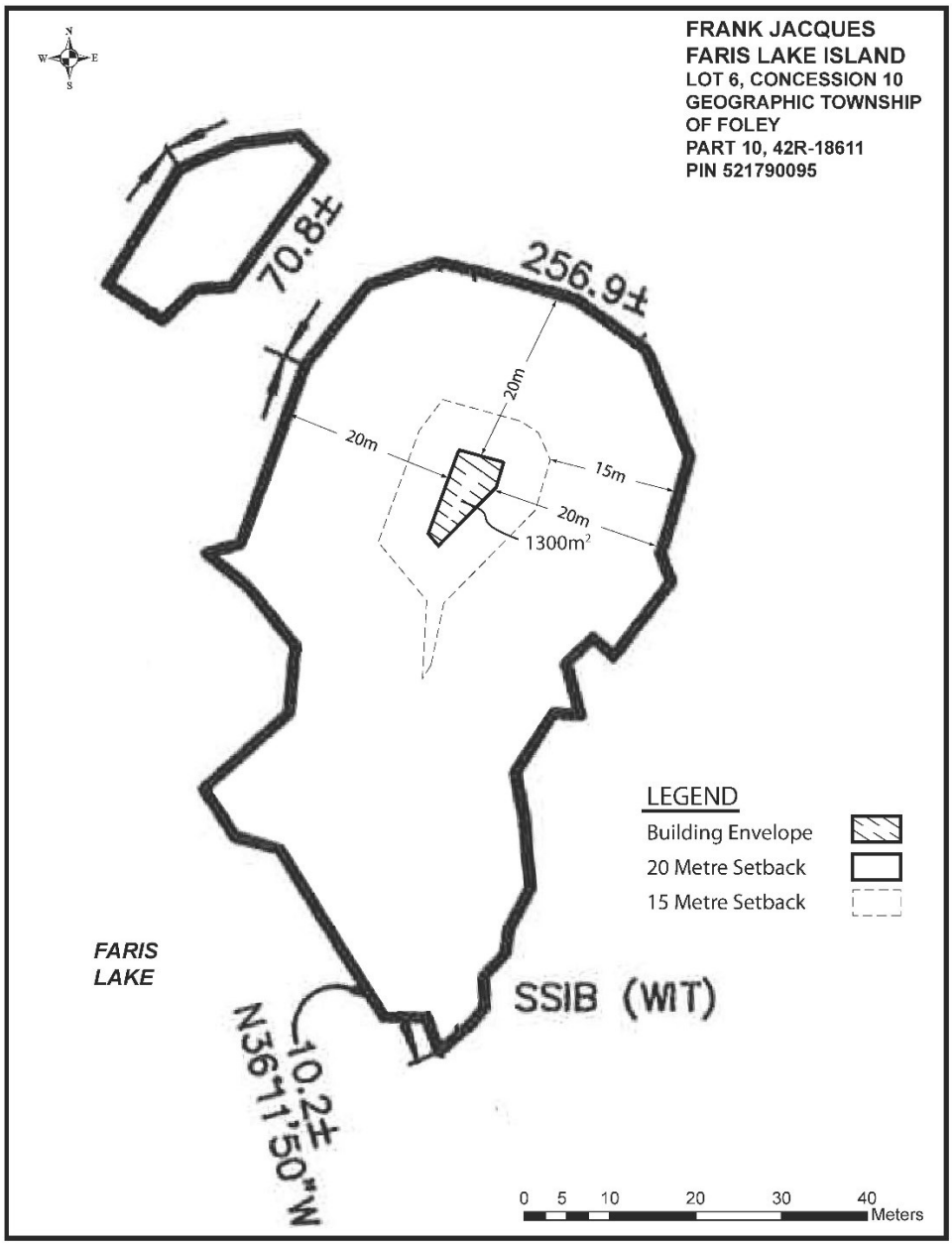
The proposed transaction is believed to be in accord with matters of provincial interests. There are no adverse impacts on the natural environment and all services will remain private.

MATTERS UNDER SECTION 51(24)

Section 51(24) of the Planning Act sets out criteria for land divisions.

Section	Criteria	Compliance
51 (24)	**b)** whether the proposed subdivision is premature or in the public interest	The proposal will comply with the Seguin official plan subject to the island swap and rezoning.

The island is a viable building lot and the dedication to a public open space use will negate any increase in parcels on the lake.



SECTION	CRITERIA	COMPLIANCE
51(24)	**c)**whether the plan conforms to the Official Plans of Subdivision;	The lands will generally conform to adjacent lands. No new lots are being proposed on Faris Lake.
51(24)	**d)** the suitability of the land for the purposes for which it is to be subdivided;	The lands are suitable for their intended use.
51(24)	**e)** the number, width, location and proposed grades and elevations of highways…;	Adequate access is available to the Parcels. M.T.O. has no objection (see email)
51(24)	**f)** the dimensions and shapes of the proposed lots;	The lots are all suitable sizes for their intended uses.
51(24)	**g)** the restrictions n the land proposed to be subdivided;	The environmental review will recommend the necessary zoning controls. The lands may be rezoned to reflect new lot configuration.
51(24)	**h)** conservation of natural resources and flood;	Natural heritage features will be protected.
51(24)	**i)** The adequacy of utilities and municipal services;	All services are private. The lots are all suitable for private wells and individual septic.
51(24)	**j)** the adequacy of school sites;	No impact is expected to school enrollment.
51(24)	**k)** the area of land within the proposed subdivision that is for public use;	It is anticipated that the Township will require cash in lieu of a parkland dedication.
51 (24)	**l)** the physical layout conserves energy.	New builds will be expected to OBC compliant.

It is believed that the proposed transaction will meet the criteria set out in section 51(24).

PROVINCIAL POLICY STATEMENT, 2020 (P.P.S)

The P.P.S. is a series of policies established under section 3 of the Planning Act requiring land use planning authorities to be consistent with these provincial policies.

SECTION	TEXT	CONSISTENCY
1.1	**1.1.1** Healthy, liveable and safe communities are sustained by:	

	a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; **b)** accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; **c)**avoiding development and land use patterns which may cause environmental or public health and safety concerns; **d)**avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; **g)** ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs; **h)** promoting development and land use patterns that conserve biodiversity;	• The proposal will only result in the creation of one new rural lot. • It will reconfigure the lakefront lots but give up the island development potential resulting in low density residential units both on the water and on the highway. • The lots are large and will be respecting the general low density use of the area. • All lots are large and will be serviced by private services. • The proposal is entirely consistent with the objective of building strong communities.
1.1.4	**1.1.4.1** Healthy, integrated and viable rural areas should be supported by: **a)** building upon rural character, and leveraging rural amenities and assets; **e)** using rural infrastructure and public service facilities efficiently; **f)** promoting diversification of the economic base and employment opportunities through goods and services, including value-	• Will maintain rural character; • Adequate buffers will be provided around natural heritage features; • Will conserve biodiversity; • Will generate economic opportunities through construction.

	added products and the sustainable management or use of resources; **h)** conserving biodiversity and considering the ecological benefits provided by nature	
1.1.5	**1.1.5.1** When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety **1.1.5.2** On *rural lands* located in municipalities, permitted uses are: **a)** the management or use of resources; **b)** resource-based recreational uses (including recreational dwellings); **c)** residential development, including lot creation, that is locally appropriate; **g)** other rural land uses. **1.1.5.4** Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. **1.1.5.5** Development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. **1.1.5.7** Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses	• Lands are resource based rural and recreation • New lots will be appropriate for rural area • No expansion of municipal services • Compatible with rural landscapes • No adverse impacts on the rural community; • No nearby agricultural uses.

	and directing non-related development to areas where it will minimize constraints on these uses. **1.1.5.8** New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	
1.2.6	**1.2.6.1** Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. **1.2.6.2** Where avoidance is not possible in accordance with policy **1.2.6.1**, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures: **a)** there is an identified need for the proposed use; **b)** alternative locations for the proposed use have been evaluated and there are no	• No nearby sensitive uses.

	reasonable alternative locations; **c)** adverse effects to the proposed sensitive land use are minimized and mitigated;	
1.5	**1.5.1** Healthy, active communities should be promoted by: **a)** planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; **b)** planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;	• No impact on public recreation systems;
1.6.6	**1.6.6.4** Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.	• No municipal services are available.
2.1	**2.1.1** Natural features and areas shall be protected for the long term. **2.1.2** The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored	• The protection and presentation of important environmental features will be accomplished through the appropriate environmental protection measures.

	or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. **2.1.3** Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas. **2.1.5** Development and site alteration shall not be permitted in: **a)** significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1; **b)** significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; **c)** significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; **d)** significant wildlife habitat; **e)** significant areas of natural and scientific interest; and **f)** coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) **2.1.6** Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. **2.1.7** Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. **2.1.8** Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas	• Any features will be placed in non-development zones. • Any key features will be protected through rezoning and agreements; • Lot lines will be configured to protect habitat features; • RiverStone is completing the necessary site evaluation report; • Not likely to be any adverse impacts on important natural heritage features; • Any species at risk will be appropriately addressed in the site evaluation.

	identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.	

TOWNSHIP OF SEGUIN OFFICIAL PLAN

The Official Plan for the Township of Seguin designates the subject lands as Rural and Resource Area. The following chart sets out the policy considerations for the subject transactions.

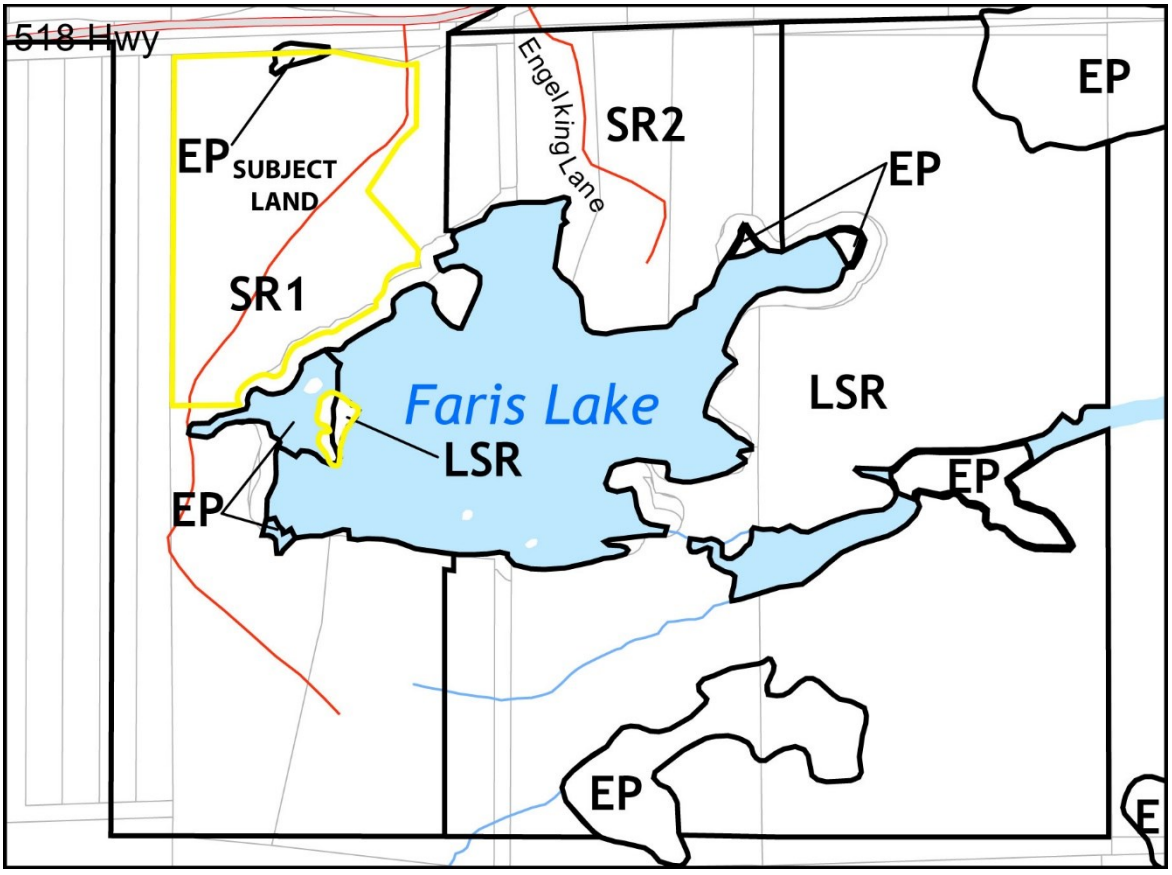
Section	TEXT	CONFORMITY
A.2.5.2	It is the goal of the Plan to protect, maintain and enhance the rural open space character of lands outside of the Settlement Areas.	The proposal will result in large scale lots that maintain the rural character of the property
A.2.5.2	Objectives To preserve the rural character. To encourage the maintenance of low intensity recreational uses. To permit land based recreational facilities	The proposal will preserve all of the objectives of the Rural/Resource Area Official Plan policies.
A.2.7	Goal It is the goal of the Plan to provide opportunities for economic development and diversification in a manner that fosters a positive business environment in the Township.	The proposed transaction will contribute to the positive growth of the Township terms of use and development.
A.2.7.2	Objectives a) To facilitate opportunities to develop and distribute a range of goods and services. e) To encourage the development of home-based businesses provided the proposed use is compatible with adjacent uses.	

	f) To provide land use regulation to enable business to adopt to changing conditions k) To encourage businesses and economic activity that creates added value from local products, materials and resources.	
B.12.2.5	Rural and Resource Areas. Rural and Resources Areas New Lots For Residential Purposes	Sets out criteria for new rural lot creation Proposed new Rural lot is consistent with the Rural policy. Proposal will easily satisfy the requirements for a new rural lot.
B.14	Supporting Studies	Applicant is providing the necessary assessments as discussed in preconsultation meeting including environmental, planning report and M.T.O. clearance.
C.1.3	Rural and Resource Area	Proposal will comply with Rural designation.
D.4	Natural Heritage	Assessments will ensure proper recognition of Natural Heritage features.
E.5	Services	Lands will be serviced by private well and individual septic systems.

The proposed transaction will conform to all relevant policies of Seguin's official plan.

ZONING

The subject lands are zoned SR1, LSR and EP.



The proposal will comply with the current zonings.

Depending upon the conclusion of the environmental review, there may be some additional zoning restrictions to the subject lands.

CONCLUSION

Based upon the review of the proposal and subject to the findings of the updated environmental assessment, it is my professional opinion that:

i) The subject application is consistent with the P.P.S.;

ii) It conforms with the Northern Ontario Growth Plan;

iii) It conforms to the Seguin Official Plan;

iv) Meets the criteria under section 51(24) of the Planning Act;

v) It complies with the Township's zoning By-Law; and

vi) Represents good planning.

Attached is the communication from the Ministry of Transportation.

Respectfully submitted,



John Jackson M.P.P., M.C.I.P.
JJ; jc

Subject: MTO_Re-10-27-2023: Frank Jacques Proposed Consent Highway 118 Hawksview Lane Part Lot 6, Concession 10 Township of Seguin
From: "Zarkovich, Aide (MTO)" <Aide.Zarkovich@ontario.ca>
Date: 2023-10-27, 2:44 p.m.
To: "jjplan@vianet.ca" <jjplan@vianet.ca>
CC: "Cole, Jeff (MTO)" <Jeff.Cole@ontario.ca>, "Burke, Debra A. (MTO)" <Debra.A.Burke@ontario.ca>

Good afternoon, John,

The Ministry of Transportation has no objections to the proposed severances, on the understanding that there will be no net increase in additional lots gaining access via Hawksview Lane. No new entrances to Highway 518 are supported.

The Ministry will not support any additional lot development that will increase the traffic, at the Hawkview Lane intersection, with the Highway beyond its capacity to safely accommodate.

Thank you for your time and have a nice weekend,

Aide

Aide Zarkovich
Corridor Management Planner

Operations Division, Northeast Region
Ministry of Transportation
447 McKeown Ave, Suite 301
North Bay, Ontario, P1B 9S9
T. (705) 783-3672 E. aide.zarkovich@ontario.ca

Ontario

From: Cole, Jeff (MTO) <Jeff.Cole@ontario.ca>
Sent: October 17, 2023 11:33 AM
To: jjplan@vianet.ca
Cc: Zarkovich, Aide (MTO) <Aide.Zarkovich@ontario.ca>
Subject: Fw: Frank Jacques Proposed Consent Highway 118 Hawksview Lane Part Lot 6, Concession 10 Township of Seguin

Hello Jodi
I am copying this to Aide Zarkovich, MTO Planner for this area who will coordinate response.
But since I had involvement in 2005 - 2011, may I ask for some clarification.

MTO comments in 2005/2011 were that we would support a total of 4 lots accessing Highway 518 via the private lane known as Hawksview Lane. But would be concerned with any further lot creation that may increase traffic at the Highway entrance beyond what that entrance is designed for.

If I am reading this correctly, this current proposal would create 3 additional lots for a total of 7 lots accessing via Hawksview Lane. Is that correct?

If so, we may require a more in depth internal review before we can respond.

Jeff Cole
Sr. Project Manager
MTO Corridor Management
705-477-3797

From: John Jackson <jjplan@vianet.ca>
Sent: October 17, 2023 10:56 AM
To: Cole, Jeff (MTO) <Jeff.Cole@ontario.ca>
Subject: Frank Jacques Proposed Consent Highway 118 Hawksview Lane Part Lot 6, Concession 10 Township of Seguin

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello Jeff.

I am assisting the owner of the subject land with a proposed consent that will create a rural lot with an existing access off Highway No. 518.

The lot has 285 metres of existing frontage on the highway and is 7 hectares in area. A sketch is enclosed.

There were previous applications by the owner where M.T.O. made a number of submissions.

Given the circumstances including one additional rural lot gaining access off the existing entrance, we are hopeful that M.T.O. will have no objection to this application.

Regards,

John Jackson

Jodi Christie
John Jackson Planner Inc.
1 Mall Drive, Unit#2
Parry Sound, ON
P2A 3A9
jjplan@vianet.ca
Phone: 705-746-5667

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This e-mail is intended initially for the information of only the person to whom it is addressed. Be aware that any disclosure, copying, distribution or use of the contents of this e-mail, without the consent of such person, is prohibited.


Virus-free.www.avg.com

Attachments:

New Consent.pdf	219 KB
September 16 2005 MTO.pdf	110 KB
October 20 2005 MTO letter.pdf	305 KB
September 8 2011 MTO.pdf	102 KB

Schedule C to PL-2026-012

SITE EVALUATION REPORT

Jacques Property
Township of Seguin
January 2025



RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.

RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.

January 25, 2025
RS# 2023-300

Frank Jacques
c/o John Jackson
John Jackson Planner Inc.
1 Mall Drive, Unit#2
Parry Sound, ON
P2A 3A9

via email: jjplan@vianet.ca

SUBJECT: Scoped Site Evaluation Report - 48 Hawksview Lane, Faris Lake, Township of Seguin

John,

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

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

Best regards,

RiverStone Environmental Solutions Inc.

Al Shaw, M. Sc.
Principal / Senior Ecologist

ENVIRONMENTAL ASSESSMENT NON-TECHNICAL SUMMARY

Type of Study Scoped Site Evaluation Report (SER)		**Date** January 25, 2025
Project Manager Al Shaw	**Legal Description** Part Lot 6, Concession 10	**Development Proposed** Creation of one (1) new rural lot with one (1) retained
	Planning Authorities Township of Seguin	**Owner/Agent** Frank Jacques / John Jackson

Report Summary

This Site Evaluation Report has been prepared to assess natural heritage constraints associated with a property located at 48 Hawksview Lane, on Faris Lake in the Township of Seguin. The client is required to submit an SER as part of a severance application for one (1) severed lot and one (1) retained lot. With and existing residence on the south portion of the property, only the area of the proposed severed lot was surveyed during onsite review. In addition to information provided in a November 2007 SER prepared by Michalski Nielsen, onsite review of existing conditions on the property determined that the subject property contained:

1) Shoreline along Faris Lake – at capacity
2) Steep Slope
3) Fish Habitat
4) Wetlands
5) Potential habitat of endangered and threatened species
6) Potential Significant Wildlife Habitat

Potential impacts of the proposed severance on the identified natural features and species of conservation interest were evaluated. The recommendations contained within **Section 5** of this report (reiterated below) are intended to mitigate potential negative impacts on the identified features and species. Provided that mitigation measures are implemented appropriately, it is our opinion that the proposal can be accomplished without negative impacts to functions of key natural heritage features.

SUMMARY OF RECOMMENDATIONS

Fish Habitat and Water Quality

One of the key features of a properly functioning septic tank/leaching bed system is soil-based treatment of effluent. Soils receiving effluent must be deep enough to ensure that unsaturated conditions are maintained, and that septic drainage occurs slowly, allowing for maximum removal of nutrients and bacteria. The OBC requires a vertical separation of 0.9 m between the effluent distribution system and the high mark of the groundwater table, bedrock, or soils with a percolation rate greater than 50 min/cm. In RiverStone's experience, it is likely that soils on the property do not meet these requirements and a partial or fully raised bed using imported soils will be required. RiverStone recommends the following measures:

- **A traditional Class 4 sewage treatment system or tertiary treatment can be utilised. The location of the septic system is to be with the development area outlined on Figure 3, as far back from the shoreline as possible to maximize the flow path distance to Faris Lake.**

- **The final location, design, and installation of the septic system must be completed by a licensed septic installer, following application of the recommendation above.**

General Construction Mitigation

- **Machinery should arrive on site in clean condition and be checked and maintained free of fluid leaks.**
- **Machinery must be refueled, washed, and serviced within the area isolated by sediment fencing.**
- **Locate all fuel and other potentially deleterious substances within the area isolated by sediment fencing.**
- **Temporary storage locations of aggregate/fill material (where required) should be located within the area isolated by sediment fencing. This material is to be contained by heavy-duty sediment fencing, a minimum of 30 m from wetlands.**
- **Offloading of construction and aggregate/fill materials (where required) should be completed during fair weather conditions, a minimum of 30 m from wetlands.**
- **All stockpiled topsoil/overburden (where required) should be piled in low piles and stabilized as quickly as possible (e.g., erosion-prone areas covered with textile) to minimize the potential for runoff and wind erosion.**
- **Integrate permeable surfaces and other low impact design measures into the development design where feasible (e.g., permeable pavers, infiltration galleries for stormwater leaders, etc.).**

To summarize, we do not expect that the proposed development will result in a negative impact to the wetland features or its associated ecological and hydrologic functions. Any potential construction-related impacts to the wetlands can be avoided through construction mitigation practices and avoidance measures. It is noted that an existing access road runs adjacent to the treed swamp on the property and is to be retained. The following recommendations are provided with respect to the on-site wetland features:

- **All new development and site alteration must be setback 30 m from the swamp wetland community and 15 m from the northern isolated marsh wetland community as shown on Figure 2.**

- **Vegetation within the wetland buffer should be left in its natural state and not altered.**

- **Maintenance of the existing access road that runs adjacent to the treed swamp, is to be completed without any further encroachment into the feature, removal of vegetation or infilling. Winter snow ploughing of the road should not push snow into this feature.**

- **Trees will not be cut within the setback unless they are a safety hazard, and debris from clearing or materials to be used in construction will not be placed within the setback**

- **If upgrades to the access road are required, implementation of sediment and erosion control measures as per applicable best management practices are to be implemented to isolate the feature and, generally including the following measures.**
    - **Sediment fencing must be constructed of heavy material and solid posts and be properly installed (trenched in) to maintain its integrity during inclement weather events.**
    - **Additional sediment fencing and appropriate control measures must be available on site so that any breach can be immediately repaired.**
    - **Regular inspection and monitoring will be necessary to ensure that the structural integrity and continued functioning of the sediment control measures is maintained (i.e., proper installation is not the only action necessary to satisfy the mitigation requirements).**
    - **An on-site supervisor should be responsible for daily inspections of the sediment and erosion control measures and record the time and date of inspections, the status of the mitigation measures, and any repairs undertaken.**
    - **Removal of non-biodegradable erosion and sediment control materials should occur once construction is complete, and the site is stabilized.**

Species at Risk

Black Ash

On the subject property, Black Ash were identified within treed swamp community and around a vernal pool within the assessment area, which are proposed to be protected as wetlands with a 30m buffer. This species was listed as endangered on January 27, 2022. Individual and habitat protection was paused for two years (Government of Ontario, 2022).There is currently no protection for Black Ash within the Township of Seguin, therefore proponents still do not need to seek authorization for activities impacting Black Ash or their habitat; however, this may change at any time and proponents shall confirm updated requirements for this species after January 27, 2024, to ensure ongoing compliance with the ESA.

- **While Black Ash is a species at risk, the protection measures afforded by regulation do not apply within the Township of Seguin. It is the proponent's responsibility to confirm any updated requirements for the protection of Black Ash prior to vegetation clearing to ensure ongoing compliance with the ESA.**

- **It is to be noted that protection and development setbacks/buffers have been recommended from the edge of all wetland features containing Black Ash.**

Eastern Hog-nosed Snake (*Heterodon platirhinos*)

Based on a thorough habitat-based assessment and review of available background information, it is our opinion that there is potential for this species to be utilizing the subject property. Eastern Hog-nosed Snake (EHNS) was not observed on the subject property during RiverStone's site investigation, we cannot conclusively state that these species do not occur within the study area. We can confirm that functional habitat features are limited within the study area, but there is potential for the property to provide general habitat. In consideration of these conclusions, it is our opinion that proposed

development is unlikely to result in a contravention of the ESA with respect to EHNS. To prevent impacts on these species, RiverStone recommends:

- **Where present, rotting logs, brush piles, rock piles, or compost piles be left in place.**
- **Should an Eastern Hog-nosed Snake be encountered during development, MECP should be contacted immediately to obtain direction on how to proceed.**

Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and Tricolored Bat (*Perimyotis subflavus*)

All Myotis species in Ontario, and the Tricolored Bat, are designated endangered per O. Reg. 230/08 under the ESA. Mature forests on the subject property contain suitable and habitat for these bat species. For such scenarios, common direction from MECP regarding impact avoidance for individuals of endangered bats includes strict adherence to vegetation removal timing windows. By limiting the timing window in which trees can be removed to outside of the active season for bats, development activities can avoid incidental harm to individuals of endangered bat species. Assuming implementation of appropriate tree removal timing windows, there is no expectation that the proposal will result in any negative impacts to individuals of endangered bat species. Recommendations are clarified as follows:

- **Tree removals required to accommodate development take place outside of the season in which endangered bats may be active, i.e., April 1 – Sept 30.**
- **If tree clearing must occur within the above-noted timing window, additional studies may need to be completed to confirm the presence/absence of SAR bats. These studies can include snag tree surveys and acoustic monitoring of the area where trees will be removed, by a qualified professional. If SAR bats may be impacted by the development proposal, the MECP should be contacted to determine if a permit would be required to proceed.**

<u>Significant Wildlife Habitat</u>

Habitat of Species of Conservation Concern
Canada Warbler, Olive-sided Flycatcher and Wood Thrush

Canada Warbler, Olive-sided Flycatcher and Wood Thrush were identified as having the potential to be present on the subject property were most likely to utilize the wetland and upland forest communities. These species are most sensitive to disturbance during the nesting season when alteration of vegetation communities can result in damage or destruction of nests and young. To minimize the likelihood that these three species are impacted by the proposed development, RiverStone recommends:

- **Vegetation removal (e.g., tree/shrub clearing, etc.) should be completed outside of the primary breeding bird nesting window (i.e., between April 1 and August 31).**
- **If vegetation removal occurs during this period, a nest survey should be conducted by a qualified biologist within 5 days of commencement of construction activities to identify and**

locate active nests of bird species (where present) covered by the federal *Migratory Bird Convention Act, 1994* or provincial *Fish and Wildlife Conservation Act, 1997*. If a nest is located or evidence of breeding noted, a mitigation plan should be developed to avoid any potential impacts on birds or their active nests. Mitigation may require establishing appropriate buffers around active nests or delaying construction activities until the conclusion of the nesting season.

Steep Slopes

As part of the impact analysis for the assessment area, potential erosion associated with areas of steep slopes were reviewed. The assessment area contains steep slopes (20% and above) that have been outlined in **Figure 2**. In identified areas, the functionality of vegetated buffers to uptake nutrients is reduced as the slopes act to increase the speed of water moving over the land. Increases in buffer widths can improve this function. Additionally, steep slopes exacerbate the potential for erosion to occur, creating increased potential for sediment laden runoff. To reduce the potential for erosion and slope destabilization along with associated negative impacts to water quality and fish habitat RiverStone recommends:

- **Development should be set back from areas exhibiting steep slopes greater than 20%. A setback distance from areas of steep slope will be determined on site in consultation with a qualified specialist.**

- **Site alteration including clearing of trees and vegetation and grading should not occur within areas identified as steep slopes and any setback determined through consultation with qualified specialists.**

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1 BACKGROUND

RiverStone Environmental Solutions Inc. (hereafter "RiverStone") was retained by John Jackson of John Jackson Planning Inc on behalf of the property owner to complete a Site Evaluation Report (SER) for a property located at 48 Hawksview Lane on Faris Lake in the Township of Seguin (hereafter "Township"). The subject property is legally described as part of Lot 6 Concession 10 RP, 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2, Township of Seguin, District of Parry Sound. The subject property is approximately 10.6 ha (26.2 ac) in area with 314.6 m (1,032 ft) of shoreline frontage on Faris Lake. Access to the property is from Highway 518. This report is based on the information provided by the client, our knowledge of the SER requirements, and a site assessment completed on the property.

Based on the Township planning staff initial review of the application, it was determined that a scoped SER would be required to further the severance application. The application would sever the subject property to create one new rural lot, separating the Faris Lake waterfront essentially in half. The water quality status of Faris Lake is not at capacity, and is characterised as Moderately Sensitive for development, requiring a minimum shoreline frontage of 200 m for new lot creation (Appendix 1, Township of Seguin Official Plan). The application will remove development rights on the small island in front of the subject property, essentially trading for the additional development rights on the mainland parcel. The severance would allow the construction of a single dwelling, septic and other accessory structures permitted under the zoning on the proposed severed lot. The subject property is currently zoned Shoreline Residential One (SR1) and Environmental Protection (EP), which is associated with a wetland feature along the northern portion of the property adjacent to Highway 518. The island portion of the property is zoned Limited Service Residential (LSR). Currently the property contains a main access driveway (Hawksview Lane) along with dwelling in the south portion of the property with the proposed lot having a driveway and cleared development area. The remainder of the property is generally naturally vegetated.

The purpose of this scoped SER is to verify information reported in the 2007 SER, delineate any additional features and characterize the current extent of natural heritage features and potential significant ecological functions on the severed subject property. We consider the data collected and assess the potential for proposed development to result in a negative impact to any identified features and functions. Based on the results of this assessment, we provide recommendations to avoid impacts and/or measures to mitigate impacts to meet the intent of applicable planning policies and environmental regulations. RiverStone submits this report in fulfillment of the requirements under the Township's Official Plan (Consolidation Version: December 7, 2022).

2 APPROACH AND METHODS

The general approach used to complete this SER involved the following:

1. Identify a study area in which to focus assessment efforts.

2. Assemble and review background biophysical information for the subject property and adjacent lands, to become familiar with any identified significant natural heritage feature (SNHF) and records of species at risk (SAR) prior to the site investigation.

3. Conduct a site investigation to field-verify the presence or absence of SNHFs, confirm the biophysical features and functions identified during background information gathering, and to

collect additional field data (e.g., habitat information, etc.) that will assist with completing the report.

4. Determine the potential for negative impacts associated with implementation of the proposed development and provide recommendations on how identified negative impacts can be mitigated via avoidance, minimization, and/or compensation measures (as necessary).

5. Provide an assessment of consistency and conformity of the proposed development plan with applicable municipal, provincial, and federal environmental policies.

2.1 Identification of Study Area

The primary focus of this assessment is the proposed severed portion of the subject property (**Figure 1**). Informally, the study area also incorporates a minimum 120 m radius around the limits of the proposed severance, a measure that is intended to ensure appropriate consideration for natural heritage features and functions of adjacent lands, consistent with direction in the Natural Heritage Reference Manual (NHRM) under the Provincial Policy Statement (PPS). The study area may also include consideration for adjacent privately-owned lands; however, assessment of such areas is informal and limited to a desktop review through aerial photography and other mapping sources, due to access.

2.2 Information Sources Used to Assess Site Conditions

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

- **Township of Seguin (Consolidated December 7, 2022)**
    - Schedule A – Land Use
    - Schedule C – Resources, Hazards and General Overlay Designations
- **Township of Seguin Zoning By-law 2006-125 (Consolidated December 7, 2022)**
    - Schedule A – Zone and Zone Boundary Maps (accessed through the WPSGN)
- **Ministry of Environment, Ministry of Natural Resources, and Ministry of Municipal Affairs and Housing** (2010). Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes on Ontario's Precambrian Shield.
- **Ministry of the Environment, Conservation and Parks (MECP) information request** for occurrences of species at risk in and adjacent to the subject property (not yet received).
- **MNRF Natural Areas Mapping** from the Natural Heritage Information Centre (NHIC) regarding information on occurrences of species of conservation interest on or adjacent to the subject property, as well as significant natural areas (squares 17NL8521m 17ML8622 and 17NL8621) accessed on July 16, 2024, at https://www.lioapplications.lrc.gov.on.ca/Natural_Heritage/index.html?viewer=Natural_Heritage.Natural_Heritage&locale=en-CA
- **Ontario Breeding Bird Atlas (OBBA) Online Database** and Atlas of the Breeding Birds of Ontario, 2001–2005 (Cadman et al. 2007) regarding birds that were documented to be breeding in the vicinity of the subject lands during the 2001–2005 period (atlas square numbers: 17TNL82

accessed July 16, 2024) https://www.birdscanada.org/naturecounts/onatlas/squaresummaryform.jsp?squareID=17TNL91.

- **Ontario Reptile and Amphibian Atlas** database regarding records of reptiles and amphibians that have been observed within the vicinity of the subject property (squares: 17NL91 and 17PL01; accessed July 16, 2024, at https://www.ontarioinsects.org/herp/).
- **Ontario Butterfly Atlas** database regarding butterflies recorded in the vicinity of the site (squares: 17NL91 and 17PL01; accessed July 16, 2024, at: https://www.ontarioinsects.org/atlas/).
- **iNaturalist Mapping and Online Database** regarding citizen scientist observations documented in the vicinity of the subject lands accessed July 16, 2024, at: https://inaturalist.ca/projects/nhic-rare-species-of-ontario
- **Species at Risk in Ontario List** as provided by Ministry of the Environment, Conservation and Parks: https://www.ontario.ca/page/species-risk-ontario (last accessed July 2024)
- **Atlas of the Mammals of Ontario** (Dobbyn 1994) regarding mammals recorded near the subject property.
- **Digital Ontario Base Maps** (OBMs; 1:10,000) to ascertain topography.
- **Colour aerial photography** of the property (digital orthophotos: leaf-off, Spring).
- RiverStone's **in-house databases and reference collections**.
- On-site investigations by RiverStone staff (see **Section 2.3**)

2.3 Site Assessment Methods

The sections below outline the various methods used to characterize and assess potential natural heritage features and associated functions within the subject property.

2.3.1 Habitat-based Wildlife Assessment

RiverStone's primary approach to site assessment is habitat-based. We first focus on evaluating the potential for significant features and species within an area of interest, prior to undertaking any targeted assessments or surveys. An area is considered potential habitat if it satisfies several criteria, usually specific to a species, but occasionally characteristic of a broader group (*e.g.*, several species of turtles use sandy shorelines for nesting, several species of bats use cavity trees as day roosts and maternity sites, etc.). If habitat features are demonstrably absent from a study area, then targeted surveys would not be considered warranted to further support conclusions of the assessment.

Physical attributes of a site that can be used to assess habitat function include structural characteristics (*e.g.*, age and composition of forest canopy, water depth), ecological community (*e.g.*, meadow marsh, rock barren, coldwater stream), and structural connectivity to other habitat features required by a species of interest or indicator species. Species-specific habitat preferences and/or affinities are determined from status reports produced by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), Cadman et al. (2007), unpublished documents, and direct experience.

Evidence for the presence of a species (or use of an area by a species) was determined from visual and/or auditory documentation (e.g., song, call) and/or observation of nests, tracks, burrows, browse, skins, and scats (where applicable). Significant natural heritage features (e.g., wildlife habitat, fish

habitat, etc.) were delineated in the field with a high accuracy GPS. Features of interest were photographed, and all information collected was catalogued for future reference. Overall, the level of effort expended on-site was deemed appropriate to document natural features and functions with recognized status given the location and scale of the proposed development plan. Representative photographs taken during the site investigation are provided in **Appendix 2.**

2.3.2 Targeted Wildlife Assessment

Where appropriate, RiverStone explores further species-specific assessments in accordance with applicable standard methods and protocols. Targeted survey efforts may be undertaken due to one or more triggers, such as a specific request from an approval authority, an existing record for a species of interest, or a limitation to a habitat-based assessment (*e.g.*, limited property access). Given the scoped nature of this study and natural features reviewed, targeted surveys were not required for any specific group of wildlife. All potential habitat functions are estimated based on review of background information and on-site habitat structure, as discussed above. NO additional targeted assessments were deemed necessary for this study.

2.3.3 Physical Assessment (Topography, Surficial Geology and Drainage

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

2.3.4 Vegetation Community Assessment

All natural vegetation communities within the subject property were mapped according to the Great Lakes-St. Lawrence (GLSL) Ecosite Fact Sheets (Wester *et al*. 2015), otherwise known as the "Provincial" Ecological Land Classification (ELC) system. The GLSL Ecosite factsheets represent refinements and a synthesis of several different protocols for describing vegetation communities (primarily forests) within Ecoregions 4 and 5 previously prepared by MNRF in the 1990's. ELC defines ecological units or "Ecosites" based on a hierarchy of influence involving several physical factors including climate (temperature, precipitation), flooding, disturbance regimes, and substrate (depth, texture, moisture, nutrients). ELC provides a common language to describe vegetation communities, which in turn facilitates the identification of vegetation communities likely to support features or functions of conservation interest.

Each Ecosite code consists of three (3) components. The first component is a 1-digit geographic range code; all Ecosites within the GLSL geographic range begin with the letter "G". The second component is a 3-digit Ecosite number that corresponds to a specific vegetation community. The third component is a 1- or 2-digit vegetation cover modifier indicating whether the dominant vegetation is tall-treed (Tt), low-treed (Tl), shrub (S), not woody (N), or not vegetated (X). For example, "G153N" refers to a rock barren community that is dominated by non-woody vegetation occurring within the Great-Lakes St. Lawrence geographic range.

In our experience, the ELC classification key is not comprehensive, and improvised classifications are occasionally used to describe communities, particularly for cultural, successional, or otherwise

anthropogenic land cover. Vegetation communities were delineated via aerial photo interpretation and subsequently confirmed and refined in the field using a general wandering survey approach. The boundaries of any identified wetland boundaries were delineated in accordance with the "50% wetland vegetation rule" as directed by the Ontario Wetland Evaluation System (OWES), where feasible

Plant nomenclature is generally consistent with the Southern Ontario Vascular Plant Species List, Third Edition (Bradley 2013) except where updates that postdate publication of the list are noted in the Integrated Taxonomic Information System database.

2.3.5 On-Site Investigations

The background information gathered as outlined in **Section 2.2** helped direct data collection during site investigations. The sites features were assessed on July 4, 202 by Craig Mann, ecologist and arborist. Investigations were focused on collecting information pertaining to: (1) topography and drainage, (2) wetlands and vegetation communities, and (3) habitat for endangered and threatened species. Representative site photos taken during this investigation are assembled in **Appendix 2**. Overall, the level of effort expended on-site was deemed appropriate to document the features and functions with recognized status given the location and scale of the proposed development.

2.4 Significant Natural Heritage Feature Assessment

Provincial and local planning policies employ varying terms for natural heritage features and designations that have recognized 'statuses' within the applicable planning jurisdiction. Where relevant, this report employs the terminology of the Provincial Policy Statement (PPS) by referring to features with recognized status as Significant Natural Heritage Features (SNHF). Additionally, natural heritage features which do not constitute SNHF under the PPS but are considered relevant in the local land use planning context are considered in this discussion. A list of SNHF (applicable to Ecoregion 5E and/or the Township of Seguin) that were reviewed as potentially being present on the subject property include the following:

- Water Quality and Fish Habitat
- Watercourses
- Wetlands (including significant wetlands and coastal wetlands)
- Significant Wildlife Habitat
- Habitat of Endangered and Threatened Species
- Steep Slopes

The listed applicable features are assessed in accordance with applicable technical guidance documents, including the following:

- *Township of Seguin Official Plan (Consolidated December 7, 2022)*
- *Natural Heritage Reference Manual (NHRM) for the Natural Heritage Policies of the Provincial Policy Statement* (MNRF 2010)
- *Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E* (MNRF 2015).

In addition to the above references, the potential presence/absence of relevant species of conservation interest, such as endangered and threatened species, are assessed using a combination of the background information review outlined in **Section 2.2** and the habitat-based and targeted approach outlined in **Section 2.3.1**.

2.4.1.1 Water Quality and Fish Habitat

Our field approach for fish habitat is also habitat-based. That is, we do not conduct site visits to observe fish use of the shoreline habitat over their entire life cycle to conclude whether the habitat is used or is significant. Instead, we conduct a site visit during the time of year when habitat features are visible, to document feature characteristics and types **Table 1**.

While some habitats are specifically used by individual species at key times in their life history (*e.g.* rocky wind-swept shoals exposed to wind used by lake trout for spawning), other habitats are used by several species at various important times in their development (*e.g.* aquatic vegetation is used by various species for spawning, nursery, and/or feeding habitat). Characteristics of the lake shoreline that relate to habitat use by fish include substrate type, slope / water depth, presence of woody debris / fallen trees and large boulders, aquatic vegetation, confluence with watercourses, and exposure to the wind. During our assessment, these features are surveyed from land and/or the water, taking note of the key habitat features described above.

The key habitat features, along with the state of the riparian vegetation, were documented and recorded during onsite assessments and compared with the specific and general habitat requirements of the fish that are known to occur, in order to establish the fish habitat type (**Table 1**). Where available, our classification is compared with that of the MNRF. For the Subject Property, mapping provided by the MNRF identified the shoreline as Type 1 (Critical) fish habitat (**Figure 2**).

Table 1. Classification of Fish Habitat Types.

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

Generally, where watercourses are encountered, they are assessed for several important characteristics, including the physical dimensions of the channel, substrates, invertebrates, thermal regime, groundwater sources and adjacent vegetation. These details allow the watercourse to be characterised and considered based on requirements in the Township Official Plan. These requirements ultimately relate to the protection of the feature, application of a suitable buffer width, and vegetation retention requirements. Wetlands can also be considered habitat for fish where there is suitable open water. Following our background review and site assessment, no watercourses were identified on the subject property that would be capable of supporting fish; however, wetland features where observed along the shoreline of Faris Lake that are suitable for fish habitat. Further assessment is provided in **Section 3.3**.

Water quality was considered in the context of overland flow from any proposed septic systems that may provide phosphorus as overland flow toward the adjacent Faris Lake.

2.4.2 Watercourses

Any watercourses that are encountered during our assessments were reviewed for several important characteristics. Useful site-specific information to collect generally includes channel structure, instream cover, substrate type, stability, type and density of riparian vegetation, and location of groundwater upwellings. Following the methods described in *The Stream Permanency Handbook* (Irwin *et al*. 2013), the flow characteristics (stream permanency) of watercourses would also be assessed to determine stream permanency. This includes observations of flow duration, instream vegetation, established channel, water temperature, and the presence of aquatic invertebrates was evaluated. Stream characteristics lead to a determination of whether the watercourse is a permanent, intermittent, or ephemeral feature. These details allow the creek to be characterised and considered based on requirements in the Township Official Plan related to the buffer width and vegetation retention requirements. No watercourses were encountered on the subject property.

2.4.3 Wetlands

Initial review of aerial photography and provincial data layers informed our assessment of wetlands on the subject property. An unevaluated wetland has been mapped on the subject property. On site, wetlands were assessed for habitat characteristics and connection between features according to the Ontario Wetland Evaluation System (Northern Region). Aerial photography and high accuracy GPS were used to delineate wetland boundaries, and all relevant features were photographed and catalogued for inclusion in this report.

2.4.4 Significant Wildlife Habitat

The PPS (2020) protects SWH from development and site alteration unless it can be demonstrated that no negative impacts on the feature or its function will occur. As outlined in the SWH Technical Guide (OMNR 2000) and supporting Ecoregion Criteria Schedules (OMNRF 2015a, 2015b, 2015c), SWH is composed of four principal components:

1. Seasonal Concentration Areas of Animals;
2. Rare Vegetation Communities or Specialized Habitats;
3. Habitat of Species of Conservation Concern; and
4. Animal Movement Corridors.

The process for identifying SWH is outlined in s. 9.2.3 of the Natural Heritage Reference Manual (OMNR 2010). Step 1 considers the nature of the development application proposed and involves the assembly of background ecological information for the subject property and adjacent lands. If the application triggers a need to protect SWH (e.g., a change in land use that requires approval under the Planning Act), a more thorough investigation of potential SWH features on the subject property or adjacent lands must occur. Any confirmed SWH for the subject property and adjacent lands as identified in relevant planning documents or by the MNRF should be noted at this stage (“Adjacent” can include proximate parts of the mainland where there could be a connection between features important to a species of concern).

Where a need to protect SWH is triggered, Step 2 involves undertaking a more thorough analysis of features, functions, and habitats on the subject property via ELC (see **Section 3.4**). The list of ELC

Ecosite codes generated for the subject property is compared to those codes considered candidate SWH in the relevant Ecoregion Criterion Schedule (i.e., 5E) in Step 3. Where a positive match between an ELC Ecosite and candidate SWH exists, the area is considered candidate SWH. In Step 4, two options are available for candidate SWH:

1. the area may be protected without further study, or
2. the area may be evaluated to ascertain whether confirmed SWH is present. Evaluation may involve generating more detailed maps of vegetation cover or conducting surveys of the wildlife population within the candidate SWH including reproductive, feeding, and movement patterns.

If the area is confirmed SWH, the final step in the process (Step 5) is the completion of an impact assessment to demonstrate that no negative impacts to the confirmed SWH or its function will occur. The impact assessment process is assisted by SWH Mitigation Support Tool (OMNRF 2014).

RiverStone employed the approach as outlined above (*i.e.*, **Steps 1-5**) in assessing the potential for SWH to exist on the subject property. Technical results of our assessment are provided in **Appendix 3**, with additional discussion in **Section 4.5.**

2.4.5 Species at Risk – Endangered and Threatened Species

For the purposes of identifying species that warrant consideration during design and implementation of the proposed development plan, endangered and threatened species include those designated as "endangered" or "threatened" under O. Reg. 230/08 pursuant to the provincial *Endangered Species Act, 2007*. These species are considered within the local Official Plan and Provincial Policy Statement as SAR. RiverStone's approach to site assessment is primarily habitat-based. The assessment included a thorough review of the available information, site visit, and assessment of findings. The results of these assessments are provided below in **Section 4.4** and in **Appendix 3**.

2.4.1 Steep Slopes

While the Township of Seguin does not provide steep slope mapping on Schedule C of the OP, the OP does indicate in several sections (C.1.1.1, C.3.1.3.11, C.1.3.13) that steeps slopes may direct where and how development can occur, setbacks for steep areas, and possible requirement for an SER that would make the area physically unsuitable for development. Steep slopes on the subject property were mapped in the previous MNAL report with features being confirmed and documented in the field for inclusion in this report.

2.5 Impact Assessment and Mitigation Planning

To carry out a rigorous and defensible assessment of potential impacts associated with the proposed development, RiverStone employs the following approach.

1. *Predict* impacts to features and species of conservation interest on the subject property and adjacent lands based on the proposed development plan (from construction to post-completion), including both direct (*e.g.*, vegetation clearance) and indirect (*e.g.*, light pollution, encroachment post-development) impacts.
2. *Evaluate the significance* of predicted impacts to features and species of conservation interest based on their spatial extent, magnitude, timing, frequency, and duration.

3. *Assess the probability or likelihood* that the predicted impacts will occur at the level of significance expected (*e.g.*, high, medium, low probability).

In instances where the potential for negative impacts to features or species of conservation interest exist, ecologically meaningful mitigation measures are offered to avoid, minimize, and/or compensate for such impacts. RiverStone's impact assessment and recommended mitigation measures are provided in **Section 5.**

2.6 Assessment of Conformance with Applicable Environmental Policies

In instances where the potential for negative impacts to natural heritage features exist, mitigation measures are offered to avoid, minimize, and/or compensate for such impacts as required. RiverStone's impact assessment and recommended mitigation measures are provided in **Section 5**.

- Federal *Fisheries Act*, R.S.C. 1985, c. F-14, amended on 2019-08-28 including:
    - *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*, S.O.R/2013-191
    - Fish and Fish Habitat Protection Policy Statement (August 2019)
- Federal *Migratory Birds Convention Act*, S.C. 1994, c. 22, including:
    - Migratory Birds Regulations.
- *Provincial Planning Statement*, 2024, pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, including:
    - Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 (OMNR 2010)
- Provincial *Endangered Species Act* (ESA), S.O. 2007, c. 6, including:
    - Ontario Regulation 230/08: Species at Risk in Ontario List
    - Ontario Regulation 242/08: "Exemption Regulation"
- Township of Seguin Official Plan (Consolidated December 7, 2022)
- Township of Seguin Zoning By-law 2006-125 (Consolidated December 7, 2022)

3 BIOPHYSICAL FEATURES AND FUNCTIONS

3.1 General Description of Site Conditions and Land Uses

The subject property is approximately 10.6 ha (26.2 ac) in area and is accessed via Hawksview Lane off Highway 518. At the time of RiverStone's assessment, the subject property had an existing driveway from Hawksview Lane, dwelling with septic and well, in the south portion of the property. The proposed severed lot containing an existing driveway and clearing area assumed to be proposed dwelling location. The remaining portions of the property are primarily forested. Due to the retained portion of the property containing an existing structure, only the proposed severed lot was assessed during the site assessment. Vegetation communities consist of a mixture of upland and lowland deciduous forests communities and upland conifer communities, with a marsh wetland community located in the west portion of the property. Areas of steep slopes and exposed bedrock are located throughout the proposed severed lot, with several steep slopes located toward the lake shoreline. Open rock barren areas were not observed, nor were any watercourse features. Vegetation communities

along with steep slope areas are identified on **Figure 2**. Representative photographs taken during the site investigation are provided in **Appendix 2**.

3.2 Topography, Physiography and Drainage

The subject property is situated along the east portion of Ecodistrict 5E-7 (Parry Sound) region. The bedrock-controlled landscape of the Huntsville Ecodistrict is underlain by Precambrian bedrock covered by a variable layer of morainal material. Deposited by glaciers as they moved across the area, the morainal deposits are acidic and typically shallow to moderately deep. Areas of bare bedrock are common at higher elevations where the glacier was thinner and less morainal sediment was deposited. Prominent bedrock knobs and ridges are common in the region and dominate features in some areas. The Precambrian landform expression strongly influences the topographic patterns of the region as well as the local overland drainage characteristics.

Observation made during the RiverStone site visit were consistent with the description noted in the MNAL (2007) report, which describes the assessment area as having steep slopes with bedrock outcrops, thin soil covered by middle-aged deciduous/coniferous forests. While portion of the shoreline contain step slopes, the south portion of the proposed lot has shallow slopes between 0-5%. Overland drainage from the proposed lot is directed in a south and southwest flow path towards the central wetland community that eventually drains into Faris Lake. Contour mapping and steep slope areas for the proposed lot are outline on **Figure 2**.

3.3 Fish Habitat

The existing information from the MNRF indicates that Faris Lake is approximately 16 ha in area, with a maximum depth of 17 m and an average depth of 6 m. The lake watershed is approximately 0.8 km^2 in area, flow is receiving from overland flow as there are no upstream lakes. Faris Lake drains in a northeast direction through a series of wetlands. Lake water levels are not regulated.

Faris Lake supports a community with coldwater and warmwater fish species that include, Brown Bullhead, Pumpkinseed, Smallmouth Bass (*Micropterus dolomieu)*, White Sucker and Yellow Perch. (OMNR 2010). Faris Lake was stalked with Brook Trout in the 1960's due to the compatible water quality for trout. Due to the presence of Smallmouth Bass and the lack of public access additional stalking has not been completed and the presence of bass limits the potential for trout success.

During our site investigations, the shoreline of the proposed severed lot was reviewed from the onshore. In general, fish habitat characteristics across the frontage vary in terms of nearshore slopes, substrates, and presence of aquatic vegetation. Each of these characteristics relate to its function as habitat for fish.

The shoreline has a mix of both Type 1 and Type 2 fish habitat with Type 1 habitat (**Table 1**) occurring in south portion of the shoreline of the proposed lot with the remaining shoreline characterized as Type 2 habitat (**Figure 2**). Beginning from the south portion of the assessment area, the nearshore slopes are shallow with aquatic vegetation extending from the shoreline out to the offshore island. Vegetation present include American White Water Lily (*Nymphaea odorata*), Pickerelweed (*Pontederia cordata*), Water Shield (*Brasenia schreberi*) and Seven-angle Pipewort (*Eriocaulon aquaticum*) with shallow water depths of ~0.5m with substrates consisting of muck and detritus. Vegetation is dense, sufficient enough to provide spawning and feeding habitat for a variety of species. This area is most appropriately classified as Type 1 Fish Habitat.

Extending from the Type 1 habitat to the northern lot boundary, shoreline slopes steadily increase. Substrates consist of a mix of sand and detritus with some bedrock and boulders. Directly along the shoreline, some shallow areas contain sparse aquatic vegetation of American White Water Lily, Pickerelweed, Water Shield and Three-way Sedge (*Dulichium arundinaceum*). Large woody debris is also present. This portion of the shoreline is best classified as Type 2 fish habitat.

Both Type 1 and Type 2 habitats mapped during our assessment (**Figure** 2) are consistent with fish habitats mapped in the 2007 MNLA report. Overhanging and shoreline vegetation along the shoreline includes Sugar Maple, Northern Red Oak, Red Maple, Eastern White Pine, and Eastern Hemlock.

3.4 Vegetation Communities

In general, the subject property contains a mix of upland mixedwood forest, meadow, and wetland habitat. Ecological communities were characterized and delineated through a combination of aerial photography analysis and field investigations; these communities are described below and mapped on **Figure 2**. Each description includes a list of representative plant species within each community. All species observed within the study area are considered common locally and provincially.

3.4.1 Terrestrial Vegetation Communities

G059Tt Dry to Fresh, Coarse: Mixedwood

A large portion of the proposed severed lot contains upland hardwood dominated vegetation community with a mixture of hardwood tree species with some coniferous species present. With ethe wide range of soil depths throughout this community, inclusions of Northern Red Oak (*Quercus rubra*), on thin soils. Vegetation species present within this community include Sugar Maple (*Acer saccharum*), Northern Red Oak, Bur Oak (*Quercus macrocarpa*), Red Maple (*Acer rubrum*), Ironwood (*Ostrya virginiana*), Black Cherry (*Prunus serotina*), White Ash (*Fraxinus americana*), Eastern White Pine (*Pinus strobus*), Striped Maple (*Acer pensylvanicum*), Marginal Wood Fern (*Drypteris marginalis*), Spinulose Wood Fern (*Dryopteris carthusiana*), Northern Bracken Fern (*Pteridium aquilinum*), Partridge Berry (*Mitchell repens*), Choke Cherry (*Prunus virginiana*), Prickly Currant (*Ribes lacustre*), American Fly Honeysuckle (*Lonicera canadensis*), Northern Bush Honeysuckle (*Diervilla lonicera*), Eastern Teaberry (*Gaultheria procumbens*), Lowbush Blueberry (*Vaccinium angustifolium*), Velvetleaf Blueberry (*Vaccinium myrtilloides*), Bunchberry (*Cornus canadensis*), Wild Sarsaparilla (*Aralia nudicaulis*), Canada Mayflower (*Maianthemum canadense*) and Northern Star Flower (*Trientalis borealis*).

G051Tt Dry to Fresh, Coarse: Hemlock – Cedar Conifer

Vegetation communities on the proposed severed lot that contain more conifer than the G050 community outline above are best characterised as G0051. While there is a lack of Eastern White Cedar (*Thuja occidentalis*) in this community, Eastern Hemlock (*Tsuga canadensis*) is present along with Eastern White Pine. This community is present along the shoreline on the in the south portion and in the north portion of the proposed severed lot. In the north portion, the lack of old stumps level ground and drainage patterns suggest the area had been historically cleared and likely farmed. Eastern White Pine is more abundant in this portion of the lot. In addition to Eastern Hemlock and Eastern White Pine, vegetation noted within this community include Sugar Maple, Red Maple (*Acer rubrum*), White Birch (*Betula papyrifera*), Northern Red Oak, Bur Oak, Balsam Fir (*Abies balsamea*), Yellow Birch (*Betula alleghaniensis*), Beaked Hazelnut (*Corylus cornuta*), Hobble Bush (*Viburnum*

lantanoides), Lowbush Blueberry, Northern Bracken Fern, Spinulose Wood Fern, Eastern Teaberry, Wild Sarsaparilla, Northern Starflower, Bunchberry and Bluebead Lily (*Clintonia borealis*).

3.4.2 Wetland Vegetation Communities

G130Tt Intolerant Hardwood Swamp

Located in the central portion of the proposed lot is a lowland area best characterized as a treed swamp (G130). This community collects overland flow and drains to the south and into a watercourse on the adjacent retained lot and into Faris Lake. An additional small community is located in the east portion of the proposed lot, no inlet or outlet were observed and surface water in this community is assumed to dry up. Vegetation species noted in this community include Red Maple, Eastern Hemlock, Eastern White Cedar, Black Ash (*Fraxinus nigra*), Yellow Birch, , Interrupted Fern (*Osmunda claytoniana*), Ostrich Fern (*Matteuccia struthiopteris*), Royal Fern, Back-girdle Bulrush (*Scirpus atrovirens*), Small Bur-reed (*Sparganium natans*), and Harlequin Blue Flag *(Iris versicolor*).

G148N Mineral Shallow Marsh

In the north portion of the proposed lot adjacent to Highway 518 is a shallow mash community presented in the zoning maps as being EP. With the community being located adjacent to the present and historic Highway 518 roadways, it is assumed that the hydrologic regime had historically been altered allowing water to pool. Vegetation in this community is dominated by Broadleaf Cattail (*Typha latifolia*) additional species of White Meadow-sweet (*Spiraea alba*) and Sensitive Fern (*Onoclea sensibilis*).

3.4.3 Significant Wildlife Habitat

The results of RiverStone's desktop, habitat-based, and on site studies of potential features and communities that could function as SWH as noted in the Provincial policies is provided in **Appendix 3**. All vegetation communities in the assessment area have the potential to function as SWH. Based on the initial steps of our desktop analysis, twenty three (23) special concern species had the potential to occur on the subject property. Following review of the aerial photographs and onsite assessment, five (5) special concern species had the potential to use features found on the subject property.

The following SWH features, or communities have the potential to be impacted by the proposed development. An impact assessment is provided for each SWH feature in **Section 4.4.**

- Seasonal Concentration Areas of Animals
    - Bat Maternal Colonies
- Specialized Habitats for Wildlife
    - Amphibian Breeding Habitat (Woodland)
    - Amphibian Breeding Habitat (Wetlands)
- Habitat of Species of Conservation Concern
    - Special Concern and Rare Wildlife Species
        - Canada Warbler
        - Olive-sided Flycatcher
        - Wood Thrush
- Animal Movement Corridors
    - Amphibian Movement Corridors

3.4.4 Endangered and Threatened Species

Based on the initial steps of our desktop analysis twenty (20) endangered or threatened species had the potential to occur within the assessment area or on adjacent lands. Following review of the aerial photography and our on-site assessment, that list was reduced to five (5) endangered or threatened species that would have suitable habitat on the property, and therefore the potential to use natural features on the subject property or were observed on the subject property: Black Ash (*Fraxinus nigra*), Eastern Hog-nosed Snake (*Heterodon platirhinos*), Little Brown Myotis (*Myotis lucifugus*), Northern Long-eared Myotis (*Myotis septentrionalis*) and Tricoloured Bat (*Perimyotis subflavus*). Features with the highest potential to provide habitat for species at risk on the subject property were associated with the forest communities (**Figure 2**). See **Appendix 3** for a detailed technical description of RiverStone's assessment and to review the boundary of these habitat features and potential habitat for each SAR species.

Only One (1) of the potential SAR species, Black Ash, was directly observed during the site investigation, with potential habitat documented for four (4) other species (Eastern Hog-nosed Snake and three bat species). In the absence of targeted studies for each species at the appropriate time of year, it is not possible to conclusively determine whether the habitat features are absolutely used by any of the potential SAR that we determined may occur on the property. Therefore, these habitats are being treated as significant, with mitigation measures implemented to ensure no impacts to the habitat of endangered or threatened species according to the applicable legislation and policy.

4 KEY NATURAL HERITAGE/HYDROLOGIC FEATURE ASSESSMENT

Based on the biophysical information collected during background information gathering, and the summarized existing conditions of the subject property as described above, **Table 2** below identifies all SNHFs that are present (or potentially present) within the study area. RiverStone's rationale for identifying such features is provided in the sections that follow.

Table 2. Summary of the Assessment of Significant Natural Heritage Features included in the scope of work and identified within the Study Area.

Significant Natural Heritage	Presence/Absence within the Study Area
Fish Habitat	*Present. See Section 4.1*
Watercourses	*Absent. See Section 4.2*
Wetlands	*Present. See Section 4.1*
Significant Wildlife Habitat	*Present. See Section 4.3*
Habitat of Endangered and Threatened Species	*Present. See Section 4.2*
Steep Slopes	*Present. See Section 4.6*

Shaded rows denote SNHF that are present or have the potential to be present within the study area.

4.1 Fish Habitat

As discussed in **Section 3.3**, portions of the shoreline of Faris Lake fronting the subject property contain substrates, vegetation and structure in the nearshore areas that would be considered to provide potential spawning and nursery areas for fish species, and are therefore classified as Type 1 (Critical) Fish Habitat. Remaining portions of the shoreline exhibit a lack of vegetation, consistent substrates, and a lack of abundant woody debris. Fish habitat along the remaining frontage of the subject property is best described as Type 2 (Important) Fish Habitat (**Figure 2**). Areas of aquatic vegetation as indicated on **Figure 2** have the potential of providing critical habitat in the maintenance or support of warmwater sport fishery or forage fish in Faris Lake. This assessment of fish habitat is consistent with the assessment outlined in the MNAL 2007 report. An assessment of potential impacts to the fish habitat that may result from implementation of the proposed development plan is provided in **Section 5.3**.

4.2 Watercourses

No watercourses were noted on the proposed severed lot; however, a watercourse was noted on the adjacent retained lot, which connects to Faris Lake. Wetland features on the proposed lot drain to the south and southwest towards the watercourse on the adjacent retained lot. Overland flow patterns were considered separate of defined watercourses as it relates to potential movement of surface water toward Faris Lake.

4.3 Wetlands

No provincially significant wetland (PSW) are present within the study area; however, two (2) unevaluated wetland features were noted within the study area. Based on available background mapping and onsite assessment the wetlands including a treed swamp and meadow marsh, located to the north of the existing access road (**Figure 2**).

4.4 Habitat of Endangered and Threatened Species

To assess the potential presence of individuals and/or habitat for endangered and threatened species within the study area, RiverStone staff conducted the following:

- Review of the list of species designated as endangered and threatened in Ontario, as per Schedules 2 and 3 of Ontario Regulation 230/08 [(Species at Risk in Ontario List (SARO List)], located here: https://www.ontario.ca/laws/regulation/080230. In our experience, the potential presence of most provincially endangered and/or threatened species can be ruled out based on their limited geographical ranges in the province and/or a lack of specific habitat conditions which they require to carry out key life processes.
- Review of the NHIC database for existing records of element occurrences for endangered or threatened species (data squares 17NL9917 and 17PL0017 and adjacent squares). Databases of iNaturalist, OBBA, and ORAA were also reviewed as of December 2023.
- On-site investigation undertaken in 2023, during which vegetation conditions were characterized for detailed habitat-based assessment.

Information from the above assessment process was used to inform a site-specific screening, as contained in **Appendix 3**. The screening is based on a list of terrestrial or wetland species that are known to occur within the regional jurisdiction (*i.e.*, District of Muskoka). Through this screening, the species discussed below were identified as having the potential to be present within the subject

property or directly adjacent lands. Where relevant, potential impacts to these species are discussed further in **Section 5.5**.

The preliminary screening identified the potential for twenty-five (25) endangered or threatened species to be present within the assessment area based on existing records and/or range maps. Following the results of our onsite assessments, RiverStone identified the potential for five (5) endangered/threatened species to be present on the subject property; these include Black Ash (Fraxinus nigra), Eastern Hog-nosed Snake (*Heterodon platirhinos*), Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and Tri-colored Bat (*Perimyotis subflavus*). Through this screening, the species discussed below were identified as having the potential to be present within the subject property or directly adjacent lands. Where relevant, potential impacts to these species are discussed further in **Section 5.5**.

4.4.1 Black Ash (*Fraxinus nigra* – Endangered)

Black Ash was added to the SARO List as of January 27, 2022 and species- or habitat-level protections are required under Regulation 242/08 of the ESA for these species in designated areas of Ontario. Black Ash were located on-site within the G130 wetland ecosite and surrounding a vernal pool (**Figure 3**). While there are no current protections afforded to Black Ash within the Township of Seguin, this species is within a wetland feature that should be protected. Further assessment in terms of impacts and impact mitigation is covered in **Section 5.5.1**. We note that the lack of requiring protection for this species and it's habitat can change at any time and future assessment and/or authorization to ensure ESA compliance may be required in the future if Black Ash are proposed to be removed.

4.4.2 Eastern Hog-nosed Snake (*Heterodon platirhinos*)

The Eastern Hog-nosed Snake specializes in hunting and eating toads and usually only occurs where toads can be found. They prefer sandy, well-drained habitats such as beaches and dry forests where they can lay their eggs and hibernate. Eastern Hog-nosed Snakes are a highly mobile species and somewhat generalist with respect to habitat preferences. They use large areas to carry out life processes such as foraging, thermoregulation, mating and dispersal. Because of their mobility, they have large activity ranges and long average daily movement distances. These habitat areas can include a mosaic of open natural areas such as woods, brushland, meadow, forest, forest edge, rock barrens, and sandy areas. The most significant threats to Eastern Hog-nosed Snake are habitat loss, fragmentation, and road mortality (Kraus, 2011).

Eastern Hog-nosed Snakes were not documented within the proposed severed lot during our site assessment. However, based on the observations made by RiverStone, features within the lot are suitable to function as general habitat for Eastern Hog-nosed Snake.

Further discussion, including an assessment of potential impacts to this species resulting from implementation of the proposed development plan, is provided in **Section 5.4**.

4.4.3 Endangered Bat Species (*Myotis lucifugus, M. septentrionalis, Perimyotis subflavus*)

These species, assessed as a species guild (related species with similar habitat characteristics), include several bat species listed as endangered in Ontario. Bats are highly mobile; however, individuals and groups of the noted bat species are also recognized as having some degree of fidelity to suitable local sites for daily and seasonal 'roosting' activities. While some species (*i.e., Myotis lucifugus*) exhibit a preference for roosting in anthropogenic structures, natural roosting sites are also important. Natural

roosting sites are generally associated with mature forests containing a sufficient density of large trees in various stages of decay, otherwise known as 'snags'. Snags provide features such as cavities and/or loose bark, on which bats rely for shelter and thermoregulation throughout the active season.

Woodland cover is present within the proposed subject property and while no formal quantitative evaluation of bat habitat was conducted to support this assessment, we estimate that there is potential for on-site trees/woodland to support roosting habitat for endangered bat species.

Current direction from MECP prescribes that targeted surveys of treed habitats/snags are not necessary to quantify the quality/extent of potential habitat for endangered bat species IF a project would involve removal of only a small number of potential maternity or day roost trees in treed habitats (or none at all). This approach assumes that other appropriate mitigation measures (*i.e.*, timing windows) are employed to avoid impacts to individuals of endangered bat species. For our assessment, it is RiverStone's opinion that potential significant habitat features for bats could occur and it is not possible to rule out the potential for *individuals* of endangered bat species (or other bat species) to be present during the active season in any individual trees (*i.e.*, through migration and regular daily movements). Further discussion, including an assessment of potential impacts to individuals of endangered bat species resulting from implementation of the proposed development, is provided in **Section 5.**

4.5 Significant Wildlife Habitat

The results of RiverStone's desktop, habitat-based, and targeted assessments of potential features and communities that could function as significant wildlife habitat (SWH) per provincial policies is provided in **Appendix 4**. Four (4) communities or features with the potential to be classified as SWH were identified. Based on the initial steps of our desktop analysis, eight (8) special concern species had the potential to occur on the subject property. Following review of the aerial photographs and onsite assessment, eight (8) special concern species had the potential to use features found on the subject property.

The following SWH features or communities have the potential to be impacted by the proposed development. An impact assessment is provided for each SWH feature in **Section 5.6**.

- Seasonal Concentration Areas of Animals
    - Bat Maternal Colonies
- Specialized Habitats for Wildlife
    - Amphibian Breeding Habitat (Woodland)
    - Amphibian Breeding Habitat (Wetland)
- Habitat of Species of Conservation Concern
    - Special Concern and Rare Wildlife Species
        - Canada Warbler (*Cardellina canadensis*)
        - Olive-sided Flycatcher (*Contopus cooperi*)
        - Wood Thrush (*Hylocichla mustelina*)
- Animal Movement Corridors
    - Amphibian Movement Corridors

Special concern and rare wildlife species are considered further in the impact assessment section below (see **Section 4.2**), where mitigation measures are proposed. See **Appendix 3** for a detailed technical description of RiverStone's assessment.

4.5.1 Bat Maternity Colonies

Refer to **Section 4.4.3** for discussion regarding the potential for bat maternity habitat to be present in the study area. While the discussion in **Section 4.4.3** is provided specifically for endangered bat species, the assessment and conclusions are comparable to species that are not protected under the ESA. In the absence of targeted surveys, we assume that one or more natural woodland communities within the study area could support this category of SWH.

4.5.2 Amphibian Breeding Habitat & Movement Corridors

Wetlands on the subject property and the adjacent Faris Lake have potential to support breeding habitat for amphibians, including those that depend on wetlands or a combination of wetlands/woodland to fulfill life processes. Of the wetland features documented within the assessment area, we estimate that all shoreline area, swamp ecosite (G130Tt) and meadow marsh ecosite (G148N) have potential to constitute 'significant' habitat. In addition, a vernal pool located in the northeast portion of the subject property has potential to support amphibian breeding but is under the $500m^2$ size threshold to be considered potential SWH. With the shoreline, Faris Lake has the potential to supporting SWH, then adjacent terrestrial areas may be regarded as corridors that facilitate movement between other areas of suitable habitat.

4.5.3 Special Concern and Rare Wildlife Species

RiverStone staff have conducted a review of the list of species designated as special concern in Ontario, as per Schedule 4 of Ontario Regulation 230/08. RiverStone further reviewed several biodiversity databases for existing records of element occurrences for special concern or rare species, including: NHIC, iNaturalist, OBBA, and ORAA. Based on the initial steps of our desktop analysis or have otherwise been identified by staff as having the potential to occur within the study area, three (3) Special Concern species, Canada Warbler, Olive-sided Flycatcher and Wood Thrush have potential to be present or to use features found in the study area.

Canada Warbler

The Canada Warbler is a small bright-coloured songbird. They breed in a range of deciduous and coniferous, usually wet forest types, and prefer a well-developed, dense shrub layer. This habitat helps to conceal nests that are usually located on or near the ground on mossy logs, along stream banks, or on hummocks. Canada Warbler are assumed to be present within the assessment area based on vegetation communities present as outlined in **Section 3.4**.

Olive-sided Flycatcher

Olive-sided Flycatchers are a small aerial insectivore that is typically seen making short foraging flights from tall trees into open areas (COSEWIC 2018). This species is most commonly associated with edge habitats along coniferous or mixed forests. Olive-sided Flycatchers seek out tall trees or snags for perching that are located along open to semi-open mature forests and edges near wet areas (e.g., rivers, wetlands, and lakes) (COSEWIC 2018). On the subject property, habitat for this species is primarily associated with the treed swamp community. Olive-sided Flycatcher are assumed to be present within the assessment area based on vegetation communities present as outlined in **Section 3.4**.

Wood Thrush

Wood Thrush are typically found in mature deciduous and mixed forest communities containing well-developed understory layers. Wood Thrush preferentially select areas of contiguous forest; however, this species may be found in smaller forest patches where conditions are suitable. This species typically selects Sugar Maple or American Beech saplings as nest sites (COSEWIC 2012c).
Wood Thrush are assumed to be present within the assessment area based on vegetation communities present as outlined in **Section 3.4**.

4.6 Steep Slopes

Steeper areas, with slopes 20% and higher, were identified in the 2007 MNAL report and verified during the site assessments (**Figure 2**). Steep slopes are most notable in the east portion of the shoreline and east central portion of the assessment area. The steep slopes are characterized by large granite ridges that form forested cliffs and areas of exposed rock. Under the Township of Seguin OP, Section C.3.1.3.13, development on steep slopes is subject to strict control and site plan approval.

5 IMPACT ASSESSMENT AND RECOMMENDATIONS

5.1 Proposed Development

The proposed development is to sever the subject property to create one (1) new lot, separating the Faris Lake waterfront essentially in half. Currently the mainland portion of the subject property has been developed and an island associated with the property is vacant but has development rights. Faris Lake as not being at capacity but is characterised as Moderately Sensitive for development, the development plan would remove development rights on the small island in front of the subject property and essentially trading these rights for rights on the mainland parcel of the severed lot. The severance would allow the construction of a single dwelling, septic and accessory structures permitted under the zoning on the severed lot. The subject property is currently zoned SR1 and EP (island zoned LSR) located along portions of the shoreline and in the northern portion adjacent Highway 518. Currently the property contains a main access driveway along with dwelling in the south portion of the property with the proposed lot having an existing driveway and cleared partial development area. As noted in the discussion above, a wetland features was noted to the north of the existing main driveway.

5.2 Impact Assessment

RiverStone's impact assessment below is intended to inform a review of the proposal by the appropriate approval authority. Our assessment is based on a review of existing conditions at the time of site investigations, as illustrated on **Figure 2** and in the photographic record contained in **Appendix 2**. The primary purpose of this report is to assess impacts and support impact mitigation for all features that receive protections under applicable environmental planning policies and regulations that were to be included in this scope of work, to determine if the severance of the property. Also, water quality impacts related to moderately sensitive lakes was reviewed in the context of proximity to the Faris Lake shoreline and the policies of the Township and Province.

RiverStone's impact assessment is intended to be reflective of the above guidance, with consideration for the integrity and function of natural features, and in acknowledgement that not all development and site alteration represents a negative impact.

5.3 Fish Habitat and Water Quality

Appendix 1 of the Township of Seguin Official Plan (December 7, 2022) designates Faris Lake as Moderate Sensitivity and is not listed on Appendix II as being at capacity. Section B.3.1.1.4 of the OP states that

a) Where a lake is classified as moderately sensitive to development inputs on Appendix I to this Plan and is not over threshold, new development may be permitted subject to the submission of an Site Evaluation Report.

RiverStone is submitting this SER in consideration of the potential negative impacts to water quality within Faris Lake, as well as to other natural heritage features.

As outlined above the Township of Seguin OP characterises Faris Lake as Moderate Sensitive and is defined in Section B.3.1 of the OP as:

- Lakes of moderate sensitivity have some ability to receive phosphorus without a significant decrease in water quality.

A lake is also defined an "over threshold" lake when phosphorus loading to a lake exceeds its background level (in the absence of development) plus 50% or would exceed the Provincial Water Quality Objective of 20 µg/L total phosphorous." A lake's sensitivity rank pertains to how likely it is that development-related phosphorous will increase concentrations by more than 50% of the background phosphorus levels. With Faris Lake not being classified at capacity, increased development has limited potential to input more phosphorus than the lake can sustain. Development proximate to Faris Lake, thereby increasing development, is unlikely to increase phosphorus concentrations above the 20 µg/L threshold and to negatively impact water quality.

The most sensitive lakes in Ontario are those designated as Lake Trout Lakes at Capacity. These lakes contain lake trout, a cold-water fish, that requires high dissolved oxygen levels and deep, cold water. Lake Trout lakes at Capacity are like Over Threshold lakes within the Seguin OP. These lakes cannot accommodate additional development without phosphorus levels increasing above the Provincial Water Quality Objective. If phosphorus levels in a Lake Trout Lake increase, changes in water chemistry and plant growth will reduce the amount of oxygen available within the lake, killing the lake trout and destroying a valuable fishery resource. As mentioned above, Faris Lake is not a Coldwater / Lake Trout lake at capacity. The location of Type 1 fish habitat mapped in the 2007 MNAL report is consistent with findings during the 2024 site visit.

5.3.1.1 Septic System Location and Construction

The proposed development will include the construction of a septic system on the proposed severed lot. In addition to Township policy regulating the placement of septic systems, the Ontario Building Code (OBC) identifies constraints to system placement. Physical constraints on the placement of these systems include soil conditions, slope conditions, and site drainage as well as minimum setbacks from watercourses, water bodies, and wells.

To maximize removal of bacteria, the OBC requires that septic systems be set back 15 m from the water. This is consistent with the Township of Seguin policies that require 20 m development setback from shorelines and expands protection to wetlands and watercourses. Based on biophysical

constraints this setback is easily achievable for the subject property. The ideal septic location will maximize the distance to natural heritage features, including the shoreline of Faris Lake.

The property was also reviewed for compliance with the OBC regarding slope. Areas having a slope greater than 25% are unsuitable for installation of a leaching bed, as the effluent moves through the bed too quickly for treatment. The subject property contains areas outside of recommended setbacks where slopes are appropriate for septic development.

One of the key features of a properly functioning septic tank/leaching bed system is soil-based treatment of effluent. Soils receiving effluent must be deep enough to ensure that unsaturated conditions are maintained, and that septic drainage occurs slowly, allowing for maximum removal of nutrients and bacteria. The OBC requires a vertical separation of 0.9 m between the effluent distribution system and the high mark of the groundwater table, bedrock, or soils with a percolation rate greater than 50 min/cm. In RiverStone's experience, it is likely that soils on the property do not meet these requirements and a partial or fully raised bed using imported soils will be required. RiverStone recommends the following measures:

- **A traditional Class 4 sewage treatment system or tertiary treatment can be utilised. The location of the septic system is to be with the development area outlined on Figure 3, as far back from the shoreline as possible to maximize the flow path distance to Faris Lake.**

- **The final location, design, and installation of the septic system must be completed by a licensed septic installer, following application of the recommendation above.**

Proper use and maintenance are a priority for each septic system. RiverStone recommends the following Best Management Practices be employed:

- Ensure the effluent filter on the septic tank is serviced regularly.
- Have the system pumped out very two to three years, depending on use.
- Never dump grease, oil, or fats into the drain.
- Do not sue a garbage disposal system.
- Be conscious regarding the amount of water and waste dumped at one time.
- Never do more than two loads of laundry in one day.
- Practice water conservation (use low flow toilets and showerheads).

By using a raised leaching bed or an enhanced treatment system, maintaining the maximum distance between the leaching bed and vulnerable natural heritage features, as required by the OBC, and by maintaining existing vegetation within buffers, there will be negligible potential for septic generated phosphorus reaching down gradient surface waters, such as Faris Lake.

General Construction Mitigation

- **Machinery should arrive on site in clean condition and be checked and maintained free of fluid leaks.**
- **Machinery must be refueled, washed, and serviced within the area isolated by sediment fencing.**

- **Locate all fuel and other potentially deleterious substances within the area isolated by sediment fencing.**
- **Temporary storage locations of aggregate/fill material (where required) should be located within the area isolated by sediment fencing. This material is to be contained by heavy-duty sediment fencing, a minimum of 30 m from wetlands.**
- **Offloading of construction and aggregate/fill materials (where required) should be completed during fair weather conditions, a minimum of 30 m from wetlands.**
- **All stockpiled topsoil/overburden (where required) should be piled in low piles and stabilized as quickly as possible (e.g., erosion-prone areas covered with textile) to minimize the potential for runoff and wind erosion.**
- **Integrate permeable surfaces and other low impact design measures into the development design where feasible (e.g., permeable pavers, infiltration galleries for stormwater leaders, etc.).**

5.4 Wetlands

RiverStone identified a treed swamp and a meadow wetland community on the subject property during the site investigation that was mapped within a Mixed Forest community in the 2007 MNAL report. In general, development and/or site alteration activities that occur in proximity to wetlands have the potential to cause negative impacts via the following pathways:

- Alterations of surface water and/or groundwater contributions that may result from;
    - Construction staging (*e.g.,* dewatering, etc.);
    - Increased post-construction coverage of impervious surfaces (*e.g.,* roads, roofs, etc.); and,
    - Permanent modifications to existing topography or drainage.
- Increased sediment and/or nutrient loadings to features via runoff exiting the development area from construction to post-completion of the project. This may adversely affect water quality via increased turbidity, nutrient enrichment, contamination by toxic substances, changes in pH, etc.;
- Direct loss of habitat through feature encroachment or other alterations; and
- Increased human activity/encroachment post construction, which may result in increased soil compaction, dumping, vandalism, or other disturbances.

To summarize, we do not expect that the proposed development will result in a negative impact to the wetland features or its associated ecological and hydrologic functions. Any potential construction-related impacts to the wetlands can be avoided through construction mitigation practices and avoidance measures. It is noted that an existing access road runs adjacent to the treed swamp on the property and is to be retained. The following recommendations are provided with respect to the on-site wetland features:

- **All new development and site alteration must be setback 30 m from the swamp wetland community and 15 m from the northern isolated marsh wetland community as shown on Figure 2.**

- **Vegetation within the wetland buffer should be left in its natural state and not altered.**
- **Maintenance of the existing access road that runs adjacent to the treed swamp, is to be completed without any further encroachment into the feature, removal of vegetation or infilling. Winter snow ploughing of the road should not push snow into this feature.**
- **Trees will not be cut within the setback unless they are a safety hazard, and debris from clearing or materials to be used in construction will not be placed within the setback**
- **If upgrades to the access road are required, implementation of sediment and erosion control measures as per applicable best management practices are to be implemented to isolate the feature and, generally including the following measures.**
    - **Sediment fencing must be constructed of heavy material and solid posts and be properly installed (trenched in) to maintain its integrity during inclement weather events.**
    - **Additional sediment fencing and appropriate control measures must be available on site so that any breach can be immediately repaired.**
    - **Regular inspection and monitoring will be necessary to ensure that the structural integrity and continued functioning of the sediment control measures is maintained (i.e., proper installation is not the only action necessary to satisfy the mitigation requirements).**
    - **An on-site supervisor should be responsible for daily inspections of the sediment and erosion control measures and record the time and date of inspections, the status of the mitigation measures, and any repairs undertaken.**
    - **Removal of non-biodegradable erosion and sediment control materials should occur once construction is complete, and the site is stabilized.**

5.5 Endangered and Threatened Species

As per Section 10 of the ESA, areas of identified habitat for any endangered or threatened species are protected from destruction, unless otherwise authorized. Additionally, Section 9 of the ESA protects individuals of endangered or threatened species, prohibiting individuals from being killed, harmed, or harassed without appropriate authorizations. In many (but not all) cases, mitigation planning is sufficient to ensure that development can occur in a manner that is consistent with the above provisions. The following section(s) provide an assessment of potential impacts to any endangered or threatened species considered relevant to the development application, as determined through our screening exercise (**Appendix 3**).

5.5.1 Black Ash (*Fraxinus nigra*)

On the subject property, Black Ash were identified within treed swamp community and around a vernal pool within the assessment area, which are proposed to be protected as wetlands with a 30m buffer. This species was listed as endangered on January 27, 2022. Individual and habitat protection was paused for two years (Government of Ontario, 2022) to allow the government to formulate a plan for its protection. Proponents did not need to seek authorization for activities impacting Black Ash or their habitat during that time (Government of Ontario, 2022). Protection for the Black Ash was paused until January 27, 2024, and there is currently no protection for Black Ash within the Township of

Seguin, therefore proponents will not need to seek authorization for activities impacting Black Ash or their habitat; however, this may change at any time and proponents shall confirm updated requirements for this species after January 27, 2024, to ensure ongoing compliance with the ESA.

- **While Black Ash is a species at risk, the protection measures afforded by regulation do not apply within the Township of Seguin. It is the proponent's responsibility to confirm any updated requirements for the protection of Black Ash prior to vegetation clearing to ensure ongoing compliance with the ESA.**

- **It is to be noted that protection and development setbacks/buffers have been recommended from the edge of all wetland features containing Black Ash.**

5.5.2 Eastern Hog-nosed Snake (*Heterodon platirhinos*)

Based on a thorough habitat-based assessment and review of available background information, it is our opinion that there is potential for this species to be utilizing the subject property. Eastern Hog-nosed Snake (EHNS) was not observed on the subject property during RiverStone's site investigation, we cannot conclusively state that these species do not occur within the study area. We can confirm that functional habitat features are limited within the study area, but there is potential for the property to provide general habitat. In consideration of these conclusions, it is our opinion that proposed development is unlikely to result in a contravention of the ESA with respect to EHNS. To prevent impacts on these species, RiverStone recommends:

- **Where present, rotting logs, brush piles, rock piles, or compost piles be left in place.**

- **Should an Eastern Hog-nosed Snake be encountered during development, MECP should be contacted immediately to obtain direction on how to proceed.**

5.5.3 Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and Tricolored Bat (*Perimyotis subflavus*)

All Myotis species in Ontario, and the Tricolored Bat, are designated endangered per O. Reg. 230/08 under the ESA. Little Brown Myotis, and Northern Myotis utilize dark, sheltered tree cavities within snag trees as roosting sites to shelter from inclement weather and gestate their young (Humphrey et al. 2019). Tricolored Bat utilize clumps of dead vegetation and peeling tree bark for the same purposes. Individuals (i.e., non-reproductive females and males) of bat species may roost in smaller diameter trees and other spaces (e.g., beneath house siding, etc.) that are not typically occupied by maternity colonies (Humphrey et al. 2019).

Mature forests on the subject property contain suitable and habitat for these bat species. For such scenarios, common direction from MECP regarding impact avoidance for individuals of endangered bats includes strict adherence to vegetation removal timing windows. By limiting the timing window in which trees can be removed to outside of the active season for bats, development activities can avoid incidental harm to individuals of endangered bat species. Assuming implementation of appropriate tree removal timing windows, there is no expectation that the proposal will result in any negative impacts to individuals of endangered bat species. Recommendations are clarified as follows:

- **Tree removals required to accommodate development take place outside of the season in which endangered bats may be active, i.e., April 1 – Sept 30.**

- **If tree clearing must occur within the above-noted timing window, additional studies may need to be completed to confirm the presence/absence of SAR bats. These studies can include snag tree surveys and acoustic monitoring of the area where trees will be removed, by a qualified professional. If SAR bats may be impacted by the development proposal, the MECP should be contacted to determine if a permit would be required to proceed.**

5.6 Significant Wildlife Habitat

RiverStone completed an assessment of SWH features on the study are in accordance with the Ecoregion 5E Criteria Schedules (OMNRF 2015a). The assessment used a combination of habitat-based approach and field surveys. The following sections contain the results of the impact assessment and recommendations for avoidance and minimization of potential impacts to the ecological form and function of candidate SWHs identified during the initial stages of RiverStone's SWH assessment. Details of the initial stages of the assessment are provided in **Appendix 4** and have been summarised above in **Section 3.4.3**.

5.6.1 Seasonal Concentration Areas of Wildlife Species

5.6.1.1 Bat Maternal Colonies

During the summer season, pregnant and lactating female bats will move from roost to roost each morning in responses to changes in thermal conditions and prey (insect) availability. Areas containing a high density of snags increases the chances of use by endangered bats as these areas provide a variety of microhabitat conditions. Changes within the forest community adjacent to maternal roosts have the potential to reduce the suitability of a given snag or cavity tree by changing the extent of shading by adjacent trees, which can result in changes to thermal conditions within the roost. Additionally, as roosting trees inherently exhibit some level of decay, removal of trees surrounding roosts may increase the potential for wind-throw of both the roost itself and surrounding trees, thereby damaging or destroying the habitat feature.

As mentioned above, habitat for bats is prevalent throughout much of the landscape surrounding the subject property. Where portions of the township are predominantly forested, habitat for maternal roosting bats is not limited. The recommendations provided above to address potential impacts to endangered bats is sufficient to also ensure that there are no impacts to the ecological form and function of the subject property as it pertains to bat maternal colonies. The mitigation outlined in Section 5.5.3 above for species at risk bats is sufficient to protect potential bat material habitat.

5.6.1.2 Amphibian Breeding Habitat (Woodland and Wetland)

In Ontario, many species of amphibians breed in permanent, seasonal, or ephemeral pools within forest communities. Breeding typically occurs early in the spring as the hydroperiod of many of these ecological features does not extend into the warmer months. Swamp communities with the potential to contain standing pools of water early in the spring were identified, in addition to meadow marsh wetlands, and open water wetland communities. These communities have the potential to function as breeding habitat for amphibians. Maintaining the ecological function of these areas requires that the overland surface runoff be maintained, and that the extent of surrounding vegetation be maintained to minimize the potential to alterations to the hydroperiod. The Significant Wildlife Habitat Criteria Schedule for Ecoregion 5E outlines that the SWH habitat is considered to be the wetland area plus a

230 m radius of woodland area surrounding the wetland. The recommendation outlined for the protection of fish habitat and wetlands will appropriately protect this habitat.

5.6.2 Habitat of Species of Conservation Concern

5.6.2.1 Canada Warbler, Olive-sided Flycatcher and Wood Thrush

Canada Warbler, Olive-sided Flycatcher and Wood Thrush were identified as having the potential to be present on the subject property were most likely to utilize the wetland and upland forest communities. These species are most sensitive to disturbance during the nesting season when alteration of vegetation communities can result in damage or destruction of nests and young. To minimize the likelihood that these three species are impacted by the proposed development, RiverStone recommends:

- **Vegetation removal (e.g., tree/shrub clearing, etc.) should be completed outside of the primary breeding bird nesting window (i.e., between April 1 and August 31).**
- **If vegetation removal occurs during this period, a nest survey should be conducted by a qualified biologist within 5 days of commencement of construction activities to identify and locate active nests of bird species (where present) covered by the federal *Migratory Bird Convention Act, 1994* or provincial *Fish and Wildlife Conservation Act, 1997*. If a nest is located or evidence of breeding noted, a mitigation plan should be developed to avoid any potential impacts on birds or their active nests. Mitigation may require establishing appropriate buffers around active nests or delaying construction activities until the conclusion of the nesting season.**

5.6.3 Animal Movement Corridors

5.6.3.1 Amphibian Movement Corridors

Generally, roads are a known source of mortality for amphibians and based on the proposed development plan is anticipated to require driveways off the existing assess road to various buildings for the camp. In addition, removal of upland habitat would be required for construction of camp infrastructure. While there will be some lose of upland habitat, most of the assessment area will be left in its current condition, thereby maintaining ability of amphibians to move between seasonal habitats. Based on the development as proposed, there is a low likelihood that it will result in negative impacts to features with the potential to function as amphibian movement corridors on the subject property. Mitigation measures outlined above for the protection of fish habitat, wetlands, streams and Eastern Hog-nosed Snake will also protect wetland features and help maintain upland forest habitat.

To minimize the potential for negative impacts to these ecological features and their ability to function as habitat for amphibian movement, the recommendation outlined above to protect fish habitat, wetlands and Eastern Hog-nosed Snake will appropriately protect potential habitat.

5.7 Steep Slopes

As part of the impact analysis for the assessment area, potential erosion associated with areas of steep slopes were reviewed. Steep sloped reviewed during the 2024 site visit were consistent with steep

slopes mapped in the 2007 MNAl report. In general, negative impacts as a result of development proximate to steep slopes can include:

- clearing of natural vegetation that works to stabilize slopes
- stormwater runoff during construction activities increasing erosion
- modification of drainage patterns or flow rates
- increased runoff, erosion, and decreased slope stability, due to an increase in the extent of hard surfaces (e.g., rooftops, driveways, patios)

The assessment area contains steep slopes (20% and above) that have been outlined in **Figure 2**. In identified areas, the functionality of vegetated buffers to uptake nutrients is reduced as the slopes act to increase the speed of water moving over the land. Increases in buffer widths can improve this function. Additionally, steep slopes exacerbate the potential for erosion to occur, creating increased potential for sediment laden runoff. To reduce the potential for erosion and slope destabilization along with associated negative impacts to water quality and fish habitat RiverStone recommends:

- **Development should be set back from areas exhibiting steep slopes greater than 20%. A setback distance from areas of steep slope will be determined on site in consultation with a qualified specialist.**

- **Site alteration including clearing of trees and vegetation and grading should not occur within areas identified as steep slopes and any setback determined through consultation with qualified specialists.**

6 CONFORMANCE WITH APPLICABLE ENVIRONMENTAL POLICIES

6.1 Federal Migratory Birds Convention Act, 1994 (MBCA)

Section 6 of the Migratory Birds Regulations under the *Migratory Birds Convention Act, 1994* makes it an offence to "disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird." The provincial *Fish and Wildlife Conservation Act, 1997* (FWCA) extends the protection of bird nests and eggs to species that are not listed under the Migratory Birds Regulations (e.g., Corvids).

Restricting clearing of vegetation for the proposed development to times outside of the period April 1 to August 31 will prevent contravention of Section 6 of the regulations. If vegetation removal is going to occur during this period, a nest survey should be conducted by a qualified avian biologist prior to commencement of construction activities to identify and locate active nests of migratory bird species covered by this Act. If a nest is located or evidence of breeding noted, then a mitigation plan should be developed to address any potential impacts on migratory birds or their active nests. Mitigation may require establishing appropriate buffers around active nests or delaying construction activities until the conclusion of the nesting season.

6.2 Provincial *Endangered Species Act, 2007* (ESA)

The ESA protects designated endangered and threatened species in Ontario from being killed, harmed, or harassed (s. 9) or having their habitat damaged or destroyed (s. 10). **Section 4.10** identified one or more species or its habitat having the potential to occur within or adjacent to the study area. **Section 4.4** provided a subsequent discussion of potential impacts to such species and/or associated

habitat features, should those species be present within or adjacent to the study area. Based on this assessment, and assuming full implementation of mitigation measures (if/where recommended), it is RiverStone's opinion that no endangered or threatened species or their habitat are expected to be negatively impacted by implementation of the proposed development. On this basis, there is no expectation that the proposed development will result in a contravention of the ESA. It is noted that this assessment does not represent 'clearance' with respect to ESA compliance. It remains a proponent's continued and sole responsibility to ensure that a project does not result in a contravention to the ESA. **NOTE:** additional vegetation timing window considerations are required relating to impact mitigation for bats. To summarize, vegetation should not be cleared between April – Sept, inclusive, without further consultation with a qualified ecologist.

6.3 Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement (PPS) is promulgated under the *Planning Act* and provides direction to municipalities on matters of provincial interest related to land-use planning. The PPS was updated in 2020. Municipal OP's must be consistent with the PPS. The PPS instructs (s. 2.1.1) that *natural features and areas shall be protected for the long term* and that (s. 2.1.2):

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

The PPS prohibits development and site alteration within the following significant natural heritage features in Ecoregion 5E (s.2.1.4):

- Significant Wetlands
- Significant Coastal Wetlands

Unevaluated wetland habitat was identified and mapped on the subject property. Based on the assessment provided herein, it is RiverStone's opinion that development and site alteration would be permissible and consistent with policy 2.1.4. if the recommended mitigation measures are followed.

The PPS also prohibits development and site alteration within the following natural heritage features in Ecoregion 5E (s. 2.1.5) *unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions*:

- Significant wildlife habitat;
- Significant Areas of Natural and Scientific Interest (ANSI)
- Non-Significant Coastal Wetlands

No ANSIs or coastal wetlands are located on or adjacent to the subject property and the scope of the project did not require review of SWH. Based on the assessment provided herein, it is RiverStone's opinion that development and site alteration would be permissible and consistent with policy 2.1.5. if the recommended mitigation measures are followed.

The PPS does not permit development and site alteration in fish habitat (s. 2.1.6) or the habitat of endangered and threatened species (s. 2.1.7) except in accordance with federal and provincial requirements, respectively. Fish habitat and potential habitat of endangered and threatened species has been addressed through avoidance or mitigation planning.

Finally, with respect to lands adjacent to significant natural heritage features, the PPS requires that (s. 2.1.8):

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

In considering the aforementioned PPS policies, RiverStone has determined that the proposed development is consistent with the natural heritage provisions outlined in section 2.1 of the 2020 PPS.

6.4 Township of Seguin Official Plan (December 7, 2022)

B.3.1 Recreational Water Quality
B.3.1.1.4 Moderate or Low Sensitivity Lakes

a) Where a lake is classified as moderately sensitive to development inputs on Appendix I to this Plan and is not over threshold, new development may be permitted subject to the submission of a Site Evaluation Report and the highest standards for development set out in this Plan shall apply. The implementation of the recommendations of the Site Evaluation Report shall occur using the various tools set out in this Plan, including a Section 51(26) of the Planning Act agreement or site plan agreement or development permit.

Interpretation: RiverStone submits this Site Evaluation Report in support of the proposed development, with recommendations for appropriate design, location of the sewage system, maintenance of vegetation, and appropriate stormwater management measures that will prevent an increase in nutrient loading to Faris Lake. RiverStone considers the proposed development to follow Township policies.

C.3 Lake System

The Township's lakes, including Georgian Bay, represent its single most dominant landscape feature and land use form. This Plan is based on the understanding that the management of the Township's lakes must occur through the partnership of a number of stakeholders including the Township, the Provincial Ministries of Natural Resources and Environment, Lake Associations, and lakefront landowners. The intent of this Plan is to ensure that development on the Township's lakes achieves the protection of lake quality for both human and non-human use, protects the unique waterfront experience of each lake, and preserves the visual and aesthetic qualities of shoreline living in the Township of Seguin.

The Lake System in the Township of Seguin is contained within the Shoreline Area designation.

It is the intent of this Plan to maintain and enhance the Lake System wherever possible. On this basis, development will be carefully regulated within the Lake System in the Township of Seguin.

Interpretation: The recommendations in the above report are sufficient to prevent a reduction in water quality, maintain current water quality, and ensure that development does not exceed the capacity of the lakes.

D.4 Natural Heritage Features

D.4.3 Wetlands

The Township of Seguin contains numerous wetlands. In general, the wetlands are located within the Environmental Protection designation on Schedule "A" to the Official Plan. Wetlands are also identified on Schedule "C" to the Official Plan. It is the policy of this Plan to protect wetlands and limit development in proximity to these natural heritage features.

Interpretation: The recommendations above include a development setback and vegetated buffer intended to limit development adjacent to the wetland identified on the subject property.

D.4.6 Habitat of Endangered or Threatened Species

The Township of Seguin recognizes the importance and value of protecting the significant habitat of endangered species or threatened species. "All development must ensure that the habitat of threatened, endangered species is protected. No development or site alteration shall be permitted in the significant habitat of endangered or threatened species".

Interpretation: The subject property contains potential habitat for species at risk. Potential negative impacts to the form and function of potential species at risk habitat have been considered in Section 5 and mitigation measures have been provided. RiverStone does not anticipate that the proposed development will negatively impact species at risk or their habitat, provided the measures contained within this report are adhered to.

The details provided in the analysis above meet the criteria set out in the Official Plan regarding water quality, wetlands, potential habitat for endangered and threatened species, and natural features. Contingent on implementation of the recommendations provided in **Section 5** of this report, the proposed development has a low likelihood of resulting in negative impacts on the evaluated ecological features and functions.

7 CONCLUSIONS

This SER provides characterization of the natural environment occurring within and adjacent to the subject property and verifies and or updates the findings outline the 2007 MNAL report for the subject property. Potential negative impacts were assessed with recommendations for avoidance, and mitigation measures where appropriate.

Based upon the findings presented in this report, RiverStone has determined that the proposed application is consistent with the applicable policies and legislation, provided that the recommendations contained in **Section 5** are implemented in full. We advise that the recommendations in this report be incorporated into the development agreements for the subject property.

8 REFERENCES

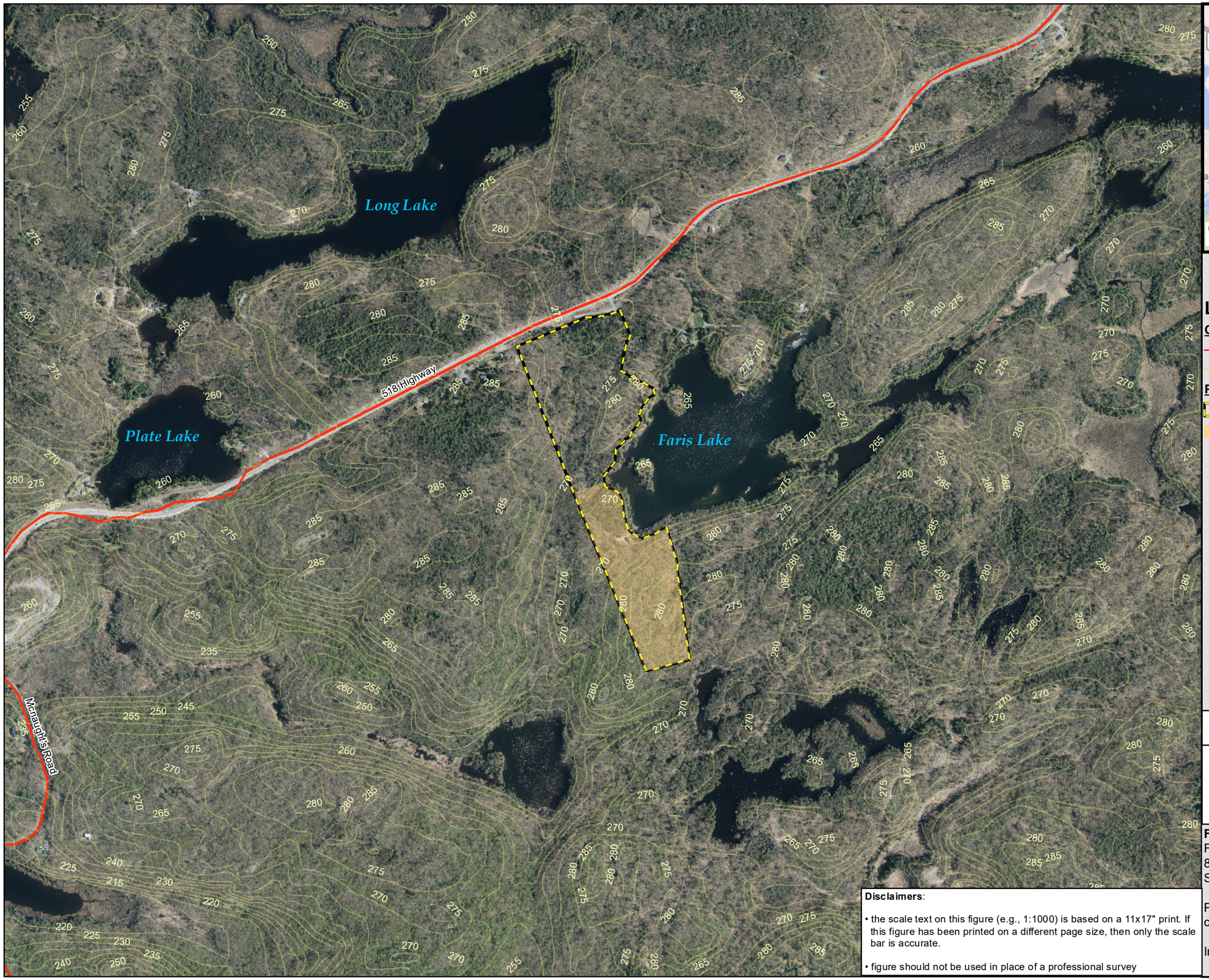
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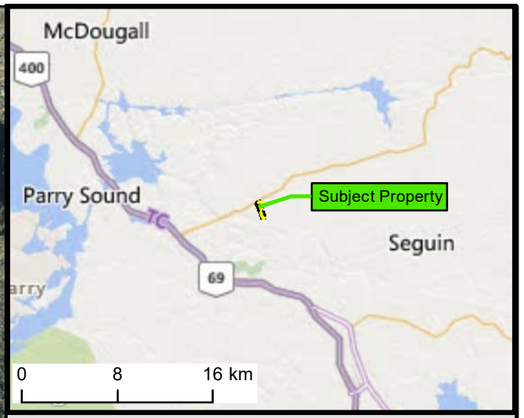
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N

Legend

Ontario Base Mapping (OBM)

- Roads
- 5 m Contours

Planning Boundaries

- Subject Property
- Area of Existing Development

Orthorectified aerial photo - spring 2018

Scale	RS Project No.	Date Last Updated	By
1:10,000	2023-300	Nov 24, 2024	JG

0 150 300 Metres

RiverStone

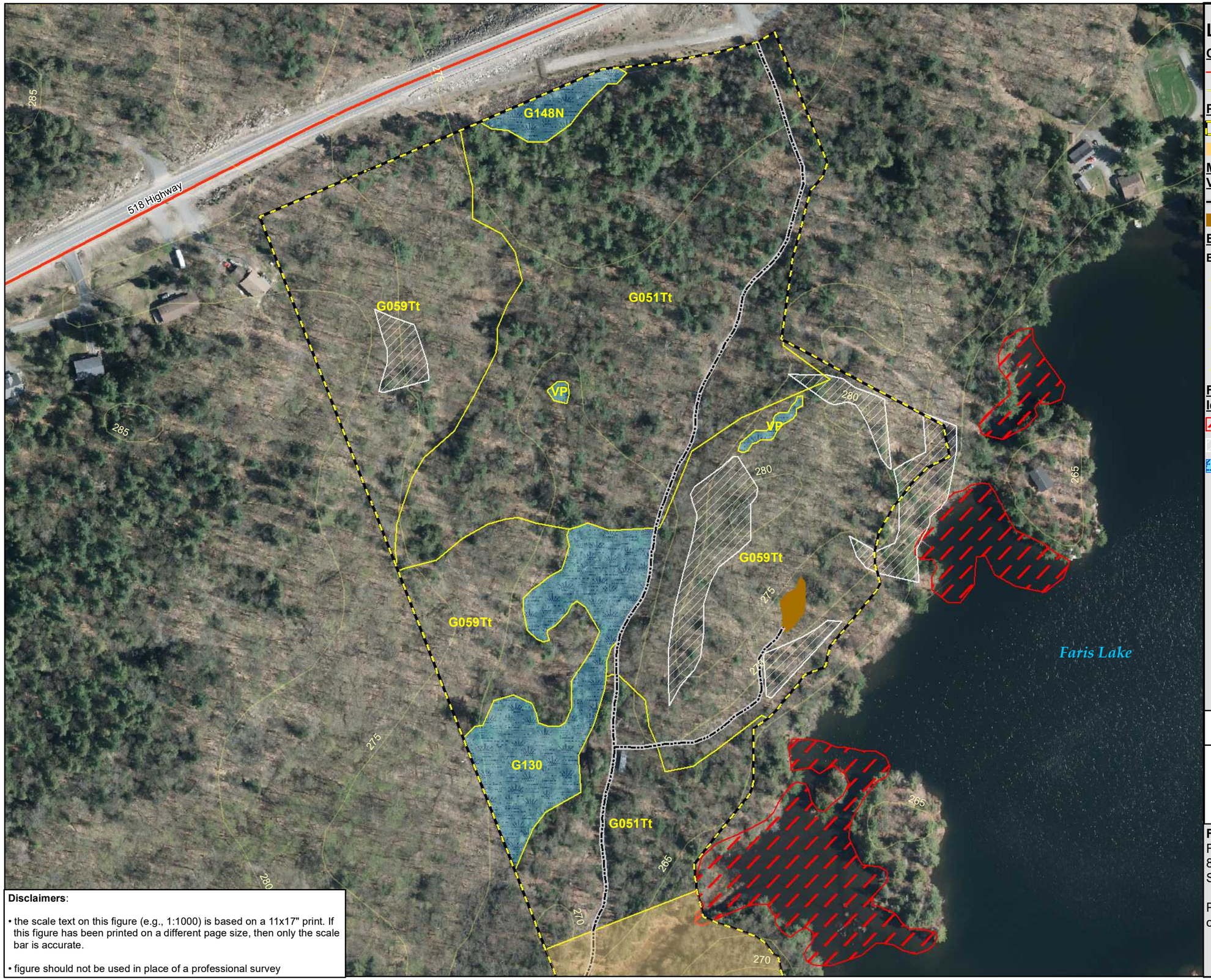
Disclaimers:

- the scale text on this figure (e.g., 1:1000) is based on a 11x17" print. If this figure has been printed on a different page size, then only the scale bar is accurate.
- figure should not be used in place of a professional survey

Figure 1. Location Of Subject Property
Foley Con 10 Pt Lot 6 RP, 42R18611 Parts 1, 2, 6, 7, 8 Pt Part 5 RP 42R20512 PART 2, Township of Seguin, District of Parry Sound

Prepared for: Frank Jacques
c/o John Jackson

Inset: General Location Of Subject Property



Legend

N

Ontario Base Mapping (OBM)

- Roads
- 5 m Contours

Planning Boundaries

- Subject Property
- Subject Property Outside Scope Of Study

Man-made Features Existing at Time of Site Visit (Jul 04, 2024)

- Driveway
- Cleared Area

Biophysical Features+Functions-RiverStone

Ecological Communities

- G051Tt - Dry to Fresh, Coarse: Hemlock-Cedar Conifer
- G059Tt - Dry to Fresh, Coarse: Mixedwood
- G130 - Intolerant Hardwood Swamp
- G148N - Mineral Shallow Marsh
- VP - Vernal Pool: Inclusion

Features with Natural Heritage Value - Identified by RiverStone

- Type 1 Fish Habitat
- Steep Slopes (>25%)
- Wetland

Orthorectified aerial photo - spring 2018

Scale	RS Project No.	Date Last Updated	By
1:2,000	2023-300	Oct 16, 2024	JG

0 30 60 Metres

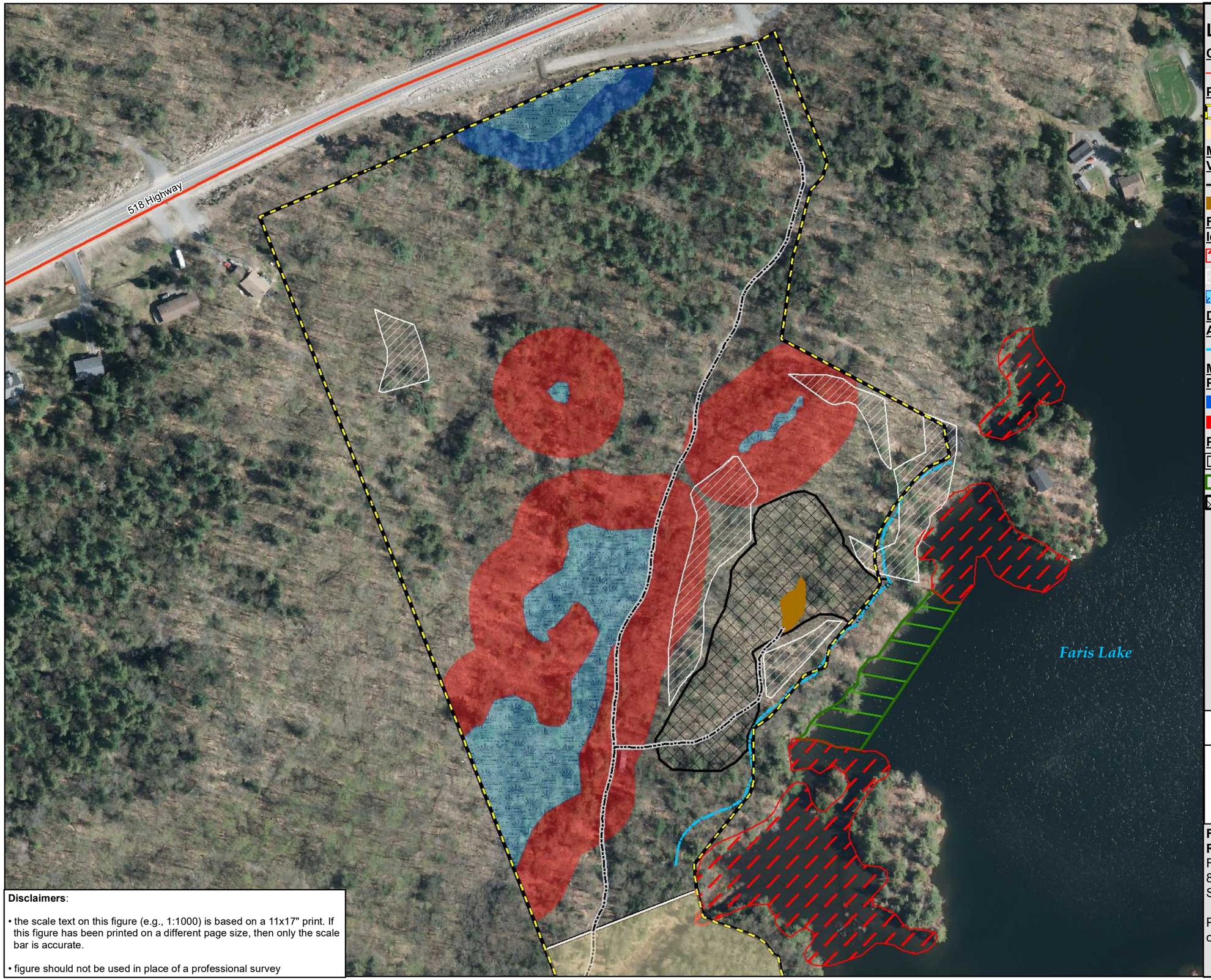
RIVERSTONE ENVIRONMENTAL SOLUTIONS INC.

Figure 2. Existing Conditions
Foley Con 10 Pt Lot 6 RP, 42R18611 Parts 1, 2, 6, 7, 8 Pt Part 5 RP 42R20512 PART 2, Township of Seguin, District of Parry Sound

Prepared for: Frank Jacques
c/o John Jackson

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Legend

Ontario Base Mapping (OBM)
- Roads

Planning Boundaries
- Subject Property
- Subject Property Outside Scope Of Study

Man-made Features Existing at Time of Site Visit (Jul 04, 2024)
- Driveway
- Cleared Area

Features with Natural Heritage Value - Identified by RiverStone
- Type 1 Fish Habitat
- Steep Slopes (>25%)
- Wetland

Development Setbacks Required by Relevant Approval Authorities
- 20 m Shoreline Setback

Measures Recommended by RiverStone to Prevent and/or Reduce Impacts
- 15 m Wetland Buffer
- 30 m Wetland Buffer

Proposed Development and Site Alteration
- Lot Lines
- Dock Envelope
- Development Area

Orthorectified aerial photo - spring 2018

Scale	RS Project No.	Date Last Updated	By
1:2,000	2023-300	Oct 16, 2024	JG

0 30 60 Metres

RIVERSTONE ENVIRONMENTAL SOLUTIONS INC.

Disclaimers:

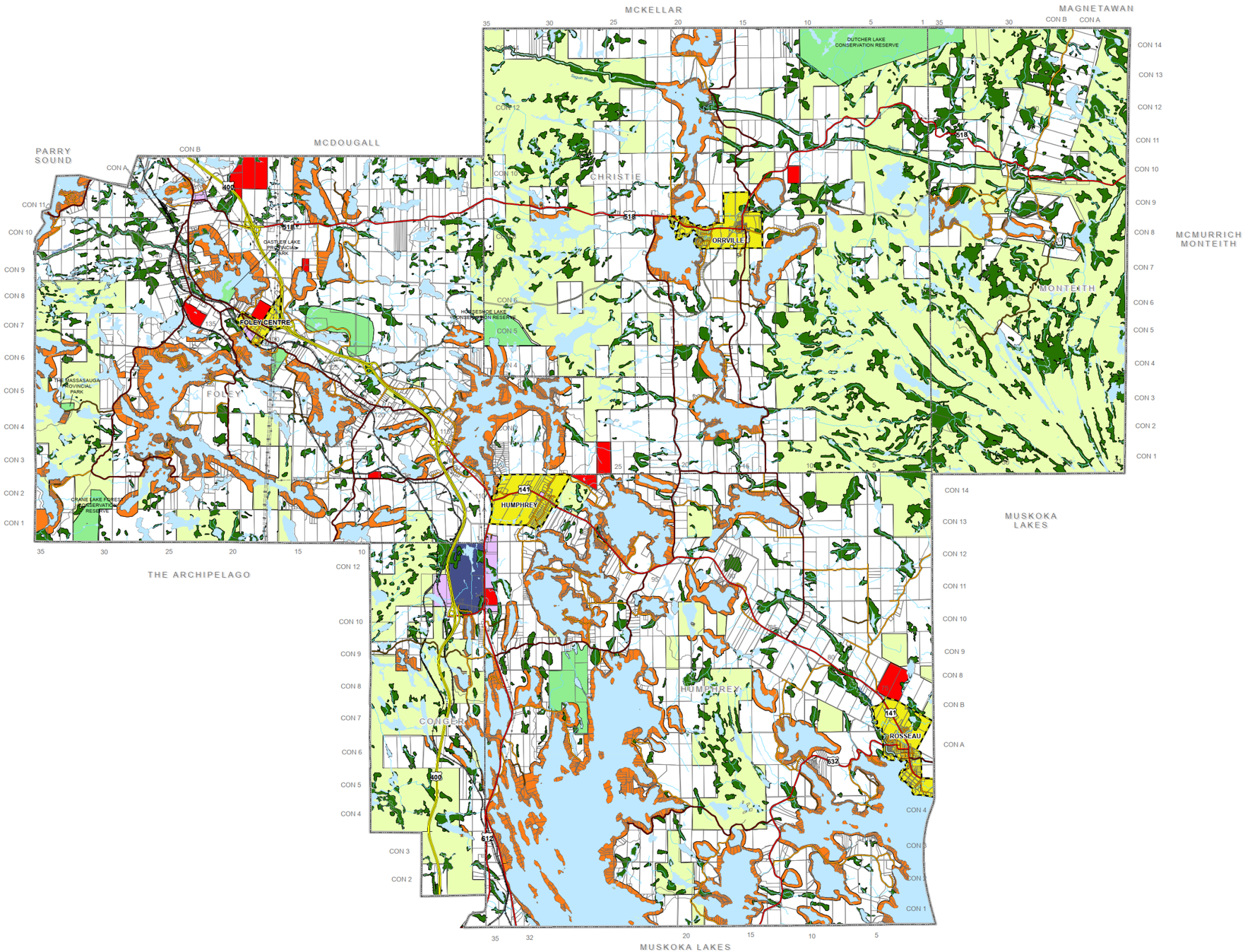
- the scale text on this figure (e.g., 1:1000) is based on a 11x17" print. If this figure has been printed on a different page size, then only the scale bar is accurate.
- figure should not be used in place of a professional survey

Figure 3. Proposed Development and Recommendations
Foley Con 10 Pt Lot 6 RP, 42R18611 Parts 1, 2, 6, 7, 8 Pt Part 5 RP 42R20512 PART 2, Township of Seguin, District of Parry Sound

Prepared for: Frank Jacques
c/o John Jackson

Appendix 1. Appendices and Schedules

RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.



Seguin Township Official Plan Land Use

SCHEDULE A

LEGEND

Land Use Designations

- Shoreline Area
- Settlement Area
- Rural and Resource Area
- Employment Area
- Airport Employment Area
- Aggregate Extraction Area
- Environmental Protection
- Major Open Space
- Crownland
- Settlement Boundary

Base Information

- Highway 400
- Provincial Highway
- Arterial Road
- Municipal Year Round
- Municipal Seasonal
- Private Road
- Rail Lines
- Utility Lines
- Lakes & Rivers

0 2 4 6

Kilometres

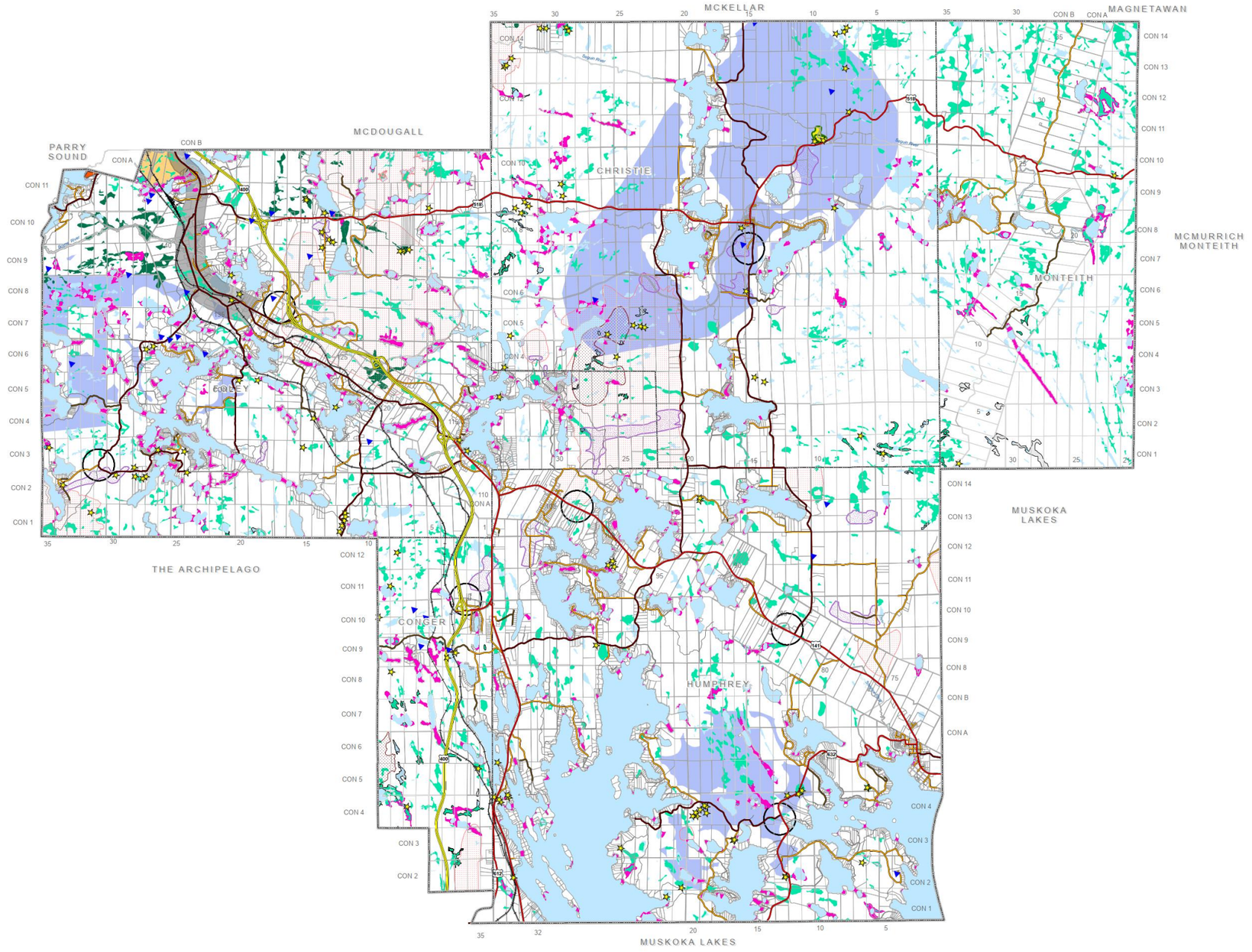
N

Seguin Township
The Natural Place To Be

March 3, 2014

Seguin Township Resources, Hazards and General Overlay Designations

SCHEDULE C



LEGEND

Natural Heritage Features

- Natural Heritage Feature
- Area of Natural & Scientific Interest (ANSI)
- Moose Aquatic Feeding Area
- Stratum 1 Deer Wintering Area
- Stratum 2 Deer Wintering Area
- Provincially Significant Wetlands (PSW)
- Wetlands

Aggregate and Mineral Resources Overlays

- Aggregate Resource Potential
- Mineral Resource Potential

Hazards

- MNDM Abandoned Sites

General Overlays

- Narrow Waterbodies and Bays
- Waste Disposal Assessment Area
- Employment Corridor Area
- North West Seguin Development Policy Area 1
- North West Seguin Development Policy Area 2

Base Information

- Highway 400
- Provincial Highway
- Arterial Road
- Municipal Year Round
- Municipal Seasonal
- Private Road
- Rail lines
- Lakes & Rivers

0 1 2 4 6

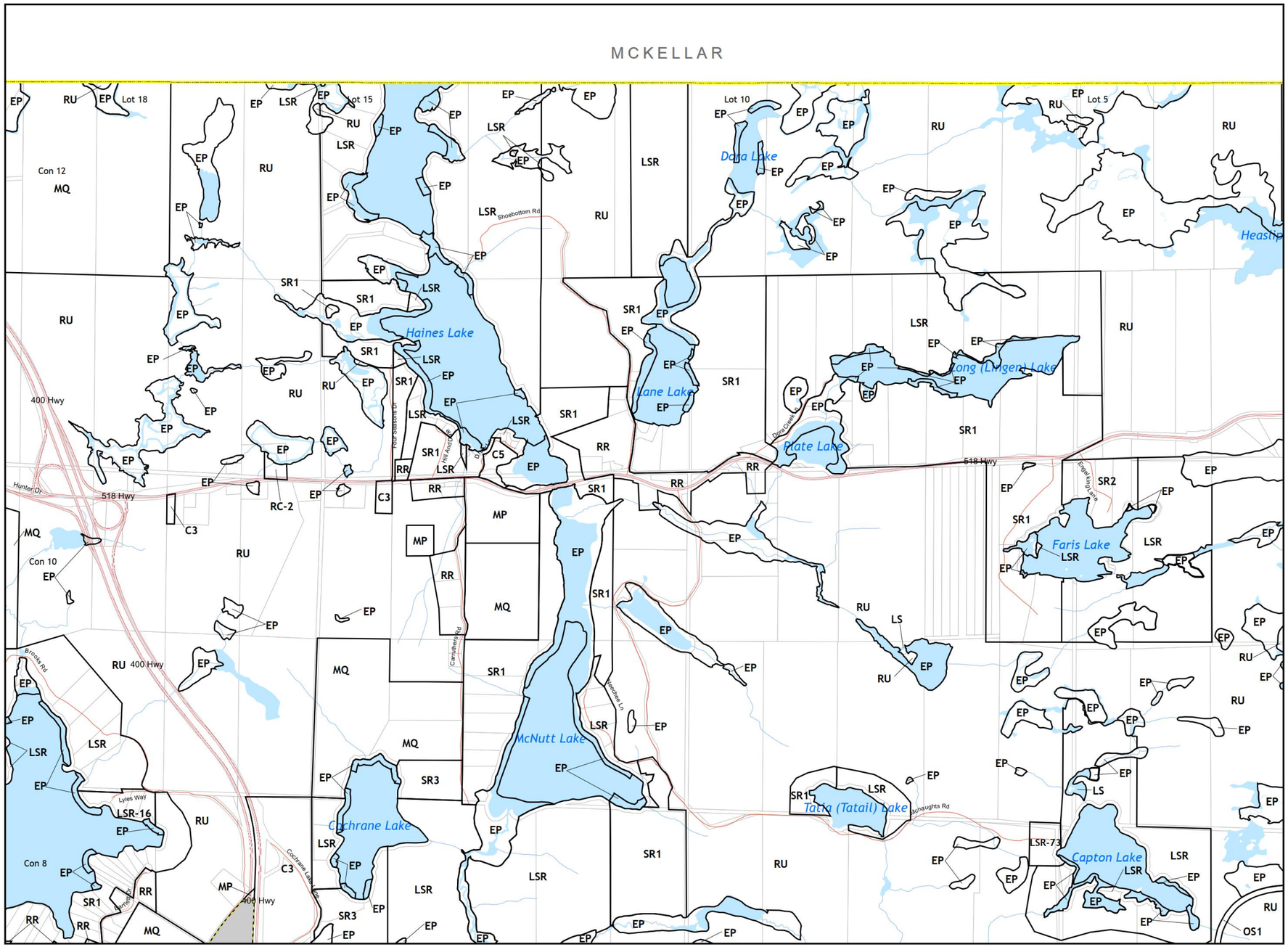
Kilometres

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Seguin Township
The Natural Place To Be

March 3, 2014

Township of Seguin
Zoning Map #6



Legend

- Settlement Area
- Zone Boundary
- Lot Boundary
- Municipal Boundary
- Former Municipal Boundary
- Road
- Railway
- River
- Lake

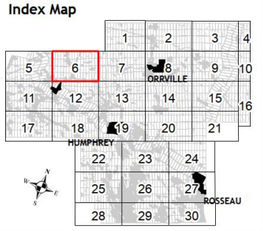
0 200 400 600 800
Metres

This is ZONE MAP #A-1 of Schedule 'A' to By-law No. 2006-125 passed September 18, 2006 and approved by the OMB on October 22, 2007. This By-law came into force and effect on September 18th, 2006

Consolidation Notes

This Map has been updated to include all amendments to the By-law passed by Council and/or approved by the OMB and in force and effect to July 4, 2017.
Please contact the Planning Department for the most recent amendments to the By-law.

Index Map



Seguin Township
The Natural Place To Be

Printed: 2017/11/27 10:32 AM

Appendix 2. Site Photos

RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.



Photo 1. Deciduous dominated upland forest community covering a large portion of the proposed severed lot (July 4, 2024).



Photo 2. Conifer community located along the shoreline in the south portion and north portion of proposed severed lot (July 4, 2024).



Photo 3. Hardwood swamp community located in central portion of proposed lot (July 4, 2024).



Photo 4 Marsh community located on the propsed lot adjacent Hwy 518 (July 4, 2024).



Photo 5. Steep slopes on Subject Property (July 4, 2024).



Photo 6. Area of type 1 fish habitat along property frontage (July 4, 2024).

Appendix 3. Assessment of Endangered and Threatened Species

RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Bank Swallow (*Riparia riparia*)	THR	The Bank Swallow is a small aerial insectivore bird that nests colonially in burrows they excavate within banks. Colonies will nest in bluffs, riverbanks, aggregate pits, roadside embankments, and topsoil piles near open habitat that provides a steady source of insects. Colony sites must also be near roosting areas in wetland, reed, or cane beds.	YES	NO	NO	NO	The subject property and adjacent lands lack exposed banks appropriate for nesting by Bank Swallow. No further assessment provided.
Black Ash (*Fraxinus nigra*)	END	The Black Ash grows everywhere in Ontario except the Far North. These trees require moisture, and are commonly found in northern swampy woodlands, from eastern Manitoba, throughout Ontario, and as far east as Newfoundland.	YES	NO	YES	YES	Black Ash was observed in the large central wetland and in a smaller wetland in the east portion of the proposes lot. Further assessment is provided in report.
Blanding's Turtle (*Emydoidea blandingii*)	THR	Blanding's Turtle are semi-aquatic and use wetland habitats with shallow water and abundant vegetation. Their habitat includes a broad range of wetlands, forest clearings, and meadows. They breed in aquatic habitat and nest in open natural and anthropogenic upland areas.	YES	YES, Herp Atlas	NO	YES	The herp atlas square that covers the proposed severed lot has a local record for Blanding's Turtle. The subject property does not contain suitable habitat for this speices and while Faris Lake provides potential movement and foraging habitat on adjacent lands. The proposed severance and future developement of the property is not anticipated to impact adjacent lands. No further assessment provided.

[1]Highlighted species are present on or are likely to be present on the subject property.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Bobolink (*Dolichonyx oryzivorus*)	THR	Nests and forages in meadows, grasslands, hayfields, and pastureland. Fields must have 25% or less woody plant cover. They typically require large fields (>4ha) and avoid small, fragmented habitats. They also avoid habitat within 75 m of a forest edge.	YES	YES, OBBA	NO	NO	The subject property does not contain meadow, grasslands, hayfields or pasturelands and therefore appropriate meadow habitat is not present. No further assessment provided.
Branched Bartonia (*Bartonia paniculata spp. paniculata*)	THR	Branched Bartonia is a bog and fen wetland plant that grows in sphagnum moss within open graminoid and low shrub acidic wetlands with poor peat or sandy soils. There are 10 known populations in Muskoka.	YES	NO	NO	NO	The subject property and adjacent lands do not contain bog or fen habitat. No further assessment provided.
Chimney Swift (*Chaetura pelagica*)	THR	The Chimney Swift historically nested and roosted in large hollow trees, rock walls, and other vertical surfaces. They now use human-made structures like uncapped chimneys and have high site fidelity to nesting chimneys. 95% of nests are within 1 km of a waterbody.	YES	YES, OBBA	NO	NO	The subject property does not contain chimneys appropriate for roosting and nesting by Chimney Swift. No further assessment provided.

[1]Highlighted species are present on or are likely to be present on the subject property.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Eastern Hog-nosed Snake (*Heterodon platirhinos*)	THR	Eastern Hog-nosed snakes require a mosaic of habitats with sandy, well-drained soil and open vegetation close to water with a supply of American Toads. Their Ontario distribution is limited by climate and soil to the French River/Lake Nipissing and Carolinian areas.	YES	YES, Herp Atlas	YES	YES	The subject property and adjacent lands contain sandy, well-drained soil and openings in vegetation. The presence of wetlands are anticipated to support American Toad breeding, it is likely that they and Eastern Hog-nosed Snake are present. Considering local records and the abundance of appropriate habitat, there is potential for Eastern Hog-nosed Snake to be present on the subject property. Further assessment is provided in the report.
Eastern Meadowlark (*Sturnella magna*)	THR	Nests and forages in meadows, grasslands, shrubby fields, hayfields and pastureland. Prefers habitat with >80% grass cover. Needs a minimum of 5 ha of continuous habitat.	YES	YES, OBBA	NO	NO	The subject property does not contain meadow, grasslands, shubby fields or pasturelands and therefore appropriate meadow habitat is not present. No further assessment provided.
Eastern Small-footed Myotis (*Myotis leibii*)	END	Eastern Small-footed Myotis overwinter in caves and mines in Ontario and do not disperse far from their hibernacula during the summer. They can be found roosting in rocky habitats singly or in groups but will also use human structures as day roosts. They are aerial insectivores and forage in forests, rocky habitats, and ponds.	YES	NO	NO	NO	Rocky habitats appropriate for roosting are not present on the subject property or adjacent lands. No further assessment provided.

[1]Highlighted species are present on or are likely to be present on the subject property.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Eastern Whip-poor-will (*Antrostomus vociferus*)	THR	The Eastern Whip-poor-will forages in open natural and anthropogenic habitats and nests in semi open forests and forest edges with well-drained soils and moderate vegetation cover. Habitat immediately at the nest will be a short herbaceous plant, shrub, or sapling providing cover and shade with nearby perches for adults.	YES	YES, OBBA	NO	NO	The proposed severed lot does not contain open areas big enough to provide habitat forn Eastern Whip-poor-will. No further assessment provided.
Lake Sturgeon (*Acipenser fulvescens*)	END/THR	Lake Sturgeon need large continuous habitats in river and lake systems to provide for spawning, larval, juvenile, sub-adult, and adult habitat. Spawning takes place in shallow fast flowing headwaters where a natural or man-made barrier occurs. Spawning substrates are gravel, rock, hardpan, or sand. Larval and juvenile fish use clayey substrate habitats and older fish inhabit deep pools.	YES	NO	NO	NO	The subject property is well beyond the known range for Lake Sturgeon. No further assessment is provided.
Least Bittern (*Ixobrychus exilis*)	THR	Breeds in large marshes within Southern Ontario. Creates nest platforms from tall, dense emergent vegetation within 10m of water and prefers Typha spp. Will use other emergent vegetation. Needs 200 ha of wetland for nesting and foraging but does not need to be continuous wetland. Prefers complexes of smaller wetlands. Will avoid marshes surrounded by >30% forest cover or containing large trees.	YES	NO	NO	NO	While there is a small cattail dominated wetland within the proposed severed lot, this wetland in small in size and not part of a larger complex of wetlands. No further assessment provided.

[1]Highlighted species are present on or are likely to be present on the subject property.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Lesser Yellowlegs (*Tringa flavipes*)	THR	Lesser Yellowlegs migrate through southern Ontario, stopping in wetlands, flooded fields, river and lake shorelines, and sewage lagoons. They prefer marshes dominated by Softstem Bulrush and Smooth Cordgrass. During migration they form flocks ranging from a few dozen to several thousand birds. They may form mixed flocks with Greater Yellowlegs and Solitary Sandpiper.	YES	NO	NO	NO	While there is wetland present in the assessment area and adjacent lands, these wetlands are not dominated by Softstem Bulrush and Smooth Cordgrass. No further assessment is provided.
Little Brown Myotis (*Myotis lucifugus*)	END	Their hibernacula are within caves and abandoned mines, wells, and tunnels. Maternity colonies are within a few kilometers of hibernacula within snag trees, rock crevices, exfoliating tree bark, and anthropogenic structures. Roosts and swarming sites are in similar areas around the hibernacula.	YES	NO	YES	YES	The subject property and adjacent lands contain mature forest appropriate for roosting by species at risk bats. Further assessment is provided in the report.
Massasauga (*Sistrurus catenatus*)	END/THR	The Massasauga has four populations: Ojibway Prairie near Windsor, Wainfleet Bog near Port Colborne, the Bruce Peninsula, and Georgian Bay/Muskoka. It is an ambush predator and prefers habitat with vegetative or rock cover. It's habitats are forests, forest clearings and edges, rock outcrops, wetlands, shorelines, meadows, alvars, and fields.	YES	YES, Herp Atlas	NO	NO	The subject property and adjacent lands do not contain habitats with the structural features required by Massasauga. No further assessment is provided.

[1]Highlighted species are present on or are likely to be present on the subject property.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Northern Myotis/Northern Long-eared Bat (*Myotis septentrionalis*)	END	Northern Myotis are found below the tree line in Canada and are mostly absent from the prairies. They use live and dead trees near water in forest habitats when active and migrate to caves and abandoned mines for hibernation.	YES	NO	YES	YES	The subject property and adjacent lands contain forest communities appropriate for roosting by this species. Further assessment is provided in the report.
Red-Headed Woodpecker (*Melanerpes erythrocephalus*)	END	The Red-headed Woodpecker lives in open woodland and woodland edges and is often found in parks, golf courses and cemeteries. These areas typically have many dead trees, that the bird uses for nesting and perching. The Red-headed Woodpecker is found across southern Ontario, where it is widespread but rare.	YES	NO	NO	NO	The subject property and adjacent lands lack abundant dead trees and open canopies. No further assessment is provided.
Spotted Turtle (*Clemmys guttata*)	END	The Spotted Turtle uses a mix of terrestrial and aquatic habitats. Aquatic habitats include wetlands, ponds, vernal pools, creeks, streams, sheltered bay edges, stormwater ponds, and man-made channels. Their terrestrial habitats are shorelines, rocky outcrops, upland forests, open fields, and meadows.	YES	NO	NO	YES	There are not records for this species in the NHIC or herp atlas square that covers the proposed severed lot. The subject property does not contain suitable habitat for this speices. While Faris Lake provides potential movement and foraging habitat on adjacent lands, The proposed severance and future developement of the property is not anticipated to impact adjacent lands. No further assessment provided.

[1]Highlighted species are present on or are likely to be present on the subject property.

Species	ESA Status	General Description of Habitat and Range	Is the study area within the current known range of the species.	Do applicable databases contain records for this species within or adjacent to the study area.	Is suitable habitat present within the study area.	Is suitable habitat present within lands adjacent to the study area.	Discussion of relevance to proposal
Suckley's Cuckoo Bumble Bee (*Bombus suckleyi*)	END	Suckley's Cuckoo Bumble Bee is a nest parasite of the Western Bumble Bee and Yellow-banded Bumble Bee. It is mainly a western species but has occasional records throughout Ontario. They are habitat generalists found in most areas Ontario, and generalist nectar foragers. The bees they parasitize tend to build nests in abandoned rodent burrows.	YES	NO	POSSIBLE	POSSIBLE	Records for this species within Ontario, within recent years, are sparse. It is unlikely that this species is present on the subject property or adjacent lands. No further assessment is provided.
Tricolored Bat (*Perimyotis subflavus*)	END	The Tri-colored Bat have a scattered distribution and are found as far north as Sudbury. They are found in a variety of forested habitats They overwinter alone in caves and mines and roost in dead vegetation clumps and lichen in forested habitats near water.	YES	NO	YES	YES	The subject property and adjacent lands contain forest communities with trees that provide appropriate habitat for roosting by this species. Further assessment is provided in the report.

[1]Highlighted species are present on or are likely to be present on the subject property.

Appendix 4. Significant Wildlife Habitat Assessment.

RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.

Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Seasonal Concentration Areas for Wildlife Species					
Waterfowl Stopover and Staging Areas (Terrestrial)	American Black Duck, Wood Duck, Green-winged Teal, Blue-winged Teal, Mallard, Northern Pintail, Northern Shoveler, American Wigeon, Gadwall	G060-062, G077-079, G093-095, G109-111	Fields flooded with sheet water during Spring (mid March to May)	**Studies Confirm**: Annual mixed species aggregations of 100 or more total birds **Area of SWH Defined As:** Ecosite plus 100-300m radius	**NO**, the assessment area and surrounding lands do not contain fields or agricultural areas that may support this habitat function. No further assessment provided - not SWH.
Waterfowl Stopover and Staging Areas (Aquatic)	Canada Goose, Cackling Goose, Snow Goose, American Black Duck, Northern Pintail, Northern Shoveler, American Wigeon, Gadwall, Green-winged Teal, Blue-winged Teal, Hooded Merganser, Common Merganser, Lesser Scaup, Greater Scaup, Long-tailed Duck, Surf Scoter, White-winged Scoter, Black Scoter, Ring-necked Duck, Common Goldeneye, Bufflehead, Redhead, Ruddy Duck, Red-breasted Merganser, Brant, Canvasback, Ruddy Duck	G142-G152	Ponds, marshes, lakes, bays, coastal inlets, and watercourses used during migration.	**Studies Confirm**: Mixed species aggregations of ≥100 total birds for 7 days, **and/or** annual use by Ruddy Ducks, Canvasbacks, or Redheads **Area of SWH Defined As:** Combined area of ecosites plus 100m radius	**NO,** while the subject property contains the appropriate wetland community associated with Waterfowl Stopover and Staging, this communnity is located in the north portion of the property adjacent a highway, is small in size and very dense with cattail. It is unlikely that this commity is being used as a stopover or staging area. Faris Lake located on adjacent lands, has potential to provided habitat, however the proposed severance and future developemnt is not anticipated to impact adjacent wetland features within Faris Lake. No further assessment provided - not SWH.
Shorebird Migratory Stopover Areas	Greater Yellowlegs, Lesser Yellowlegs, Marbled Godwit, Hudsonian Godwit, Black-bellied Plover, American Golden-Plover, Semipalmated Plover, Solitary Sandpiper, Spotted Sandpiper, Semipalmated Sandpiper, Pectoral Sandpiper, White-rumped Sandpiper, Baird's Sandpiper, Least Sandpiper, Purple Sandpiper, Stilt Sandpiper, Short-billed Dowitcher, Red-necked Phalarope, Whimbrel, Ruddy Turnstone, Sanderling, Dunlin	G005-G006, G160-G162, G170-G172, G176-G178, G186-G188, G204-G214	Shorelines of lakes, rivers and wetlands, including beach areas, bars, groynes, armour rock, and seasonally flooded, muddy and un-vegetated shoreline habitats.	**Studies Confirm**: Mixed species aggregations of ≥3 listed species with >1000 shorebirds counted over the migration period, **and/or** any site with >100 Whimbrel for ≥3 years **Area of SWH Defined As:** ELC shorelines plus 100m radius	**NO**, the subjcet property does not contain any ponds or open wetland features. Faris Lake is located on adjcent lands however there are extremely well vegetated transitions that likly provide unsuitable for use by shorebirds. No further assessment provided - not SWH.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

[1]Shaded rows denote habitat categories that may be present within a study area.

Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Raptor Wintering Area	Rough-legged Hawk, Long-eared Owl, Boreal Owl, Northern Saw-whet Owl **Special Concern**: Short-eared Owl	G011-G019, G023-G028, G033-G043, G048-G059, G064-G076, G081-G092, G097-G108, G113-G125 **And:** G020-G022, G029-G032, G044-G047, G060-G063, G077-G080, G093-G096, G109-G112	Combination of fields and woodlands that provide roosting, foraging and resting habitats; >20ha with a combination of forest and upland; >15ha field habitat; field area windswept with limited snow depth/accumulation	**Studies Confirm:** ≥1 Short-eared Owls **or** ≥10 individuals and ≥2 of the listed species **and** used ≥3 times in 5 years for a minimum of 20 days **Area of SWH Defined As:** n/a	**NO**, while the subject property contains a forest community associated with this SWH type, there is a lack of fields on adjacent lands to provide foraging habitat. No further assessment provided - not SWH.
Bat Hibernacula	Big Brown Bat, Tri-coloured E	Cliffs and rock talus in G158-G159, G164, G180-G181	Caves, mine shafts, underground foundations, Karsts; does not include active mines	**Studies Confirm:** confirmed hibernating bats **Area of SWH Defined As:** 200m radius around hibernaculum entrance, 1000m radius for wind farms	**NO**, while the subject property contains steep slopes in Phase 3, caves, and mine shafts suitble for use as hibernation sites are absent. No further assessment provided - not SWH.
Bat Maternity Colonies	Big Brown Bat, Silver-haired E	G016-G019, G028, G040-G043, G055-G059, G070-G076, G088-G092, G103-G108, G118-G125	Tree cavities and snags; >80 years old deciduous or mixed stands with >10/ha >25cm dbh trees	**Studies Confirm:** confirmed use by >10 Big Brown Bats **or** >5 adult female Silver-haired Bats **Area of SWH Defined As:** entire woodland/forest ELC **or** Ecoelement containing maternity colonies	**YES,** Woodland communities on the subject property provide individual trees that provide potential habitat. While no formal snag/cavity assessment were completed, it is assumed that the subject property contains <10 trees / ha. However, the access road and proposed development area have already been cleared. Further assessment is provided in the report due to the potential requirement for additional tree removal.
Turtle Wintering Areas	Midland Painted Turtle **Special Concern**: Northern Map Turtle, Snapping Turtle	G128-G135, G140-G152	Water deep enough to not freeze, soft mud substrates; permanent water bodies, large wetlands, bogs or fens with adequate Dissolved Oxygen	**Studies Confirm:** 5 over-wintering Midland Painted Turtles, **or** ≥1 overwintering Northern Map Turtles or Snapping Turtles **Area of SWH Defined As:** ELC with overwintering turtles, if site is within a stream or river only the deep-water pool is protected	**NO**, while there are wetland communities on the subject property, thses wetlands do not contain sufficent water/muck levels to facilite turtle hibernation. Faris Lake is located on adjacent lands, however the proposed severance and future developemnt is not anticipated to impact adjacent features within Faris Lake. No further assessment provided - not SWH.
Reptile Hibernaculum	Eastern Gartersnake, Northern Watersnake, Northern Red-bellied Snake, Northern Brownsnake, Smooth Green Snake, Northern Ring-necked Snake **Special Concern**: Milksnake, Eastern Ribbonsnake, Five-lined Skink	**Snakes:** any forest ecosite other than very wet ones; talus, rock barrens, crevice, cave, and alvar sites; rock piles or slopes, stone fences, crumbling foundations **Skink:** G056-G059, G070-G076, G087-G092, G103-G108, G118-G125	**Snakes:** sites with access below the frost line **Skink:** mixed forests with rock outcrops providing cover rock overlaying granite bedrock with fissures	**Studies Confirm:** use by ≥5 individuals from one species **or** use by individuals from ≥2 species; congregation of ≥5 individuals from one species **or** individuals from ≥2 species near potential hibernacula; any active skink hibernaculum **Area of SWH Defined As:** feature containing hibernacula plus 30m radius	**NO**, the assessment area does not contain piles of loose rock or areas with rock crevices that may provide suitable hibernation habitat for snakes. NO further assessment provided - not SWH.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

[1]Shaded rows denote habitat categories that may be present within a study area.

Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Colonially-nesting Bird Breeding Habitat (Bank and Cliff)	Cliff Swallow, Northern Rough-winged Swallow	G001-G004, G007-G008, G020-G021, G029-G031, G044-G046, G060-G062, G077-G079, G093-G095, G109-G111, G173-G175, G201-G203, G210-G212	Exposed banks, sandy hills, borrow pits, steep slopes, sand piles that are undisturbed or naturally eroding; does not include man-made structures or active aggregate pits	**Studies Confirm:** ≥1 nesting sites with ≥8 Cliff Swallow pairs **and/or** Rough-winged Swallow pairs during the breeding season **Area of SWH Defined As:** colony and 50m radius from peripheral nests	**NO**, the assessment area does not contain exposed steep slopes, borrow pits or sand pile suitable for nesting and therefore does not provide opportunities for bank and cliff nesting avian species to nest. No further assessment provided - not SWH.
Colonially-nesting Bird Breeding Habitat (Tree/Shrubs)	Great Blue Heron, Black-crowned Night Heron	G064-G076, G081-G092, G097-G108, G113-G125, G128-G136	Live or dead standing trees in wetlands, lakes, islands, peninsulas, may use shrubs or other emergent vegetation; most nests 11-15m from ground	**Studies Confirm:** ≥10 active Great Blue Heron nests, ≥1 active Black-crowned Night Heron nest **Area of SWH Defined As:** colony plus 300m radius **or** extent of forest ecosite containing colony **or** any island <15ha with a colony	**NO,** while wetland communities are present on the subject property, there is a lack of abundant standing dead trees, and unlikely to provide appropriate nesting habitat. No nests were observed during the site investigation. No further assessment provided - not SWH.
Colonially-nesting Bird Breeding Habitat (Ground)	Herring Gull, Great Black-backed Gull, Little Gull, Ring-billed Gull, Common Tern, Caspian Tern, Brewer's Blackbird	G001-G004, G007-G008, G020-G021, G029-G031, G044-G046, G060-G062, G077-G079, G093-G095, G109-G111, G142-G145	**Gulls and Terns:** rocky islands or peninsulas in open water, marshy areas **Brewer's Blackbird:** near streams and irrigation ditches in farmland	**Studies Confirm:** >25 active nests for Herring Gulls or Ring-billed Gulls, >5 active nests for Common Tern, >2 active nests for Caspian Tern, ≥5 Brewer's Blackbird pairs, any active nesting colony of Little Gull or Great Black-backed Gull **Area of SWH Defined As:** colony plus 150m radius **or**	**NO**, no evidence of colonial nesting was documented whithin the subject property. In addition, the subject property is not located on an island or peninsula. No further assessment provided - not SWH.
Deer Yarding Areas	White-tailed Deer	G12-G15, G23-G27, G33-G38, G48-G54, G64-G69, G81-G87, G97-G103, G113-G118, G128-G129	**Stratum I**: coniferous forest with >60% canopy cover **Stratum II**: mixed or deciduous forest surrounding Stratum I	**Studies Confirm**: mapping by MNRF **Area of SWH Defined As**: n/a	**NO,** the subject property is not located within an area identified by MNRF as a deer wintering area. No futher assessment is provided - not SWH.
Rare Vegetation Communities					
Beach/ Beach Ridge/ Bar/ Sand Dunes	**Indicator species:** Marram Grass, Beach Pea	G005-G006, G166-G168, G182-G184, G213-G214	Any beach, beach ridge, or sand dune	**Studies Confirm:** at least one indicator plant species **Area of SWH Defined As:** Ecosite area for Beach Ridge, Bar, or Sand Dune	**NO,** communities characterized by unstable sand with less than 60% vegetation cover were not identified on the subject property or adjacent lands. No further assessement provided - not SWH.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

[1]Shaded rows denote habitat categories that may be present within a study area.

Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Shallow Atlantic Coastal Marsh	**Indicator species:** Virginia Meadow-beauty **Other Associated species:** Rhynchospora capitellata, Xyris difformis, Panicum spretum, Triadenum virginicum, Polygonum careyi, Juncus militaris	G143-G145, G148-G152	Mineral (sand) or mineral organic (sandy peat) shoreline with low wave energy, on inland lakes and beaver ponds	**Studies Confirm:** the Indicator species and >4 Other Associated species **Areas of SWH Defined As:** the ELC	**NO**, while the assessment area includes wetland communities and the appropriate ELC community is present on the subject property. However, the marsh communtiy is not located along a shoreline and has been highly modified by adjacnet highway construction. It is very unlikey that appropriate plants are present within this feature. No further assessment provided - not SWH.
Cliffs and Talus Slopes	Rock Tripe, Polypodium virginianum, Cystopteris fragilis, Woodsia ilvensis, Cryptogramma stelleri, Woodsia alpina, Saxifraga paniculata	G158-G159, G166-G168, G173-G175, G182-G184, G201-G203	Any cliff or talus slope	**Studies Confirm:** lichen Umbilicaria spp and ≥3 listed species, **or** Fragrant Cliff Fern, **or** Woodsia scopulina ssp. Laurentiana **Areas of SWH Defined As:** ELC for cliff or talus slope	**NO**, the subject property does contain contain steep slopes, no large cliffs or talus slopes are present. No further assessment provided - not SWH.
Rock Barren, Precambrian Bedrock	Cladina spp., Polytrichum spp., Danthonia spicata, Deschampsia flexuosa, Juniperus communis, Vaccinium angustifolium, Comptonia peregrina, stunted trees (Quercus laba, Quercus rubra, Pinus strobus), Pteridium aquilinum, Aralia hispida, Spiranthes casei, Saxifraga virginiensis, Gaylussacia baccata, Corydalis sempervirens, Prunus pensylvanica, Comandra umbellata	G163-G165, G179-G181	<60% tree cover, vegetation from patchy to barren,	**Studies Confirm**: rock barren >1ha, >4 listed plant spp. **Areas of SWH Defined As:** ELC	**NO,** the assessment area does not contain rock barren communities. No further assessment provided - not SWH.
Sand Barren	Cladina spp., Carex houghtoniana, Carex merritt-fernaldii, Comptonia peregrina, Rubus flagellaris, Selaginella rupestris, Viola labradorica, Polygonella articulata, Stipa spartea	G007, G215	Exposed sand, sparsely vegetated, <60% tree cover	**Studies Confirm:** any listed plant species, <50% exotic or introduced species **Areas of SWH Defined As:** ELC	**NO,** communities characterized by exposed sand were not documented in the assessment area or adjacent lands. No further assessment provided - not SWH.
Alvar	**Indicator Species**: Penstemon hirsutus, Panicum philadelphicum, Scutellaria parvula, Rhus aromatica, Monarda fistulosa, Senecio pauperculus	ALO1, ALS1, ALT1, FOC1, FOC2, CUM2, CUS2, CUT2-1, CUW2	Level calcerous bedrock, rock pavement, overlain by thin veneer of soil, <60% tree cover	**Studies Confirm:** alvar >0.5ha, ≥1 Indicator species, <50% exotic or introduced species **Areas of SWH Defined As:** n/a	**NO**, alvar communities were not documented in the assessment area or adjacent lands. No further assessment provided - not SWH.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

[1]Shaded rows denote habitat categories that may be present within a study area.

Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Old Growth Forest	Undisturbed, mosaic of canopy gaps creating multi-layered canopy	Long-lived forest within: G011-G015, G017-G018, G023, G027, G033, G036, G039-G042, G048, G051, G054-G058, G064, G066, G069, G071-G075, G081, G084, G087, G089-G091, G103, G105-G107, G113, G115, G118, G120-G124	Undisturbed forest with mosaic of canopy gaps creating multi-layered canopy, stands ≥30ha **or** with ≥10ha interior habitat assuming 100m edge buffer	**Studies Confirm:** dominant trees are >140 years old, no recognizable forestry activates **Area of SWH Defined As:** combined ecosites or ecoelements containing old growth characteristics	**NO**, while large Eastern White Pine and Eastern Hemlock trees were observed scatterd in the subject property. With the majority of the property being young in age and the loction adjacent to a highway it is assumed the property has been historiclally cleared and or farmed. No further assessment required - not SWH.
Bog	Sphagnum mosses, ericaceous shrubs, sedges	G126, G137-G138	Nutrient poor, water table near surface, isolated from mineral soil waters, any size bog	**Studies Confirm:** bog ELC **Area of SWH Defined As:** bog ELC	**NO,** communities characterised by nutrient poor peatlands with a high water table were absent from the assessment area and adjacent lands. No further assessment required - not SWH.
Tallgrass Prairie	**Indicator Species:** Andropogon gerardii, Spartina pectinata **Characteristic Species:** Bromus kalmii, Ceanothus herbaceus, Lechea intermedia, Monarda fistulosa, Penstemon hirsutus, Polygala polygama,	TP01, TP02, ES10	<25% tree cover, dominated by prairie species including grasses, must not be dominated by exotic or introduced species	**Studies Confirm:** ≥1 Indicator species, and ≥2 Characteristic species **Area of SWH Defined As:** ELC containing prairie	**NO**, communities dominated by prairie species with less than 25% tree cover were not documented in the assessment area or adjacent lands. No further assessment required - not SWH.
Savannah	See Appendix N of the Significant Wildlife Habitat Technical Guide.	TPS1, TPS2, TPW1, TPW2, CUS2	Prairie species in open areas, forest species beneath tree canopy, 25-60% canopy cover, restored or natural site, no minimum size	**Studies Confirm:** listed savannah plants **Area of SWH Defined As:** ELC containing savannah	**NO**, communities dominated by prairie species were not documented in the assessment area or adjacent lands. No further assessment required - not SWH.
Rare Forest Type: Red Spruce	Red Spruce	G036, G051, G066, G084, G086, G100, G102, G116, G117	No minimum size	**Studies Confirm:** ≥10% red spruce **Area of SWH Defined As:** ELC ecosites containing red spruce dominated stand	**NO**, Red Spruce were not documented in the assessment area. No further assessment required - SWH.
Rare Forest Type: White Oak	White Oak	G017, G041, G057, G072, G090, G106, G121	No minimum size	**Studies Confirm:** ≥10% white oak **Area of SWH Defined As:** ELC ecosites containing white oak dominated stand	**NO**, White Oak were not documented in the assessment area. No further assessment required - SWH.
Specialized Habitats for Wildlife					

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

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Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Waterfowl Nesting Area	American Black Duck, Northern Pintail, Northern Shoveler, Gadwall, Blue-winged Teal, Green-winged Teal, Wood Duck, Hooded Merganser, Common Merganser, Red-breasted Merganser, Mallard, Canada Goose, American Wigeon, Bufflehead, Common Goldeneye	Upland habitat adjacent to G129-G135, G142-G152	Area extending 120m from a >0.5ha wetland, or a cluster of ≥3 <0.5ha wetlands, upland areas are at least 120m wide, trees >40cm dbh with nesting cavities	**Studies Confirm: ≥**3 nesting pairs from listed species excluding Mallards, **or** ≥10 nested pairs including Mallards, **or** nesting American Black Ducks **Area of SWH Defined As:** wetland and 120m boundary, boundary size may vary to provide enough nesting habitat	**NO**, while there are wetland communities present on the subject property and adjacent lands. There was no evidence of historic nesting and swamp communities within the assessment area would not contain enough water to support feeding. No further assessment required - not SWH.
Bald Eagle and Osprey Nesting, Foraging and Perching Habitat	Osprey **Special Concern**: Bald Eagle	Forest communities adjacent to riparian areas	Forested shorelines along lakes, ponds, rivers, or wetlands Osprey: nest at the top trees Bald Eagle: nest in notch of a super canopy tree	**Studies Confirm:** ≥1 active nests in the area, nest must be used annually, must be inactive ≥3 years to be non-significant **Area of SWH Defined As:** active Osprey nest and 300m radius or contiguous woodland stand, active Bald Eagle nest and 400-800m radius plus perching and foraging habitat	**NO**, stick nests were not documented in the assessment area. No further assessment required - not SWH.
Woodland Raptor Nesting Habitat	Red-tailed Hawk, Great Horned Owl, Broad-winged Hawk, Sharp-shinned Hawk, Merlin, Barred Owl, Red-shouldered Hawk, Coopers Hawk, Northern Goshawk	All forested Ecosites, also forested swamps: G128-G133	Natural or conifer plantation stands, stick nests found in conifer, deciduous, or mixed forests; Barred Owl, Great Horned Owl, and Merlin nest in cavities	**Studies Confirm:** ≥1 active nests from listed species **Area of SWH Defined As:** active Red-shouldered Hawk and Northern Goshawk nest and 400m radius or 28ha of suitable habitat, active Barred Owl nest and 200m radius, active Broad-winged Hawk, Coopers Hawk, Great Horned Owl, Red-tailed Hawk nest and 100m radius, active Merlin and Sharp-shinned Hawk nest and 50m radius	**NO**, stick nests were not documented on the subject property. Trees with cavities suitable to function as nesting habtiat for owls were not documented. No further assessment required - not SWH.
Turtle and Lizard Nesting Areas	Midland Painted Turtle **Special Concern**: Northern Map Turtle, Snapping Turtle, Five-lined Skink	**Turtles**: G138, G140-G149 **Skink:** G056-G059, G070-G076, G087-G092, G103-G108, G118-G125	**Turtles:** Close to water with open, sunny areas containing sand and gravel turtles can dig in, does not include road shoulders **Skink:** logs, stumps, loose rock in partially wooded areas	**Studies Confirm:** ≥5 nesting Midland Painted Turtles, or ≥1 nesting Northern Map Turtle or Snapping Turtle **Area of SWH Defined As:** area/areas with exposed mineral soils plus a 30-100m radius, including travel routes from wetland to nesting area, Skink nest plus 30m radius	**NO**, the assessment area does not contain features that are suitable to function as nesting habitat for turtles. Open areas containing sand or gravel suitable for excavation of nests are in the process of being created for roadwaysl. Limited stumps and logs, are located within the forest community and there is a lack of sufficient openenings in the canopy to provide areas suitable for use by lizards for nesting. No further assessment required - not SWH.
Seeps and Springs	Wild Turkey, Ruffed Grouse, Spruce Grouse, Moose, White-tailed Deer, Salamander spp.	Any forested ecosite near headwaters	Forested area with <25% meadow/field/pasture within headwaters of river or stream	**Studies Confirm:** ≥2 seeps/springs **Area of SWH Defined As:** area containing seeps/springs	**NO**, watercoureses and areas of groundwater were documented in the assessment area. No further assessment required - not SWH.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

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Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Aquatic Feeding Habitat	Moose, White-tailed Deer	Any forested ecosite next to water	Areas providing an abundance of submerged aquatic vegetation such as Pondweeds, Water Milfoil, and Yellow Water Lily, adjacent stands of lowland conifer or mixed woods	**Studies Confirm:** observed or demonstrated moose use **Area of SWH Defined As:** wetland and 120m of adjacent forest	**NO**, the subject property does not contain large pond/wetland features that have potential to provide abundant aquatic vegetation. However, Faris Lake provided potential habitat that is not anticipated to be impacted by proposed severance or future devleopment. No further assessment required - not SWH.
Mineral Licks	Moose, White-tailed Deer	Any forested ecosite	Upwelling groundwater and seepage in a forest habitat	**Studies Confirm:** confirmed mineral lick **Area of SWH Defined As:** mineral lick and 120m radius or wetland/seep/spring containing mineral lick and 100-200m radius of undisturbed contiguous forest	**NO**, seepage areas were observed on the subject property or area being used by White-tailed Deer or Moose as mineral licks. No further assessment required - not SWH.
Denning Sites for Mink, Otter, Marten Fisher and Eastern Wolf	Mink, Otter, Marten, Fisher, **Special Concern**: Eastern Wolf	Any forested ecosite	**Mink:** shorelines dominated by coniferous and mixed forests, old muskrat lodges **Otter:** undisturbed shorelines along waterbodies with productive fish populations, abundant downed woody debris, old beaver lodges or log jams, crevices in rock piles **Marten and Fisher:** large tracts of coniferous or mixed forest, cavities in large trees or under downed woody debris	**Studies Confirm:** known active site **Area of SWH Defined As:** active denning site and 100m radius, active wolf den and 200m radius	**NO**, features potentially functioning as denning sites were not documented on the subject property; no dens or excavated areas were documented. There is a low likelihood that the assessment area functions as denning habitat for these species. No further assessment required - not SWH.
Amphibian Breeding Habitat (Woodland)	Eastern Newt, Blue-spotted Salamander, Spotted Salamander, Four-toed Salamander, Northern Two-lined Salamander, Spring Peeper, Wood Frog, American Toad	Any forested ecosite with permanent, seasonal, or ephemeral ponds in or adjacent to the woodland	Presence of a wetland or pond >500 m2 (about 25 m diameter) within or adjacent (within 120m) to a woodland (no minimum size). The wetland, lake or pond and surrounding forest, would be the Candidate SWH. Some small wetlands may not be mapped and may be important breeding pools for amphibians. Breeding ponds within the woodland or the shortest distance from forest habitat are more significant because of reduced risk to migrating amphibians and more likely to be used. Woodlands with permanent ponds or those containing water in most years until mid-July are more likely to be used as breeding habitat.	**Studies Confirm:** breeding population of ≥1 listed newt/salamander species **or** ≥2 listed frog species with at least 20 individuals (adults or egg masses) **or** ≥2 listed frog species with Call Level Codes of 3 **Area of SWH Defined As:** wetland plus 230m radius of woodland, including travel corridor	**YES**, wetland features are present on the subject property that habe the potential to function as amphibian breeding habitat . Further assessment provided in report.
Amphibian Breeding Habitat (Wetlands)	Eastern Newt, American Toad, Spotted Salamander, Four-toed Salamander, Blue-spotted Salamander, Gray Treefrog, Western Chorus Frog, Northern Leopard Frog, Pickerel Frog, Green Frog, Mink Frog, Bullfrog	G129-G135, G142-G152	Wetlands and pools (including vernal pools) >500 m2 (about 25 m diameter), supporting high species diversity are significant; some small or ephemeral habitats may not be identified on MNRF mapping and could be important amphibian breeding habitats.	**Studies Confirm:** breeding population of 1 or more listed newt/salamander species **or** 3 or more of the listed frog/toad species with at least 20 individuals (adults or egg masses) **or** 3 or more of the listed frog/toad species with Call Level Codes of 3 **or** confirmed breeding Bullfrogs **Area of SWH Defined As:** wetland ELC and shoreline	**YES,** wetland features are present on the subject property that habe the potential to function as amphibian breeding habitat. Further assessment provided in report.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

[1]Shaded rows denote habitat categories that may be present within a study area.

Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Mast Producing Areas	Black Bear, White-tailed Deer, Wild Turkey, Ruffed Grouse	G015, G017, G019, G027-G028, G041-G043, G057, G059, G072, G090, G106, G108, G121	Mature forests >0.5ha with large Beech and Red Oak trees, other important trees are Hickory, Basswood, Black Cherry, Ironwood, Mountain Ash, Pin Cherry, Butternut, important shrubs are Blueberries, wild Blackberry, Serviceberry, Raspberry, Beaked Hazel, Choke Cherry, Hawthorn. Sites providing long-term, relatively stable food supplies, forest openings or barrens >1 ha provide excellent sites for mast producing shrubs. Sites such as clear-cuts or burns are temporary source of food and are less significant.	**Studies Confirm:** >50% mast producing species >40-65cm dbh **or** an opening within a forest ELC with 50% ground cover of mast producing shrubs **Area of SWH Defined As:** mast producing area of ELC	**NO**, even though the subject property contains decidous forest, there is a lack of abundant large Beech, Basswood, Black Cherry and Ironwood. Hardwood species are dominated by Sugar Maple. No further assessment required - not SWH.
Habitats of Species of Conservation Concern					
Marsh Bird Breeding Habitat	American Bittern, Sora, Red-necked Grebe, Pied-billed Grebe, Redhead, Ring-necked Duck, Lesser Scaup, Ruddy Duck, Common Moorhen, American Coot, Wilson's Phalarope, Common Loon, Sandhill Crane, Green Heron, Sedge Wren, Marsh Wren, Trumpeter Swan **Special Concern**: Yellow Rail, Black Tern	G138-G152 **Green Heron:** G138-G152, G129-G36	Nesting occurs in wetlands. All wetland habitat is to be considered as long as there is shallow water with emergent aquatic vegetation present. **Green Heron:** edge of sluggish streams, ponds, marshes sheltered by shrubs and trees	**Studies Confirm:** ≥5 nesting pairs of Sedge Wren or Marsh Wren **or** 1 pair of Sandhill Cranes, **or** breeding by ≥5 of any combination of the listed species, **or** ≥1 pairs of Trumpeter Swans, Black Terns, Green Herons, or Yellow Rails **Area of SWH Defined As:** area of ELC used for breeding	**NO, while the** subject property does contain wetland communities, these wetlands did not contain areas of shallow water and abundant aquatic vegetation suitable as habitat. No further assessment provided.
Open Country Bird Breeding Habitat	Upland Sandpiper, Grasshopper Sparrow, Vesper Sparrow, Northern Harrier, Savannah Sparrow **Special Concern**: Short-eared Owl	G008-G009, G020-G021, G029-G031, G044-G046, G060-G062, G077-G079, G093-G095, G109-G111	Large grassland areas (includes natural and cultural fields and meadows) >30 ha Grasslands not Class 1 or 2 agricultural lands, and not being actively used for farming (i.e., no row cropping or intensive hay or livestock pasturing in the last 5 years). Grassland sites considered significant should have a history of longevity, either abandoned fields, mature hayfields and pasturelands that are at least 5 years or older. The Indicator bird species are area sensitive requiring larger grassland areas than the common grassland species.	**Studies Confirm:** nesting/breeding of ≥2 listed species **or** ≥1 breeding Short-eared Owls **Area of SWH Defined As:** contiguous grassland ELC	**NO**, open grassland areas such as natural or cultivated fields are not present in the assessment area. No further assessment required - not SWH.
Shrub/Early Successional Bird Breeding Habitat	Willow Flycatcher, Brown Thrasher, Blue-winged Warbler, Tennessee Warbler, Prairie Warbler, Eastern Towhee, Clay-coloured Sparrow, Field Sparrow **Special Concern**: Golden-winged Warbler	G009-G010, G021-G022, G031-G032, G046-G047, G062-G063, G079-G080, G095-G096, G111-G112, G134-G135	Large field areas succeeding to shrub and thicket habitats >30 ha in size. Shrub land or early successional fields, not class 1 or 2 agricultural lands, not being actively used for farming (i.e., no row-cropping, haying or livestock pasturing in the last 5 years). Larger shrub thicket habitats (>30 ha) are most likely to support and sustain a diversity of these species. Shrub and thicket habitat sites considered significant should have a history of longevity, either abandoned fields or lightly grazed pasturelands.	**Studies Confirm:** nesting/breeding of ≥2 listed species **or** breeding Golden-winged Warblers **Area of SWH Defined As:** contiguous field/thicket ELC	**NO**, the assessment area does not contain, nor is it adjacent to, large field communities that are succeeding into shrub and thicket habtiats. NO further assessment required - not SWH.

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Ecoregion 5E[1]	Species	Candidate SWH Habitat - ELC Ecosites	Candidate Significant Wildlife Habitat - Habitat Criteria	Confirmed Significant Wildlife Habitat	Discussion
Special Concern and Rare Wildlife Species	Special Concern and Provincially Rare (S1-S3, SH)	Any ecosite	All Special Concern and Provincially Rare (S1-S3, SH) plant and animal species. All plant and animal element occurrences (EO) within a 1 or 10 km grid. Older element occurrences were recorded prior to GPS being available, therefore location information may lack accuracy	**Studies Confirm:** confirmation special concern and rare species is present **Area of SWH Defined As:** area of habitat to the finest ELC scale that protects habitat form and function	**See Table 2**
Animal Movement Corridors					
Amphibian Movement Corridors	Eastern Newt, Blue-spotted Salamander, Spotted Salamander, Gray Treefrog, Spring Peeper, Western Chorus Frog, Wood Frog, Northern Leopard Frog, Pickerel Frog, Green Frog, Mink Frog, Bullfrog, American Toad	Any ecosite associated with water	Movement corridors between breeding habitat and summer habitat. Movement corridors must be determined when Amphibian breeding habitat is confirmed as SWH from Amphibian Breeding Habitat.	**Studies Confirm:** confirmed Amphibian Breeding Habitat- Wetland, at least 15m of vegetation on both sides of waterway **or** up to 200m wide **Area of SWH Defined As:** corridor is part of buffer surrounding Amphibian Breeding Habitat- Wetland	**YES**, given that breeding habitat was identified on or adjacent to the assessment area, it is possible that the subject property may contain movement corridors for amphibians. Further assessment provided in report.
Cervid Movement Corridors	White-tailed Deer, Moose	Any forested ecosite	Movement corridor must be determined when Deer Wintering Habitat is confirmed as SWH (see above), Moose Aquatic Feeding Area, or Mineral Lick Habitat are identified. A deer wintering habitat identified by the OMNRF as SWH will have corridors that the deer use during fall migration and spring dispersion. Corridors typically follow riparian areas, woodlots, areas of physical geography (ravines, or ridges). Corridors will be multifunctional (i.e., these will function for any smaller mammal species as well).	**Studies Confirm:** confirmed Deer Wintering Habitat **or** Moose Aquatic Feeding Area **or** Mineral Lick Habitat **Area of SWH Defined As:** corridors at least 200m wide with gaps <20m, with 15m of vegetation on both sides of waterways	**NO**, given that deer wintering areas within the assessment area identified by MNRF, movment corridors for cervids are likely not present. No further assessment provided.
Furbearer Movement Corridor	Mink, Otter	Any forested ecosite adjacent to shoreline habitats	Mink and Otter den sites are typically found within a riparian area of a lake, river, stream or wetland. The den site will potentially have a movement corridor associated with it. All Mink or Otter den sites identified under the habitat of Denning Sites for Mink, Otter, Marten Fisher and Eastern Wolf (see above) are to be considered for an animal movement corridor.	**Studies Confirm:** confirmed Denning Sites for Mink, Otter, Marten, Fisher and Eastern Wolf **Area of SWH Defined As:** n/a	**NO**, as features potentially functioning as denning sites were not documented in the assessment area there is a low likelihood that the assessment area contains movement corridors for burbearers. No further assessment required - not SWH.

*as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (January 2015)

[1]Shaded rows denote habitat categories that may be present within a study area.

SITE EVALUATION REPORT
FARIS LAKE

Township of Foley

Prepared for:

Mr. Frank Jacques

November 2007

Michalski Nielsen
ASSOCIATES LIMITED
ENVIRONMENTAL PLANNING BIOPHYSICAL ANALYSIS
LAKE CAPACITY ASSESSMENT RESOURCE MANAGEMENT

Michalski Nielsen
ASSOCIATES LIMITED

November 8, 2007

Mr. Frank Jacques
346 Kingswood Road
Toronto, Ontario
M4E 3N6

Re: FarisLake; Our File 0307

Dear Mr. Jacques:

Michalski Nielsen Associates Limited is pleased to provide you with our report entitled **SITE EVALUATION REPORT – FARIS LAKE** (November 2007).

Should you have any questions or comments, please do not hesitate to call.

Yours truly,

MICHALSKI NIELSEN ASSOCIATES LIMITED
Per:

Beverley Wicks, Ph.D.
Aquatic Biologist

Al Shaw, M.Sc.
Aquatic Biologist

BW/be

Enc.

104 Kimberley Avenue, Unit 1, Bracebridge, Ontario P1L 1Z8
(705) 645-1413 Facsimile: (705) 645-1904 www.mnal.ca e-mail: info@mnal.ca

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1 INTRODUCTION

1.1 Background

The Jacques family owns a 32 hectare (ha) parcel of land with 412 m of shoreline frontage on Faris Lake, in the Geographic Township of Foley, now in the Township of Seguin, District of Parry Sound (**Figure 1**). The property presently supports a single family cottage serviced by a composting toilet and a gray water pit. Under the **Official Plan for the Parry Sound Area Planning Area**, the property is designated as Rural, which permits a range of uses including cottages and year round residences.

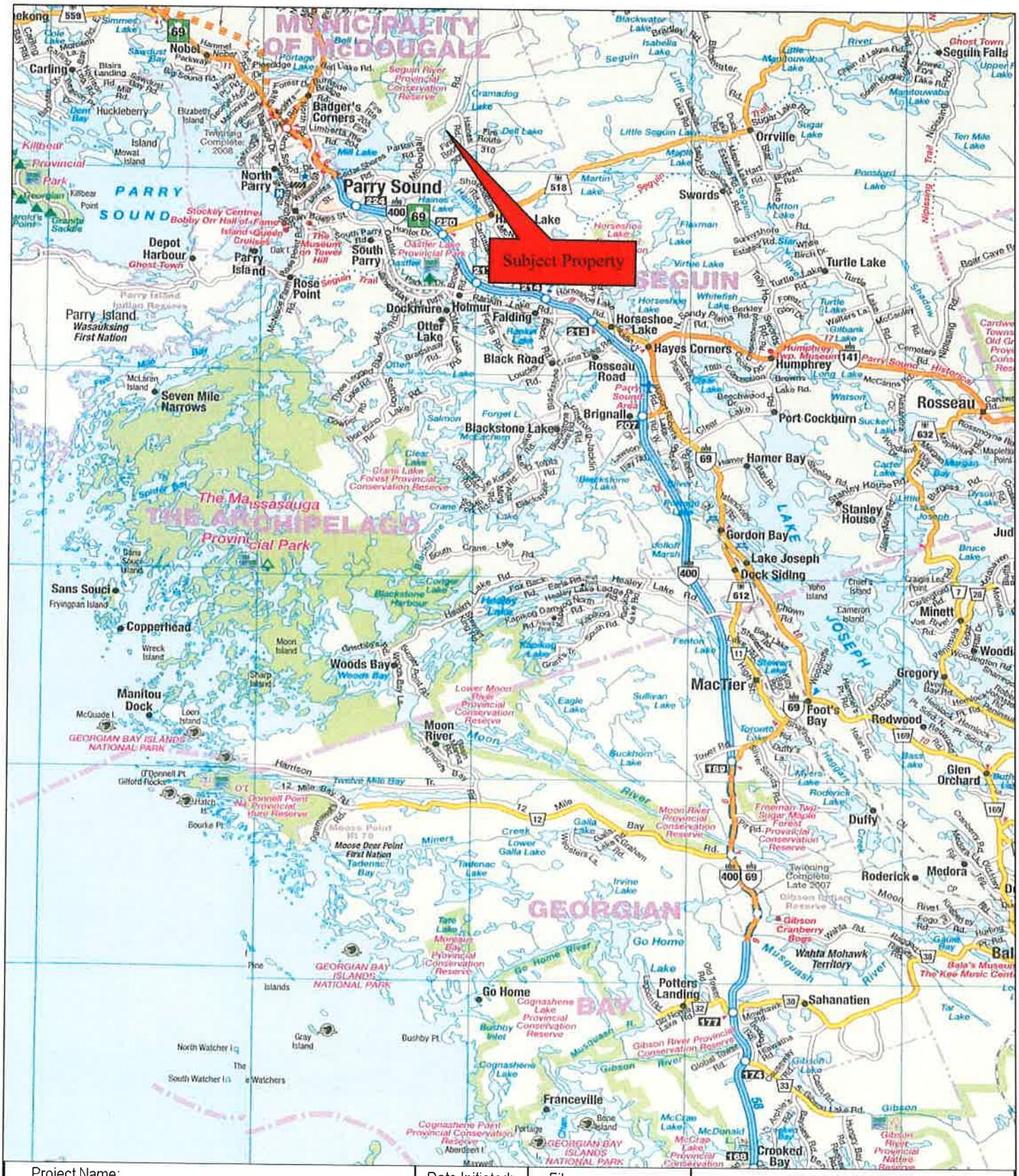
The property owners submitted a Consent Application to the Township of Seguin in August of 2005. The proposed severance will create two new lots and a retained lot, as outlined in **Table 1** below.

Table 1. Property Description for Jacques Severances

	Severed Lot A	**Severed Lot B**	**Retained Lot**
Frontage (m)	228	370	210
Depth (m)	132	132	315
Area (ha)	8.2	15	8.9

In August 2005, the Jacques were informed through a letter from Ali Chapple, Planner for the Township of Seguin dated November 20, 2006 (**Appendix A**), that the "application does not meet the requirements of Section 51(24) (c) of the *Planning Act* as not conforming to the Official Plan and Section 51 (24) (e) of the *Act* as the proposed road access is not adequate" and thus the consent to sever should be denied. A subsequent letter dated November 23, 2006 from Wes Crown, Director of Planning for the Township of Seguin (**Appendix A**), indicated that the application had been deferred to allow the client to address the following issues:

1. Access policies of the official plan;
2. Lake Capacity and the impact of the proposed development on the lake; and
3. Proposed driveway/right-of-way access across the watercourse and wet areas on the property.



Project Name: Site Evaluation Report	Date Initiated: Sept 7, 2007	Filename: Faris Lake	**FIGURE 1**
Prepared For: Mr. Frank Jacques	**Location of Subject Property, Faris Lake**		N W E S
Michalski Nielsen ASSOCIATES LIMITED	Rev. No: 0	Drawn By: CM	Scale: 1:125 000	Project Number: 0307

In 2007, Michalski Nielsen Associates Limited was retained by the Jacques family to prepare a **Site Evaluation Report (SER)** to demonstrate how new lots could be created, including the construction of a sewage treatment system, access roads and accessory shoreline structures (docking), such that there would be no impact on the water quality of Faris Lake, species at risk, significant wildlife habitat, and significant natural heritage features identified for the subject property.

Based on direction from the Township the following items were to be addressed in the **SER**.

- Lake water quality and impacts of the total development of the lake.
- Sewage system design and location, including phosphorus reducing treatment and/or phosphorus binding soils.
- Stormwater management techniques.
- Modeling and monitoring requirements.
- Appropriate shoreline setbacks, buffers and other related development controls including recommendations respecting shoreline structures (docks).
- The assessment of the recreational capacity of the lake in accordance with the Foley Official Plan policy criteria of 1.6 hectares of surface area for each residential unit.
- Proposed driveway/right-of-way location, environmental impact and proposed mitigation measures and required construction standards.
- Required permits and/or approvals

Thus, it is our understanding that the purpose of this **SER** is to identify the terrestrial and aquatic biophysical conditions of the subject property in relation to the development of building lots, locations for septic systems, etc., as well as to evaluate potential impacts and provide mitigative measure to eliminate or reduce detrimental effects. In this regard, the report is divided into the following sections.

- **Introduction**, which describes the background, identified issues and physical location of the subject property.

- **Approach**, which describes the specific methodologies to collect and analyze the data base.

- **Environmental Planning and Development Policies/Guidelines**, that summarizes relevant provincial and local policies and briefly outlines the lake capacity issue, including policy considerations.

- **Natural Features/Resource Significance**, which presents regional biophysical characteristics, and site specific conditions and distribution of terrestrial and aquatic resources occurring within the property boundaries and along its lakefront and evaluates the biological or ecological significance of the various natural heritage features found on the property.

- **Development Capability and Impact Evaluation**, which identifies the locations and types of biological and physical constraints to development, presents a site plan according to the property's development capability, discusses the various types of impacts/problems associated with implementing the proposed plan, and recommends appropriate mitigation measures, and presents a carrying capacity analysis for Faris Lake. Policy Compliance, that shows how the creation of two new lots complies with the 2005 **Provincial Policy Statement**, **The Township of Foley Official Plan**, the **Official Plan for the Parry Sound Area Planning Area** and has regard for the **Township of Seguin Official Plan** and relevant water quality policies of the Ministry of the Environment (MOE) is discussed.

- **Summary of Impacts and Recommendations**, provides an overview of the findings of this **SER** and provides recommendations to mitigate potential impacts.

1.2 The Issues

The first issue is the need for clarification of the status of Faris Lake in terms of carrying capacity. There is presently no information available on this lake from the MOE; however, due to its small size, there is some concern on the part of the Township that it "could be reaching its maximum development capacity". Additionally, the Township has expressed some concern that based on a management objective of one dwelling per 1.6 hectare (ha) of lake surface area that the status of Faris Lake in terms of Recreational Carrying Capacity may change with the addition of two new lots.

The second environmental issue pertains to the suitability of the terrain for the construction of access roads, in addition to the potential impacts of such roads and the associated land uses on the natural features identified for the subject property.

1.3 Location/Access

The subject property is on the western shoreline of Faris Lake, Lot 6, Concession 10, and described as Parcel 6155, Township of Seguin (former Township of Foley). It is road accessible via # 509 Highway 518.

1.4 Acknowledgments

Bev Wicks (Ph.D.), Aquatic Biologist and project manager, undertook the field work, and description of impacts, mitigation measures, and recommendations, as well as policy implications. Al Shaw (M.Sc.) Aquatic Biologist, undertook the lake capacity modelling of Faris Lake and reviewed the final report. Rob Willson, Species at Risk Biologist and Craig Mann, Terrestrial Ecologist, completed field work including a species at risk survey, described the physical and biological resources, and prepared sections of the report pertaining to species at risk, the terrestrial environment, and mitigation measures.

Prior to undertaking this **SER**, the following individuals and agencies were contacted for background information and data on the natural environmental resources on the property and the surrounding area.

- Mr. Ron Black, Biologist with the Ministry of Natural Resources (MNR) – Parry Sound Area Office, NHIC data for plants, birds, mammals, reptiles and amphibians, significant site element records, natural areas, and fish habitat information.

- Mr. Rod Sein, Surface Water Specialist, with the MOE, Sudbury Area Office, for information on Faris Lake.

- Mr. Wes Crown, Director of Planning, Township of Seguin, regarding the Planning Report and Official Plan environmental policies and zoning bylaw.

2 APPROACH

2.1 Collection and Review of Background Information

Prior to the site inspections and inventories, file material was reviewed and contacts made with staff of various environmental management agencies. Resource maps pertaining the natural environmental attributes of the property, Faris Lake and its watershed were collected and reviewed. Also, the **Official Plan for the Parry Sound Area Planning Area** (Carling, Foley, McDougall) Table Schedule B, Zoning By-law No. 93-100 and **Township of Seguin Official Plan** (January 2006) – was reviewed for relevant environmental policies, as was the 2005 **Provincial Policy Statement** (**PPS**).

The Natural Heritage Information Centre (NHIC) dataquery web site was consulted for information on vulnerable, threatened or endangered species (VTEs), significant natural area descriptions, and Site Element Occurrences (NHIC 2007). Finally, the **Ontario Breeding Bird Atlas** (OBBA) web site was reviewed to obtain data on breeding birds in the area (**Birds Ontario** 2007).

Regarding water quality, information was requested from the MOE and from MNR.

2.2 Field Investigations

Field data were collected on two separate occasions, May 2 and June 13, 2007. On the May 2nd site visit: water quality data was collected for the purpose of modeling lake capacity; the shoreline was reviewed by canoe; and a preliminary walk was completed to review the terrestrial features. The following water quality information was collected on that date.

- Water and air temperature, as well as dissolved oxygen, were measured as supporting information. These parameters were measured from the surface to bottom at 1.0 metre (m) intervals with a YSI model probe. The unit was turned on 15 minutes prior to collecting measurements, as required by the manufacturer. The probe was allowed to calibrate in the water until the readings stabilized.

- Water samples were collected 1.0 m from the bottom and at twice the secchi disc depth, approximately 7.0 m, using a 2 L Van Dorn sampler and transferred to pre-washed containers, supplied by the laboratory. Collected samples were placed in a cooler with freezer packs and

shipped overnight to E3 Laboratories in Niagara-on-the-Lake. E3 Laboratories is a Canadian Association for Environmental Analytical Laboratories (CAEAL) accredited laboratory and performed the analysis of all parameters mentioned above. CAEAL is a non-profit membership organization working with, and on behalf of, environmental testing laboratories with the goal of improving the quality of environmental information in Canada and worldwide. It reviews the methods, accuracy and quality control of individual laboratories for performing chemical analysis and reporting results. A suite of chemical parameters was analyzed including: conductivity, pH, total Kjeldahl nitrogen (TKN), nitrate (NO_3), nitrite (NO_2), total ammonia ($NH_3 + NH_4^+$), total suspended solids (TSS) hardness, alkalinity, dissolved organic carbon (DOC) and total phosphorus (TP). Temperature and pH values were used to transform total ammonia values to un-ionized ammonia.

- Water clarity was measured at the sampling site. Water clarity means the depth to which one may see into the water; obviously, this is subject to conditions of the day and the eyesight of the observer. The Secchi disc is used to measure this depth; it consists of a weighted circular plate, 20 centimetres (cm) in diameter, with the surface painted with opposite black and white quarters. It is attached to a calibrated line so that when it is held by the line, it hangs horizontally. The Secchi disc visibility or degree of water clarity is determined by slowly lowering the disc into the water until it is on the verge of disappearing. This depth is recorded. The disc is lowered a little further until it completely disappears; it is then slowly raised until it reappears. This second depth is recorded. The average of the two readings is taken as the final Secchi disc depth.

On both dates, photographs of representative vegetation features, tree cover, shoreline conditions, and adjacent land uses were compiled. The following biophysical information was recorded for the most part from the June 13 site visit, with emphasis placed on those parts of the proposed lots that could support residential development:

- soil texture, depth, compaction, and colour characteristics to a maximum depth of 1.25 m, using a manual soil auger;
- site drainage conditions based on observations of soil moisture through augered profiles, local topography, and indicator plant species;
- slope % estimated visually;

- composition and physiognomy of overstorey and understorey strata in terrestrial plant communities, based on qualitative observations;
- wildlife habitat characteristics and overall habitat quality, based on qualitative observations, wildlife sightings and discussions with landowner; and
- aquatic environment and fisheries habitat assessment based on qualitative observations and discussions with landowner.

2.3 Natural Resource Features

For this evaluation, the entire frontage of the subject property, along with the adjacent shoreline, was surveyed from the shoreline and from the water.

An inventory of the vascular plant species observed on the subject property was recorded, including the dominant overstorey, understorey, shrub stratum and ground cover species. Photographs were taken of representative areas of the various vegetation communities. The inventory was based on qualitative survey techniques, and consisted of identifying the boundaries of plant community types on the subject property according to species composition, physiognomy, and site characteristics, utilizing the **Field Guide to Forest Ecosystems of Central Ontario** (Chambers *et al.* 1997) and **Ecolocical Land Classification Systems for Southern Ontario: First Approximation and its Application** (Lee *et al.* 1998). Within each plant community, the overstorey, understorey and ground cover vascular plant species were recorded.

The plant nomenclature used in this study is generally consistent with the following authorities.

- Newmaster, S.G., A. Lehela, P.W.C. Uhlig, S. McMurray, M.J. Oldham, and Ontario Forest Research Institute. 1998. **Ontario Plant List**. Forest Research Information Paper No. 123.

All observations of wildlife were recorded, with evidence of presence determined by direct sightings, and indirectly from calls, nests, tracks, burrows, browse and scat. Species inventories included birds, mammals, amphibians and reptiles. Wildlife species observed in each habitat were recorded and later combined into a master species list for the property. Based on the timing of the field visits, all wildlife species observed were considered either year-round residents or summer breeders.

Notes were also taken on the characteristics of the surrounding shoreline, including slope stability and tree cover, incidental observations of fish usage, and any other factors which might contribute (positively or negatively) to fish habitat. It is noted that this assessment was completed within the growing season for aquatic vegetation, allowing accurate identification and recognition of plant distribution and abundance. Information from the MNR was included, to complete the present assessment (**Appendix B**). The visual assessment of fish habitat fronting the subject property on Faris Lake was completed on June 13, 2007. Habitat was assessed according the classification system used by the MNR which is summarized as follows.

Type 1 fish habitat, in the best judgement of the Ministry, is critical to the overall productive capacity of the fisheries. Examples of Type 1 habitat include, but are not limited to, the following:

- spawning areas for species with stringent spawning requirements (e.g., upwellings for brook trout; water velocity requirements for spawning walleye);
- essential rearing areas (e.g., lake trout juvenile and adult require deep, cold, well oxygenated water);
- highly productive feeding areas (e.g., wetlands);
- refuges (e.g., smallmouth bass young-of-the-year require rocky areas in order to hide over winter to avoid predation);
- constructed migration routes;
- habitats supporting endangered, threatened or vulnerable species (as designated by the Committee on the Status of Endangered Wildlife in Canada [COSEWIC]); and
- groundwater recharge areas in cold water streams.

Type 2 habitat is also important to fish production, but, in the best judgement of the Ministry, is not a limiting factor to the habitat productive capacity. If these areas are harmfully altered, the productive capacity of the habitat would not be expected to diminish. Habitat falling into this classification is defined by the MNR as "highly variable ranging from detritus substrate to small aquatic vegetation beds to rocky bedrock substrate". Examples of Type 2 habitat include, but are not limited to the following:

- feeding areas, particularly for adult fish;
- areas of unspecified spawning habitat, such as that used by many minnow species; and
- pool-riffle-run complexes that occur along much of a watercourse.

2.4 Opportunities and Constraints to Shoreline Development

Section 3 – Planning and Development Policies, contains an analysis of the relevant provincial and municipal environmental planning policies related to the property and its proposed development.

Section 4 – Resource Features, provides a description of the biophysical attributes (e.g., topography, drainage, vegetation and fish habitat) on and adjacent to the subject property; photographs are included to highlight specific elements. Also, an evaluation of the floral, faunal and aquatic resources was conducted to determine the presence of any rare/significant species and/or communities.

The site's biophysical conditions were evaluated to determine specific features that represent opportunities and constraints to the proposed severance, particularly with respect to topographic constraints as these relate to the installation of a septic tank tile field system, the building envelope, and a boat dock. In **Section 5 – Development Capability and Impact Evaluation**, the proposed plan is evaluated from the perspective of showing how lot design and layout conforms to the biophysical landscape. This section concludes with a section on policy compliance.

2.5 Water Quality (Lake Trophic State)

Our challenge on this project was twofold: 1) to undertake a capacity assessment of Faris Lake and determine what impact, if any, two additional lots might have on the water quality of Faris Lake; and 2) to evaluate mitigation measures that will permit the creation of two additional lots, but not negatively impact on water quality (i.e., not cause an increase in loadings to and concentrations of total phosphorus in surface waters), including assurances that any measures can be reasonably and effectively implemented, even if the water capacity assessment of Faris Lake indicates no impact.

This approach has been successful in the past. In its ruling on an application (i.e., the Branson case) to create one additional lot on the shoreline of South Kushog Lake, an at-capacity lake trout lake, the Ontario Municipal Board was sympathetic with this approach, and agreed with the applicant's argument that, ". . . in searching for ways and means of permitting development while at the same time maintaining environmental quality, we must go beyond a position of simply saying 'no' because a particular approach

is too difficult to implement. The applicant has gone through a significant and convincing effort to propose and abide by measures that could achieve this balance between private interest and public good. It would be inappropriate and unfair, in this Board's opinion, to deny the application simply because public bodies given the responsibility to monitor and enforce the process cannot, for lack of resources, carry out their duties in an innovative manner."

Given this direction, information is presented in **Section 5** that sets out remedial measures that when properly implemented would essentially result in a zero or near-zero phosphorus loading impact on Faris Lake.

3 ENVIRONMENTAL PLANNING AND DEVELOPMENT POLICIES/GUIDELINES

3.1 2005 Provincial Policy Statement

In terms of this **SER**, the following sections of the 2005 **PPS** are relevant and have been considered.

2.1 Natural Heritage

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

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

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

2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.2 Water

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

- using the watershed as the ecologically meaningful scale for planning;
- minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed;
- implementing necessary restrictions on development and site alteration to:
  1. protect all municipal drinking water supplies and designated vulnerable areas; and
  2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
- maintaining linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas;
- promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and

- ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

3.2 The Official Plan for the Parry Sound Area Planning Area (Carling, Foley and McDougall 1982)

The subject property is designated as RURAL in the Official Plan, which permits uses including cottages and year round residences.

The following sections of the approved Official Plan at the time of application are of relevance to this report, and were considered during its preparation.

4.3 Development Procedure

4.3.1 Applications to subdivide land will be reviewed in accordance with the following:

(xi) an evaluation of the impact of the proposed development submitted by the developer on any abutting waterbodies environmentally sensitive areas, and the natural environment;

4.3.14 General

All proposed development in the Planning Area shall meet provincial stanadards for air, noise and water pollution control. To assist in the evaluation of a development proposal, the Planning Board or any Council may require a Social or Environmental Impact Assessment. For the purposes of this Plan, an Environmental or Social Impact Assessment should contain the following:

In case of an:

A. Environmental Impact Assessment (EIA)

The following should be included in an EIA:

1) Project Description including:

   (a) Purpose of action, (b) Description of action, and (c) Detailed description of environment prior to proposed action.

2) Probable Impact of the Proposed Action on the Environment including:

   (a) Positive and negative effects and (b) Direct and indirect consequences.

3) Alternatives to the Proposed Action including:

   (a) Reasonable alternatives and (b) Analysis of alternatives

4) Probable Adverse Environmental Effects which can not be avoided including:

   (a) Adverse and unavoidable impacts and (b) How unavoidable adverse impacts will be mitigated.

In the case of a:

B. Social Impact Assessment (SIA)

The following should be included in an SIA:

1) Profile – Description of both existing conditions in the Township(s) and that of the proposed development including (a) population, (b) housing/commercial types, (c) recreational facilities, (d) financial and other concerns, etc.

2) Planning Statement – General statement concerning the proposal in relation to the Official Plan and Zoning By-law and what amendments might be necessary.

3) Prediction – Forecast any concerns which might result because of the proposed development.

4) Assess – Who, what, where, when and how much impact can be expected.

5) Evaluation – Examine alternatives and determine what, if any, mitigating measures can be undertaken to minimize negative impacts.

Prior to the consideration of any new residential development which is not on full municipal services, and where more than five lots are proposed, the applicant shall

be required to comply with the requirements of the Ministry of the Environment and Energy.

4.7 Waterfront Development

4.7.1 All new development proposed along the Planning area's numerous waterbodies shall be reviewed in light of its effect on existing water quality, recreational capacity and fisheries habitat of that lake or river. Planning Board and Council shall use lake information obtained from the Ministries of the Environment and Energy and Natural Resources to assist in the consideration of new development along a waterfront.

Although all shoreline areas are designated in the various land use classifications, the member Councils may require professional services in connection with the review of any application to develop lands and these services will be retained by the municipality at the expense of the developer to review such issues as are deemed necessary for a proper decision or recommendation in regards to any application. These areas may be designated by future amendment to this Plan.

4.7.5 Planning Board and Council will not permit any waterfront development which has the effect of altering the trophic status of a lake, river or bay.

4.7.6 All lakeshore development proposals shall be evaluated on a case-by-case basis and shall meet the requirements of the Ministry of the Environment and Energy with respect to the determination of a lake development capacity.

4.7.8 As well as using other estimates for measuring the development capacity of a waterbody, Council and Planning Board may use the following guidelines:

(i) the maximum development density of a waterbody shoreline should not exceed one dwelling unit for each 1.6 hectares of lake surface area;

(ii) wherever possible, adequate undeveloped open spaces should be maintained.

The provisions of this subsection shall also apply to narrow waterways and sheltered bays on Georgian Bay. In other areas of Georgian Bay, the provisions of Section 6.2 shall apply along with other policies of this Plan to control density, aesthetics and water quality in these areas.

This principle originates from the lake planning approach used by the Ministry of Natural Resources under the *Public Lands Act* where the Crown established a maximum of shoreline alienation rate of seventy-five percent.

4.7.9 Wherever possible, the aesthetics of the Planning Area's waterfront lands will be preserved using detailed land use regulations and controls during the consent, subdivision and building application processes. Principles that will be applied as a measure of aesthetic control shall include:

(i) screening using setbacks and vegetation cover;

(ii) optimum building siting; and

(iii) using construction materials that are in harmony with the natural setting.

4.7.10 A boathouse, sauna or pumphouse may be permitted in the waterfront areas of the Planning Area provided that all necessary approvals have been obtained from other government agencies. Generally only one boathouse will be permitted for each lot, however, exception may be granted by rezoning to allow additional boathouses. The policies of subsection 4.7.9 shall apply to boathouses.

4.7.14 Dredging and filling operations of the waterfront areas or the alteration of the shoreline subsequent to the adoption of this Plan shall be prohibited unless approval has been obtained by Council, Planning Board and any authority having jurisdiction.

Proposals to develop on waterfront land will be considered in light of its potential harm to any identifiable fish habitats, wildlife or fowl habitats or other environmentally sensitive areas. In particular, removal of sand, gravel or boulders, diverting streams, land clearing or road construction, building of boathouses or wharves and logging or log storage in areas where potential harm may come to environmentally sensitive areas, development will be curtailed. Development in these instances will only be able to proceed once the municipality is assured that the environmentally sensitive area will be protected through agreements, conditions and other regulations.

6.10 Small Inland Lakes

6.10.1 Notwithstanding the Rural land use policies set out in Section 5.1 of this Plan and notwithstanding Section 4.7.6, cottages may be permitted on existing lots of record on the following waterbodies provided that:

a) a legal registered right-of-way is available to the parcel;

b) the land is zoned in the municipalities' zoning by-law;

c) the other applicable policies of this Plan are complied with.

6.10.3 In addition to the policy set out in Section 6.10.1 above, the following lakes may also be considered for a consent by the property owners subject to a minimum shoreline frontage of the retained and severed parcel of 200 metres.

Foley Lakes

Brennan, Clear (Lane), Dora, Faris, Forget, Kingshott, Lingen, McGowan, Scime, Second, Sovereign, Third, Windfall, Wright.

6.11.1 General

These general policies apply to all of the recreational waterbodies in the Township of Foley. Horseshow Lake, Little Otter Lake, Oastler Lake, Otter Lake, Rankin Lake, Salmon Lake and Rose Point on Georgian Bay are also the subject of specific policies contained herein.

In addition to the policies prescribed in Section 4.7, the following general lake policies will apply to the shoreland abutting the above waterbodies.

6.11.1.1.2 Fish Habitat Areas and Wetlands

The Ministry of Natural Resources videotaped the shoreline of many waterbodies from the air in 1991 to determine the location and extent of fish habitat and shoreline wetlands. These habitat areas and wetlands will be placed in the Environmental Protection Zone Category in the comprehensive zoning by-law to restrict development.

Habitat areas that encompass existing docks or developed lands will not be interpreted to prohibit these existing uses and such uses may continue as legal conforming. However, an expansion to structures existing in areas zoned Environmental Protection will require a minor variance application and permission from the Ministry of Natural Resources.

Variances to any boundary of the Environmental Protection Zones representing habitat areas will not require an amendment to this Official Plan, but will require a zoning amendment after consultation between the Municipality and the Ministry of Natural Resources.

6.11.1.3 Shore Road Allowance

Notwithstanding and in addition to the policies set out in Section 6.8, the original shore road allowance will be stopped up and sold to the abutting land owner unless:

(a) the lands or abutting lands are identified as important fish habitat areas;

(b) the land fronts on Otter Lake, being a lake trout lake where the Ministry of Natural Resources is not prepared to support the transfer of said road allowances.

6.11.1.5 Site Plan control

The shoreline of all major lakes may be considered as site plan control areas and the Municipality may pass by-laws designating certain shoreline areas on the lakes or the entire shoreline area of a lake as a site plan control area.

6.11.1.6 Water Access

No new water access lots will be permitted on the major lakes in Foley Township except in accordance with the polices of this Plan.

3.3 Township of Foley Zoning By-law No. 93-1000

The subject property is zoned Waterfront Residential 4 (WF4). The minimum lot area is 2.0 ha, minimum lot depth of 60 m and the minimum lot frontage is 200 m.

3.4 Township of Seguin Official Plan (Adopted January 9, 2006)

The new **Township of Seguin Official Plan** (Adopted January 9, 2006) was reviewed for relevance for this **SER**. While not all of the relevant policies are listed here, we confirmed that this application for consent conforms to the pertinent environmental policies. Of particular significance to this application is the following:

B.3 Lake Capacity

This Plan is based on the policy that all new development proposed on the lakes and rivers in the Township shall meet the highest standards for development established by this Plan. This includes the submission of a site evaluation report, Environmental Impact Study where required, maintain or improve shoreline vegetation, limit shoreline use areas, meet all setback requirements, control storm water runoff and erosion, and provide enhanced sewage treatment. These requirements will be implemented through the various tools set out in this Plan including the use of site plan control and the posting of securities, monitoring requirements, site plan or development agreements, Zoning By-law performance standards, and other by-laws related to tree cutting and site alteration.

Where a proponent chooses to model a lake to determine its sensitivity to development and nutrient inputs, specifically phosphorus, the modeling shall be undertaken by a qualified individual in conformity with the modeling approach utilized in this Plan. Where a lake is modeled and found to have a low sensitivity to development inputs, then the Township may waive the requirement for site monitoring, agreements and the posting of securities, and the use of enhanced sewage treatment. Council may require for other reasons set out in this plan, such as fish habitat protection, wetland protection, steep slopes or similar issues, to require the use of these implementation tools. Where a lake is modeled and found to have a high sensitivity to development inputs, the highest standards for development set out in this Plan shall apply.

In our opinion, this section indicates a new direction for the Township of Seguin in terms of being receptive to more recent science and technology in terms of nutrient management on lakes at capacity.

3.5 Ministry of the Environment Provincial Water Quality Objectives

For lakes and streams in which water quality is better than the Provincial Water Quality Objectives (PWQOs), the MOE classifies these as Policy 1 waters. Policy 1 states that:

> *"In areas which have water quality better than the Provincial Water Quality Objectives, water quality shall be maintained at or above the objectives."*

Although some diminishment in water quality is permitted, degradation below the PWQOs is not permitted; this ensures continuing protection of aquatic communities and recreational uses. When applications are made for land use changes adjacent to Policy 1 waters, the Ministry carefully evaluates the type of treatment and/or other measures to maintain water quality at or above the objectives.

In situations where the water quality does not meet the PWQO for one or more parameters, the system is classified as Policy 2 waters; this policy states that:

> *"Water quality which presently does not meet the Provincial Water Quality Objectives shall not be degraded further and all practical measures shall be taken to upgrade the water quality to the objectives."*

Where new or expanded discharges are proposed, no further degradation shall be permitted, and all practical measures shall be taken to upgrade water quality. However, the Ministry takes a very practical viewpoint that, in some circumstances, it may not be technically feasible, physically possible or socially desirable to improve water quality towards the PWQO, and advises as follows.

> *"Accordingly, where it is clearly demonstrated that all reasonable and practical measures to attain Provincial Water Quality Objectives have been undertaken but where:*
>
> *1. The Provincial Water Quality Objectives are not attainable because of natural background water quality, or*

2. *The Provincial Water Quality Objectives are not attainable because of irreversible human induced conditions, or*

3. *To attain or maintain the Provincial Water Quality Objectives would result in substantial and widespread adverse economic impacts, or*

4. *Suitable pollution prevention techniques are not available, then deviations from this policy shall be allowed, subject to the approval of the Ministry of Environment.*"

Applications for any deviations from Policy 2 need to include extensive information on the quality of the receiving water, the predicted response to the activity proposed, and justification for the deviation.

4 NATURAL FEATURES/RESOURCE SIGNIFICANCE

4.1 Bedrock and Quaternary Geology

The bedrock throughout the property and environs belongs to the Central Gneiss Belt of the Grenville Province in the Canadian Shield Physiographic Region. Its main component is a Neo- to Mesoproterozoic gneiss (570 to 1600 million-years-old), which defines the Parry Sound Terrane (Easton 1992). These are generally highly metamorphosed rocks consisting of a diverse group of sedimentary rocks exposed at the surface or covered by a discontinuous, thin layer of drift (Barnett 1991). Extensive folding, faulting and intrusions of granite occur in the exposed bedrock. The dominant types in this acidic, clastic metasediment group include commonly layered biotite gneisses and migmatites; local types include quartzofeldspathic gneisses, orthogneisses, paragneisses and other metamorphic rocks (Freeman 1979). The bedrock throughout this region has extensive outcroppings which are primarily the result of glaciation and post glacial events (see **Section 4.2**). The Precambrian land form expression strongly influences the topographic patterns of the region and local overland drainage characteristics.

4.2 Physiography and Geomorphology

The property lies within the Georgian Bay Fringe physiographic region of Ontario. This includes a broad belt bordering Georgian Bay which is characterized by rock knobs and ridges with very shallow soils.

The present surficial deposits are a result of the advance and retreat of the last continental glaciation of North America, during the Quaternary Period. During this last glacial event, known as the Wisconsinan, the retreat of this ice sheet reached the southern margin of the Precambrian Shield about 10,000 years ago. Unlike most other parts of Ontario, during the Wisconsinan glaciation, very little drift material was deposited along the shores of Georgian Bay. The Wisconsinan glacier scoured the region, leaving the bedrock mostly bare. Glacial Lake Algonquin was formed by the recession of this glacier and inundated all of Georgian Bay's existing shoreline and surrounding region for several miles inland. Unconsolidated materials on the shore of Lake Algonquin were washed from the land surface by wave action, although small pockets of glaciolacustrine sediments were also deposited in scattered localities around the lake. Subsequently, glacial Lake Hough and post-glacial Lake Nipissing created sand dunes along their shorelines, approximately along the 198 m contour, reflecting historical water levels. The result of these events is a regional landscape that

is dominated by bedrock with a shallow, discontinuous mantle of tills and/or sediments, as well as cobble beaches along southwestern coastlines (Chapman and Putnam 1984).

Considerable volumes of meltwater were generated by, and discharged from, the receding glaciers; glacial debris was transported by the meltwater and deposited as stratified sediments under the glacier and along the ice margin (glaciofluvial ice-contact deposits); and beyond the ice margin in rivers and streams (glaciofluvial outwash deposits); lakes (glaciolacustrine and lacustrine deposits); and seas (glaciomarine and marine deposits).

The subject property contains two types of Quaternary deposits; these include: a glaciolacustrine deposit of sand; and a sand/gravel deposit originating from glaciofluvial ice-contact. Both of these are found throughout the property.

4.3 Topography and Drainage

The subject property is mostly covered with upland deciduous forest, combined with areas of mixed forest and conifer lowlands that appear along the shoreline of Faris Lake. The north shore is characterised by steep slopes with bedrock outcrops, thin soil and middle aged deciduous/coniferous mixed forests. This area plateaus at approximately 75 m and then drops away from the lake. The southern shore shares the same steep slopes but has deeper soils, with mid-mature deciduous forests. The shoreline area has a greater slope on the south shore, and the land plateaus at approximately 50 m, then slopes away from the lake. The majority of the western shore area has flatter terrain and is populated by deciduous and mixed forests. Shoreline vegetation is presently in its natural state, remaining densely vegetated, with the exception of a few areas of exposed bedrock. There is one drainage swale located at the westerly portion of the lake (**Figure 2**); this swale is seasonally wet and would convey spring run off.

4.4 Soils and Site Drainage

Soil profiles were examined using a manual auger in representative areas on the subject property. Horizon depths and textures of the profiles reflect the varied regional characteristics, which is typical of the Precambrian Shield landscape. Auger holes were performed on all the proposed lots and soil depth to

bedrock ranged from 0.1 m to 0.40 m on Lots A and B, increasing to 0.60 m on the Retained Lot. Soil auger profiles were consistent throughout the property. The LFH layers were very thin ranging for 0.02 m to 0.08 m over a thin Ah horizon of 0.02 m to 0.10 m, in some cases bedrock is directly below the LFH layer. The "B" Horizon consists of a reddish-brown, silty sand that is consistent in colour and texture between all three lots (**Photograph 1**). However, the amount of coarse fragments and soil depth varies greatly between all three lots. Lots A and B contain shallow soils with areas of exposed bedrock, while the Retained Lot has deeper soils with a consistent amount of large cobbles mixed with soil (**Photograph 2**).

All three lots provide excellent locations for filter bed construction. Selected locations are well set back from the shoreline and the direction of flow is away from the lake. Soil depth on the Retained Lot is sufficient for septic system installation while Lots A and B will require the importing of soil for filter bed construction.

4.5 Vegetation Characteristics

4.5.1 Regional Cover Characteristics

Based on a classification system by Rowe (1972), the vegetation of Canada was mapped into eight major forest regions or formations, based on the presence and distribution of dominant tree species. Within each region, a variety of distinct sections were delineated according to local patterns in tree composition These were associated mainly with physiographic and geological features. Based on this mapping, the subject property lies within the Georgian Bay Section of the Great Lakes-St. Lawrence Region. This falls within the limits of Site District 5E-7 (part of Site Region 5) based on Burger (1993).

The Georgian Bay Section of the Great Lakes-St. Lawrence Region contains upland deciduous and mixed forest stands of: sugar maple (*Acer saccharum*); beech (*Fagus grandifolia*); basswood (*Tilia americana*); yellow birch (*Betula papyrifera*); eastern hemlock (*Tsuga canadensis*); eastern white pine (*Pinus strobus*); red maple (*Acer rubrum*); balsam fir (*Abies balsamea*); and white ash (*Fraxinus americana*). White spruce (*Picea glauca*) is common on sand flats and other coarse-textured soils. Eastern hemlock is found along mesic slopes adjacent to tributaries, creeks, ravines and thin-soiled rock ridges. The thin-soiled rock ridges and outcrops also support: scrubby stands of jack pine (*Pinus banksiana*); trembling aspen (*Populus tremuloides*); red oak (*Quercus rubra*); white birch (*Betula papyrifera*); white spruce and black spruce (*Picea*



Photograph 1. Photograph of reddish-brown, silty sand soils that are consistent in colour and texture on all three lots. (June 13, 2007)



Photograph 2. Photograph of typical reddish-brown soils with a mix of coarse fragments and large cobbles. (June 13, 2007)

mariana). Both species of spruce are common components of treed swamps and bogs. Treed swamps are also characterized by: red maple (*Acer rubrum*); black ash (*Fraxinus nigra*); eastern white cedar (*Thuja occidentalis*); and speckled alder (*Alnus rugosa*).

4.5.2 Site Characteristics

The vegetation communities found on the subject property are illustrated in **Figure 2**. Vegetation cover on site is generally consistent with the regional characteristics described in **Section 4.5.1**.

For the purposes of this report, the major vegetation communities are qualitatively described based on the dominant trees in the overstorey and understorey stratums, shrub stratum, and ground cover. Where appropriate, the relative age class, species richness, health and disturbance factors are included. On a general scale, four vegetation community types were characterized, delineated and inventoried and include deciduous forest (**DF**), coniferous forest (**CF**), mixed forest (**MF**) and meadow marsh (**MAM**).

To best describe the differences in vegetation communities on the property, ecosite landscape unit community type and vegetation type were determined following the formats outlined in Chambers *et al.* (1997) **Field Guide to Forest Ecosystems of Central Ontario** and Lee *et al.* (1998) **Ecolocical Land Classification Systems for Southern Ontario: First Approximation and its Application**. Even though Lee *et al.* (1998) was created for use in site districts other than 5E-8 it does, in general terms, it provides the best description of the shoreline vegetation that occurs on the property, and therefore is being used for this project. An ecosite, "*is a mapable landscape unit defined by a relatively uniform parent material, soil and hydrology, and consequently supports a consistently recurring formation of plant species which develop over time (vegetation chronosequence).*" Within each ecosite landscape unit (e.g., **ES27.1**), there are a variety of vegetation types. A vegetation type (e.g., **V6**), "*is a part of an ecosite, and represents a specific assemblage of species which generally occur in a site with a more uniform parent material, soils and hydrology, and a more specific stage within a chronosequence.*" (Chambers *et al.* 1997).

Detailed descriptions of the site's vegetation communities are provided in the paragraphs following.

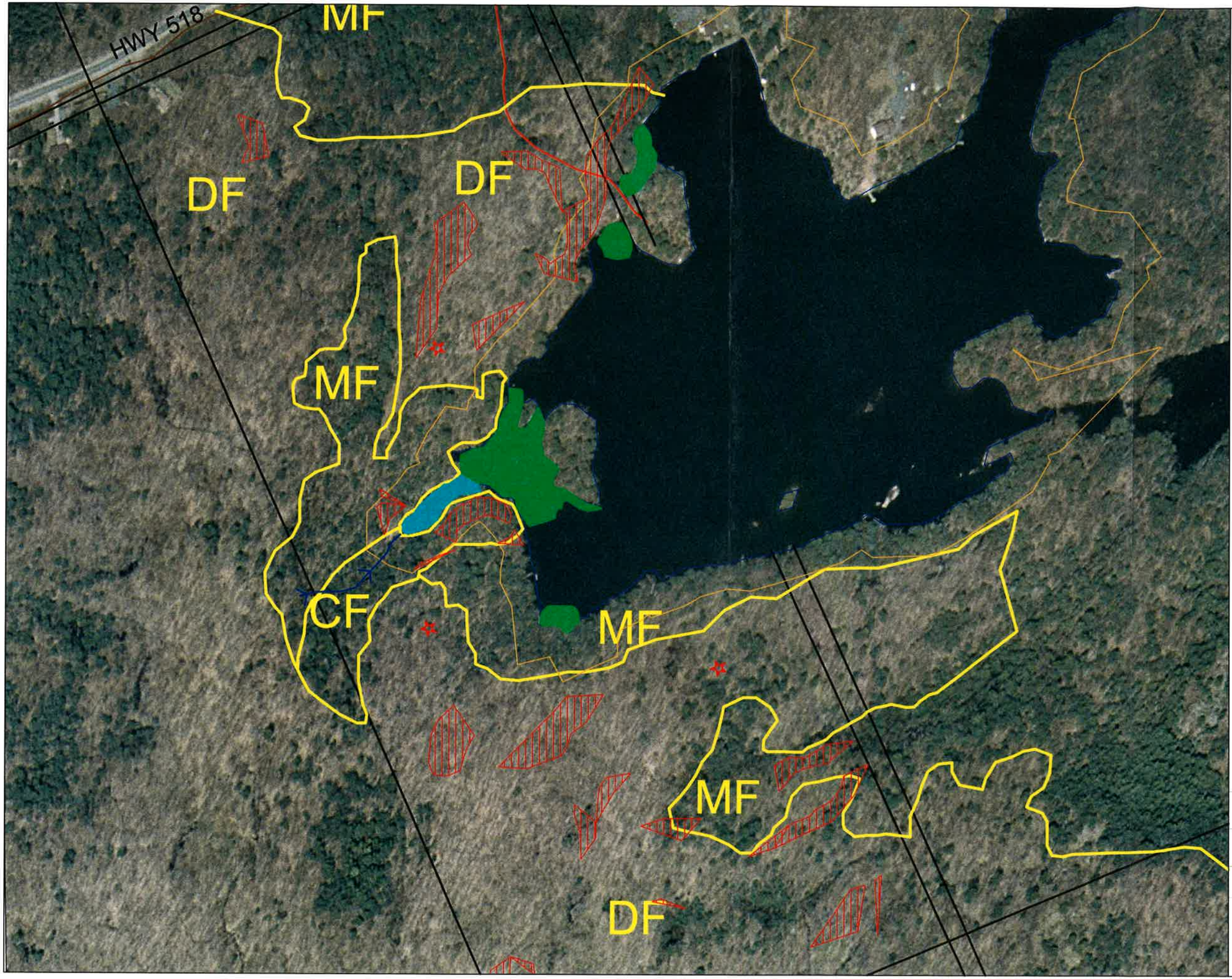


Figure 2.
Existing Natural Features

- Subject Property
- Shoreline
- Type 1 fish habitat
- 30 metre shoreline buffer
- > 25% slope
- Existing Access to Property
- Foraging Habitat for Reptiles
- Watercourse
- Soil Pits

Vegetation Communities:

Mixed Forest	MF
Coniferous Forest	CF
Desiduous Forest	DF

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Client Name: Mr. Frank Jacques	Project Name: Faris Lake
Scale: 1 : 1,000	Drawn by: CM

Michalski Nielsen ASSOCIATES LIMITED

Deciduous Forest (DF): This community covers a good portion of the property. It varies slightly in terms of age and composition, which for the most part is due to timber harvesting within the past few years (**Photograph 3**). The northern portion of the property (Lot B) is slightly younger and has smaller trees than the forests in Lot A and the Retained Lot. This is due to a greater quantity of bedrock and thinner soils (**Photograph 1**). The Retained Lot to the south and Lot A to the west, seem to be more mature, healthier and larger with respect to tree size. These parts of the property have deeper soils and moister conditions, as is evident by the forest cover (**Photograph 2**). This forest type is dominated by sugar maple; however, red oak can be found in large numbers in pockets where thinner, dryer soil conditions occur in the north and south parts of the property (**Photograph 4**). The ELC designation for this community is Dry to Moderately Fresh, Sugar Maple-Beech-Red Oak Deciduous Forest (ES 25.1) with a V-Type of V3. The canopy is composed of: sugar maple; red oak; iron wood; black cherry; red maple; yellow birch; white birch; white ash; and white oak (*Quercus alba*). The shrub layer is relatively dense and is comprised of: striped maple (*Acer pensylvanicum*); chokecherry (*Prunus virginiana*); skunk current; prickly gooseberry (*Ribes cynosbati*); fly honeysuckle (*Lonicera canadensis*); bush honeysuckle (*Diervilla lonicera*); and regenerating red oak, sugar maple, white ash and red maple. The ground layer supports the following flora:

Rubus idaeus	wild red raspberry
Rubus allegheniensis	common blackberry
Pteridium aquilinum	eastern bracken
Dryopteris carthusiana	spinulose wood fern
Gaultheria procumbens	wintergreen
Vaccinium angustifolium	low-sweet blueberry
Vaccinium myrtilloides	velvet-leaf blueberry
Platanthera orbiculata	large round leafed orchid
Cornus canadensis	bunch berry
Trillium grandiflorum	white trillium
Trillium erectum	red trillium
Aralia nudicaulis	wild sarsaparilla
Maianthemum canadense	Canada mayflower
Lycopodium obscurum	ground-pine
Trientalis borealis	star-flower
Dryopteris marginalis	marginal wood fern
Actaea rubra	red baneberry
Aster macrophyllus	big-leaved aster
Arisaema triphyllum	Jack-in-the-pulpit
Maianthemum racemosum	false Solomon's seal
Streptopus roseus	rose twisted-stalk



Photograph 3. Photograph of typical young hardwood forest in its post timber removal phase. (June 13, 2007)



Photograph 4. Photograph of typical deciduous forest located on most of the subject property. (June 13, 2007)

Mixed Forest (MF): This vegetation community makes up a large portion of the property. The majority of this community lies along the south and west shores of Faris Lake, but is also found away from the shoreline in the back-lot areas of all three lots. The characteristics of this community have been greatly influenced by harvesting operations which is apparent by the large amount of conifer undergrowth (**Photograph 5**). The shoreline area is dominated by white pine, balsam fir and hemlock while, red oak, yellow birch and sugar maple make up the dominant species in the back lot areas (**Photograph 6**). The ELC designation that best suits this community is Fresh to Moist Sugar Maple-Hemlock-Yellow Birch Mixed Forest (ES28.2) with a V-Type of V15. The canopy is comprised of: white pine; hemlock; red maple; white birch; red oak; sugar maple; white oak; balsam fir and yellow birch. The shrub layer is relatively dense due to the increased amount of light penetration from tree removal. The shrub layer includes: beaked hazel; hobble bush; low-sweet blueberry (*Vaccinium angustifolium*); wild red raspberry (*Rubus idaeus ssp. melanolasius*); common blackberry (*Rubus allegheniensis*); chokecherry and regenerating balsam fir, sugar maple, red oak and hemlock. The ground layer supports the following species:

Pteridium aquilinum	eastern bracken
Dryopteris carthusiana	spinulose wood fern
Gaultheria procumbens	wintergreen
Aralia nudicaulis	wild sarsaparilla
Maianthemum canadense	Canada mayflower
Epipactis helleborine	helleborine
Lycopodium obscurum	ground-pine
Trientalis borealis ssp. borealis	star-flower
Maianthemum racemosum	false Solomon's seal
Iris versicolor	blue flag
Rumex acetosella ssp. acetosella	sheep sorrel
Hypericum perforatum	common St. John's-wort
Veronica officinalis	common speedwell
Clintonia borealis	bluebead lily
Cornus canadensis	bunchberry
Streptopus roseus	rose twisted stalk

Coniferous Forest (CF): There is one mid-sized pocket of coniferous forest that extends from the marsh meadow west into the back-lot areas of Lot A. This community is dominated by hemlock, with moist, deep soils and lower lying terrain. During the wetter seasons this area would presumably be quite moist with the chance of flowing water. This community is best represented with the ELC classification of Fresh to Moist, Hemlock-Yellow Birch Coniferous Forest (ES 30.2) with a V-Type of V19. The canopy is comprised of



Photograph 5. Photograph of young conifer undergrowth that has been influenced by timber removal. (June 13, 2007)



Photograph 6. Photograph of typical mixed forest found along portions of the shoreline and in the back lot areas of the subject property. (June 13, 2007)

hemlock, balsam fir, yellow birch and red maple. The shrub layer is very sparse with the occurrence of hobble bush and striped maple. The ground layer supports the following species:

Dryopteris carthusiana	spinulose wood fern
Gaultheria procumbens	wintergreen
Aralia nudicaulis	wild sarsaparilla
Maianthemum canadense	Canada mayflower
Trientalis borealis ssp. borealis	star-flower
Clintonia borealis	bluebead lily
Cornus canadensis	bunchberry
Lycopodium clavatum	wolf's claw club-moss

Marsh Meadow (MAM): There is one pocket of marsh meadow that occurs on the property. This community is located on the west side of Faris Lake and connects the lake to the hemlock coniferous forest (**Photograph 7**). This area is seasonally wet and is dominated by hydrophilic vegetation (**Photograph 8**). The ELC classification that best describes this community is a Broad-Leafed Sedge Mineral Meadow Marsh (MAM2-6). The vegetation includes: fringed sedge (*Carex crepu*); woolley grass (*Scirpe souchet*); chock berry (*Aronia melanocarpa*); sweet gale (*Myrica gale*); meadow sweet (*Spirea alba*); beaked sedge (*Carex rostre*); and balsam fir.

In terms of significance, none of the vegetation communities found on the subject property is considered nationally or provincially significant. The site does not contain, or lie within, an Environmentally Sensitive Area (ESA), Life Science or Earth Science Area of Natural and Scientific Interest (ANSI) or an MNR evaluated wetland. Neither have any of the terrestrial features been designated as significant wetlands, significant woodlands or significant valleylands as per Section 2.1.4 of the **PPS**; nor, in our opinion, do they warrant such a designation.

4.6 Wildlife and Wildlife Habitat

Observations of fauna on the subject property were recorded during the June 13, 2007 site visit.

Eighteen bird species were observed on the subject property, and they include: common loon (*Gavia immer*); great blue heron (*Ardea herodias*); belted kingfisher (*Ceryle alcyon*); hairy woodpecker (*Picoides villosus*); yellow-bellied sapsucker (Sphyrapicus varius); red-eyed vireo (*Vireo olivaceus*); American crow (*Corvus*



Photograph 7. Photograph of transition area where meadow marsh meets coniferous forest. (June 13, 2007)



Photograph 8. Photograph of hydrophilic vegetation making up most of the vegetation found in the meadow marsh community. (June 13, 2007)

brachyrhynchos); blue jay (*Cyanocitta cristata*); black-capped chickadee (*Poecile atricapillus*); veery (*Catharus fuscescens*); hermit thrush (*Catharus guttatus*); chestnut-sided warbler (*Dendroica pensylvanica*); black-throated blue warbler (Dendroica caerulescens); black-throated green warbler (*Dendroica virens*); black-and-white warbler (*Mniotilta varia*); ovenbird (*Seiurus aurocapillus*); common yellowthroat (*Geothlypis trichas*); scarlet tanager (*Piranga olivacea*); and song sparrow (*Melospiza melodia*). Seven of these species are considered to be area sensitive according to MNR (2000).

These observations were supplemented by the area-specific (10 km x 10 km quadrat) breeding bird lists compiled for the Ontario Breeding Bird Atlas (2001, 2002 and 2003: OBBA website). Birds possibly breeding on the subject property, as indicated by the OBBA and given the habitat conditions on site, include: common merganser (Mergus merganser); broad-winged hawk (*Buteo platypterus*); mallard (*Anas platyrhynchos*); alder flycatcher (*Empidonax alnorum*); ruby-throated hummingbird (Archilochus colubris); chestnut-sided warbler (Dendroica pensylvanica); chipping sparrow (*Spizella passerina*); white-throated sparrow (*Zonotrichia albicollis*); and American goldfinch (*Carduelis tristis*). None of these species are considered to be area sensitive MNR (2000).

Mammals observed, either directly or indirectly, include: white-tailed deer (*Odocoileus virginianus*); raccoon (*Procyon lotor*); gray squirrel (*Sciurus carolinensis*); American porcupine (*Erethizon dorsatum*); red squirrel (*Tamiasciurus hudsonicus*); striped skunk (*Mephitis mephitis*); and eastern chipmunk (*Tamias striatus*). The majority of these species inhabit the deciduous forest west of the subject property and the treed portions of the shoreline. Since minimal development is proposed in these areas, combined with the fact that the species listed are able to live in proximity to human development, the minimal reduction of habitat resulting from the proposed land changes will not have a substantial impact on the resident mammals.

American bullfrog (*Rana catesbeiana*) and green frog (*Rana clamitans*) were observed on the subject property, and undoubtedly, several other amphibian species are likely to be present. However, as is the case with the bird and mammal species listed above, none of them is designated Endangered, Threatened, or Special Concern by the MNR.

In contrast, several of the reptiles potentially occurring in the area are designated at risk by the MNR. In general, reptiles are difficult to detect, even when present. Therefore, when evaluating their potential presence on a particular property, one must often rely on factors other than direct observations. The two

most important factors influencing the probability of a species occurring on a specific property are whether the appropriate habitat types are present, and whether the site is within the known distribution of the species. When a reptile species of interest is not observed on site, evidence for the likely presence of the species is still considered strong when suitable habitat types are present and there are reliable observation records of the species within a distance that is less than the movement or dispersal capacity of the species. An additional factor that can influence the likelihood of a species being present is whether there are barriers to movement (e.g., a high volume road) that would prevent dispersal or migration to the site. **Table 2** lists the at-risk reptiles potentially occurring on the subject property given the above criteria.

Table 2. Species at risk potentially occurring on the subject property.

Common Name	Scientific Name	Status – Provincial/National
Blanding's turtle	*Emydoidea blandingii*	Threatened
massasauga rattlesnake	*Sistrurus catenatus*	Threatened
eastern hog-nosed snake	*Heterodon platirhinos*	Threatened
eastern ribbonsnake	*Thamnophis sauritus*	Special Concern
milksnake	*Lampropeltis triangulum*	Special Concern
five-lined skink	*Eumeces fasciatus*	Special Concern

The western margin of Faris Lake has several meadow marsh vegetation communities that could potentially function as habitat for Blanding's turtle, massasauga rattlesnake, and eastern ribbonsnake. There is also an intermittently-flowing stream that has the potential to function as habitat for the eastern ribbonsnake. If these species are present and need to move westwards to habitats off site, then they will have to cross the new access road. A natural corridor for movement in this area may be the lower-lying streambed located within Lot A (**Photograph 9**) .

Given the potential for these species to occur on the subject property, an investigation sufficiently thorough to rule out their presence would be considerable. Therefore, because of the nature of the proposal being considered here, investigations were focussed on ecological features and functions likely to be impacted as



Photograph 9. Approximate location where access road would cross streambed at the western end of Farris Lake. (June 13, 2007)



Photograph 10. General view of the central portion of Retained Lot. Note steep onshore slopes. (June 13, 2007)

a consequence of the proposed land use changes: specifically, the potential impact of three seasonal residences, their associated septic and dock footprints, and an access road that would service two of the lots (see **Section 5**). Additional reptiles observed on the subject property include snapping turtle (*Chelydra serpentina*) and midland painted turtle (*Chrysemys picta marginata*).

4.7 Limnology – Faris Lake

Faris Lake is a 39.13 ha lake, located in the District of Parry Sound. The lake is a headwater glacial trough, with a single intermittent inflowing tributary and a single outlet. The mean depth of Faris Lake is reported at 5.8 m. The thermal regime has been classified as coolwater by the MNR; but, it is not a lake trout lake. The majority of the shoreline is not developed, and the lake is used exclusively for recreational purposes by waterfront landowners, as there is presently no public access.

In terms of further development, the MOE has not classified Faris Lake in terms of its "capacity", and has only limited data available for the lake. In terms of lake development, the MOE's concerns relate to the impacts of phosphorous on lakes that are at, or are reaching, their "carrying capacity" and recommend against new lot creation, unless the developer can show that there will be no impacts on lake water quality. While the MOE has not modeled Faris Lake, the carrying capacity in terms of phosphorus was calculated as part of this report.

Phosphorus is a non-metallic element which occurs in dissolved and particulate, organic and inorganic forms in water. In a chemically combined state (the elemental form is rare), it is virtually non-toxic to aquatic life. It is the principal nutrient causing eutrophication[1], and is part of the cycle of nature. However, this element is also present in human and domesticated animal wastes, farm and industrial waste water, and a variety of products, such as soaps and fertilizers, that end up in sanitary and storm sewage or runoff. Human activities have also resulted in increased levels of phosphorus in the airborne particles that settle or fall with precipitation onto lake surfaces. Other human actions, particularly the clearing of forests and vegetation,

1 Eutrophication is the natural aging of a body of water caused by the inflow of too much nutrients. Although all lakes and rivers age from a young, productive state, in nature this eutrophication takes many thousands of year. European settlement and development have caused many lakes including the Lower Great Lakes and portions of the Upper Great Lakes, the Bay of Quinte, and some of the lakes within the Kawartha/Trent/Rideau waterway to age much faster over the last two centuries.

reduce the ability of the lands around lakes to retain phosphorus, resulting in further increases in phosphorus discharges to water. Nutrients other than phosphorus (nitrogen, carbon, silica and manganese) are also necessary for plant growth, but they are generally available in adequate supply; as well, they can only be used by algae and weeds if sufficient phosphorus is available.

The most obvious effects of increased levels of phosphorus in lakes are more algae and weeds, less clear water, and in some cases reduced habitat for cold water fish species. These changes are generally considered to be undesirable, although it should be emphasized that native aquatic plants are part of a healthy, productive lake ecosystem, and, like much else in nature, should not be viewed as intrinsically bad, even though they may physically interfere with certain recreational activities such as swimming, boating, and fishing. The effects of increased phosphorus loadings are generally not detectable from one year to the next, but if they are permitted to increase unabated, they can be noticed from one decade to the next, and can be very significant over a generation or a lifetime.

Presently, the MOE does not have a firm objective for total phosphorus for surface waters. The Ministry does however, prefer to use concentrations of phosphorus in a lake as the prime indicator of lake trophic state. This is because the Ministry has an interim Provincial Water Quality Objective for this plant nutrient; it is as follows:

> "Current scientific evidence is insufficient to develop a firm objective at this time. Accordingly, the following phosphorus concentrations should be considered as general guidelines which should be supplemented by site specific studies;
>
> To avoid nuisance concentrations of algae in lakes, average total phosphorus concentrations for the ice-free period should not exceed 20 µg/L;
>
> A high level of protection against aesthetic deterioration will be provided by a total phosphorus concentration for the ice-free period of 10 µg/L or less. This should apply to all lakes naturally below this value;
>
> Excessive plant growths in rivers and streams should be eliminated at a total phosphorus concentration below 30 µg/L."

As mentioned previously, prior to the preparation of this **SER** there was no data available in terms of phosphorous concentrations for Faris Lake. Subsequently, as part of this study, water quality information was collected (**Appendix C**) for inclusion in the Carrying Capacity Evaluation found in **Section 5.4**.

4.8 Fish and Fish Habitat Conditions

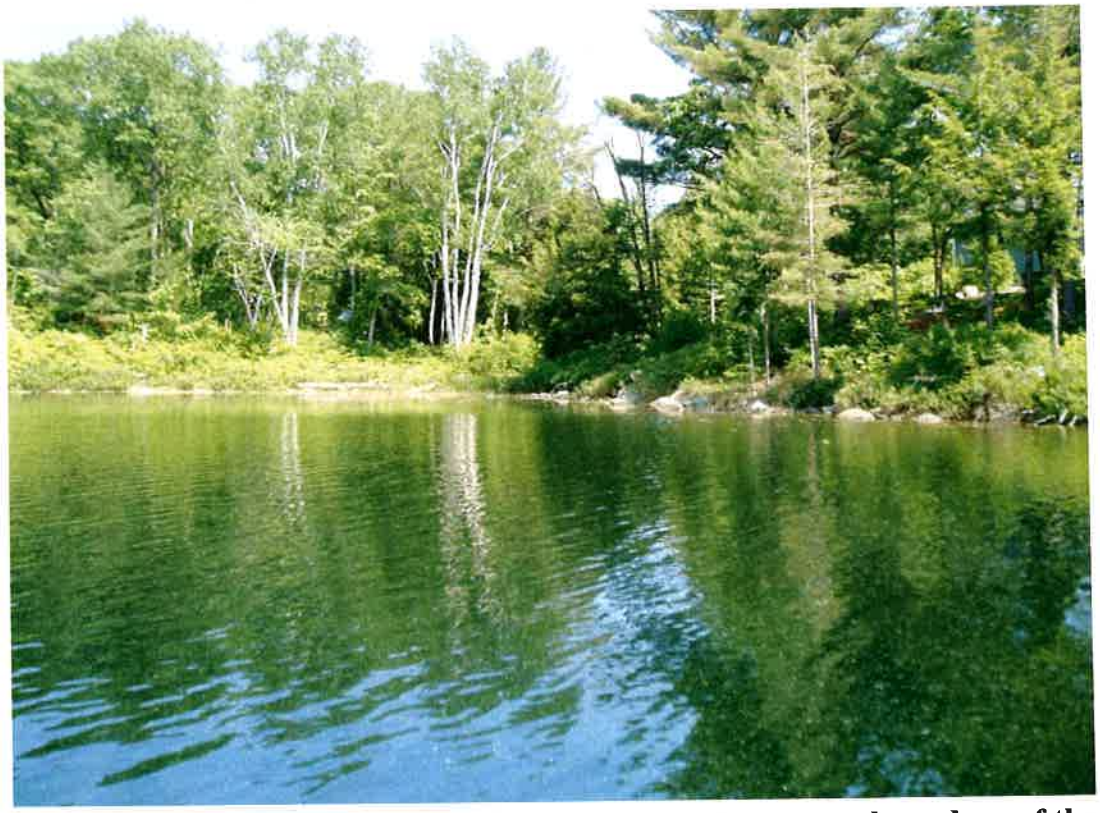
According to MNR data, the fish species occurring in Faris Lake include: white sucker (*Catostomus commersoni*); smallmouth bass (*micropterus dolomieui*); yellow perch (*Perca flavescens*); pumpkinseed (*Lepomis gibbosus*); brown bullhead (*Ictalurus nebulosus*); and brook trout (*Salvelinus fontinalis)*. Note that the brook trout were part of a stocking project and were last noted in 1965. In addition to these confirmed species, the lake undoubtedly supports populations of cyprinids (minnows). At the request of the Jacques family the MNR completed a Fisheries Site inspection Report (**Appendix B**) in June 2005, which included an updated Fish Habitat Type Mapping.

In terms of this report, fish habitat was reviewed along the entire frontage of the subject property for both the riparian and nearshore sections of the Faris Lake. In addition approximately 100 m of the intermittent inflowing watercourse were considered. The Retained Lot extends from the southeastern property boundary to a small bay located at the southwestern corner of the lake, and has approximately 210 m of frontage. This lot is presently undeveloped with the shoreline vegetation in a natural mature state (**Photographs 10** and **11**). The onshore slopes are generally 1:4, and lined with hemlock, red maple and white birch. The nearshore slopes along the retained lot are approximately 1:5, with substrates consisting of silt and organics over solid substrate, which for the most part consists of bedrock. There are moderate quantities of woody debris that contributes to the structural diversity of fish habitat as well as isolated pockets of aquatic vegetation (water shield [*Brasenia schreberi*] and pipewort [*Eriocaulon aquaticum*]). The small bay located at the western limit of this lot (**Photograph 12**) has larger pockets of aquatic vegetation and evidence of centrarchid spawning, which would be consistent with MNR's having mapped this area as Type 1 fish habitat (**Appendix B**).

Severed Lot A starts at the small bay at the southwestern limit of the property, and extends just to the north of the outlet of the intermittent inlet watercourse. This lot is presently undeveloped and the existing riparian areas are fully vegetated and stable. Nearshore slopes along the frontage ranges between 1:5 and 1:20. The majority of the frontage of this lot is situated behind a small island also owned by the Jacques family. The nearshore slope along the southwestern portion of this lots is approximately 1:6; however, as you move to the north and behind the island water depths are quite shallow, approximately 0.2 m to 0.60 m. The substrates on the west side of the island consist of mainly organic materials and are quite soft. There is some woody debris, isolated boulders and large beds of both emergent and submerged aquatic vegetation



Photograph 11. Western shoreline of Retained Lot. Note shallow water, aquatic vegetation and woody debris. (July 13, 2007)



Photograph 12. Small vegetated bay located on the eastern boundary of the Retained Lot. Note bay is Type 1 fish habitat. (June 13, 2007)

(**Photographs 13** and **14**), including species such as pickerel weed (*Pontederia cordata*), pond lily (*Nymphaea odorata*) water shield *(Brasenia schreberi*) which adds to the structural diversity in these shallow waters. This particular area would be highly productive fish habitat, which corresponds to the MNR habitat mapping documenting the area as Type 1.

The watercourse on the subject property outlets to a large bay located on the west side of the island (**Figure 2**). It is intermittent and seasonally wet (**Photographs 15** and **16**). The watercourse is very low gradient, poorly defined and braided as it moves upstream from the lake. Substrates within the watercourse are soft organic material, with a larger component of sand and grave in the 10 m reach closest to the lake. It is unlikely that the watercourse supports a resident population of fish, but may during periods of high flows provide refuge and foraging areas for small fish. During the low flow season, it is unlikely that fish would be able to access the watercourse.

Severed Lot B extends from just north of the watercourse to just east of the peninsula that houses the Jacques family cottage. This lot is also undeveloped and has been maintained in its natural state. The riparian areas are well vegetated and stable, with onshore slopes ranging between 1:2 on the central portions of the lot to more gentle slopes of 1:5 on the east and west boundaries. In terms of the nearshore areas, the west portion of the lot has deeper water and exhibit nearshore slopes in places that are as high as 1:2 (**Photograph 17**). Moving to the east slopes, become more gradual at approximately 1:5. Substrates range from bedrock ledges to a combination of gravel, cobble and boulder. The small bay located on the west side of the peninsula had a gravel/sand bottom with pockets of organic material. Woody debris, boulders and moderate quantities of aquatic vegetation also contributed to the diversity of this bay, with species including water shield, pickerel weed and pond-lily being observed (**Photograph 18**). Based on this assessment the majority of Severed Lot B would be considered Type 2 fish habitat, with the exception of the most easterly bay. This assessment is consistent with the mapping provided by MNR (**Appendix B**).



Photograph 13. View from the north of shoreline of Lot A. Note abundant aquatic vegetation. (July 13, 2007)



Photograph 14. View from the north of the southern shoreline of Lot A. (June 13, 2007)



Photograph 15. View of watercourse located on Lot A just upstream of Faris Lake. (July 13, 2007)



Photograph 16. View of watercourse on Lot A through meadow marsh. (June 13, 2007)



Photograph 17. View from within small bay on Lot B and western portion of shoreline. (July 13, 2007)



Photograph 18. View from the north of the shoreline of Lot B. Note steep onshore slopes. (June 13, 2007)

5 DEVELOPMENT CAPABILITY AND IMPACT EVALUATION

5.1 Development Capability Evaluation

The biophysical inventory was analyzed to determine the capability of the subject property for supporting three autonomously-serviced residential lots. Typically, in Ontario's cottage country, shoreline development capability is defined mainly on the basis of various engineering requirements for installing conventional septic tank tile field systems. Obviously, consideration must also be given to shoreline length, lot area, in-lot setbacks, and appropriate locations for housing sites, access roads, and parking. As well, a careful analysis of a site's suitability for supporting boat docks based on shoreline slope and littoral zone characteristics needs to be undertaken.

Overall, the subject property has excellent capability for accommodating three new shoreline residential lots. In effect, there are no major constraints to the severance of three lots, and the biophysical features that require attention (i.e., steep slopes, shallow soils, shoreline fish habitat, species at risk, etc.) can be addressed by locating the building envelope and related infrastructure in areas that are relatively constraint free. The key constraints on the subject property relate to steep topography on portions of the property, a watercourse, and shallow soil conditions. The first two constraints can be dealt with through site design, while the third can be handled by the importation of fill, which commonly occurs in Ontario's cottage country. Any biological features that require attention (i.e., nearshore fish habitat, potential reptile habitat) can be handled by locating buildings and docks in non-constraint areas and implementing appropriate natural shoreline buffers and setbacks. In addition, there are no provincially significant wetlands or areas of natural and scientific importance on or directly adjacent to the subject lands that would otherwise constrain development.

The development plan (**Figure 3**) consisting of three lots and an access road, includes potential building sites, septic tile/filter beds and suggests docking envelopes.

As indicated on **Figure 3**, the building envelopes and tile/filter beds are well set back from the lake. For all proposed lots, the overland drainage at each location where tile beds are to be constructed is initially away from the lake.

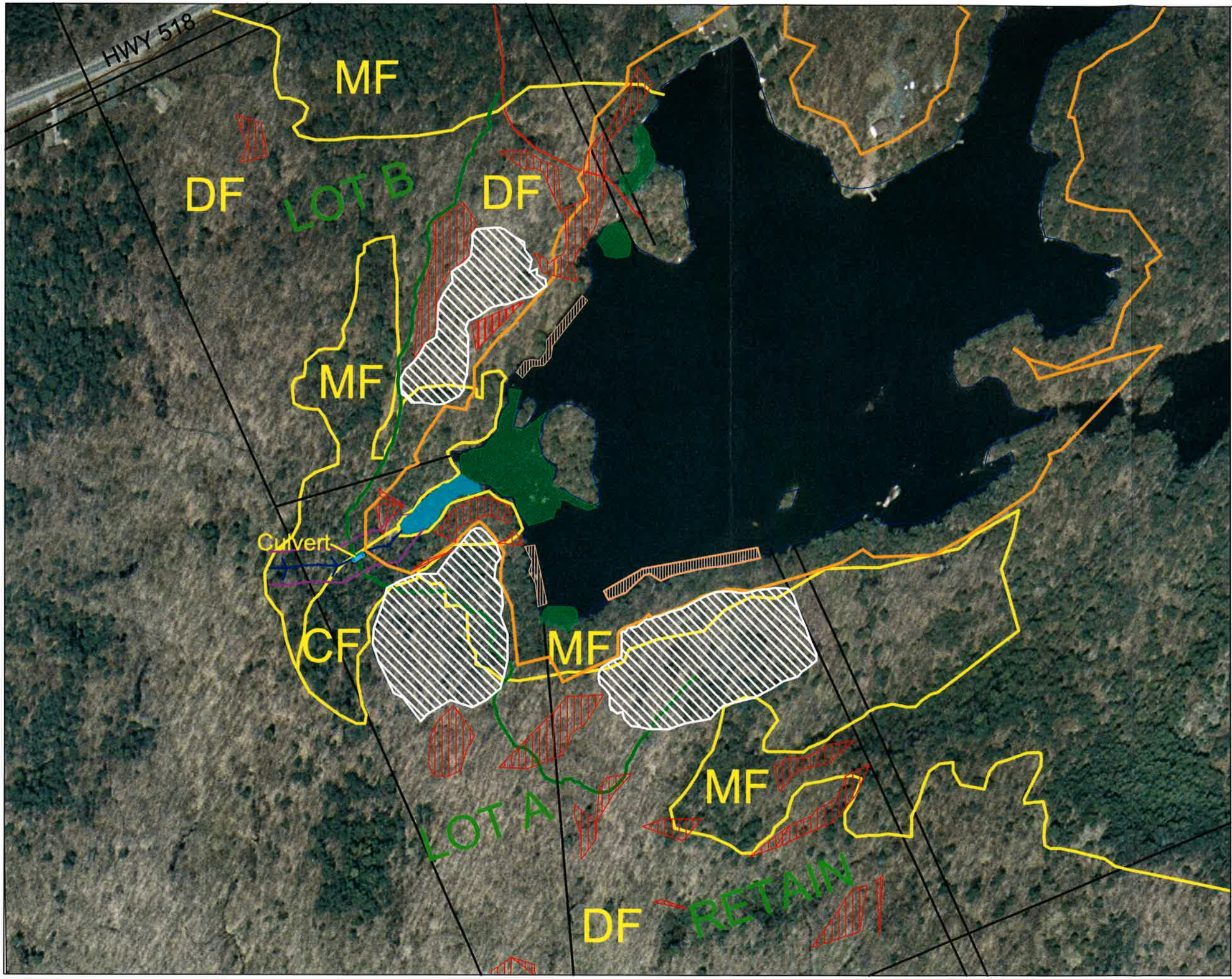


Figure 3.
Proposed Development Plan

- Type 1 fish habitat
- > 25% slope
- Foraging Habitat for Reptiles
- Proposed Development Envelope
- Proposed Docking Envelope
- Culvert
- 30 metre shoreline buffer
- Existing Entrance, Hwy 518
- Proposed Road Location
- 15m Watercourse Buffer
- Watercourse

Vegetation Communities:

MF

Mixed Forest	MF
Coniferous Forest	CF
Desiduous Forest	DF

N

Prepared For: Site Evaluation Report	Project Number: 0307
Client Name: Mr. Frank Jacques	Project Name: Faris Lake
Scale: 1 : 1,000	Drawn by: CM

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5.2 Access

The proposed new lots will be accessed via Highway 518 to a proposed right-of-way as shown in **Figure 3**.

5.3 Sewage Treatment Facilities

The specific rationale used to identify the types of constraints for locating conventional tile fields is as follows. First, the desirable site conditions for domestic waste systems according to the 1997 **Ontario Building Code** are identified (**Tables 4** and **5**). Subsequently, individual site parameters (specific soil, slope, and site drainage characteristics) are evaluated in order to identify those which represent constraints to conventional tile field systems. The specific constraints occurring within the proposed lots are then highlighted, and the capabilities for installing tile beds assessed based on the degree and extent of these constraints.

According to the 1997 **Ontario Building Code**, sewage treatment systems require a minimum distance of 0.9 m between the bottom of the absorption trenches and the maximum elevation of an impervious surface (i.e., bedrock). For the areas selected for tile bed (**Figure 3**), the depth of soil is inadequate for the construction of a conventional distribution beds. Final design will determine the specific amount of fill required to be imported to construct a raised system. A tile field located in one of the areas shown in **Figure 3** will likely require the construction of downgradient mantles, due to the poor percolation rates of the native soils.

Ontario regulations require that slopes exceeding 25% are unacceptable for tile fields. As indicated earlier, the proposed placement of the septic tile beds is gently sloping. As well, the 1997 **Ontario Building Code** requires a minimum setback of 15 m from surface waters. This is more than achievable on the new lots (**Figure 4**).

Based on the above, the types and degree of physical limitations do not preclude the installation of conventional septic tank tile field systems or filter beds for any of the proposed lots.

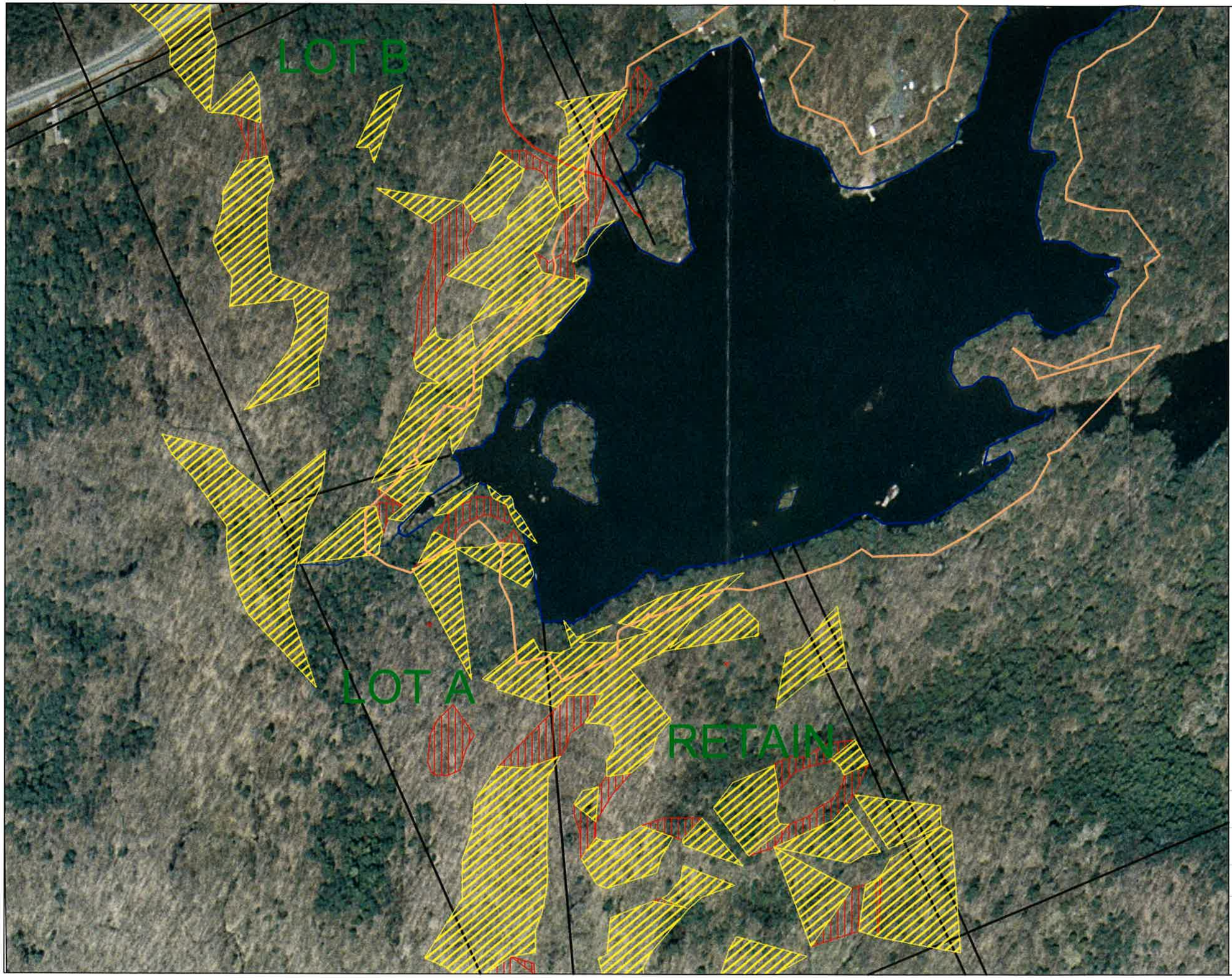


Figure 4.
Existing Slopes on Property

Subject Property

Shoreline

> 25% slope

10 to 25% slope

30 Metre Shoreline Buffer

Prepared For: Site Evaluation Report	**Project Number:** 0307
Client Name: Mr. Frank Jacques	**Project Name:** Faris Lake
Scale: 1 : 1,000	**Drawn by:** CM

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Table 4. Physical site suitability for the installation of conventional septic tank-tile filed systems.

Site Parameter	Site Suitability
Soil Conditions	Deep native soils having good internal drainage characteristics are most desirable as filter mediums, as they combine the qualities of relatively unimpeded flow while at the same time allowing adsorption of nutrients contained within the effluent. Very course textured soils are too permeable, and do not retain water sufficiently long to allow for adsorption, while dense, fine textured soils are too impermeable and impede flows within tile fields. Both soil types are unacceptable as filter mediums, and require importation of suitable fill to construct raised tile beds. Similarly, shallow but permeable soils over dense subsoils and/or bedrock require fill importation to provide a minimum elevation of 0.9 metres (m) between the bottoms of adsorption trenches and the impermeable surface, as required by Ontario regulations. Organic soils require excavation and replacement with suitable mineral soils.
Slope Conditions	Flat, level sites are most desirable, requiring no special techniques for installation. Progressively steeper slopes pose increasingly greater problems necessitating the use of special installation techniques, or regrading where feasible. Tile fields cannot be installed on slopes greater than 25% according to Ontario regulations governing domestic waste systems.
Site Drainage	Ontario regulations for domestic sewage systems indicate that the bottom of the distribution pipes of the tile field must be elevated a minimum of 0.50 m above the maximum ground water table. Consequently, well drained sites are desirable. Imperfectly to poorly drained sites necessitate fill importation to develop raised tile beds which provide the minimum elevation of 0.5 m, while sites subject to flooding hazard are unacceptable.
Setbacks from Surface Water and Wells	The 1997 Ontario Building Code requires a minimum setback of 15 m from surface streams and wells

Note: Information in the above table was summarized from Section 8 and the Supplemental Guidelines of the 1997 **Ontario Building Code**.

Table 5. Site Development Capability/Constraint Attributes of Individual Physical Characteristics.

Site Characteristic	Capability/constraint Attributes
Soil Conditions	
Gravel Very coarse sand	• generally unsuitable as filter mediums for tile fields due to excessively rapid permeability; necessitates fill importation for raised tile beds
Sandy loams Loamy sands	• well suited as filter mediums
Fine sandy loams Loams Silty loams	• moderately well suited as filter mediums
Clay loams Moderately dense clays	• poorly suited as filter mediums due to slow internal drainage characteristics; necessitate fill importation for partially to fully raised tile beds
Dense clays Bedrock	• unsuitable as filter mediums; necessitate fill importation to develop fully raised beds and mantles
Slope Class	
Level (0%-3%)	• most desirable condition; high capability requiring no site modification
Low to moderate (4%-10%)	• minor constraint, may require slight modification of tile field installation or grading
Moderately steep (9%-15%) to steep (11%-25%)	• poorly suited for tile fields, necessitating special tile field installation methods and/or extensive regrading
Very steep (>25%)	• unacceptable for installing tile fields without regrading or filling
Site Drainage Class	
Well drained	• most desirable condition for tile beds, high capacity requiring no site modification
Moderately drained	• moderately suited for tile beds; but may necessitate slight site modification through minimal fill importation
Poorly drained	• poorly suited for tile beds, necessitating importation of moderate to high volumes of suitable fill material to develop required distance between adsorption trenches and maximum water table elevation
Very poorly drained	• unsuitable without very high volumes of fill; unacceptable where sites are subject to flooding

Note: Information in the above table was summarized from Section 8 and the Supplemental Guidelines of the 1997 **Ontario Building Code**.

5.4 Carrying Capacity Evaluation – Water Quality

5.4.1 Rationale for Water Quality Approach to Lake Carrying Capacity

Over the last half century, inland lakes in Ontario have become centres of population growth and areas of intensified land and water-based uses. As a result, water quality conditions in some of these lakes have been altered. The sequence of events leading to this alteration relates first to a change in land use, for example, from a landscape completely forested to a landscape partially forested and partially developed with cottages and year-round residences and their related infrastructure requirements (i.e., access road, driveways, cleared areas for homes, outbuildings, pathways and play areas, septic tank-tile fields, and altered shoreline conditions). These types of changes can more than double the load of phosphorus exported from the altered landscapes, leading to an increase in total phosphorus concentrations in the lake. This increase can produce elevated algal stocks and weed growths, diminished water clarity, and possibly impaired habitat for cold-water species of fish. Such changes generally run counter to the public's perception of why Ontario's lakes are highly valued, that is, as quality recreational resources and objects of aesthetic beauty. Accordingly, the water quality changes associated with increasing enrichment are considered to be undesirable. However, it should be emphasized that native aquatic plants are part of healthy, productive lake ecosystems, and, like much else in nature, should not be viewed as intrinsically bad, even though they may interfere with some recreational activities including swimming and boating.

Water quality conditions are not substantially altered by shoreline development over the short term, for example, from one year to the next. However, over the longer term, detectable, and substantial changes can materialize. The magnitude of the changes depends on a number of physical, biological, chemical and hydrological factors, all of which tie into the rate and extent to which a lake's shoreline and its watershed are developed. The cumulative impacts of shoreline development taken over a long period of time can have substantial effects on some lakes. For example, water quality and algal biomass data demonstrated a significant reduction in water quality of Upper Twin Lake near New Liskeard between about 1920 and 1984 (Michael Michalski Associates 1985).

Eutrophication is, of course, only one aspect of water quality, which is generally defined as the sum of all detectable properties of water, including bacterial conditions, smell, appearance, toxicity and the nature and

extent of aquatic plant and animal communities. Although localized bacterial and human health problems do occur from time to time, these are not widespread in our recreational lakes, and can generally be remedied by technical improvements in sewage treatment systems. As well, toxic contamination is not generally a significant concern in most of our inland recreational lakes. Therefore, eutrophication is normally the prime water quality concern of recreational lakes, and lake trophic state is the prime indicator of recreational lake health.

An important part of the problem relates to the manner in which the government review process is undertaken. Each proposed plan of subdivision or severance application is considered on the basis of its individual merits, including impacts that it would create in relation to the subject lake's existing water quality conditions. The addition of a half dozen lots to a small lake already having 100 cottages or residential units in itself might not create substantial effects. As a result, the application would be approved, provided that other biophysical land use and planning, social and economic factors could be satisfied. What is not normally taken into account is the cumulative effects of all other plans of subdivision that preceded the application, some of which might not occur for many years to come.

5.4.2 Trophic State Modeling

Extensive research undertaken in Ontario in the 1970's and 1980's (Vollenweider 1975, Dillon 1974, Dillon and Rigler 1975, Ministry of Municipal Affairs and Housing 1986, and Hutchinson *et al.* 1991) resulted in a concept, a series of equations, and an integrated model embodying and quantifying how a lake's phosphorus balance is determined by atmospheric deposition, hydrologic regime, and land use and development, as they affect not only that lake directly, but also all the upstream lakes that drain into it. Once a lake's net supply of phosphorus is estimated, phosphorus and chlorophyll *a* concentrations and Secchi disc depths can be predicted. These predicted values can be compared against measured values, if available, to determine the predictive power of the model, and calibrate it through adjustments and corrections to improve its effectiveness. This approach is now generally recognized and used by the MOE and other resource managers, and by some municipalities such as the District Municipality of Muskoka and its constituent local municipalities (Hough, Stansbury + Michalski Limited 1980, 1983; Michael Michalski Associates 1984, 1986a, 1986b; and Michael Michalski Associates and Anthony Usher Planning Consultant 1992 and 1993).

The question may be asked, why predict the indicators of lake trophic state when those indicators have been measured for many recreational lakes in recent years, in some cases on a regular annual basis? The answer is twofold.

- Although models are not perfect, neither are measurements (Hutchinson *et al.* 1991). First, assuming no change in use and development, actual biological conditions in a lake vary from year to year, as a result of climatic and other environmental variations. Second, if use and development have been increasing, only the current year's readings represent current conditions, and those only imperfectly. Third, field sampling and (in the case of phosphorus and chlorophyll) laboratory analysis are not exact processes and involve a degree of error. For these reasons, when used as a basis for lake management decisions, measured data should represent the means of large numbers of samples over long periods of time; however, comprehensive data bases are often not available. Therefore, the estimates generated by a well calibrated model based on current use and development conditions can be taken as representing the long term means around which measurements, if available, would vary. (This is an ideal, and in the real world of large and complex lake systems, this claim of accuracy cannot be made in all cases.)

- The main value of the model is for prediction. Measurements may be representative of current conditions, but measurements alone cannot tell us how conditions will change if, for example, the use of existing development changes, new development occurs, or the phosphorus loads from development can be reduced. Only a model can tell us that. Even if there is a significant gap between the predicted and measured trophic state indicators for a particular lake, and some doubt surrounds the absolute value of the predicted indicators, the model will still indicate the relative change in trophic state that would result from a given change in conditions.

Before moving into the technical aspects of this water quality evaluation, one further comment on the focus on phosphorus is warranted. This plant nutrient is studied and modeled because, in addition to controlling biological activity in fresh water systems, it serves as a surrogate for a suite of other water quality parameters, including suspended solids, turbidity, all other plant nutrients, and algal biomass. As with phosphorus, increasing levels of these parameters beyond natural values are considered a degradation of water quality. In effect, if concentrations of total phosphorus can be controlled, so too can these other water quality parameters.

To predict ice-free concentrations of total phosphorus in Faris Lake, the following information is required:

- surface area;
- drainage basin area (including wetland area);
- depth per year of precipitation, surface water evaporation, and runoff;
- rate (mass per unit of area per year) of phosphorus deposition from the atmosphere;
- rate (mass per unit of area per year) of phosphorus overland export in the bay drainage basin;
- number of shoreline residences on private sewage services;
- number of shoreline commercial and institutional accommodation units on private sewage services;
- human use per privately serviced shoreline residence and shoreline accommodation unit per year;
- the extent to which phosphorus discharged into private services is likely to be retained in shorelands rather than ultimately discharged into the lake;
- rate (mass per unit of use) of phosphorus discharge from shoreline development on private services; and
- rate (mass per year) of phosphorus discharge in effluent from communal (generally municipal) sewage treatment.

The model predicts a lake's water and phosphorus outflows to downstream lakes, provided that the lake's water and phosphorus inflows from upstream lakes are already known. As a result, to predict chlorophyll *a* in any lake, it is necessary to begin two to three lakes upstream of the subject lake and work downstream. Therefore, not only the target lake, but a number of lakes upstream of it must be incorporated into and integrated into the model. In the case of Faris Lake, there are no substantial upstream lakes in the watershed, and therefore no upstream inputs were needed in order to model its water quality.

The model then calculates the following for Faris Lake:

- the lake's volume of water outflow per year;
- the mass of phosphorus supplied to the lake each year from each of atmospheric deposition, overland export, and on-lake development;
- the mass of phosphorus discharged from the lake each year;
- the lake's summertime chlorophyll *a* concentration;

- the lake's total phosphorus concentration; and
- the lake's summertime Secchi disc depth.

Phosphorus in lakes is also linked to lake trout habitat, indirectly. The consumption of dissolved oxygen in a lake is determined primarily by decomposition. Although plant and animal respiration can consume large amounts of oxygen within a lake, the greatest amount of oxygen depletion is related to bacterial respiration during decomposition of organic matter on the lake bottom (Wetzel 1975). In deep oligotrophic lakes, such as Muskoka, Rosseau and Joseph Lakes, the organic matter being decomposed is primarily derived from phytoplankton. As previously discussed, increased phosphorus concentrations lead to higher algae and chlorophyll concentrations. When introduction of phosphorus lead to higher algal populations, increased decompositions rates occur as the algae die and sink to the lake bottom, which in turn consumes a greater amount of dissolved oxygen. Following spring turnover, the amount of oxygen that is present in the hypolimnion (bottom layer below the thermocline) is fixed; which means the greater the decomposition brought about by increases in plankton, the less amount of oxygen available for deep water fish species, such as lake trout. MNR policy requires a mean volume weighted hypolimnetic dissolved oxygen concentration of 7 mg/L throughout the summer period for lake trout. Although historical records indicate that Faris Lake potentially had lake trout at one time, the MNR does not presently consider, or manage, Faris Lake for lake trout (Ministry of Natural Resources 2006); therefore, phosphorus was the only parameter by which this report used to determine the development capability of Faris Lake.

5.4.3 Application of Lake Trophic State Model to Faris Lake

To determine Faris Lake's carrying capacity, it was necessary to develop a trophic state model for the lake's entire watershed. As noted earlier, the **Trophic State Component** of the **Lakeshore Capacity Study** (1986) was applied, with a number of modifications recommended by Hutchinson (2002) in his review of the current state of knowledge of phosphorus dynamics in the lakes in the District Municipality of Muskoka, particularly how different land uses and septic systems export phosphorus. Modifications to model parameters were also made according to Paterson *et al.* (2006). The modifications are as follows.

- Phosphorus loadings from wetlands were estimated using the equation:

$$\text{kg TP/year} = \text{catchment area (km}^2\text{)} \times (3.82 + (0.47 \times \% \text{ wetland})$$

- A soil phosphorus retention coefficient of 74% was applied to the subject lands, in addition to the traditional model which did not recognize the uptake of phosphorus by native soils.

- A per-capita phosphorus contribution of 0.66 kg/capita year/year was used instead of 0.8 kg/capita year/year which has conventionally been applied, as recommended by Hutchinson (2002).

5.4.4 Model Validation – Faris Lake

Model validation can be determined on the basis of the difference between predicted and measured concentrations, expressed as a percentage of the measured values. In this regard, Hutchinson *et al.* (1991) suggested that, "Variation in the order of 20% can be expected even in intensive sampling programs for [total phosphorus] in lake water. . . [Therefore], modelled results were considered acceptable if they fell within ±20% of the measured concentrations." As seen in **Table 6**, the model predicts an ice-free total phosphorus concentration of 5.9 µg/L, for the current, sparsely developed condition, using the modifications of Paterson *et al.* (2006), and 4.6 µg/L using the soil retention factor. Data collected by Michalski Nielsen Associates Limited in spring 2007, have measured values of <5 and 5 µg/L, for bottom and surface samples, respectively (**Appendix C**). The measured values indicate a close approximation with the model results, having differences of 18%, and 14% (traditional model and modified model, respectively) between the measured and predicted values for ice-free total phosphorus. Accordingly, the modeled result complies reasonably well with the criterion of acceptability suggested by Hutchinson *et al.* (1991). As a result, Michalski Nielsen Associates Limited is of the opinion the model can be confidently extended to determine Faris Lake's carrying capacity.

5.4.5 Carrying Capacity – Faris Lake

Development capacity based on trophic state was determined as the number of seasonal dwellings that resulted in a prediction of total phosphorus concentrations of 10 µg/L. Two scenarios were modeled. First, the traditional 1986 trophic state model was applied, in which the annual per capita contribution of phosphorus is 0.8 kg/capita y/y and the phosphorus retention coefficient for septic systems is zero (meaning that all phosphorus eventually reaches the lake). Second, the annual per capita contribution of phosphorus is 0.66 kg/capita yr/yr and the septic retention coefficient for phosphorus was modified to 0.74; this latter

Table 6. Results of Lake Capacity Model for Faris Lake, Seguin Township

	Existing Conditions *Traditional Model*	Proposed Development *Traditional Model*	Development Capacity *Traditional Model*	Existing Conditions *Modified Model*	Proposed Development *Modified Model*	Development Capacity *Modified Model*	Field Measured *Values 2007 MNA*
Seasonal Residents	9	11	26	9	11	103	
Permanent Residents	0	0	0	0	0	0	
Resort	0	0	0	0	0	0	
Commercial	0	0	0	0	0	0	
Precipitation on lake (m/y)	0.838	0.838	0.838	0.838	0.838	0.838	
Lake Evaporation (m/y)	0.685	0.685	0.685	0.685	0.685	0.685	
Runoff (m/y)	0.3795	0.3795	0.3795	0.3795	0.3795	0.3795	
Phosphorus settling velocity (m/y)	12.4	12.4	12.4	12.4	12.4	12.4	
Atmospheric P load (mg/m^2/y)	16.7	16.7	16.7	16.7	16.7	16.7	
Overland P export (mg/m^2/y)	5.5	5.5	5.5	5.5	5.5	5.5	
P load from residences (kg/capita y/y)	0.8	0.66	0.66	0.66	0.66	0.66	
Septic retention coefficient	0	0	0	0.74	0.74	0.74	
Seasonal Occupancy Coefficient	0.82	0.82	0.82	0.82	0.82	0.82	
Permanent Occupancy Coefficient	2.09	2.09	2.09	2.09	2.09	2.09	
Spring P (µg/L)	5.120934438	5.663665653	9.717915273	3.313639491	3.454749607	9.945814943	<5 / 5*
Ice free P (µg/L)	6.13674755	6.570932523	9.814332218	4.690911593	4.803799685	9.996651954	
chla (µg/L)	1.00579732	1.110603814	1.987001041	0.681275874	0.70517692	2.040746824	
Secchi (m)	6.552059074	6.382871142	5.249392326	7.137898916	7.091201332	5.192840618	6.2** / 3.8***

Notes:

* Collected by MNA 2007, bottom and top samples respectively
** MNR 1970 data
*** High wind and waves compromised reading

value was recommended by Hutchinson (2002) for lakes that have tills or are situated in outwash or alluvial plains. While soil depth and type on the subject property are variable, in areas where the tile beds are proposed (which are typically flat), reasonable soil conditions prevail, and their "B" Horizons are orange/brown in colour, indicating a high concentration of iron within the soils and a resulting high capability to retain phosphorus. As well, later in this report, we recommend that any imported soil for all lots will need to have a high capability to reduce phosphorus; with such soils, 98% removal of the phosphorus can be expected, according to long term data collected by our firm for a appropriately constructed tile field. In each of the two modeling scenarios, three levels of development were modelled, including the current condition of nine lots (both developed and existing lots of record), proposed development of two additional lots as well as the development capacity, which additionally adds lots until the phosphorus objective of 10.0 µg/L is met.

Based on the traditional 1986 model with modifications of Paterson *et al.* (22006) and without the native soil retention modifications suggested by Hutchinson (2002), Faris Lake has a carrying capacity of 26 seasonal dwellings, which includes the nine developed and undeveloped lots presently on the lake or approved for development (**Table 6**).

Applying the modifications suggested by Hutchinson (2002), the carrying capacity of Faris Lake increases to 103 lots, again, including the current nine total residences already approved (**Table 6**). With this scenario, concentrations of total phosphorus would increase from 4.3 µg/L to 9.96 µg/L. The predicted concentration would not offend the Province's objectives/guidelines for phosphorus. In addition to ensuring the integrity of late summer, deep-water habitat for fish, the quality of surface waters for bathing, swimming and aesthetic appeal would not be diminished. Of importance is that the shoreline of Faris Lake likely does not have the biophysical capability to support 103 total lots, given other potential limiting factors such as steep slopes, wetlands and other natural features.

5.5 Mitigation of Water Quality (Phosphorus) Impacts

Despite the results of the Carrying Capacity Model presented in **Section 5.4** which indicates considerable remaining capacity for Faris Lake, mitigation measures are still warranted.

In order to mitigate against potential negative water quality impacts relating to phosphorus (i.e., the key nutrient governing algal and vascular plant growth in lakes, rivers and streams) from any drain field, the proposed sewage systems are located a minimum of 30 m from a lake; however, in the case of these specific lots, due to shallow soils and steep slopes a setback of 50 m is recommended (**Figure 3**).

Our evaluation of effects on downgradient surface waters of Faris Lake includes a brief literature review of the ability of on-site soils to retain phosphorus, and an estimate of the life span of the tile field system to retain this source of supply. Relevant information is included below, and more detailed data, including copies of the research articles, are available upon request.

5.5.1 Research Findings in Ontario's Canadian Shield

Scientists at the University of Waterloo and elsewhere have been undertaking research on existing and innovative small scale sewage treatment systems since the early 1990s. The studies have greatly improved our knowledge on the potential of phosphorus movement from septic tank tile beds, and the ability of various soils to mitigate this movement (i.e., while phosphorus movement in sandy calcareous soils occurs at a rate of about 1.0 m per year, most "B" Horizon soils of Precambrian Shield origin have a high capacity for retaining phosphorus due to their relatively high aluminum and iron content, and low pH). Relevant information is included below, and more detailed information, including copies of the research articles, are available upon request.

First, in 1991, Robertson *et al.* (**Ground-Water Contamination from Two Small Septic Systems on Sand Aquifers**) undertook detailed groundwater monitoring of two single-family residences to determine the impact of septic systems on shallow unconfined aquifers in southern Ontario. One site at Cambridge, located on carbonate-rich sand aquifer, was in operation for over twelve years, while the other site on the Muskoka River near Bracebridge, on a poorly buffered, carbonate-depleted sand aquifer, was in operation for one year. While high levels (about 10 mg/L) of phosphorus were found in the septic tank effluent at both sites, concentrations were substantially attenuated immediately below the tile bed, with no detectable phosphate phosphorus (<0.02 mg/L) observed in the groundwater zone at the Bracebridge site. While the precise mechanism of attenuation at the Bracebridge site was not confirmed, it was suggested that the presence of sparsely soluble phosphate minerals such as stregnite (an iron complex), or varisite (an aluminum based compound), or adsorption were instrumental in controlling movement.

Second, and perhaps the most comprehensive investigation to date to examine septic system derived phosphorus in groundwater and upgradient of Precambrian Shield lakes, was undertaken by Wood (1993), in partial fulfilment of a Master of Science degree at the University of Waterloo. The septic tank-tile field in question was installed in 1962 to serve a shoreline seasonal residence on Harp Lake, northeast of Huntsville. The septic system was situated 0.66 metres above the highest elevation of the water table and 15.8 m from the shoreline of the lake at its closest point. Between 1962 and 1992, there was no maintenance to either the tile bed or the approximately 1,800 L steel septic tank. Wood reported that while slightly elevated phosphorus was detected in the groundwater of the terrestrial and aquatic zones, most of the phosphorus from 30 years of use was found directly under the tile bed (within 14 cm of the drains). Soil phosphorus concentrations below and downgradient from this horizon were at background levels, and most of the immobilized phosphorus corresponded to the operationally defined fraction considered to be reactive phosphorus sorbed to metal complexes.

Third, in analyzing hydrologic and mass balance measurements, Dillon *et al.* (1992) reported accurate predictions of total phosphorus concentrations in lakes having no shoreline development. However, the model predicted lower than observed concentrations on the basis of natural phosphorus loads in four developed lakes. In three of the four, the predictions and observations were virtually identical only if the potential total phosphorus contributions from shoreline development was included in the budgets. In the exception, Harp Lake (the same lake studied by Wood [1993]), was the only one of the four having thick deposits of till/soil. The predicted and observed trophic status matched if about a third of the potential input from shoreline development reached the lake, suggesting that the till/soil was effective in retaining a significant portion of the total phosphorus transported in septic systems. Dillon *et al.* (1992) cautioned that the duration that phosphorus retention would continue is unknown.

The primary conclusions of the Robertson *et al.* (1991), Wood (1993), and Dillon *et al.* (1992) studies are that:

1. little **long term** retention of phosphorus appears to result from shoreline development on lakes having sparse soils; and

2. where reasonable soil conditions prevail, considerable long term retention of a significant part of the artificially-derived phosphorus occurs immediately beneath the leaching bed.

Fourth, in early November, 1995, information was presented at the annual North American Lake Management (NALMS) Society conference held in Toronto which indicated that while phosphorus movement in sandy calcareous soils occurs at a rate of about 1 metre per year, the upper horizon of soils of Precambrian Shield origin has a high capacity for retaining phosphorus due to its naturally high iron content and low pH. The information was presented at a conference poster session (**Phosphate Minerals in the Vadose Zone at Septic System Sites** by L. Zanini, W. D. Robertson, D. J. Ptacek, and S. L. Schiff), a presentation (**Septic System Phosphorus in Precambrian Shield Country** by S. L. Schiff, W. D. Robertson, L. Zanini, J. Wood and R. Elgood), and presentation and poster session (**Laboratory Studies on the Development of a Reactive Mixture to Remove Phosphates from Septic System Effluent** by M. J. Baker, D. W. Blowes, W. D. Robertson, and C. J. Ptacek).

Fifth, the **Review of Phosphate Mobility and Persistence in Ten Septic System Plumes** by Robertson, Schiff, and Ptacek (1998) looked at phosphate distribution in ten mature septic system plumes, and revealed that in six cases (primarily those on calcareous sands, and south of the southern limit of the Precambrian Shield), relatively large plumes were present (> 10 metres in length), and phosphate concentrations of 0.5 mg/L to 5.0 mg/L were about two orders of magnitude higher than normally found in uncontaminated aquatic ecosystems. At the other four sites, which are acidic and on Precambrian Shield non-calcareous sands and silt-and clay-rich sediments, high phosphate concentrations occurred only within three metres of the infiltration pipes, clearly demonstrating the attenuating capability of such soils. Concentrations of phosphorus in the Precambrian Shield plumes appeared to be strongly controlled by mineral precipitation reactions that occur in close proximity to the infiltration pipes. For example, at one site, approximately 85% of the total sewage phosphorus was retained within the 2.0 m thick vadose zone after 44 years of effluent loading.

Sixth, in **Enhanced Attenuation of Septic System Phosphate in Noncalcareous Sediments** by Dr. W. Robertson (2003), the author's fundamental conclusion that phosphorus is strongly attenuated in acidic soils did not change. The publication provides additional discussion and support for the likely geochemical attenuating mechanism. In my opinion, this paper, more than any other, puts an end to the argument that septic tank generated phosphorus in acidic Precambrian Shield soils continues to make its way through to the lake *in all circumstances*. Dr. Robertson's data show that under acidic conditions, permanent attenuation is carried by high levels of aluminum combining to produce an aluminum/phosphate compound; this geochemical reaction is supported by electron microscopic analysis confirming such a complex on sand

grains below the infiltration bed. My understanding is that the acidic conditions relate primarily to the breakdown of the components of sewage, particularly ammonia from human wastes.

Seventh, Zhang *et al.* (2005), used path analysis and multiple regression to examine the relationships between phosphorus adsorption and levels of iron and aluminum in different soils. The authors' multiple regression analysis found that extractable (acidified aluminum ammonium oxalate) aluminum and iron were the two most important properties related to the adsorption of phosphorus in soil.

Eighth, Limnology, Plumbing and Planning: Evaluation of Nutrient-based Limits to Shoreline Development in Precambrian Shield Watersheds, was written by Dr. Neil Hutchinson and published in the summer of 2002 in **Handbook of Water Sensitive Planning and Design**. Dr. Hutchinson presents the results of his re-evaluation of nearly 25 years of data from over 125 lakes in the District Municipality of Muskoka, and provides constructive comments on some of the basic assumptions that are at the very core of the Province's trophic state lakeshore capacity model including the following:

- that 100% of the phosphorus loaded to a shoreline septic system will ultimately be expressed as increased trophic state in downgradient lakes. "This assumption has only been tested indirectly as a function of the fit of predicted with measured phosphorus in study lakes . . . Recent investigations of septic system geochemistry and the mechanisms of phosphorus mineralization in soil suggest that this assumption is debatable where soils are present between a septic system and a waterbody and that 100% phosphorus export is, in fact, unlikely"; and

- that all anthropogenic phosphorus sources within 300 m of the lakeshore, or any inflowing tributary, must be included in the lake's phosphorus budget. " . . . Although the assumption is based on the need to place boundaries on the inclusion of phosphorus sources, the distance of 300 m is arbitrary and has neither been substantiated nor tested."

Dr. Hutchinson recommended that the Province's protocol for modelling lakes (i.e., the lake trophic state model) be revised such that the phosphorus contribution from sewage septic systems be reduced by 74% for those lakes with suitable soils in their catchments, which is a major departure in the way the model is presently applied.

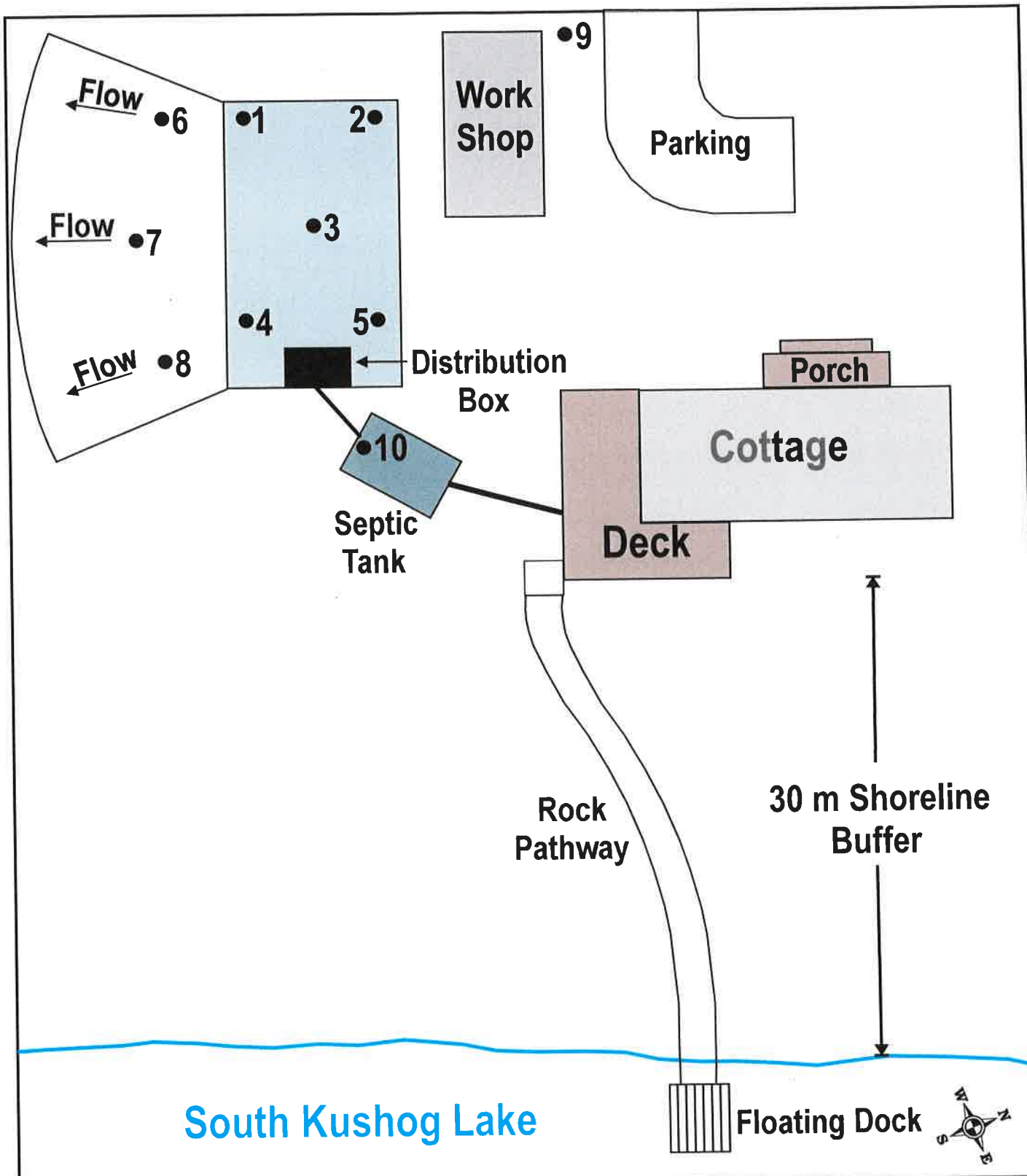
Ninth, is the Branson matter. As background, Mr. William Branson (now deceased) applied to the Land Division Committee, County of Haliburton, to sever a 3.5 ha parcel from about 24.3 ha which front on South Kushog Lake, a MNR designated lake trout lake. The proposed lot exceeded the township's minimal area and frontage requirements of 2,800 square metres (m^2) and 45 m respectively; it should be noted that the lot has an area of 34,800 m^2 and a frontage of 110 m.

A Site Plan Agreement was executed between the township and the applicant; it set out details for constructing the septic tank tile field and monitoring. Section 5b) states that, " . . . The Owner agrees that he is responsible for ongoing monitoring of the system, and that such monitoring shall be carried out and the report filed not less than every five years from the date of installation and use of the system." 2003 constituted the fifth year of use of the septic tank tile field; the results are quite relevant to our opinion that there was no change in phosphorus concentrations in South Kushog Lake, or late-summer, deep water dissolved oxygen. These are reported in the paragraphs below.

Monitoring was undertaken on two features: concentrations of phosphorus in the sewage before entering the tile field, and treated (i.e., following filtration through the imported soil); and phosphorus retention capability of soils.

Regarding the former, five permanent sampling wells were installed to bedrock when the tile field was constructed, four in each of the corner areas and one in the centre. As well, three wells were installed in the mantle downgradient from the tile field, and one upgradient. **Figure 5** which is not to scale shows the respective locations of each of the wells. The depth of the wells ranged between 1.75 m and 2.0 m. As an objective, phosphorus concentrations following treatment by the soils would need to be reduced by 90% relative to the concentration at the outlet of the septic tank (i.e., in the distribution box). The phosphorus capacities of soils used to construct the tile field (as measured on "B" Horizon samples taken from a sand deposit/pit on nearby North Shore Road) ranged between 75 mg of phosphorus/100 grams of soil and 150 mg of phosphorus/100 grams of soil.

At this point, there are ten sets of monitoring data collected between August 12, 2003 and October 11, 2006; the data are presented in **Table 7**. Assuming that the filter beds recommended for the subject property incorporate the on-site native soils that have a high phosphorus adsorption capacity, with the imported soils, which also will have a potential high capability to retain phosphorus, there is every scientific reason to



Project Name: SITE EVALUATION REPORT	Date Initiated: June 06	Filename: Faris Property	**FIGURE 5**
Prepared For: Frank Jacques	**Sketch of developed portion of Sanderson lot on western shore of South Kushog Lake, showing location of tile field sampling wells**		
Michalski Nielsen ASSOCIATES LIMITED	Rev. No: 0	Drawn By: JN	Scale: Not to scale	Project Number: 0307

Table 7. Sewage related phosphorus reduction at Branson/Sanderson site, South Kushog Lake. Values for raw sewage and the samples from each piezometer are shown as milligrams of phosphorus per litre.

Date	Raw	Piezometer Numbers					Average % Reduction
		1 (NE)	2 (NW)	3 (Centre)	4 (SW)	5 (SE)	
August 12, 2003	9.1	0.04	1.30	0.02	0.01	0.02	97.0
December 2, 2003	9.2	0.36	0.05	0.07	0.03	0.05	98.8
June 10, 2004	10.9	0.2	–	0.01	0.03	0.07	99.4
May 16, 2005	9.5	0.04	0.02	0.01	0.01	0.01	99.8
May 31, 2005	8.7	0.02	0.13	0.005	0.01	0.01	99.6
August 26, 2005	10.4	0.85	0.06	0.06	0.06	0.04	97.9
November 11, 2005	9.6	0.01	0.17	0.02	0.02	0.01	99.6
November 14, 2005	9.6	0.01	0.01	0.01	0.01	0.01	99.9
April 18, 2006	11.4	0.007	0.011	0.012	0.008	0.007	99.9
October 11, 2006	8.5	0.005	0.052	0.005	0.056	0.017	99.7
May 17, 2007	13.9	0.011	0.042	0.006	<0.005	<0.005	99.9
May 22, 2007	10.1	0.012	0.051	0.011	<0.005	0.008	99.8
September 6, 2007	22.8	0.043	0.114	0.450	0.263	0.026	99.4
October 4, 2007	7.9	0.059	–	–	0.107	0.023	99.3
October 10, 2007	8.03	0.020	0.023	–	0.005	0.005	99.9

believe that sewage-related phosphorus will be retained on site, and not enter Faris Lake. In this regard, the results in **Table 7** show a very significant reduction in total phosphorus (i.e., greater than 99%), thereby supporting the research reported in the scientific papers by Dr. Will Robertson of the University of Waterloo (e.g., "Enhanced Attenuation of Septic System Phosphate in Noncalcareous Sediments", **Ground Water**, Volume 41, No. 1, 2003), and Dr. Neil Hutchinson (e.g., "Limnology, Plumbing and Planning: Evaluation of Nutrient-based Limits to Shoreline Development in Precambrian Shield Watersheds". In: **Handbook of Water Sensitive Planning and Design**, Lewis Publishers 2002).

As noted in Dr. Robertson's 1998 paper, oxidation reactions that occur in calcareous soils generally result in near neutral pH conditions, and calcium enriched effluent plumes with low ability to attenuate phosphorus.

However, in soils found on the Precambrian Shield (i.e., acidic soils), chemically reducing conditions exist, resulting in aluminum enrichment, in turn causing phosphorus attenuation through mineralization processes.

It is also apparent that the results are consistent with the earlier mentioned recommendation provided by the MOE and MNR in **Inland Lake Trout Management in Southeastern Ontario** (1993). That is, for development adjacent to surface waters that are highly sensitive or at-capacity with respect to total phosphorous, tile beds should be set back a minimum of 30 m, plus an assurance that soils below the tile bed have a high capability to retain phosphorus. It is important to know that the 30 m buffer on the Branson/Sanderson property was effectively implemented, and maintained as such.

Tenth, in a special issue, **Scope Newsletter** (January 6, 2006) presented an overview of existing knowledge regarding nitrogen and phosphorus releases from septic tanks and autonomous sewage treatment systems. The newsletter confirmed significant differences between the behaviour of the two nutrients. In this regard, nitrogen is only retained in septic tanks to a small extent, and once the effluent is infiltrated into the soil, it is converted to nitrates, which are very mobile and move with the groundwater. On the other hand, phosphorus is significantly retained in the septic tank (i.e., up to 48%), and then precipitated or adsorbed by soils, so that significant quantities rarely move more than a few metres from the point of infiltration.

Eleventh, relates to direction provided in the recent scientific publication "A Review of the Components, Coefficients and Technical Assumptions of Ontario's Lakeshore Capacity Model" (**Lakes and Reservoir Management**, 22[1]: 7-18, 2006). Of some importance is that all of the authors are employed by Ontario's

MOE, except for Dr. Hutchinson who is with a private consulting firm. To accommodate the difference between the historical position of the MOE regarding the attenuating ability of soils insofar as sewage-related phosphorus is concerned and the recent science, a three-step graduated approach was suggested. It recognizes that attenuation may occur in some watersheds and probably increases with distance from the lake's shoreline. "First, in watersheds (or portions of watersheds) with shallow [generally < 3 m] or absent soils, and with exposed or fractured bedrock, the existing assumption of zero retention is applied . . . Second, at sites where deeper [generally > 3 m], non-calcareous native soils are present, the modeller may use the coefficients outlined in Table 3. Here, the degree of attenuation increases with distance from the shoreline, with an assumption of zero export at distances of > 300 m [Hutchinson 2002]. Third, in cases where site-specific characteristics demonstrate that retention of septic system phosphorus may occur over the long-term, attenuation factors may be developed for consideration by local planning authorities and plugged into the model." **It is application of the third option that is relevant to the development proposal described herein**.

5.5.2 Mitigation of Sewage Related Phosphorus Loadings

A Conventional Class IV sewage treatment facility is proposed for each lot. The 1997 **Ontario Building Code** requires the construction of a raised leaching bed or fill-based absorption trench leaching bed when the quantity of acceptable soil is insufficient for the construction of a conventional in-ground bed. This occurs in soils:

- having a percolation time of more than 50 min/cm or less than 1 min/cm;
- in areas of a high groundwater table; or
- in areas where bedrock is close to the surface.

Volume of Disposal Bed

Typical surface dimensions of a conventional leaching bed are 18 m by 11 m (198 m^2). The area required for leaching beds associated with approved sewage treatment units described in the Supplementary Guidelines to the 1997 **Ontario Building Code** can be as low as one third of a conventional leaching bed due to the additional treatment from the unit. Where there is insufficient area for a conventional leaching bed, filter bed systems are an alternative approved under the 1997 **Ontario Building Code**; Section

8.7.5.2 (1) requires that the effective area of the surface of the filter medium in each filter bed shall be at least 10 m^2 and not more than 50 m^2.

Due to spatial restrictions and the presence of steep slopes, the use of a filter bed is recommended. As noted above, the effective area of the surface of the filter medium in each filter bed shall be not more than 50 m^2. The area recommended for placement are at the back of the lots towards the access road, and located in areas where slopes direct surface water drainage away from the lake (**Figure 3**).

For the area selected for the filter beds, manual auger holes indicated reddish- brown, fresh, silty sand. The filter beds will require the importation of fill and the construction of a downgradient mantle, as the requirements of the 1997 **Ontario Building Code** are not met with the natural soils.

The appropriate envelope for the filter beds are located as shown in **Figure 3**. Accordingly, Michalski Nielsen Associates Limited recommends that:

- **to every extent possible, on-site "B" Horizon soils be used in the construction of the filter beds, owing to their potential high capability to irreversibly complex phosphorus;**
- **where soils need to be imported, they must have a high capability to retain phosphorus (i.e., greater than 50 mg phosphorus/100 g soil)**; and
- **the filter beds be located as illustrated in Figure 3.**

As noted above, in order to employ the use of a filter bed, imported soils are required; filter bed soils typically have percolation rates between 10 and 15 cm/min. The following life span of a disposal bed was determined on the basis of permanent or year-round occupancy for a typical four bedroom home discharging 2,000 litres per day (L/day) of sewage. For this analysis, I used a conservative estimate of 15cm/min, which in turn requires that the area of the filter bed be approximately 35 m^2.

The base of a filter bed is required to extend a minimum thickness of 25 cm; as noted above, because of the high ability of the native soils to adsorb phosphorus, they should be incorporated into the base. Given that the on-site "B" Horizon soils are a minimum 0.25 m in depth, then the minimum volume of native soils available for phosphorus adsorption is:

= 33 m^2 x 0.25 m

= 8.25 m^3

Assuming a soil bulk density of 1.7 grams/cubic centimetre (g/cc), or 1,700 kilograms/cubic metres (kg/m^3), the total mass of this soils is:

= 8.25 m^3 x 1,700 kg/m^3

= 1.40 x 10^4 kg.

Phosphorus Retention Capacity of Disposal Field

Based on a phosphorus retention capacity of 4.80 x 10^2 mg phosphorus/kg soil, the total phosphorus adsorption capacity of a filter bed base would be:

= 1.40 x 10^4 kg soil x 4.80 x 10^2 mg phosphorus/kg soil

= 6.73 kg phosphorus

Life Span of Disposal Field

To determine the life span of a leaching bed, two parameters are needed: a typical occupancy rate for a permanent resident; and the amount of phosphorus contributed by each resident per year of use. Regarding the former, a value of 2.2 capita years/year/unit is used, which was derived from questionnaire returns from permanent residences on three lakes in the Municipality of the County of Kings (Horner Associates Limited, Michael Michalski Associates and Raymond Walter Hunter [1995]). This value is quite close to results from questionnaire returns of 18 lakes in the Rideau lakes area of Ontario (2.1 capita years/year/unit), and five lakes in Chandos Township, Ontario (1.7 capita years/year/unit). A value of 0.6 kg/capita year/year approximates the amount of phosphorus contributed per capita year per year of use (Hutchinson 2002).

Accordingly, the life span of a typical 0.25 m thick filter bed base of native soils is:

$$= \frac{6.73 \text{ kg phosphorus}}{2.1 \text{ capita years/year/unit x } 0.6 \text{ kg/capita year/year}}$$

$$= 5.1 \text{ years}$$

In considering this life span estimate, there are a number of points that require clarification.

First, and **most importantly**, in regards to this property, phosphorus retention by any soils, other than those directly associated with the 0.25 m of native soil at the base of the filter bed, was not taken into account.

Second, in the calculations, bulk density, depth of infiltration and even distribution of phosphorus within the effluent plume were assumed; some variation can be expected for these parameters.

Third, the phosphorus analysis and related calculations were based on adsorption alone. There are likely substantial amounts of iron, aluminum and magnesium in the native soils; these chemicals, in various geochemical formulations, are instrumental in irreversibly complexing phosphorus. Accordingly, any retention beyond electrostatic binding will further reduce the risk of aquatic enrichment; however, the extent of this benefit is non-quantifiable.

Using the above noted average of the soils tested at the Hutcheson site (65 mg phosphorus/100 g soil), a minimum 0.25 m filter bed base, calculated as shown previously, would have a phosphorus adsorption lifespan of 9.1 years. In order to increase the phosphorus adsorption life expectancy of the filter bed, the thickness of the base can be increased, or the phosphorus adsorption capability of the imported soil can be higher. For example, a 1.5 m thick base of the native soil would have a life expectancy of 30.6 years; alternately, a 0.75 m thick base of imported soil with a phosphorus adsorption capability of 93.8 mg phosphorus/100 g soil would have a life expectancy of 39.5 years.

Given that the life span of conventional tile fields from hydrological and microbiological perspectives is estimated to be between 30 and 50 years, depending on use, level of maintenance and other biophysical factors, it is recommended that additional soil be incorporated into the base of the filter beds. It is further recommended that the amount, and the phosphorus adsorption capability of the imported soils, should be such that the life expectancy of the each filter bed exceeds 30 years. As discussed above, this can be

accomplished through use of high phosphorus attenuating soils, or by increasing the thickness of the base of the filter beds, or a combination of both.

Filter beds on these lots will generally have a similar life expectancy from a phosphorus attenuation viewpoint to that of any hydrological and bacterial considerations. As well, because the bed is going to be upgraded or rejuvenated as a maintenance requirement, it will have zero to near-zero impacts on phosphorus loadings to and concentrations in Faris Lake. Accordingly, Michalski Nielsen Associates Limited recommends that:

- **where soils need to be imported, they must have a certified high capability to retain phosphorus**;
- **a combination of soils with high phosphorus adsorption capability (from either native or imported soils), and the appropriate depth of soil in the filter bed, must be established to provide a phosphorus adsorption life expectancy for each filter bed of not less than 30 years**; and
- **the tile fields be located and maintained a minimum of 50 m from the high water mark of Faris Lake, and more specifically, as shown in Figure 3.**

As mentioned previously, the final design will likely require imported fill. An option for the source of the imported material is Hutcheson Sand and Gravel Limited (Huntsville). Michalski Nielsen Associates Limited, along with Hutcheson Sand and Gravel Limited, has tested numerous sand mixes for percolation rate and phosphorus retention capability. It is acknowledged that other sources are available closer than the facility north of Huntsville. However, the phosphorus adsorption/geochemical characteristics of any new pits or aggregate facility will need to be confirmed prior to utilization for fill on the proposed lots.

Because of the distance of the filter beds from Faris Lake, filter beds placed as shown in **Figure 3**, will have zero to near-zero impact on phosphorus loadings to and concentrations in Faris Lake.

5.5.3 Overland Stormwater Runoff Reduction of Phosphorus

With respect to attenuation of phosphorus associated with overland or stormwater runoff, a natural buffer or setback of 30 m from the high water mark of Faris Lake is warranted, beyond which all building structures will be located and a 50 m setback from the high water mark of Faris Lake beyond which the tile fields would be located (**Figure 3**).

Within the buffer, removal of native plant species would be prohibited, except for the removal of select trees and underbrush to permit a path to the shoreline. The removal of dead and severely leaning trees would also be permitted for safety reasons. The soil mantle within the buffer would not be altered. In this regard, Michalski Nielsen Associates Limited recommends that:

- **final development plans incorporate 30 m natural shoreline buffer strips or setbacks from the high water mark of Faris Lake for all building structures and a 50 m setback from the high water mark of Faris Lake for the tile field on the severed and retained lots**; and

- **as a condition of approval, a covenant restricting activities in the 30 m natural shoreline buffer or setback for the new lot be registered on title through any development or servicing agreement to be executed between the Township of Seguin and the applicant. The covenant would require that the shoreline be disturbed as little as possible, consistent with access, safety and provision of views.**

In support of our conviction that a 30 m natural buffer can effectively remove pollutants (particularly phosphorus and suspended solids) from stormwater runoff, the publication by Steven E. Woodard and Chet A. Rock entitled **Control of residential stormwater by natural buffer strips** is useful. This investigation looked at four experimental sites and one control site in Maine, U.S.A. that were selected for uniformity of vegetation and parent soil material, with slope being the prime variable. The selected slopes fell into two groups: 1% – 5%; and 10% – 15%. All sites were at least 46 m in length and tested at eight metric intervals so that buffer strip effectiveness could be examined as a function of length. Each experimental buffer strip received elevated impacts of sediment and phosphorus from either a subdivision or condominium complex; runoff containing these pollutants was captured in a unique system of in-ground sampling cups. The authors found that natural buffer strips can be an effective method of reducing concentrations of phosphorus and total suspended solids in runoff. In this regard, for all sites studied, 15 m of undisturbed buffer strip brought phosphorus concentrations within average control values; somewhat surprisingly, total suspended solids levels were also reduced, but not as markedly. Another observation having some relevance to the subject property is that areas where the ground was covered with underbrush and a layer of decomposing forest litter were most effective in removing both phosphorus and total suspended solids. Slopes up to 12% did not significantly change the buffer strips' ability to remove phosphorus; accordingly, the authors concluded that as long as there is sufficient ground cover, a stable soil matrix, and minimal channelization, 15 m was recommended for most sites below 12%.

5.5.4 Conclusions

Michalski Nielsen Associates Limited is convinced that with the above-described fill requirements and natural buffers/setbacks in place, the proposed lots would have no impacts on concentrations of total phosphorus in Faris Lake.

5.6 Nitrate Nitrogen Contamination from Septic Tank Tile Field Systems

Contamination of groundwater by nitrate nitrogen is often a concern of septic tank tile field leachate. This parameter is normally two to seven times the MOE Drinking Water Objective of 10 mg/L in tile field effluent, and because it is not retained by absorption on soil particles, it can travel significant distances with the effluent plume.

A numerical limit has not been established by Ontario for nitrate nitrogen in surface waters, although it is recognized that elevated levels may contribute to nuisance vascular and aquatic plant growth; however, this parameter is rarely limiting to aquatic enrichment. As well, it is not toxic to fish at concentrations found in lakes and streams. Regardless of concentrations of nitrate nitrogen which leave the proposed lot via tile field effluent plumes, the soils which underlie the littoral zone or near-shore waters of Faris Lake will effectively denitrify any nitrate nitrogen to nitrogen gas. This reaction occurs in natural settings which have a supply of biodegradable non-waste water organic carbon (the underlying muck soils and sediments), very low or oxygen-poor conditions in the soils and sediments, and saturated or near saturated conditions. These findings have been verified in the field in studies by Robertson *et al.* (1991), and Michael Michalski Associates and Site Investigation Services Limited (1992). Accordingly, there will be no contamination of downgradient surface waters of Faris Lake from septic tank related nitrate nitrogen.

5.7 Microbiological Contamination

Bacteria in water can be divided into two groups: indigenous microbial flora; and disease carrying (pathogenic) microbes. The latter group has the capacity to infect the human body, and is most important in the context of water quality in recreational lakes.

Pathogens are generally introduced to the aquatic environment by raw or inadequately treated sewage, although a few are found naturally in the soil. The presence of these bacteria does not change the appearance of the water, but may pose an imminent public health hazard if the water is used for drinking or swimming. The user will not necessarily suffer serious waterborne infections as typhoid fever or hepatitis, but lesser infections, such as stomach flu, dysentery, or diarrhea, may be contracted. Included in these minor afflictions are eye, ear and throat infections. Another more insidious but seldom diagnosed problem relates to subclinical infections, usually associated with water transmitted viruses which typically leave a person feeling ill, although not enough to be bedridden.

In carrying out a microbiological assessment of a recreational lake, three tests are normally performed: total coliform; fecal coliform; and fecal streptococcus. Fecal coliform bacteria are always present in large numbers in sewage, and are often associated with point sources of pollution. Fecal streptococci are commonly present in large numbers in urban and land drainage. These bacteria are not themselves a public health hazard, but high levels may be indicative of the presence of pathogenic organisms or viruses.

The MOE recommends that water used for total body contact recreation contain no more than 1,000, 100 and/or 20 organisms per 100 milliliters (mL) of water for total coliform, fecal coliform and/or fecal streptococcus respectively, based on a series of 10 samples per month per sampling location.

Of interest here are the preliminary results of detailed work carried out under the auspices of the **Lakeshore Capacity Study** (1978), a six year interministerial project to develop predictive methods to permit scientific assessment of the capabilities of aquatic and terrestrial systems to sustain development. In reporting on findings from lakes in the Muskoka-Haliburton area, microbiologists concluded that fecal coliform and streptococci bacteria ". . . can be expected to occur more frequently and in higher numbers in samples collected from single-tiered cottage shorelines than in samples secured from undeveloped waters. However, bacterial densities found in developed shorelines would not be expected to produce a significant public health hazard" (Ministries of the Environment, Housing and Natural Resources 1978).

Accordingly, it is our opinion that the risk of contamination of surface waters of Faris Lake by troublesome levels of bacteria from the tile field is low to non-existent.

5.8 Guidelines for Securing Approval for Constructing Boat Docking Facilities

Proposed docking envelopes away from areas of constraint are indicated in **Figure 3**. As shown, the docking areas are located outside of Type 1 fish habitat.

Changes to the provincial ***Public Lands Act*** a few years ago, mean that as long as an applicant proposes to support the over-water position of a dock or boathouse on poles, or using a floating or cantilever system, or using conventional cribs that do not exceed a footprint on the lake bed greater than 15 square m, a work permit from the MNR will not be required. This is because these types of structures have minimal effects on the water column and the underlying lake bed, and therefore, fisheries and aquatic habitat, including weed beds. However, if an applicant proposes a facility that does not meet the above guidelines (for example, cribs having footprints greater than 15 square metres), then a work permit application and MNR approval may be required.

The federal government, through the Department of Fisheries and Oceans (DFO), has constitutional responsibility for seacoast and inland fisheries, and the habitats supporting them. Section 35 of the ***Fisheries Act*** prohibits the harmful alteration, disruption or destruction of fish habitat, unless authorized by the Minister of Fisheries and Oceans. In August 2005, DFO issued a number of Operational Statements for Ontario (**Appendix D**). These resulted from the federal government's commitment to modernizing and streamlining regulatory approvals processes. To assist in this regard, the DFO developed the Environmental Process Modernization Plan (EPMP). Part of this is a Risk Management Framework (RMF), which strategically places a greater emphasis on the review of projects that pose higher risks to fish and fish habitat, and streamlines the reviews of routine low risk to fish and fish habitat projects. A key streamlining tool has been the creation of Operational Statements, with each providing the public and industry with guidance on how to carry out a work or undertaking in order to avoid negative impacts on fish habitat, and therefore, meet the requirements of the ***Fisheries Act***. Operational Statements provide proponents with "bottom line" advice, such that when followed, DFO review is not required. When the requirements outlined in the Operational Statements cannot be met, clients are advised to submit their projects for review to their local DFO office.

If it is determined that a project meets the requirements outlined in one of the Operational Statements, DFO has asked that proponents voluntarily notify it ten working days prior to commencing the works by

completing and submitting a Notification Form. The information provided should assist in evaluating the effectiveness of the project in relation to the contents of the Operational Statement.

Dock or boathouse projects can proceed without DFO review, as long as the following conditions are met.

- The project is a new, repair or rebuild of a floating, cantilever, or post dock or boathouse.
- The project is a new, repair or rebuild of an open-faced crib dock built entirely on natural bedrock or sand bottom with a total combined footprint (i.e., for both existing and proposed cribs) of 15 square metres or less.
- The total surface area for the entire dock and boathouse, located below the ordinary high water mark, including both existing and proposed structures combined, does not exceed 50 square metres.
- The project is not made of concrete or steel sheeting or any other skirting that isolates the area under the dock from the rest of the water.
- The works does not require any dredging, blasting, or infilling in the water body.
- The combined width for all existing and proposed shoreline improvements (i.e., docks, boathouses, beaches) is less than 25% of the property's riparian area width (i.e., shoreline frontage width).
- Incorporate the measures to protect fish habitat present in **Appendix D** when building a dock or boathouse.

If all of the conditions listed above cannot be met, and all of the measures presented in **Appendix D** cannot be incorporated into the building, then the project may result in a violation of Subsection 35(1) of the ***Fisheries Act***, and the proponent could be subject to enforcement action. In this circumstance, it is important to contact the local DFO office in Parry Sound to better understand the options to avoid contravention of the ***Fisheries Act***. Accordingly, Michalski Nielsen Associates Limited recommends that:

- **the landowner be made aware of, through notice on title, the Department of Fisheries and Oceans new Operational Statement for Dock and Boathouse Construction.**

However, the landowner may not want to adhere to the new conditions/construction measures set out in the Operational Statement. In this event, Michalski Nielsen Associates Limited recommends that:

- **the landowner be made aware of, through notice on title, the need to approach the Ministry of Natural Resources, and possibly, to acquire, complete and submit an "Application for Work Permit", and to receive the necessary approvals before construction activities are initiated**; and

- **the landowner be made aware of, through notice on title, the need to contact the federal Department of Fisheries and Oceans to ensure that construction of their docking facility/boathouse does not constitute an offense under the *Fisheries Act*.**

In conclusion, Michalski Nielsen Associates Limited is of the opinion that docking facilities can be constructed in the locations shown in **Figure 3**. Adherence to the conditions and construction measures set out in the federal DFO's new Operational Statement will ensure minimal impacts on contiguous fish and fish habitat.

5.9 Compliance With Planning and Development Policies and Recommendations

The results of the biophysical inventory and site potential/constraint analysis indicated that the subject property can sustain the creation of two new shoreline lots. A minimum 30 m natural buffer or setback from the high water mark is recommended for all lots. More than adequate areas exist upgradient of the shoreline buffers for accommodating building structures, in-ground sewage treatment facilities, and an access road. Domestic water will be via surface waters or ground water, and there is good potential for accommodating docking facilities on each lot. The following commentary summarizes how the proposed development complies with various provincial and local planning policies, and federal guidelines regarding the construction of boat docking.

- Regarding fish habitat, the proposed development plan complies with the natural resources and water quality policies of the 2005 **Provincial Policy Statement** and the **The Official Plan for the Parry Sound Area Planning Area (Carling, Foley and McDougall)**. It is recognized that a number of shoreline habitats contiguous with the subject property could potentially be affected by docking facilities and related uses. However, to every extent possible, recommendations are made such that the docking facilities can be constructed away from areas of constraint. As well, recommendations are made to implement conditions and construction measures in the federal DFO's new Operational Statement. Implementation of these will ensure no negative impacts on fish and Type 1 fish habitat

as required by Section 2.1.5 of the Policy Statement, as well as Section 4.7.14 in the **Official Plan for the Parry Sound Area Planning Area (Carling, Foley and McDougall** 1982). With respect to other natural heritage features referred to in both policy documents, none of the habitats is within an ANSI or ESA, a provincial park, or any other natural environmental designation.

- No significant plant communities or species were identified on or adjacent to the subject property. More specifically, the subject property is not within or adjacent to Significant Portions of the Habitat of Endangered and Threatened Species, Provincially Significant Wetlands, Significant Wildlife Habitat, Deer Yards, Significant Wildlife Habitat – Species of Conservation Concern and significant ANSIs, as contemplated in the 2005 **Provincial Policy Statement**. The property does however have the potential to support three Threatened reptile species and three species of Special Concern. While individuals of these species were not identified during the field investigation, and the quantity of the field work was such that the probability of observing large numbers of reptiles was unlikely, all potential habitat was identified. For the proposal being considered here, the land use changes of concern are the physical footprints of potentially three new cottages, their associated septic beds and docks, and the access road that will be required to service the cottages. Given the environmental features that were documented on site, neither of the cottage footprints and their associated septic and docking footprints will negatively impact potential Significant Habitat of Endangered and Threatened Species or Significant Wildlife Habitat as outlined in 2005 **Provincial Policy Statement**. However, the likely route of the access road that will be necessary to service the new lots does have the potential to negatively impact species at risk. The negative impacts of roads on reptiles are well documented, particularly when roads intersect preferred habitats. In this instance, the nature of the road and the amount of traffic expected to use the road presents minimal risk. That said, to mitigate the risk, an effort should be made to educate future landowners about the potential presence of species at risk on the subject property and in particular at this crossing location. With this mitigation, the remainder of the access road should have minimal impact on resident species at risk, because of the low traffic volume travelling to two residences.

- With respect to water quality as determined by the Capacity Modeling presented in this report, Faris Lake can support further shoreline development. Given that: the on-site soils are very limited, but there is some opportunity to retain phosphorus through electrostatic binding and mineralization; the filter beds will be located well back from the shoreline (minimum 50 m);overland drainage at the locations recommended for filter beds is initially away from the lake; all imported fill for tile

bed/filter bed construction will need to have a high capability to retain phosphorus; and phosphorus in stormwater runoff will be contained/reduced by natural shoreline buffers, as well as infiltration chambers, Michalski Nielsen Associates Limited is convinced that there will be no increase in concentrations of phosphorus in downgradient surface waters as thus complies with both the 2005 **Provincial Policy Statement, MOE's Water Management Objectives** and Section 4.7 of the **The Official Plan for the Parry Sound Area Planning Area (Carling, Foley and McDougall.** Nitrate nitrogen will not contaminate downgradient surface waters because it will be effectively denitrified to nitrogen by soils which underlie; nor will it negatively influence ground water. Regarding pollution of surface waters owing to high levels of bacteria, the proposed sewage treatment systems, and their location, will ensure that public health risks will be negligible.

- The quality of Faris Lake for bathing, swimming and aesthetic appeal will not be diminished for the reasons set out above; that is, soils used for construction of filter beds will have a high capability to retain tile field related phosphorus, and the natural buffer/setback from the lakes high water mark will attenuate artificially derived phosphorus in stormwater. These items are compliant with Sections 2.2.1 and 2.2.2 of the **Provincial Policy Statement**.

- In terms of the recreational capacity of Faris Lake, according to **The Official Plan for the Parry Sound Area Planning Area (Carling, Foley and McDougall)**, Section 4.7.8, Council and Planning Board may use the following guidelines: "the maximum development density of a waterbody shoreline should not exceed one dwelling unit for each 1.6 hectares of lake surface area". With the present development proposal, it is probable that there will be approximately 1.5 ha of lake per dwelling. In terms of compliance with the existing policy both Section 8.10 Numerical Interpretation which allows for "minor adjustments to these figures up or down" and Official Plan Amendment 12 Inland Lakes Study – Approved February 24, 1987 which was incorporated into the **The Official Plan for the Parry Sound Area Planning Area (Carling, Foley and McDougall)** as Section 6.10 Small Inland Lakes , allows for the creation of new lots on Faris Lake subject to a minimum of 200 feet of frontage. To support the policy as mentioned above, it is the opinion of Michalski Nielsen Associates Limited that the nature of Faris Lake and the existing and proposed developments are more likely to attract cottagers who will utilize non-motorized boats on this lake. In discussions with the Jacques family, it has been suggested that should all property owners be in agreement, the lake be restricted to non-motorized boats, they would support the submission of the appropriate applications to the Ministry of Transportation to have the lake restricted.

6 SUMMARY OF IMPACTS AND RECOMMENDATIONS

Background

1. The Jacques family are the owners of a property on Faris Lake in the Township of Seguin. Its total area is 32 ha, with over 800 m of frontage on Faris Lake. The property is the subject of an application to create two new shoreline lots by consent. In 2006, an application for consent was submitted to the Township. Mr. Wes Crown's (the Township's Planner) response letters dated November 20 and 23, 2006 stated that, ". . . the application does not meet the requirements of the Foley Official Plan . . . the lake is at its recreational development capacity and that there has been no assessment on the impact on the water quality of the lake." The final comment was that the planning staff would recommend that the Application for Consent be denied. Additional comments provided by the planning staff indicated that an Environmental Assessment should be completed to support the application.

2. Michalski Nielsen Associates Limited was retained to confirm the subject property's biophysical or technical capabilities for supporting shoreline development for the new lots, and to demonstrate how any associated environmental issues, and in particular, impacts on water quality, can be reduced to near zero or zero, and report the findings in a Site Evaluation Report.

Biophysical Features/Significance

3. The topography of the property is variable with areas of both steep slopes and gentle increases in elevation. A single seasonal watercourse is located on the western portion of the property.

4. Soils on the property are generally shallow, no more than 0.6 m, with a thin "A" Horizon and a reddish brown silty sand "B" Horizon. Depths are typically not sufficient for the construction of tile fields, and thus, soils that have a high capability to absorb phosphorous will need to be imported for the construction of septic systems.

5. None of the flora and fauna found on the subject property is considered significant or rare on either a national, provincial or regional level, nor are they within, or part of, a Life Science or Earth Science ANSI, Provincially Significant Wetland, or have been designated as a significant woodlot, or significant valleyland as defined by the 2005 **PPS**; nor would they warrant such a designation.

Also, none of the individual species inventoried is considered rare on either a national or provincial level. It is noted, however, that based on known geographic ranges and site occurrences in the general vicinity and general habitat features contained on the subject property, the property has the potential to support six species at risk (threatened – Blanding's turtle, eastern hog-nosed snake and massasauga rattlesnake, and special concern – eastern ribbon snake, five lined skink and milksnake). Based on potential habitat identified for each of these species and proposed development envelopes, it was determined that there would be negligible risk to these species. The access road poses some small degree of risk to the reptiles; however, these risks can be mitigated through the recommendations that follow.

6. Based on the review of the nearshore area and the updated Fish Habitat Type Mapping prepared by MNR, it was determined that there was sufficient frontage without Type 1 habitat to support docking facilities on each of the lots. Potential docking envelopes have been identified, subject of course, to resolving other minor site constraints, (i.e., water depth).

7. The small watercourse located on the subject property is considered intermittent and at best would provide seasonal foraging habitat for small fish. This watercourse will need to be crossed during the construction of the access road, and depending on type of crossing and exact location, may require a permit from the MNR and review by the DFO.

Development Impacts

8. Overall, the subject property has excellent capability for accommodating two new shoreline residential lots. In effect, there are no major constraints to creating these lots; the biophysical features that require attention (i.e., steep slopes, shallow soils, shoreline fish habitat, etc.) can be addressed by locating the building envelopes and related infrastructure in areas that are constraint free. The noted constraints on the subject property include a 30 m vegetated buffer adjacent to the shoreline of Faris Lake, and a 15 m buffer from the watercourse located in the central portion of the property (**Figure 3**).

9. A trophic state impact analysis was completed, assuming that all phosphorus from the addition of two lots and associated tile beds would reach Faris Lake. The results indicate that two additional

lots will only marginally increase loadings to, and concentrations of, total phosphorus in Faris Lake. Based on the traditional model, which assumes all potential phosphorus from the development will reach the lake, Faris Lake has the capacity to accommodate 26 seasonal dwellings; presently, only 11 total lots are being proposed, including the two from the Jacques severance application.

10. In terms of site-specific building envelopes, more than adequate space exists on each of the lots (i.e., Lots A and B and the Retained Lot) to accommodate a conventional septic tank tile field or filter bed (i.e., relatively flat terrain with surficial soil cover). However, the importation of fill will be required to construct a raised bed, due to the shallow nature of the native soils. Based on steep topography, septic envelopes that direct flow away from the lake have been identified at a distance of approximately 50 m from the shoreline.

11. Based on the recommendation for a very high phosphorus adsorption capacity of 50 milligrams phosphorus per 100 grams of soil (mg/100 gm), a life expectancy of a tile bed in the new lots was estimated to be in the order of 40 years. Because the tile bed is going to be upgraded or rejuvenated long before it will run out of its ability to retain phosphorus, it will have very little, to zero, impact on phosphorus loadings to and concentrations in Faris Lake.

12. With respect to attenuation of phosphorus associated with stormwater runoff, a natural buffer or setback of 30 m from the high water mark of Faris Lake is warranted, beyond which all primary building structures and tile fields would be located (**Figure 3**).

13. Given that:

    (i) the lake capacity model predicts minimal change in phosphorus concentration in Faris Lake with the addition of two new lots;

    (ii) the tile field will be considerably set back from the high water mark of Faris Lake (as shown in **Figure 3**);

    (iii) a 30 m natural shoreline buffer and a 15 m watercourse setback are proposed to attenuate phosphorus in overland stormwater runoff; and

(iv) recent findings reported in the scientific literature and from monitoring results substantiate phosphorus immobilization in certain Precambrian Shield settings,

Michalski Nielsen Associates Limited is convinced that the two proposed lots will have near zero impacts on phosphorus loadings to, and concentrations in Faris Lake, which means trophic state conditions will be unaffected.

Policy

14. As part of the preparation of this **SER**, a review was undertaken of key environmental policies in the 2005 **PPS**. The **Official Plan for the Parry Sound Planning Area – Carling, Foley, McDougall** 1982, and the new **Adopted Official Plan for Seguin Township** were also reviewed. It was determined that the proposed development as outlined in this report complied with all of the policies reviewed.

15. The two items protected under provincial policies that were of concern to the Township of Seguin with respect to the subject application and the environment include: fish habitat; and water quality. First, in terms of fish habitat, each lot contains frontage that is not Type 1 fish habitat according to the MNR and field confirmation by Michalski Nielsen Associates Limited. Outside of Type 1 habitat, there is more than adequate area for accommodating. Regardless, the DFO will have the final say as to what are and what are not appropriate docking envelopes of each of the proposed lots. In this respect, prospective purchasers/owners of the new lots will need to be made aware of the requirement to review the new Operational Statements for Ontario issued by the federal DFO to ensure that construction of their docking facility does not constitute an offense under the *Fisheries Act*, and recommendations have been made in this regard. Second, the quality of Faris Lake for bathing, swimming and aesthetic appeal will not be diminished for the reasons set out above; that is, the soils imported for the construction of tile fields will have a high capability to retain tile field-related phosphorus, while the natural buffer/setback from the lake's high water mark will attenuate any artificially derived phosphorus in stormwater.

16. In terms of Species at Risk and the 2005 Provincial Policy Statement, while there were not actual sightings of species on the property, it was determined that the potential habitat of these species

would not be impacted by the development as proposed. It was acknowledged that the access road could have the potential for minor impacts that could be mitigated, through landowner education, construction of a gravel road located as depicted in **Figure 3** and construction of a creek crossing that minimized the road elevation (minimize culvert size, to that required by convey flow as per the MNR and DFO as required) relative to the surrounding topography. Overall, if the amount of habitat loss around the future cottages is minimized, and the recommendations are followed, the severed lots will continue to function as viable habitat for the threatened species.

17. In conclusion, Michalski Nielsen Associates Limited is of the opinion that the creation of two new lots, if developed using the mitigation measures and recommendations outlined below, will be in compliance with all relevant policies and will not have an impact on the natural features or water quality of Faris Lake.

Recommendations

Based on the above, Michalski Nielsen Associates Limited recommends approval of the shoreline severances, subject to the following recommendations.

- **Soils used for the construction of the septic field needs to be selected for its ability to retain phosphorus; soils having a high capability to retain phosphorus, meaning a phosphorus adsorption capacity of 50 mg phosphorus/100 gm soil, or greater will need to be imported for the construction of the tile bed; the tile fields be located as shown in Figure 3.**
- **For proposed Lots A, B, and the Retained Lot, final development plans incorporate a minimum 30 metre natural shoreline buffer strip for building structures and 50 metres for tile fields/filter beds.**
- **Any vegetation within the natural shoreline buffers or setbacks (i.e., trees, shrubs and ground cover) be retained in the natural state.**
- **As a condition of approval, a covenant restricting activities in the natural shoreline buffer strips or setbacks be registered on title for all lots, through re-zoning, or any development or servicing agreement to be executed between the Township of Seguin and the applicant. The covenant would require that the shoreline be disturbed as little as possible, consistent with access, safety and provision of views.**

- **Potential buyers or owners of the cottage lots should be provided information (Appendix E) about the threatened reptile species, to discourage persecution and foster stewardship, particularly since the massasauga rattlesnake is a venomous animal, and both milksnake and eastern hog-nosed snake can be mistaken for it.**

- **The type of docking structure that is suitable to the site is a floating, or post/pile supported dock or boathouse, and should be located in docking envelopes depicted in Figure 3.**

- **Prospective purchasers/owners of the new lots be made aware of, through notice on title, the Department of Fisheries and Oceans new Operational Statement for Dock and Boathouse Construction.**

However, in the event that new property owners may not want to adhere to the new conditions/construction measures set out for docks in the Operational Statement, Michalski Nielsen Associates Limited recommends that:

- **prospective shoreline property owners be made aware of, through notice on title, the need to approach the Ministry of Natural Resources to acquire, complete and submit an "Application for Work Permit", and to receive the necessary approvals before construction activities are initiated;**

- **prospective purchasers/owners of the new lots be made aware of, through notice on title, the need to contact the federal Department of Fisheries and Oceans to ensure that construction of their docking facility/boathouse does not constitute an offense under the *Fisheries Act*;**

- **installation of a culvert for construction of the access road be completed during the dry summer months, when there is no flow in the watercourse, and that silt fencing be installed to prevent sediment-laden runoff to the lake during road construction of the watercourse crossing;** and

- **landowners be made aware of, through notice on title, the need to approach the Ministry of Natural Resources (design dependent), and if required, the Department of Fisheries and Oceans for a Work Permit to install culverts at the watercourse crossing.**

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APPENDIX A – CORRESPONDENCE WITH SEGUIN TOWNSHIP

SEGUIN TOWNSHIP

R.R. #2, 5 Humphrey Drive, Parry Sound, Ontario P2A 2W8
Telephone: (705) 732-4300 Fax: (705) 732-6347
www.twp.seguin.on.ca

November 23, 2006

John Jackson Planner Inc.
70 Isabella Street, Unit #110
Parry Sound, ON
P2A 2L7

Dear John Jackson:

RE: **Owner: JACQUES; Frank**
Property Roll #49-03-030-003-00600-0000
CONSENT FILE # B-2005-0054-F and B-2005-0055-F

Council at its meeting of November 20, 2006, deferred the above-noted application in order for you and your client to address the deficiencies in the application identified in the staff planning report.

Specifically the issues identified were as follows:

1. Access policies of the Official Plan
2. Lake Capacity and the impact of the proposed development on the lake
3. Proposed driveway/right-of-way access across the watercourses and wet areas on the property.

I would like to suggest the following approaches to addressing these issues.

Access Issues
A Planning Report should be prepared and submitted to the Township reviewing in detail the relevant sections of the Foley Official Plan and how it supports development an private roads. The Report should also address the requirements of Section 51(24) of the Planning Act with respect to this issue.

I would recommend that, at a minimum, you should address the policy sections regarding this issue identified in the staff report.

Lake Capacity and Driveway Water Crossings

I would highly recommend that a terms of reference be prepared and approved by the Township prior to the commencement of the required study. This will ensure that the study will be acceptable to the Township and will avoid the requirement for a Peer Review.

At a minimum, I would recommend that the Terms of Reference address the following matters:

1. Lake water quality and impacts of the total development of the lake. As indicated, it is our position that the total number of existing, proposed and potential lots is ten (10).
2. Sewage system design and location including phosphorous reducing treatment and /or phosphorus binding soils.
3. Stormwater management techniques.
4. Modelling and monitoring requirements.
5. Appropriate shoreline setback, buffers and other related development controls including recommendations respecting shoreline structures (docks).
6. As assessment of the recreational capacity of the lake in accordance with the Foley Official Plan policy criteria of 1.6 hectare of surface area for each residential unit.
7. Proposed driveway/right-of-way location, environmental impact and proposed mitigation measures and required construction standards.
8. Required permits and /or approvals (DFO, MNR, etc.)

I would be more than willing to discuss these issues and the applications at any time. Please contact me if you would like to arrange a meeting.

Yours truly,
THE CORPORATION OF THE TOWNSHIP OF SEGUIN



Wesley R. Crown, MCIP, RPP
Director of Planning
WC/lw
cc: Jacques

FAX
JOHN JACKSON
746-1438
TWP OF SEGUIN
PLNG DEPT LINDA
17/11/06

THE
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STAFF REPORT

PREPARED FOR:	Township Council	**DEPARTMENT:**	Community Services
MEETING DATE:	November 20/06	**REPORT NO.:**	**CS-PL-2006-096**

SUBJECT:	Consent Application B-2005-0056-F
Owner(s):	C. Jacques
Agent(s):	John Jackson Planner Inc.
Location:	CON 10 LOT 6 PCL 6155 S/S, with the proposed benefiting lands being described as Part of Lot 6, Concession 10 and further described as Part 1. Reference Plan 42R-17258 (See Appendix #1 and 2) Civic Address: 509 Highway 518
Assessment #:	49-03-030-003-00600-0000

RECOMMENDATION(S):

The following recommendation(s) is made to Council:

1. **That Consent application B-2005-0056-F for a right-of way is Provisionally Approved, subject to the following conditions:**

   a) **The owner shall have delivered to the Planning Official the following:**
      (i) **A plan of survey prepared by an Ontario Land Surveyor indicating the right-of-way to be conveyed, having a width of 20.0 metres. All dimensions are to be provided in metric units.**
      (ii) **Three copies in registrable form of the document conveying the right-of-way so that final consent may be endorsed thereon by the Planning Official.**

   b) **All Township fees including the $150.00 Deed Stamping fee and legal fees and disbursements, if any, incurred by the Municipality with respect to this application shall have been paid for by the applicant.**

   c) **That all Municipal taxes to date shall be paid in full.**

   d) **Confirmation in writing from the Township of Seguin Fire Chief of the assignment of a 911 Address Number to the "peninsula" lot.**

   e) **That the Shore Road Allowance is purchased from the Township and that the Owner shall provide certification from a lawyer that the shore road allowance has merged under the Planning Act in title with the abutting peninsula lands.**

PURPOSE:

The purpose of the application is to grant a right-of-way across the subject lands to provide access to the portion of the owner's lands that are legally separated as a result of the shoreline road allowance. The width of the right-of-way is proposed as 20.0 metres in the application and would have a length of approximately 249 metres from Highway No. 518.

DESCRIPTION OF PROPERTY AND ADJACENT LAND USES:

The subject lands which will contain the proposed right-of-way are described as being Part of Lot 6, Concession 10 former Township of Foley and have a total area of 33.59 hectares. The subject lands are bound on the north by Highway 518 and contain the western half of Faris Lake. The proposed lands to be the beneficiary of the right-of-way is a small peninsula of lands, also owned by Jacques, extending into Faris Lake but which are separated legally from the main property by the shoreline road allowances. The peninsula lands owned by Jacques have a length of 32 metres, a maximum width of 12.8 metres and an overall area of 262.9 square metres (2830 sq. ft.) (See Appendix #1 & #2)

The subject lands currently support a small 1 storey cottage having a floor area of 80.26 square metres (7.31 m x 10.97 m) located in the approximate middle of the subject lands. The developed cottage site also received approval for a Class 4 sewage disposal system. The NBMCA noted in its approval of the sewage system that the subject lands (the 262.9 square metres) had insufficient land area for a reserve area for the sewage disposal system. Access to the lands is gained by a driveway from Highway 518 to the subject lands.

The property is surrounded by the following land uses:

- North - Faris Lake
- South - Faris Lake
- East - Faris Lake
- West - Bush & mainland

PLANNING CONSIDERATIONS:

Planning Act

Section 51 (24) of the Planning Act describes the criteria that must be evaluated in the consideration of applications submitted under Section 51 (Subdivisions) and Section 53 (consent). The following outlines the criteria:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
(b) whether the proposed subdivision is premature or in the public interest;

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
(d) the suitability of the land for the purposes for which it is to be subdivided;
(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
(f) the dimensions and shapes of the proposed lots;
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
(h) conservation of natural resources and flood control;
(i) the adequacy of utilities and municipal services;
(j) the adequacy of school sites;
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
(l) the physical layout of the plan having regard to energy conservation. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2).

Provincial Policy Statement

The proposed rights-of-way do not offend or conflict with any of the policies of the Provincial Policy Statement. No new development is proposed as a result of the subject application.

Official Plan

The lands subject to the application are designated RURAL in the Foley Official Plan. The Foley Official Plan contains no specific policies with respect to the creation of rights-of-way. As an interest in the lands is created by a right-of-way, the consent polices of the Plan may be looked to for some guidance for the consideration of this application. Section 4.3 Development Procedure of the Plan provides the following policies:

- Appropriateness of the subdivision in terms of density and prematurity
- Suitability of the site for services
- Road access, design and lot sizes
- Evaluation of the impact of the proposed development submitted by the developer on any abutting water bodies, ESA's, and natural environment
- Consents (including ROW) are subject to the same policies as applications for plan of subdivision.
- Council may require an Environmental Impact Assessment to help in the assessment of the application

Zoning By-law

The lands subject to the application are currently zoned WATERFRONT FOUR (WF4) by Zoning By-law 93-1000. The peninsula is zoned WATERFRONT TWO (WF2). The by-law

contains no standards with respect to the right of way. For WF2 lands, the minimum lot area is 0.8 hectares and a minimum frontage of 120 metres.

COMMENTS:

Community Services	No Comments.
Operations	No objections.
Fire Department	No concerns, standard 911 numbering condition.
Treasury Department	Taxes outstanding.

ANALYSIS:

The small peninsula of land subject to the application is a fee simple parcel of land that can be legally conveyed separately from the main lands owned by the Jacques. In 2005 a building permit was issued for these lands for a new cottage and sewage disposal system. The subject consent application is to obtain a legal right-of-way across the subject lands.

Although very small, the Jacques property on the peninsula is a legally separate property and it supports an existing cottage dwelling and sewage disposal system. The lands would current have access by way of the existing driveway over the owners main property. In the future, if the "peninsula" lot is sold, it would not have legal access. Therefore the application is required to ensure legal vehicle access is obtained for the lot.

The subject application does not propose any new development and MTO has approved the driveway access to Highway No. 518. The PPS and the Foley OP provide little policy direction with respect to right-of-way access. The general planning principle to be considered is whether or not the right of way would harm or impact the ability to use the subservient lands (the lands over which the right of way travels) in accordance with the Official Plan and Zoning By-law. The proposed right-of-way will not impact the owner's ability to use their lands in accordance with the current zoning

CONCLUSIONS:

The proposed right-of-way is in general conformity with the policies of the Official Plan, is consistent with or at least does not offend the Provincial Policy Statement and generally complies with the criteria of Section 51 (24) of the Planning Act. The development potential of the lands will not be increased and no new lots are being created. In addition the subject application will provide the existing "peninsula" property in the area with legal access across the subject lands. It is the Planning Departments position that the proposed application represents proper and orderly development and good planning.

If Council concurs, the recommendations of this report can be approved.

Respectfully Submitted by:

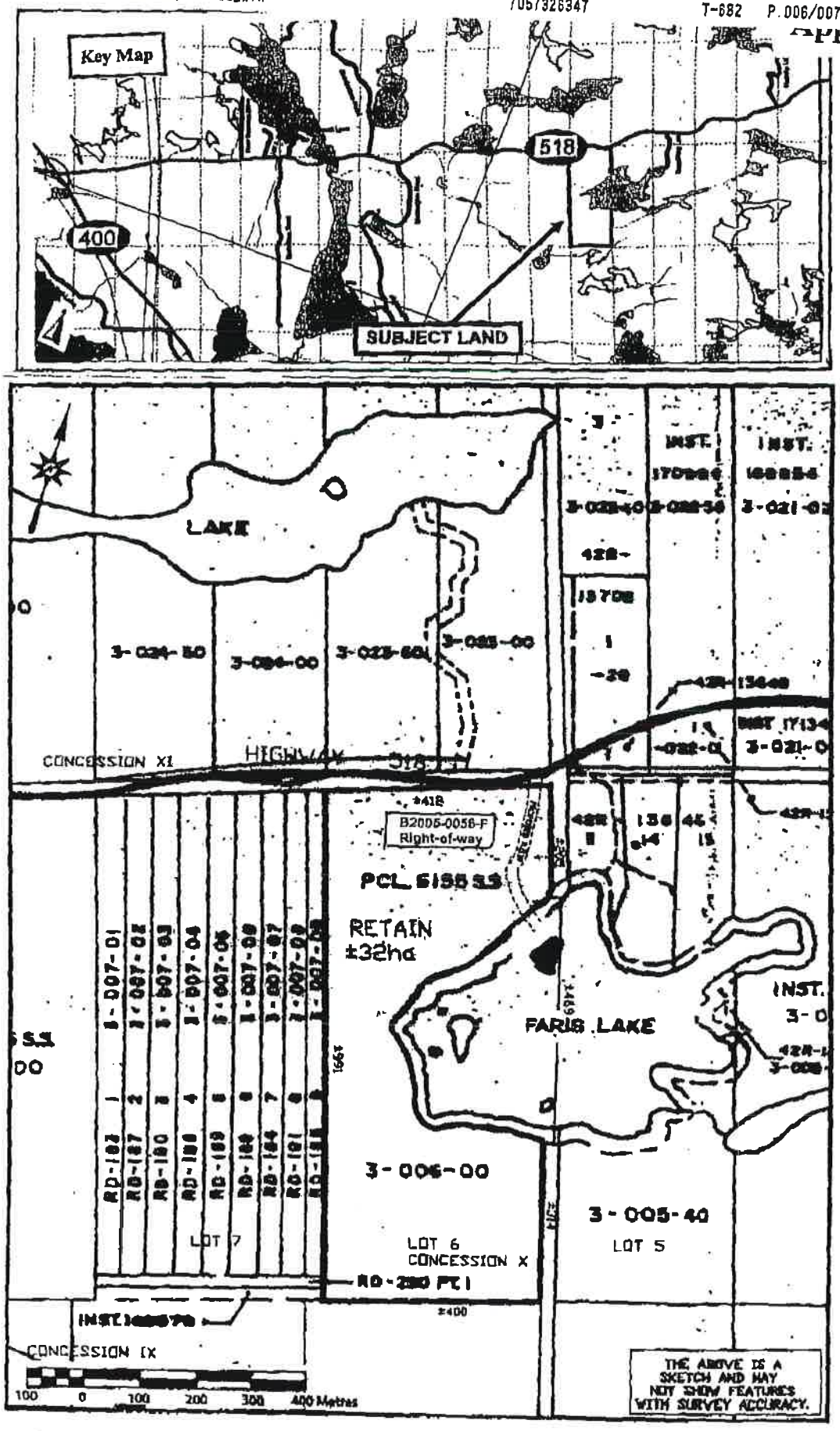
Wes Crown, MCIP, RPP
Director of Planning

Tom Stockie, Chief Administrative Officer

ATTACHMENTS:

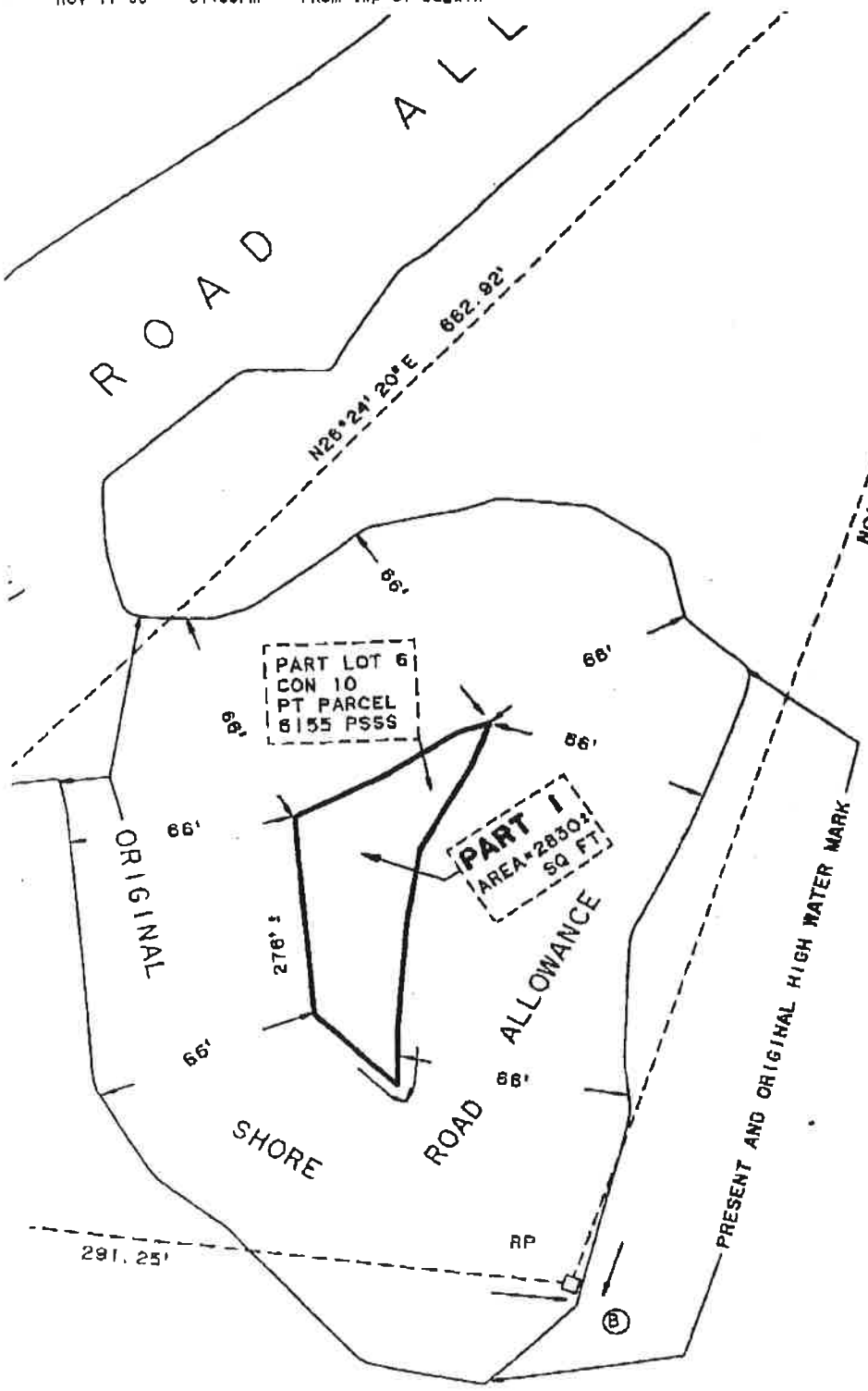
Appendix 1	Key Map & Sketch
Appendix 2	Survey

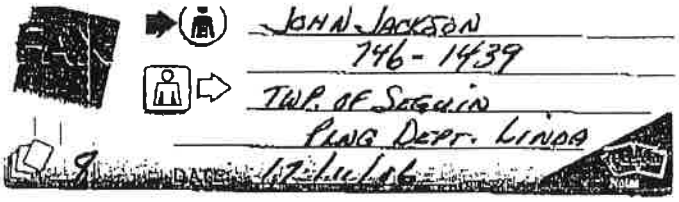
Appendix 1


Key Map
518
400
SUBJECT LAND
LAKE
INST.
INST.
3-024-50
3-024-00
3-023-50
3-023-00
CONCESSION XI
HIGHWAY 518
B2005-0056-F
Right-of-way
PCL 5155 SS
RETAIN
±32ha
FARIS LAKE
INST.
3-006-00
3-005-40
LOT 7
LOT 6
CONCESSION X
LOT 5
CONCESSION IX
100 0 100 200 300 400 Metres
THE ABOVE IS A SKETCH AND MAY NOT SHOW FEATURES WITH SURVEY ACCURACY.

Appendix 2

Part of Reference Plan 42R-17258





TO\

STAFF REPORT

PREPARED FOR:	Township Council	**DEPARTMENT:**	Community Services
MEETING DATE:	November 20, 2006	**REPORT NO.:**	CS-PL-2006-0095

SUBJECT:	**Consent Applications B54/B55/2005-F**
Owner(s):	Jacques, Frank
Agent(s):	John Jackson, Planner
Location:	CON 10 LOT 6 PCL 6155 S/S (FARIS LAKE) Civic Address: 509 HWY #518 See Appendix 1 for Additional Information
Assessment No.:	49-03-030-003-00600-0000

RECOMMENDATION(S):

The following recommendation(s) is made to Council:

THAT COUNCIL DENY CONSENT APPLICATIONS B54/B55/2005-F (JACQUES) AS NOT CONFORMING TO THE FOLEY OFFICIAL PLAN AND NOT REPRESENTING PROPER AND ORDERLY DEVELOPMENT.

PURPOSE:

The purpose of this report is to assess the Consent applications submitted by John Jackson, Planner, acting as agent on behalf of the Jacques Family.

The application applies to lands legally described as Lot 6, Concession 10, and more particularly described as Parcel 6155, located on the west side of Faris Lake and known civically as 509 HWY #518.

The Consent applications proposes to create two new residential lots with frontage on Faris Lake and access provided by way of a new 20.0 metre right-of-way off the existing Highway known as 518. The retained parcel also would gain access by way of the proposed right-of-way from HWY #518.

DESCRIPTION OF PROPERTY AND ADJACENT LAND USES:

The subject lands are located off of HWY #518 Road, with the current access obtained by way of private drive from HWY #518. The existing property is approximately 32 ha in area with 412 metres of shoreline frontage on Faris Lake. (See Appendix #1)

The subject lands form the western shore of Faris Lake. As the property encompasses this entire side, its shoreline is "U" shaped and therefore its frontage is calculated on a straight line projection, which equates to 412 metres. The Lake currently supports seven existing residential lots.

The subject lands currently support a small 1 storey cottage having a floor area of 64 square metres located on a peninsula of land in Faris Lake. The peninsula is land locked by the existence of the un-purchased shore road allowances. The developed cottage also supports a deck.

The property appears to have some watercourses that run from Faris Lake out toward the western property line. Using contour information it is apparent that the property has low lying areas that would support the existences of these watercourses.

The property is surrounded by the following land uses:

- North - HWY #518
- South - Rural development
- East - Faris Lake, waterfront residential use (94-1010) (6 waterfront lots)
- West - Rural development

DEVELOPMENT PROPOSAL

The Consent application proposes to sever the subject lands into 2 new waterfront residential lots and one retained lot as follows (also see Appendix 2):

Table 1

Lot	Frontage (metres)	Area (hectares)
Lot A	228	8.2
Lot B	370	15
Retained	210	8.9

PLANNING CONSIDERATIONS:

Provincial Policy Statement

Section 3 of the Planning Act requires that all decisions on planning matters and applications must be consistent with the 2005 Provincial Policy Statement (PPS).

The subject lands would be considered to be located in the rural area of the Township in accordance with the PPS, and limited residential development and resource based recreational activities are permitted in the rural area.

The PPS requires that new development meet a number of policy criteria respecting sewage and water supply (1.6.4.4), development prohibited in significant habitat of endangered or threatened species (2.1.3), development not permitted in fish habitat except in accordance with provincial and federal requirements (2.1.5), and the protection or restoration of the quality of surface water (2.2.1).

Township of Foley Official Plan

The subject lands are designated "RURAL" in the Township of Foley Official Plan. In accordance with Section 5 of the Foley Official Plan, the "Rural" designation permits a range of uses including cottages and year-round residential uses.

Section 5.1 of the Plan states that new lots in the "Rural" designation must have an area greater than 1.6 hectares and a lake frontage of 120 metres.

Section 5.1.4 (b) states that the lot is to be located on and has access to a road which has been opened, established and publicly owned and maintained.

Section 4.2 of the Official Plan contains general policies with respect to new development and Consents. Section 4.2 requires that new development must be privately serviced and meet the requirements of the MOE (4.2.1), proceed by way of plan of subdivision unless not necessary for the proper development of the lands (4.2.2), and provide parkland or cash-in-lieu (4.2.3), and enter into agreements if necessary (4.2.4).

Section 4.2.5 states that, *"New development must front on and have access to a year round publicly maintained road, subject to the following exceptions:*

- *frontage on a navigable waterway and use of lots is restricted to reflect limited services.*
- *water access may be permitted provided Council is satisfied that the facilities for car parking and docking are available exclusively for the development.*
- *hunting camps and other resources uses may have access from a private road or public road."*

Section 4.3.1 of the Official Plan sets out a detailed list of criteria to be considered in the review of applications to subdivide lands. In particular section 4.3.1 (xi) indicates that an evaluation of impact of the proposed development submitted by the developer on any abutting water bodies environmentally sensitive areas, and the natural environment should be addressed.

Section 4.3.7 states that *"Consents should only be granted where the road fronts on an existing, year-round, public road or in accordance with subsection 4.2.5"*. Section

4.3.9 states that, *"The size of any parcel of land created by Consent should be appropriate for the proposed use considering the public services available and the soil conditions in the area. Each parcel created should conform to the provisions of the Zoning By-law."*

Section 4.3.14 directs that all proposed development in the Planning Area shall meet provincial standards for air noise and water pollution controls. To assist in the evaluation of a development proposal, Council may require a Social or Environmental Impact Assessment. This section further sets out the criteria for an environmental impact assessment (EIA).

Section 4.7 Waterfront Development of the OP requires that all new development on the waterbodies shall be reviewed in light of its effect on existing water quality, recreational capacity and fisheries habitat. In addition, development will not be permitted which has the effect of altering the trophic status of the lake. Council may also use a maximum development density for a waterbody being 1.6 hectares of lake surface area for each dwelling. In addition, the OP requires the preservation of the aesthetics of the waterfront through screening of the development through setbacks and vegetation cover, optimum building sitting, and using construction materials in harmony with the natural setting.

Applications to develop waterfront lands are also to be considered in light of its potential to harm identified fish habitats.

Section 6.11 of the Official Plan describes specific polices for the major lakes in Foley Township. Section 6.11 describes polices that address the following areas:

- access points shall be protected.
- fish habitat will be placed in the EP Zone category.
- shoreline road allowances should be sold to abutting lands unless the lands are important fish habitat.
- shoreline is designated as subject to site plan control.
- no new water access lots will be permitted except in accordance with the policies of the Plan

Township of Foley Zoning By-law 93-1000

The subject lands are currently zoned WATERFRONT RESIDENTIAL (WF4).

The "WF4" zone permits a range of rural, residential, and open space uses. All residential uses are permitted on public roads, with seasonal dwelling permitted on a navigable waterway where the lot does not front on a public road. The "WF4' zone establishes a minimum lot frontage of 200 metres, a minimum lot area of 2.0 hectares, and a minimum lot depth of 60 metres.

AGENCY COMMENTS:

North Bay Mattawa Conservation Authority advises that since the retained and severed lands appear to be larger than 4 hectares (10 acres), they are satisfied that suitable locations can be obtained for both an initial and a reserved area for a Class 4 sewage disposal systems with a daily design flow of less than or equal to 1600 l/day.

Ministry of Natural Resources undertook a review of the Fish Habitat mapping on Lots 5 and 6 of Concession 10, and found that there were pockets of possible shoreline development, as such the pervious Type 1 dominated shoreline was broken into sections of both type 1 and type 2 habitats.

SEGUIN TOWNSHIP STAFF COMMENTS:

Building Department
- Concerned about the presence of fish habitat and many over land watercourses.

Fire Department
- 911 numbering will be required.

Clerks Department
- Shoreline Road Allowance is not owned by the Township and no application has been submitted.

Operation/Road Department
- No objection, property is not adjacent to a Township Road.

ANALYSIS:

The Foley Official Plan, in Sections 5.2.3, 4.2.5, and 4.3.7 clearly require that new lots have "*frontage on*" and "*access to*" public roads. Each new lot must be directly fronting on a public road in addition to having access to a public road. The subject lands are currently accessed by way of the private drive off of HWY #518. The subject application and the proposed lots would be accessed by a private right of way, and therefore this proposal would not have access to a public road.

The Foley Official Plan does permit, however, the creation of new residential lots that do not have direct public road frontage in a limited number of exceptions. Section 4.2.5 requires that Council be satisfied that "*appropriate facilities for car parking and docking are available exclusively for the subdivision development.*"

The subject application does not propose water access and has provided no information with respect to parking and docking for the new lots. The critical wording in section 4.2.5 (underlined) requires that in addition to confirming that shore parking and docking are available, that they are provided for the use of the proposed development alone. The subject application has not confirmed the availability of shoreline parking and docking and has provided no information confirming that these areas are exclusively set aside for the development.

The Official Plan generally prohibits new development on private roads, subject to a limited exception for water access lots. As the proposed development proposes access

by way of an extension of the private road and has not meet the Plans requirements for water access, the proposed development does not conform to the Foley Official Plan.

With the creation of new lots on sensitive land, such as this property, the Official Plan sets out provisions as to responsible development. Section 4.7.5 indicates that waterfront development should not be permitted in areas that could create adverse effects on the tropic status of a lake. At this point the lake has not been deemed at capacity, by any of the approving Ministries. Since Faris Lake is a small Lake and the number of lots at present is 7, there is some concern as to whether the Lake could be reaching its maximum development capacity. In addition, the lake should generally not exceed one dwelling unit for each 1.6 hectares of lake surface area. This creates an issue as to the potential effects that these new lots would have on the current status of the Lake. The Planning department can not support this application as there has been no assessment in relation the developments impacts on the lakes various capacities.

The existence of watercourses and low lying areas would also make development particularly difficult, as the new Right of Way is proposed to cross some of these watercourses. The exact level of interruption that this new development may create is unknown, however it can be determined that allowing the creation of the lots with associated right of way, will increase the use, traffic level, recreational level and therefore most likely have impact on the natural environment. The approvals of the applications are therefore premature.

CONCLUSIONS:

The proposed consents do not meet the policy requirements of the Foley Official Plan with respect to road frontage and access. It is the Planning departments position that this lake is at its recreational development capacity and that there has been no assessment on the impact on the water quality of the lake. It is therefore the planning department's position that the application does not meet the requirements of Section 51 (24) (c) of the Planning Act as not conforming to the official plan and Section 51 (24) (e) of the Act as the proposed road access is not adequate.

Based on the above review and analysis, the subject applications for consent to sever should be denied.

Respectfully Submitted by:

Ali Chapple Hons B.A.
Planner

Reviewed by:

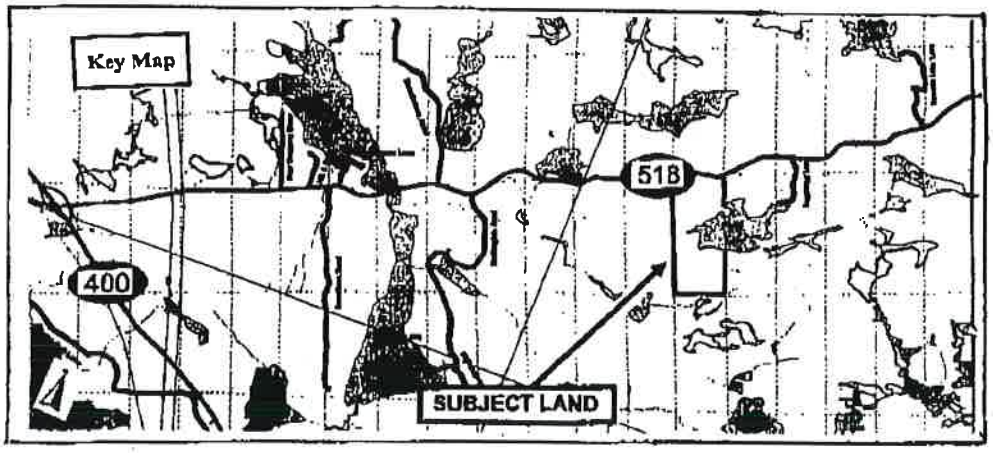
Wesley Crown MCIP, RPP
Director of Planning

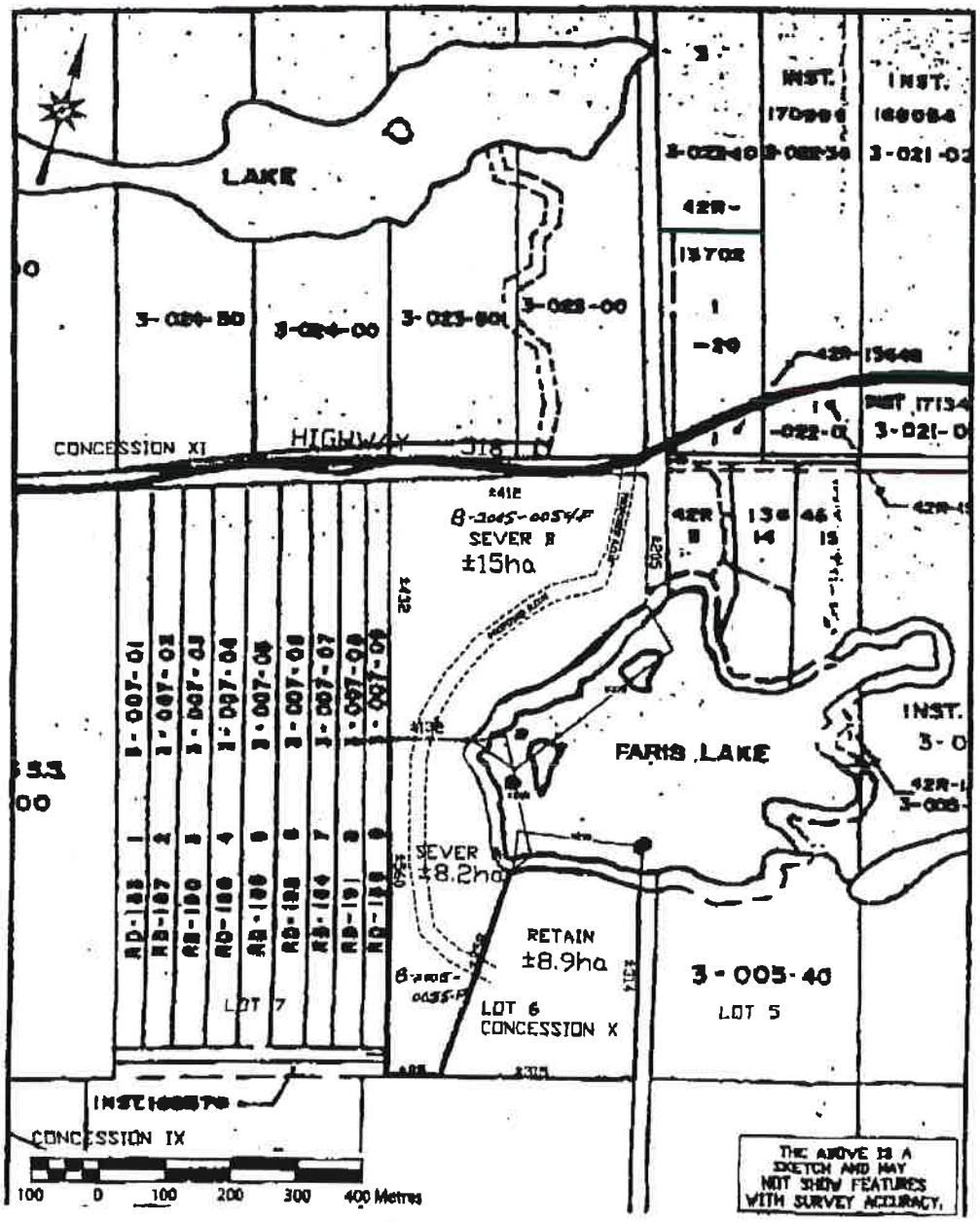
Tom Stockie, Chief Administrative Officer

ATTACHMENTS:

Appendix 1 - Key Map & Sketch

Report APPENDIX 1 – Key Map & Sketch





Township of Seguin Zoning Map #6

MCKELLAR

Lot 20 | Lot 15 | Lot 10 | Lot 5

Con 12 | Con 10 | Con 8

MQ | RU | LSR | SR1 | SR2 | SR3 | RR | MP | C3 | C4 | C5 | RC-2 | M1 | OS1 | EP

Haines Lake | Doga Lake | Lane Lake | Long (Linger) Lake | Plate Lake | Faris Lake | McNutt Lake | Cochrane Lake | Tatla (Tatail) Lake | Capton Lake

HWY 400 | HWY 518 | SHOEBOTTOM RD | MCNAUGHT'S RD | CARRUTHERS RD | BROOKS ROAD | DUFFETT DR

Legend

- Settlement Area
- Zone Boundary
- Lot Boundary
- Municipal Boundary
- Former Municipal Boundary
- Road
- Railway
- River
- Lake

N W E S

0 200 400 600 800
Metres
1:20,000

This is ZONE MAP #6 of Schedule 'A' to By-law No. 2006-125 passed the _____ day of _____, 2006.

Mayor:_____

Clerk:_____

Index Map

		1	2	3	4
5	6	7	8	9	10
11	12	13	14	15	16
17	18	19	20	21	
	22	23	24		
	25	26	27		
	28	29	30		

HUMPHREY | ROSSEAU

SEGUIN TOWNSHIP 1888

MERIDIAN PLANNING CONSULTANTS INC

APPENDIX B – MINISTRY OF NATURAL RESOURCES FISHERIES SITE INSPECTION REPORT AND DATA

Fisheries Site Inspection Report

Faris Lake
Comprising Part of the Shoreline Fronting Lots 5 and 6, Concession X In the Geographic Township of Foley Now the Municipality of Seguin

Eric McIntyre
Parry Sound Area Fisheries Biologist

June 30, 2005

On June 30, 2005 I had occasion to inspect a portion of the shoreline fronting Lots 5 and 6, Concession X on Faris Lake. The purpose of the inspection was to confirm or re-evaluate the Ministry's Fish Habitat Type Mapping for the subject shoreline. This review was conducted at the request of Mr. John Jackson who was representing a landowner on the lake.

The segment of the shoreline in question is located at the west end of Faris Lake. The pre-inspection Fish Habitat Mapping indicated the shoreline was entirely classed as Type I Fish Habitat* (see Figure 1). This assessment was based on interpretation of 1993 aerial video tape conducted by the Ministry of Natural Resources.

* Type 1 Fish Habitats are rare, or highly sensitive to the potential impacts of development. They limit fish productivity either directly or indirectly. Fish productivity would diminish if they are harmfully altered or destroyed. Examples include (but are not limited to): spawning areas, nursery areas, critical migration routes and highly productive feeding areas.

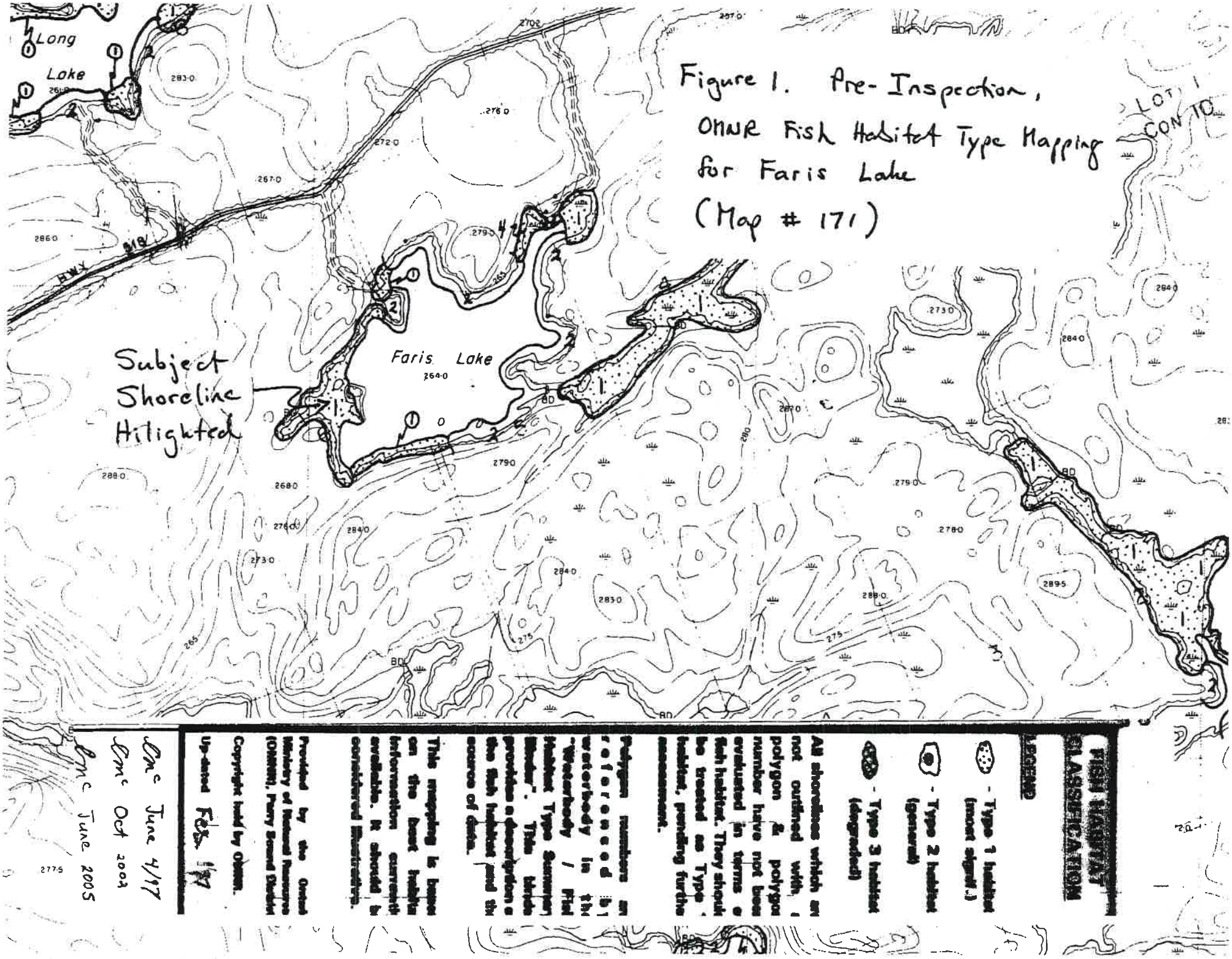


Figure 1. Pre-Inspection, OMNR Fish Habitat Type Mapping for Faris Lake (Map # 171)

Emc June 4/17
Emc Oct 2002
Emc June 2005

The majority of the shoreline in question is characterized by low backshore relief that is densely treed (see Figures 2 & 3). Nearshore areas have a moderate to dense growth of typical hydrophytic (water tolerant) vegetation – sweet gale, leather leaf, royal fern, etcetera. The in-water substrate was primarily bedrock and detritus with numerous boulders and some sunken woody debris (tree trunks) present. In-water aquatic vegetation was sparse to non-existent and was comprised primarily of pond-lily (*Nymphaea odorata*) and water-shield (*Brasenia schreberi*).

Although this shoreline is definitely fish habitat, it is of a generalized nature and is not limiting the productive capacity of the fisheries resource in Faris Lake. Consequently it is most appropriately classified as Type II fish habitat*.

Figure 2. A portion of the subject shoreline along the northwest shore of Faris Lake (part of Lot 6, Concession X). Fish Habitat is generalized in nature and most appropriately classified as Type II fish habitat.



Type II Fish Habitats are moderately sensitive to the potential impacts of development. Although important to fish populations, they do not limit the productivity of fish either directly or indirectly. These habitats are usually abundant. Examples include (but are not limited to): feeding areas,

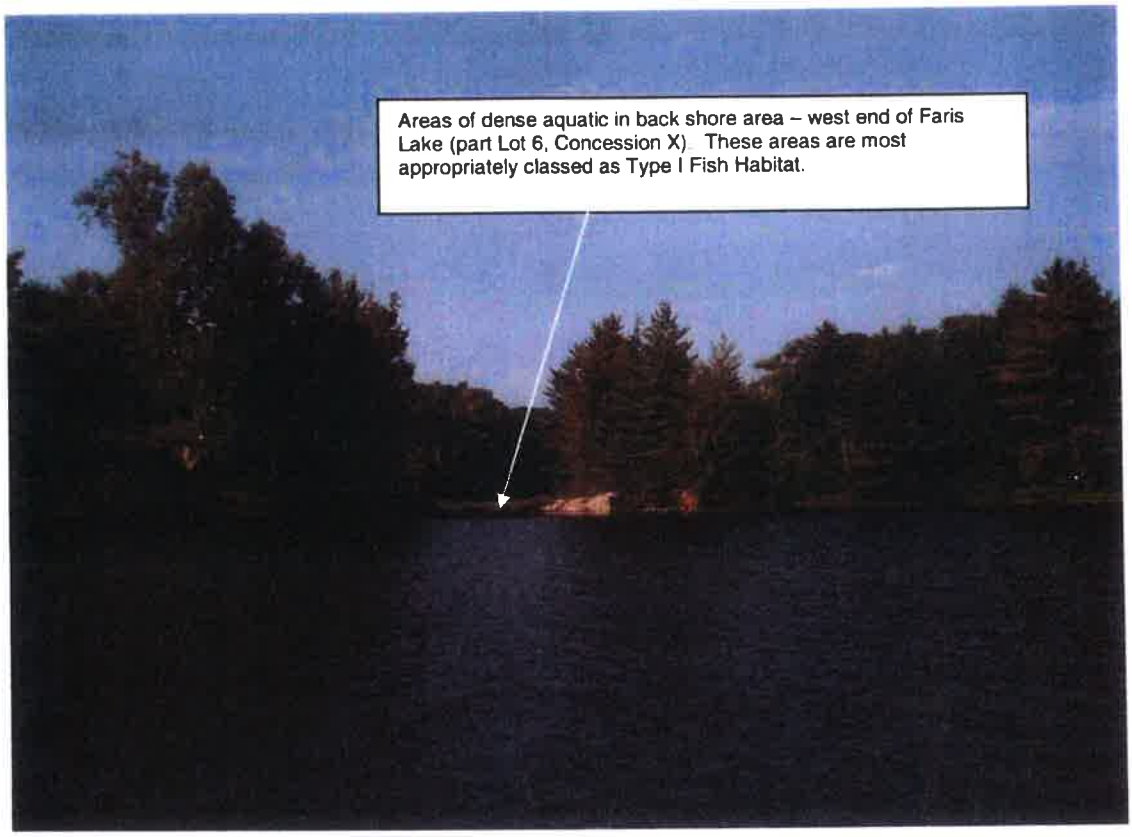
open water areas, generalized shoreline not critical to sensitive life processes such as spawning areas.

Figure 3. A portion of the subject shoreline along the southwest shore of Faris Lake (part of Lot 6, Concession X). Fish Habitat is generalized in nature and most appropriately classified as Type II fish habitat.



Some segments of the subject shoreline contained dense aquatic vegetation. These habitats are rarer on the lake and would function as critical spawning and nursery areas for yellow perch (see Figure 4). They also function as primary food production areas and support all life stages of cyprinids (minnows) present in the lake. **These areas are most appropriately classed as Type I fish habitat, and their location is reflected in Figure 5 – revised OMNR Fish Habitat Type Mapping for Faris Lake.**

Figure 4. A portion of the subject shoreline along the west shore of Faris Lake (Part of Lot 6, Concession X). Dense aquatic vegetation provides fish habitat that is specialized and rare in nature and most appropriately classified as Type I fish habitat.



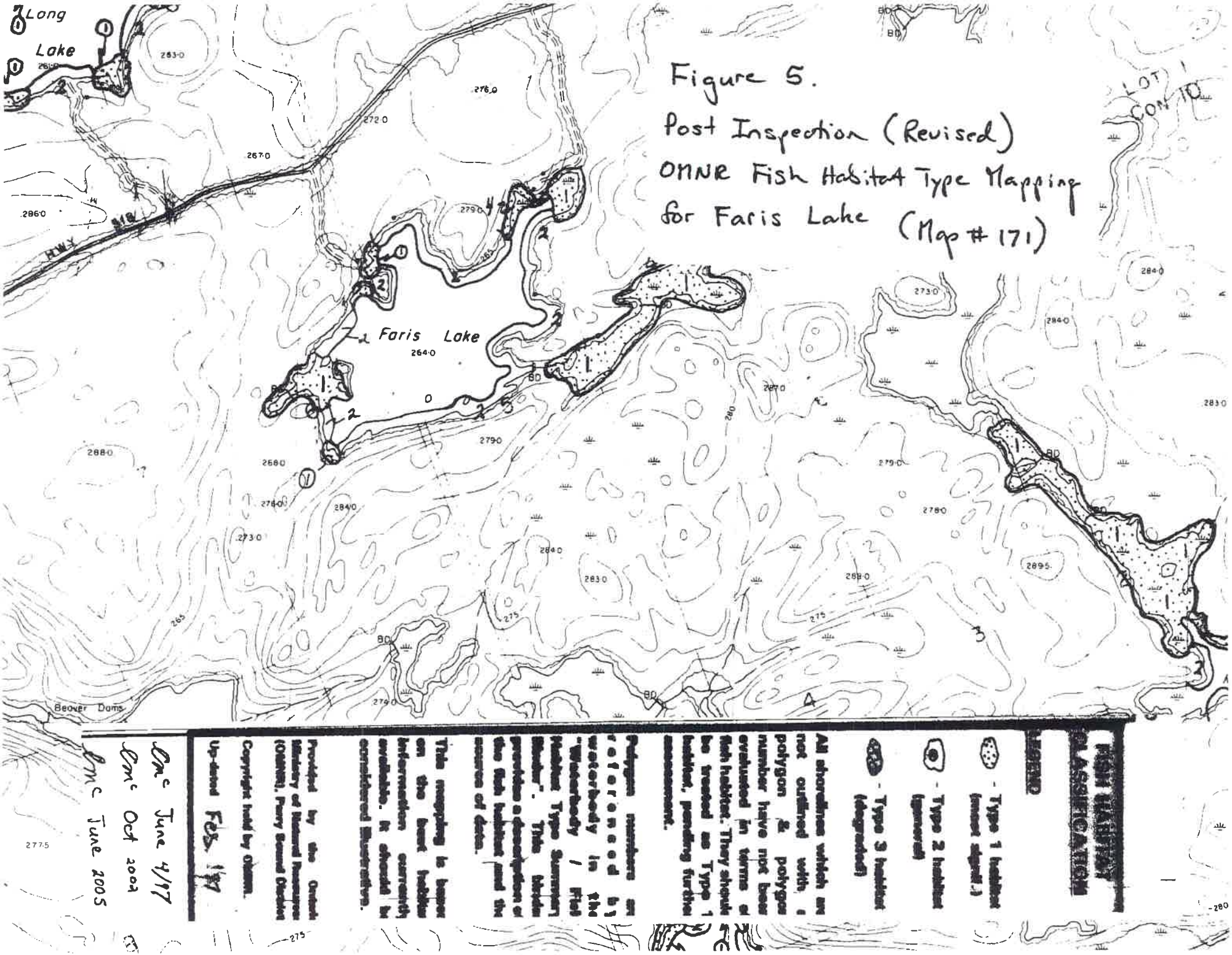


Figure 5.
Post Inspection (Revised)
OMNR Fish Habitat Type Mapping
for Faris Lake (Map # 171)

TOWNSHIP OF FOLEY

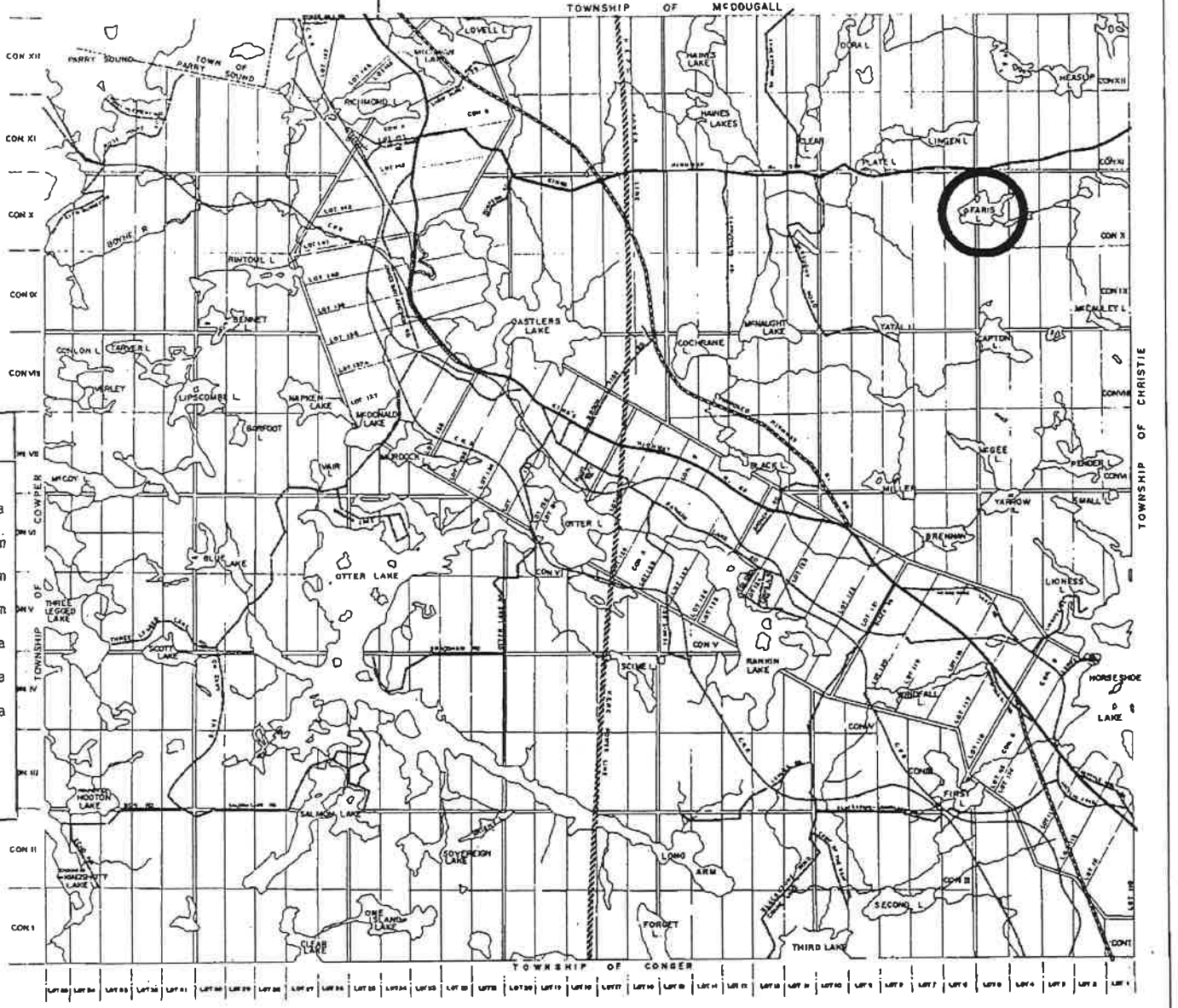


LAKE: FARIS LAKE

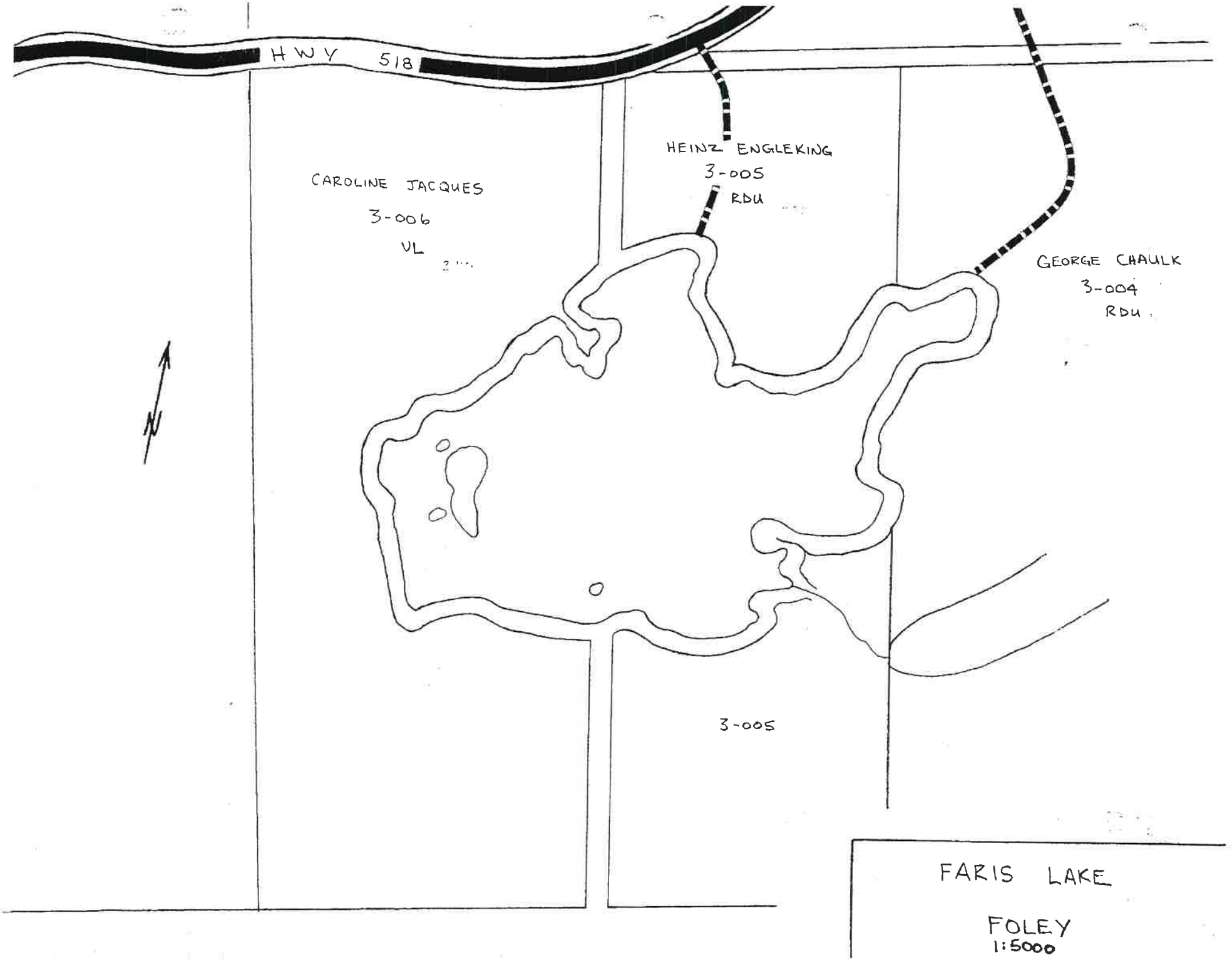
LAKE SURFACE AREA	14.5	ha
SHORELINE LENGTH	2250	m
MAXIMUM DEPTH	16.7	m
SECCHI DISC	6.2	m
BOTTOM CONTOUR	X yes	___ n/a
M.O.E. REPORT	___ yes	X n/a
FISH MANAGEMENT	X yes	___ n/a

SYMBOLS





JRR J. ROSS RAYMOND & ASSOCIATES LIMITED
PROFESSIONAL PLANNERS CONSULTANTS
& ENGINEERS PARRY SOUND


HWY 518
HEINZ ENGLEKING
3-005
RDU
CAROLINE JACQUES
3-006
VL
GEORGE CHAULK
3-004
RDU
3-005
FARIS LAKE
FOLEY
1:5000

D.O. 35 | Unit | Lake Survey Summary Sheet | No.

Farla Lake (gazetteer name)	Farla Lake (topographic map name)	Mary Warren Lake (local name)

City or Dist. Parry Sound | Twp. Foley | Lot 5-6 | Con. 10

Topo. Map Name & No. Seguin Falls 31E/5 West | Lat. 45° 21' | Long. 79° 54' | Elev. 800 ± ft

Access Legal by Twpr road /8.7 ml. east of Parry Sound on Hwy. 518 | Watershed

SURROUNDING TERRAIN

No. Resorts 0	Flat 80 %	Timber PwBwMh	Basin Glacial trough
No. Cottages 2	Rolling 20 %	PwBwMh	
Crown Land %	Hilly %		
Patent Land 100 %	Mntnous. %		

	%	Clay	Sand	Grvl.	Bldr.	Rock	Silt	Detr.
S. L.					5	75	10	10
Btm.						25	75	

Soil | Rock

AQUATIC VEGETATION		Water lily	B		
Labrador tea	B				
Pickerel weed	B				
Sedges	B				

WATER	ft.	Area	39.13 ac.	Secchi	20.5 ft.	Inlets 1-intermittent-no measurable flow cfs
Below Bench Mark	3.0	L. Z.	61.33 %	Cloud	15 %	
Fluctuation	.5	S. L.	1.63 mi.	Surface	Rippled	
Depth Max.	55	Factor	1.56	Colour	White	Outlets 1 passover-no measurable flow c/s
Depth Mean	1905	Acre ft.	745.51	Time	14.10	

Log 1 man made (boulders and plastic)

Pollution

FISH

		Spawning Facilities							
Sport									
Comm. & Coarse	Yellow perch (331) Common sucker (163)	76		80		81		131	
Other	Bullheads -	132		316		317		334	
Food									

Disease None noted

RECOMMENDATIONS

Consider bass planting or reclaimation for brook trout.

- S.m bass reported by Frank Jacques who own lot 6 Con X Foley Twp. Frank caught a 3½ lb s.m. bass on Aug 10, 1982. There have been 5 other smallmouth caught in the past few days
- also pumpkinseeds in the lake as reported by the the Jacques

Management Classification

Survey Date Sept. 23 ,19 70 | Investigator(s) Haxell & Holdrum

CODE: re Spawning Facilities A—excellent, B—good, C—fair, D—nil.
re Aq. Veg. & Fish Species A—abundant, B—common, C—occasional, D—rare.

Sheet no. ___ of ___

				mg/l			umhos	°C	
60	8.0	6.5	17.1	29.80 ~~13.21~~			29	22	
62									
60									
3									
51	6.0	6.0	17.1	30.05 ~~13.49~~			30	23.0	
46	6.0								
43	2.0								
42									
42	2.0	6.0	17.1	31.37 ~~14.98~~			32	23.0	
42									
42									
Hach kit		14.14 hrs.							

63	80	2000 Yg
65	80	900 Yg FC

Y

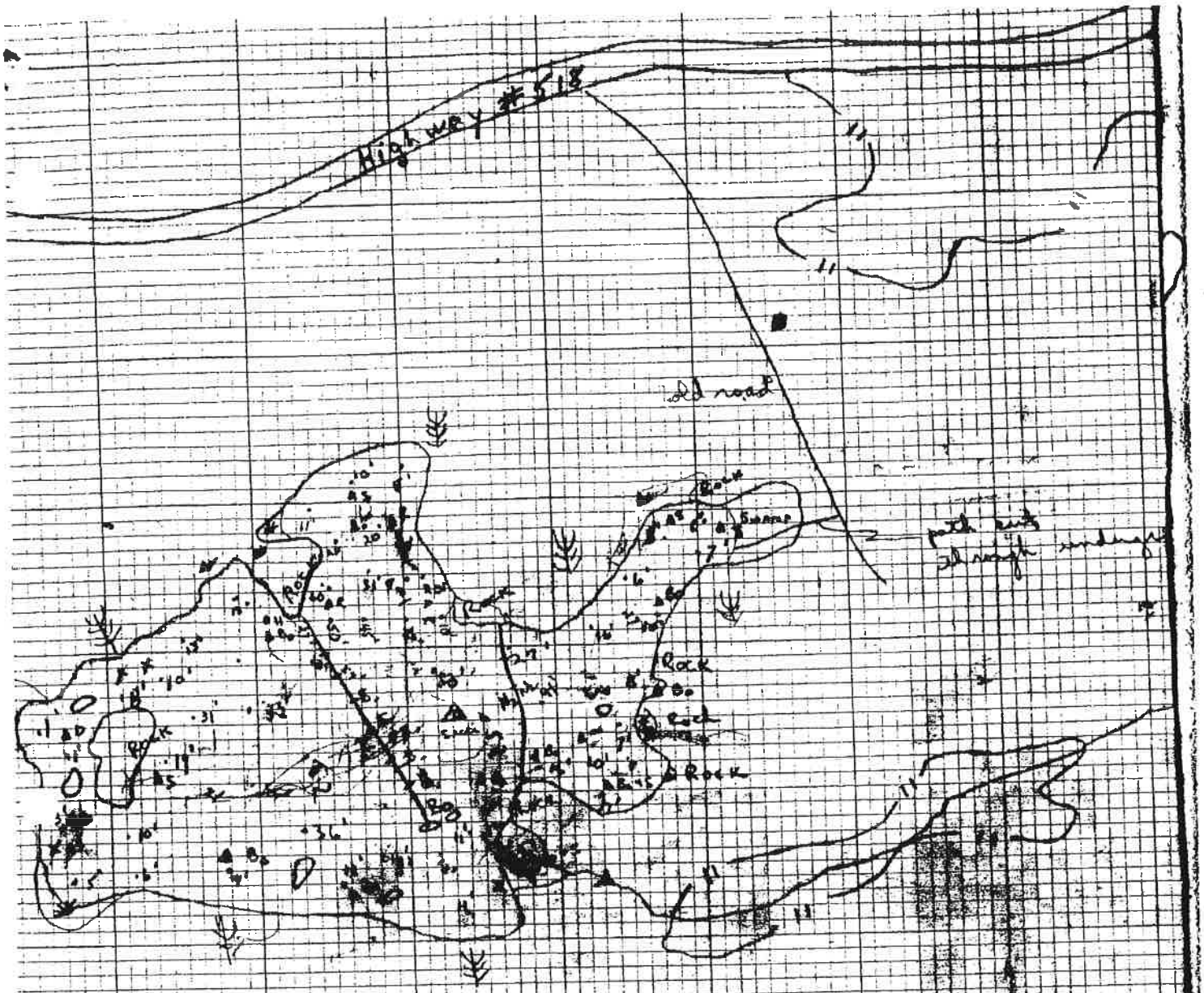
ack ducks, 1 heron observed. Algae growth very evident.

ttage under construction besides ones noted overleaf.

h mark on rock face 3' above water level.

er 1968 - reports of two lake trout taken. Probably planted in
r in 1963 or 1965

CLASS: EE – eyed eggs, Fy – fry, Fg – fingerlings, Yg – yearlings,
II – age 2, IV – age 4, etc., Ax – adult age unknown, FC – fin clip.



Water - Mary Warren Lake

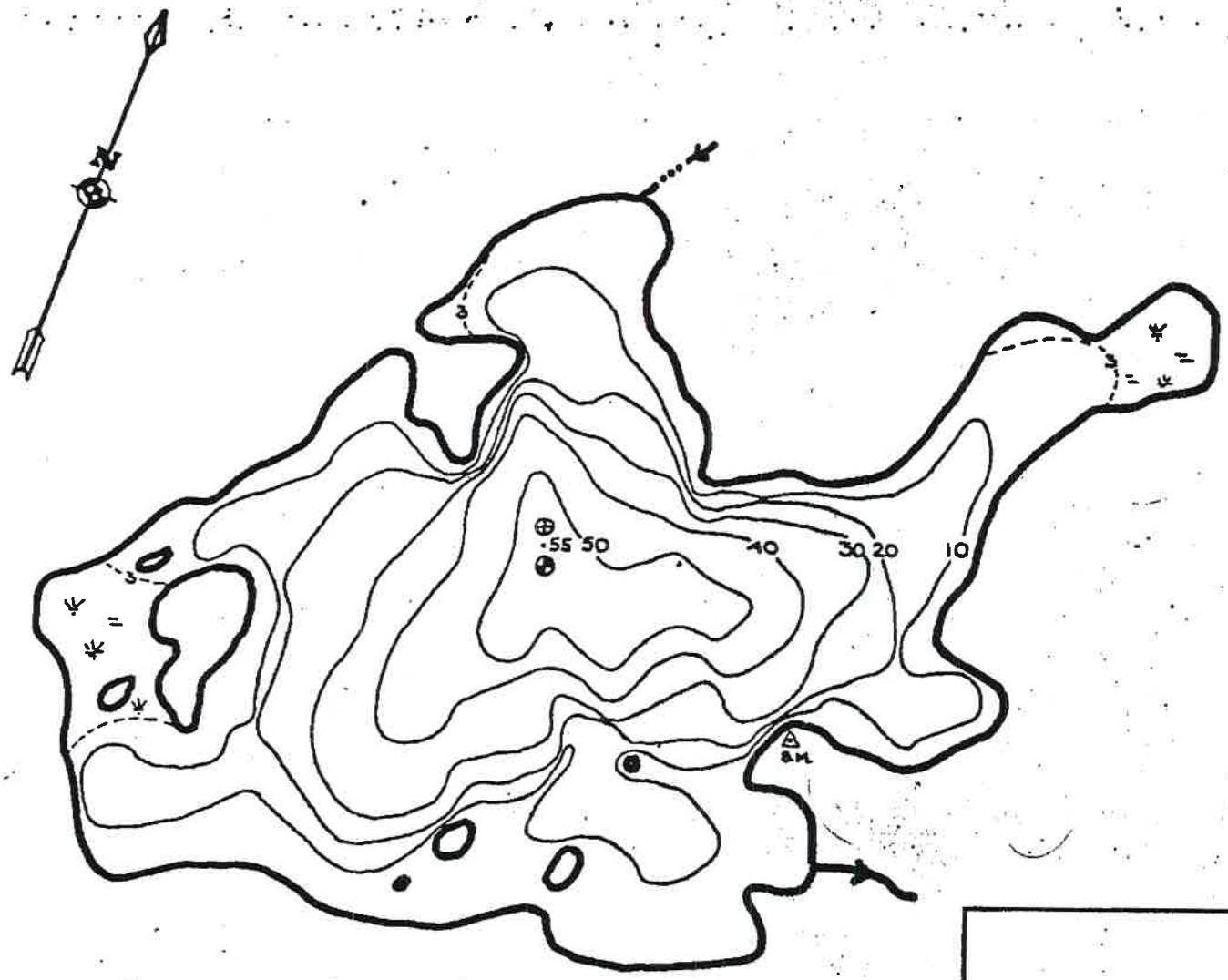
Township - Foley

Lot - 5-6

Concession - 10

Area - 30 ac.

Scale - 12 in. = 1 mile



ONTARIO

DEPARTMENT OF LANDS AND FORESTS

FARIS LAKE

District: Parry Sound Township: Foley

Lat: 45° 21' Long: 79° 54'

Area: 39.18 acres Vol: acre feet

Elevation: 800± feet Perimeter: 1.68 miles

APPENDIX C – LABORATORY DATA AND TEMPERATURE AND DISSOLVED OXYGEN PROFILE

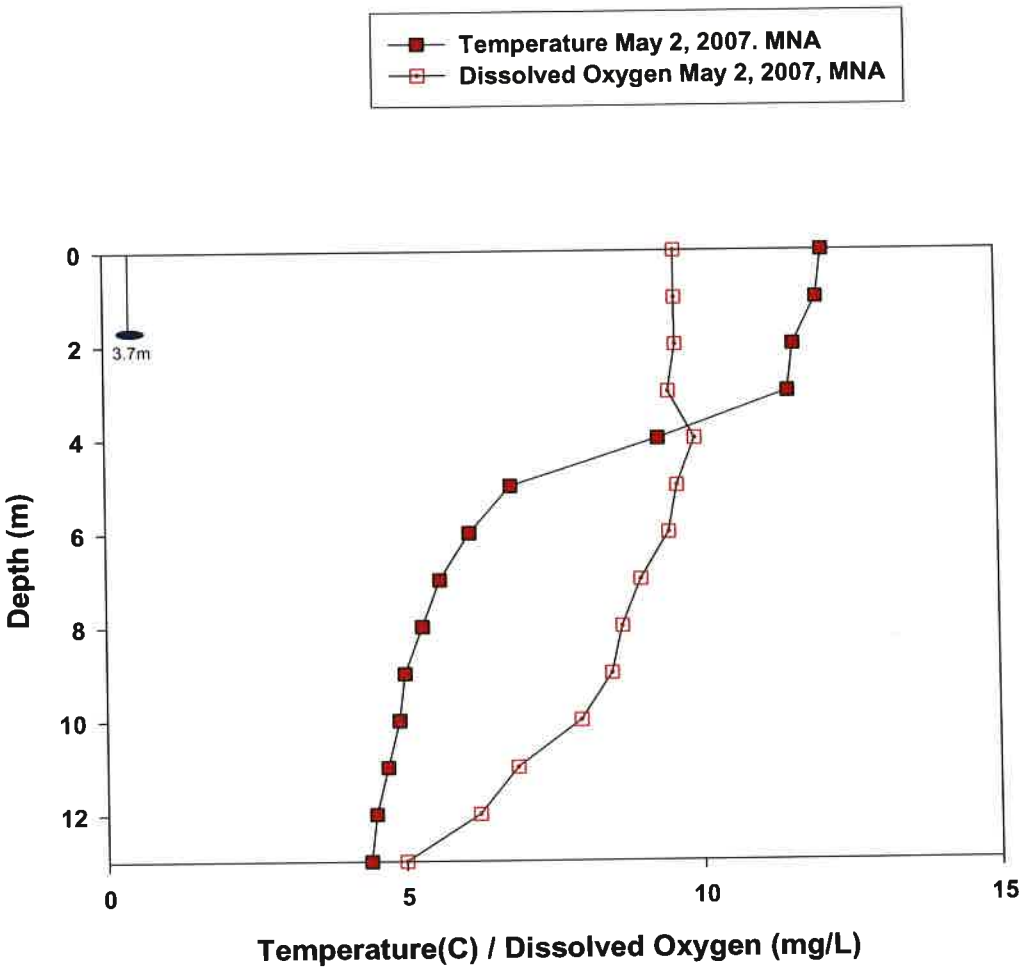


Figure A. Current temperature(°C) and dissolved oxygen (mg/L) profiles for the deep water location in Faris Lake with associated Secchi disc values (m).

E3 Laboratories Inc.
RR#4, 360 York Rd., [illegible] 10, Niagara-on-the-Lake, Ontario L0S 1J0
Web: www.niagara.com/~e3, Email: E3@Niagara.com
Tel: (905) 641-9000, Fax: (905) 641-9001

CERTIFICATE OF ANALYSIS

Michalski Nielsen & Associates
Bev Wicks
104 Kimberley Avenue
Bracebridge, ON
P1L 1Z8
Tel: 705-645-1413 Fax: 705-645-1904
Email:bev@mnal.ca

Work Order No.:2422915
Received : 2007-05-03
PO Number: 0307
Reported: 2007-05-16
Project Name: Faris Lake

Client Sample ID	Lab ID	Parameter	Result	Unit	MDL	Date Analyzed	Method
F-Top	**84591**	Alkalinity (CaCO3)	2	mg/LCaCO3	2	2007-05-10	APHA 2320B mod
		Ammonia (Total)	0.05	mg/L	0.03	2007-05-03	APHA 4500
		DOC	2.9	mg/L	0.5	2007-05-10	Subcontracted
		Hardness (CaCO3)	6.58	mg/LCaCO3	1	2007-05-12	APHA 2340B (Calc)
		NO2 (Nitrite)	<0.004	mg/L	0.004	2007-05-08	APHA 4500/HACH 8503m
		NO3 (Nitrate)	0.063	mg/L	0.009	2007-05-08	APHA 4500/HACH 8171m
		pH	6.05	SU	0.06	2007-05-03	APHA 4500 A,B MOD
		TKN	0.2	mg/L	0.1	2007-05-07	APHA 4500
		TP Low Level	0.005	mg/L	0.005	2007-05-10	APHA 4500
		TSS	<1	mg/L	1	2007-05-04	APHA 2540 D
F-Bottom	**84592**	Alkalinity (CaCO3)	2	mg/LCaCO3	2	2007-05-10	APHA 2320B mod
		Ammonia (Total)	0.12	mg/L	0.03	2007-05-03	APHA 4500
		DOC	3.0	mg/L	0.5	2007-05-10	Subcontracted
		Hardness (CaCO3)	6.27	mg/LCaCO3	1	2007-05-12	APHA 2340B (Calc)
		NO2 (Nitrite)	<0.004	mg/L	0.004	2007-05-08	APHA 4500/HACH 8503m
		NO3 (Nitrate)	0.064	mg/L	0.009	2007-05-08	APHA 4500/HACH 8171m
		pH	5.84	SU	0.06	2007-05-03	APHA 4500 A,B MOD
		TKN	0.4	mg/L	0.1	2007-05-07	APHA 4500
		TP Low Level	<0.005	mg/L	0.005	2007-05-10	APHA 4500
		TSS	1	mg/L	1	2007-05-04	APHA 2540 D

Reported by:

Nilou Ghazi, Ph.D., P.Eng.
Laboratory Manager

All work has been performed using accepted testing methodologies, except where otherwise agreed to by the client in writing. Our total liability in connection with this work shall be limited to the amount paid by the client.
Results relate only to items tested.

APPENDIX D – DEPARTMENT OF FISHERIES AND OCEANS OPERATIONAL STATEMENT

DOCK AND BOATHOUSE CONSTRUCTION

Ontario Operational Statement
Habitat Management Program

VERSION 2.0
Valid until March 31, 2007

Docks and boathouses are common features on the shorelines of lakes and rivers in Canada and are an important part of the recreational use of our waterways. The shoreline area in front of your cottage or waterfront property is also important habitat for a variety of aquatic organisms, including fish. Fish lay their eggs, feed and hide from predators in these shoreline areas. Building a dock or boathouse along your waterfront can impact this important habitat.

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

The purpose of this Operational Statement is to describe the conditions under which it is applicable to your project and the measures to be incorporated into the design, construction, rebuild and repair of your dock or boathouse, in order to avoid negative impacts to fish habitat. **You may proceed with your Dock or Boathouse project without DFO review when you meet the following conditions:**

- you are not working within the following areas/water bodies where this Operational Statement does not apply: waters within areas under Parks Canada's jurisdiction, including the Trent-Severn Waterway and the Rideau Canal system,
- it is a new, repair or rebuild of a floating, cantilever or post dock or boathouse,
- it is a new, repair or rebuild of an open-faced crib dock built entirely on natural bedrock or sand bottom with a total combined footprint (for both existing and proposed cribs) of $15m^2$ ($161\ ft^2$) or less,
- the total surface area for the entire dock and boathouse, which occurs in a location below the ordinary high water mark (see definition below), including both existing and proposed structures combined, does not exceed $50m^2$ ($538\ ft^2$), unless the structure is built entirely over natural bedrock or sand bottom (not supporting aquatic vegetation),
- it is not made of concrete or steel sheeting or any other skirting that isolates the area under the dock from the rest of the water,
- it does not require any dredging, blasting or infilling in the water body,
- the combined width for all existing and proposed shoreline improvements on land and in water (docks, boathouses, beaches) is less than 25% of the property's riparian area width (shoreline frontage width), and
- you incorporate the *Measures to Protect Fish and Fish Habitat when Building your Dock or Boathouse* listed below.

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

This Operational Statement does not release you from the responsibility of obtaining any other permits or approvals that may be required under municipal, provincial and federal legislation (e.g., *Navigable Waters Protection Act, Public Lands Act, Lakes and Rivers Improvement Act, Conservation Authorities Act,* etc.) that apply to the work being carried out in relation to this Operational Statement.

We ask that you notify DFO, preferably 10 working days before starting your work, by filling out and sending in, by mail or by fax, the Ontario notification form to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to this Operational Statement.

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

1. Floating, cantilever and post docks, and marine railways (on posts) for boathouse access can be installed at any time.

2. Time the installation of crib docks with a total combined footprint (total area of cribbing in contact with the bottom) of up to $15m^2$ ($161\ ft^2$) to prevent disruption of spawning fish, their incubating eggs and larval life stages by adhering to provincial fisheries timing windows. The timing window considered appropriate for this Operational Statement is July 15th to September 15th. If the intended work falls outside of this period, please contact your local Ontario Ministry of Natural Resources or Conservation Authority, as appropriate, regarding specific fisheries timing window restrictions.

3. Construct cribs in an open faced manner and fill with large rocks that provide crevices for fish and other small organisms to use. Leave enough space between cribs (two metres / 6.7 ft or more) and locate them at least two metres from the ordinary high water mark (see definition below) to allow near shore water to circulate. The construction of boathouses above the ordinary high water mark is strongly encouraged in order to minimize impacts to fish habitat.

4. Materials (e.g., rock, logs) to build the dock should not be taken from the shoreline, from below the ordinary high water mark (see definition below) or from the lake or river bottom. Use clean materials that are free of dirt.

5. If rocks, stumps or logs need to be moved on the lake or river bottom or shoreline to build the dock, they are relocated to an area of similar depth adjacent to the dock and not removed altogether from the bottom or shoreline.

6. The entry of sediments from the construction site into the water body can harm fish and fish habitat. Ensure that the appropriate sediment and erosion control measures (i.e. silt fences) are in place before you start dock construction, particularly on sites with erodible soils such as sand and clay.

   6.1. You and/or your contractor should inspect sediment and erosion control measures regularly during the course of construction and make all necessary repairs if any damage is discovered (e.g., you see silt or sediment entering the water).

   6.2. Avoid doing work during wet and rainy periods.

DOCK AND BOATHOUSE CONSTRUCTION

VERSION 2.0
Valid until March 31, 2007

7. Use naturally rot-resistant, untreated materials (e.g. cedar, hemlock, rocks, plastic) as supports for dock structures that will be submerged in water and preferably for structures above water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.

   7.1. If treated lumber is to be used for dock structures above water, it should be environmentally-friendly (see definition below).
   7.2. Cut, seal and stain all lumber away from the water using only environmentally-friendly stains (see definition below). All sealed and stained lumber should be completely dry before being used near water.
   7.3. Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.

8. Whenever possible, construct the dock either from a barge or float on the water or through the ice instead of using machinery from the bank of the water body. For crib dock construction, please contact your local Ministry of Natural Resources or Conservation Authority Office to determine whether work should occur outside of the timing window described in Measure 2.

9. Operate machinery from outside of the water and in a manner that minimizes disturbance to the banks of the water body.

   9.1. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
   9.2. Wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent deleterious substances from entering the water.
   9.3. Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.

10. If a concrete abutment is needed to secure your dock to land, install it entirely on land, above the ordinary high water mark (see definition below). The concrete is to be pre-cast and cured away from the water before use to prevent seepage of potentially toxic substances into the water body.

11. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants may be necessary to access the construction site. This removal should be kept to a minimum.

12. Vegetate any disturbed areas by planting and seeding preferably native trees, shrubs or grasses and cover such areas with mulch to prevent soil erosion and to help seeds germinate. If there is insufficient time in the growing season remaining for the seeds to germinate, stabilize the site (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetate the following spring.

13. Maintain effective sediment and erosion control measures until complete re-vegetation of disturbed areas is achieved.

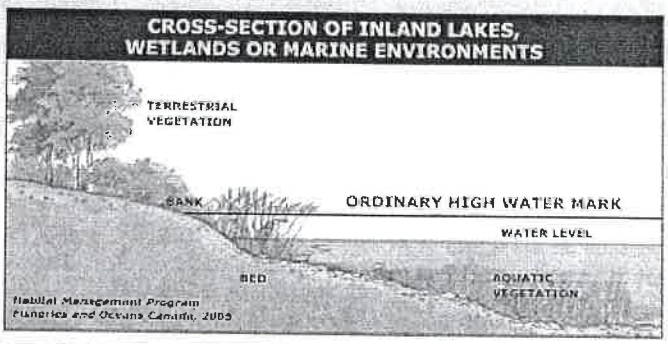
If you would like more detailed information on fish-friendly dock construction and maintenance practices to help you plan your project, please refer to the following document:

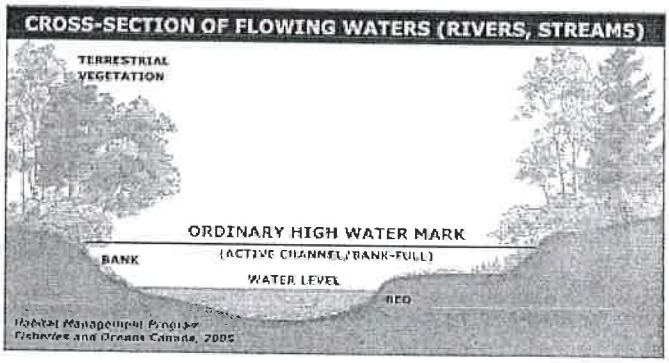
The Dock Primer - A Cottager's Guide to Waterfront-Friendly Docks
http://www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/guides/dock-primer/dock1_e.asp (Ontario Edition)
The "Dock Primer" contains additional helpful information. It also states that all docks must be reviewed. Please note however, that projects following this Operational Statement will not need DFO review.

Definitions:

Ordinary high water mark – The usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands or marine environments it refers to those parts of the water body bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs this refers to normal high operating levels (Full Supply Level). For the Great Lakes this refers to the 80th percentile elevation above chart datum as described in DFO's *Fish Habitat Fact Sheet #T-6*.

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





DOCK AND BOATHOUSE CONSTRUCTION

VERSION 2.0
Valid until March 31, 2007

FISHERIES AND OCEANS CANADA OFFICES IN ONTARIO

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

Sarnia
Fisheries and Oceans Canada
201 Front Street North, Suite 703
Sarnia, ON N7T 8B1
Telephone: (519) 383-1821
Fax: (519) 383-0699
Email: ReferralsSarnia@DFO-MPO.GC.CA

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

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

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

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

Sault Ste. Marie
Fisheries and Oceans Canada
Great Lakes Forestry Centre
1219 Queen Street East
Sault Ste. Marie, ON P6A 2E5
Telephone: (705) 941-2039
Fax: (705) 941-2013
Email: ReferralsSaultSteMarie@DFO-MPO.GC.CA

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

Aussi disponible en français.
www.dfo-mpo.gc.ca/canwaters-eauxcan/

NOTIFICATION FORM

Ontario Operational Statement Habitat Management Program

VERSION 2.0
Valid until March 31, 2007

PROPONENT INFORMATION

NAME:
STREET ADDRESS:
CITY/TOWN: PROVINCE/TERRITORY: POSTAL CODE:
TEL. NO. (RESIDENCE): TEL. NO. (WORK):
FAX NO: EMAIL ADDRESS:

CONTRACTOR INFORMATION (provide this information if a Contractor is working on behalf of the Proponent)

NAME:
STREET ADDRESS:
CITY/TOWN: PROVINCE/TERRITORY: POSTAL CODE:
TEL. NO. (RESIDENCE): TEL. NO. (WORK):
FAX NO: EMAIL ADDRESS:

PROJECT INFORMATION

Select Operational Statements that are being used (check all applicable boxes):

- ☐ Beach Creation
- ☐ Beaver Dam Removal
- ☐ Bridge Maintenance
- ☐ Clear-Span Bridges
- ☐ Culvert Maintenance
- ☐ High-Pressure Directional Drilling
- ☐ Dock and Boathouse Construction
- ☐ Ice Bridges
- ☐ Isolated Ponds
- ☐ Overhead Line Construction
- ☐ Underwater Cables
- ☐ Punch & Bore Crossing

Select the type of water body at or near your project:

- ☐ River, Stream, Creek
- ☐ Lake (8 hectares or greater)
- ☐ Pond or wetland (pond is less than 8 hectares)
- ☐ Estuary
- ☐ Marine (Ocean or Sea)

Location of the Project(s) (fill out this section if the project location is different from Proponent Information; append multiple project locations on an additional sheet if necessary)

Name of Water body

Coordinates of the Project (UTM co-ordinate or Degrees, Minutes, Seconds), if available

Easting: Northing:
Latitude: Longitude:

Legal Description
(Plan, Block, Lot, Concession, Township)

Directions to Access the Project Site
(i.e., Route or highway number, etc.)

Proposed Start Date
(YYYY/MM/DD):

Proposed Completion Date
(YYYY/MM/DD):

We ask that you notify Fisheries and Oceans Canada (DFO), preferably 10 working days before starting your work, by filling out and sending in, by mail or by fax, this notification form to the DFO office in your area (see Ontario DFO office list). This information is requested in order to evaluate the effectiveness of the work carried out in relation to the Operational Statement.

I, _____ (print name)
certify that the information given on this form is, to the best of my knowledge, correct and complete.

_____ _____
Signature **Date**

Note: If you cannot meet all of the conditions and cannot incorporate all of the measures in the Operational Statement then your project may result in a violation of Subsection 35(1) of the *Fisheries Act* and you could be subject to enforcement action. In this case, you should contact your Conservation Authority, or the DFO office in your area (see Ontario DFO office list), or Parks Canada if the project is located within its jurisdiction, including the Trent-Severn Waterway and the Rideau Canal, if you wish to obtain more information on the possible options you should consider to avoid contravention of the *Fisheries Act*. For activities carried out under the *Crown Forest Sustainability Act* or for provincial highway undertakings, the requirements of this Operational Statement are addressed through existing agreements and the Ontario Ministry of Natural Resources is the first point of contact.

Information about the above-noted proposed work or undertaking is collected by DFO under the authority of the *Fisheries Act* for the purpose of administering the fish habitat protection provisions of the *Fisheries Act*. Personal information will be protected under the provisions of the *Privacy Act* and will be stored in the Personal Information Bank DFO-CSI-605. Under the *Privacy Act*, individuals have a right to, and on request shall be given access to, any personal information about them contained in a personal information bank. Instructions for obtaining personal information are contained in the Government of Canada's Info Source publications available at www.infosource.gc.ca or in Government of Canada offices. Information other than "personal" information may be accessible or protected as required by the provisions of the *Access to Information Act*.

Aussi disponible en français. **www.dfo-mpo.gc.ca/canwaters-eauxcan/**

Fisheries and Oceans Canada | Pêches et Océans Canada



Canada

Katarzyna Sliwa
Partner

kat.sliwa@dentons.com
D +1 416 863 4628

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

Schedule D to PL-2026-012

January 19, 2026

Sent Via E-mail: info@seguin.ca

Craig Jeffery
Municipal Clerk
Township of Seguin
5 Humphrey Drive
Seguin, ON,
P2A 2W8

Dear Mr. Jeffery and Members of Council:

Re: Zoning By-law Amendment Application and Consent Application (R-2025-0014-F & B-2025-0029-30-F) (the "Applications")
FOLEY CON 10 PT LOT 6 RP 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2 (the "Subject Lands")
Franklin Jacques (the "Applicant")

We are lawyers representing several landowners surrounding Faris Lake and neighbouring the Subject Lands, namely Anna and Ross Barrett, Philip W.H. and Eva West, Kane and Carissa Moser, Walter, Peter, and Marina Engelking, and Allan and Betty Hubbell (collectively, the "Neighbouring Landowners"). We write to provide a formal submission in opposition to the proposed Applications for the Subject Lands located adjacent to Highway No. 518 with frontage on Faris Lake.

We respectfully request that this letter be included in the Public Meeting materials for February 2, 2026, and forwarded to Council in advance of its consideration of the Applications. Please add me and my colleague Alan Han (alan.han@dentons.com) to the circulation list for any meetings, reports, and/or decisions as it relates to the Applications.

Overview of the Proposal and Basis of Opposition

As we understand, the proposal seeks to sever and rezone the Subject Lands to create three parcels:

- One (1) new rural backlot of approximately 7 hectares; and,
- Two (2) shoreline lots of approximately 1.3 and 1.6 hectares each.

One shoreline lot would be retained, and two new lots would be created. As part of the proposal, an island on Faris Lake of approximately 0.4 hectares, privately owned by the Applicant, is proposed to be conveyed to the Township and rezoned to Open Space, ostensibly to offset the creation of additional shoreline development.

Puyat Jacinto & Santos ► Link Legal ► Zaanouni Law Firm & Associates ► LuatViet ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

The Neighbouring Landowners have significant concerns with the Applications and the impact on Faris Lake. For the reasons outlined below, the Applications fail to have regard to Section 51(24) of the *Planning Act*, are inconsistent with Provincial Planning Statement 2024 ("PPS"), and do not conform to the Township of Seguin Official Plan (the "Official Plan").

1. The Application will increase phosphorus levels at Faris Lake, which is a High Sensitivity Lake

Appendix I of the Official Plan classifies Faris Lake as a high sensitivity lake. For high sensitivity lakes, Policy B.3.1.1.3 provides that any new development is subject to the submission of a Site Evaluation Report and that Council shall not permit new development that would result in the lowering of water quality of the lake above its modeled total phosphorus background level, plus 50%.

The Riverstone Site Evaluation Report ("SER"), dated January 2025, submitted with the Applications acknowledges that the shoreline along Faris Lake is at capacity. It erroneously says that Faris Lake has moderate sensitivity to phosphorus, despite the Official Plan classifying the lake as high sensitivity. The SER does not appear to provide on-site testing or a detailed analysis of potential for phosphorus levels increasing. Accordingly, the SER is either wrong or outdated, and conflicts with the Official Plan. Council cannot rely on a study that is inconsistent with the Township's own lake classification. The Neighbouring Landowners rely on the lake for clean drinking water, not just for recreational activities. Many are all season residents. These Applications have the potential to significantly impact Faris Lake and the quality of the lake water, which is crucial for the local residents.

2. The net carrying capacity at Faris Lake is already exceeded

Appendix III of the Official Plan establishes a recreational carrying capacity of five (5) residential units for Faris Lake. Both the Applicant's Planning Justification Report ("PJR") and the SER acknowledge that Faris Lake is at capacity. The supporting materials for the Applications fail to mention that there are already 10 residential lots around Faris Lake, and that these Applications would create a 11th lot. The proposed rural backlot should be counted as a 12th lot for the purposes of analyzing the carrying capacity and impact on Faris Lake as it would impact phosphorus and rely on the lake for servicing.

3. The island is not a viable residential lot to offset the proposed new unit(s) along Faris Lake

The Applications significantly rely on the proposed dedication of the privately owned island to the Township to justify the creation of additional shoreline lots, on the basis that the island is a "developable parcel" and therefore constitutes a "residential unit". Currently the island is not a developable lot because the island does not meet the frontage and area requirements in the Official Plan for residential development and it does not meet setback and servicing requirements in the Zoning By-law to constitute a developable residential lot.

The island does not meet the Official Plan requirements for island residential development as Policy C.3.1.3.1(b) requires that all residential development on islands have a minimum frontage of 120 metres and an area of 1.2 hectares. At approximately 0.4 hectares in area, the island is not a developable residential lot as of right and cannot reasonably be relied on to offset the additional lot(s) proposed through the Applications. Appendix A of the Official Plan further sets out a minimum 200 metre frontage requirment for lots at Faris Lake. The island does not meet this standard.

The setback and servicing requirements of the Zoning By-law do not permit a viable building envelope on the island. The PJR, on page 10, depicts a purported "building envelope" labelled at 1,300 m² located centrally on the island based on the application of 20-metre setbacks required by the Zoning By-law, and relies on this illustration to conclude that the island constitutes a viable building lot. However, based on the scale of the drawing, the area of the illustrated "building envelope" is in fact only approximately 40 m², not 1,300 m² as suggested. When considered in conjunction with its highly irregular shape, this area is clearly insufficient to accommodate residential development and cannot reasonably be regarded as a viable building envelope, notwithstanding the conclusions reached in the PJR.

Further, the PJR in fact misapplies the Zoning By-law setback provisions. The setbacks shown are measured from the outer edges of the island, whereas the island is subject to split zoning. Specifically, the western portion of the island is zoned Environmental Protection (EP), while the eastern portion is zoned Limited Service Residential (LSR). For ease of reference, the island is outlined in red on the zoning map below to illustrate the boundary of the split zoning. Pursuant to Section 3.6(v) of the Zoning By-law, where a lot is divided into two or more zones, the zone boundary is deemed to be a lot line for the purpose of calculating required setbacks, and each portion of the lot must comply with the provisions applicable to its respective zone. Accordingly, the required 20-metre setback must be measured from the boundary of the LSR zone rather than from the exterior limits of the island. When this provision is correctly applied, no building envelope remains within the LSR-zoned portion of the island.



Lastly, Section 4.1.6.1 of the Zoning By-law requires that private sewage systems be located a minimum of 20 metres from a waterway, navigable water, or shoreline. Accordingly, any viable building envelope must be of sufficient size and configuration to accommodate not only the principal building but also the accompanying sewage disposal system. In this instance, no such building envelope exists on the island. On this basis, the island cannot be considered a developable lot.

The Applicant would need an official plan amendment and a zoning by-law amendment to develop the island for residential use. Accordingly, the offer to dedicate the island is a fallacy and does not represent removal of a viable developable lot or residential unit. Rather, the Applications result in a net increase in shoreline development, contrary to the 5-lot carrying capacity established in the Official Plan and the lake capacity protection objectives in Section B.3.3.

4. The Applications fail to demonstrate that lake capacity can sustain additional lots

Policy B.12.2.4 of the Official Plan requires that new waterfront lots only be permitted where it is demonstrated to the satisfaction of Council that the abutting waterbody can sustain the impact associated with the additional lot(s) and shall not exceed the lower, or most precautionary, of the recreational or biological capacity of the waterbody. This is not addressed by the Applicant in the submission materials. The proposed rural backlot should also be included in this analysis due to its proximity to the lake, reliance on the lake for servicing and potential impacts to the waterbody.

5. Backlot development is expressly discouraged by the Official Plan

The creation of a new rural backlot within proximity to Faris Lake is expressly discouraged by Policy B.12.2.4(c) of the Official Plan. While the policy allows limited consideration of backlot development, the Township's stated intent is to restrict this form of development around sensitive lakes. Further, servicing the backlot, particularly if reliant on Faris Lake, would place additional strain on an already at-capacity lake system**.**

6. The minimum lot frontage requirements are not met

Appendix I of the Official Plan sets a minimum 200 metre frontage requirement for lots at Faris Lake. We interpret this to be a minimum requirement for shoreline frontage. This is further reinforced by the SER, which states in Section 1 Background that Faris Lake has "a minimum shoreline frontage of 200 m for new lot creation (see Appendix 1, Township of Seguin Official Plan)". The shoreline frontages of each proposed waterfront lot does not meet this standard, as each is proposed to be approximately 173.4 metres and 108.5 metres.

7. Traffic and Access Concerns

The PJR includes attachments of correspondence from the Ministry of Transportation ("MTO"). The MTO says that it has "no objections to the proposed severances, on the understanding that there will be no net increase in additional lots gaining access via Hawksview Lane. No new entrances to Highway 518 are supported. The Ministry will not support any additional lot development that will increase the traffic, at the Hawksview Lane intersection, with the Highway beyond its capacity to safely accommodate".

This proposal would create additional lots with access from Hawksview Lane. MTO does not support the creation of such additional lots as this will bring Highway 518 above a capacity that it can safely accommodate. The Official Plan Policy B.12.2.1(f) requires that new lots created by consents to "not cause a traffic hazard". The Applications do not meet the traffic and safety standards set out by MTO and in the Official Plan.

8. Environmental and Ecological Impacts

The Official Plan, in Policies B.12.2.1(h) to (o), requires that new lot creation not negatively impact natural heritage features, species at risk, wetlands, drainage patterns, or water quality. The SER acknowledges the lake is at capacity and identifies multiple environmental features, such as species at risk and wetlands on the Subject Lands. The Applications do not consider how further development along Faris Lake will affect the integrity of ecological features of the lake and surrounding area. There are several endangered, threatened and at-risk species and their habitats observed by the Neighbouring Landowners in and around the lake.

9. Restrictive Covenant

In July 2016 the Applicant provided a restrictive covenant to one of the Neighbouring Landowners as it relates to the Subject Land. The restrictive covenant restricts buildings, docks, decks, tree clearing, and septic systems within a section of the Subject Lands. The restrictive covenant represents a commitment by the Applicant to not further develop the same lands it now proposes to develop.

10. Non-Compliance with the Planning Act and Provincial Policy

The proposed Applications do not comply with the requirements of the *Planning Act* and are inconsistent with the Provincial Planning Statement, 2024 (“PPS”).

Pursuant to Section 53(12) and 51(24) of the *Planning Act*, when considering consent applications to sever lands, Council must have regard to matters including conformity with the Official Plan, the suitability of the land for the proposed division, the adequacy of servicing, and the conservation of natural resources. The applications fail to satisfy the criteria for the following reasons:

1. The Applications do not conform to the Township of Seguin Official Plan policies as outlined throughout this letter respecting lake sensitivity, recreational carrying capacity, and the strong discouragement of backlot development, contrary to section 51(24)(c).

2. Faris Lake is identified as a highly sensitive lake and is acknowledged by the Applicant to be at capacity. The creation of additional shoreline and backlot lots therefore raises concerns regarding the suitability of the land for further division under section 51(24)(d).

3. The Applications do not adequately demonstrate that additional development can be accommodated without adverse impacts to the lake ecosystem. The Applications fail to adequately address the conservation of natural resources, ecology, species, habitat and the protection of water quality, including as required by section 51(24)(h).

4. The Applications do not adequately demonstrate that additional lots can be serviced without adverse impacts to lake water quality, contrary to section 51(24)(i).

The Applications are not consistent with the PPS including:

1. Section 4.1 requires protection, maintenance, restoration, or improvement of natural heritage systems and surface water features, including lakes and hydrologic functions. The Applications do not demonstrate that additional development can occur without negatively impacting these features.

2. Section 4.2 requires protection, improvement, or restoration of quality and quantity of water by minimizing negative impacts to watershed and protecting drinking water supplies. This section further provides that planning authorities shall ensure consideration of environmental lake capacity, as applicable. The Applications, as outlined throughout this letter, will bring Faris Lake over capacity and have potential negative impacts to water quality that are inadequately addressed.

3. Section 3.6.1 requires that planning for sewage and water services be integrated with land use planning and protect water quality and quantity. The Applications do not sufficiently demonstrate how additional private servicing can be accommodated without environmental risk.

Conclusion

Overall, the Applications represent an incremental intensification of development around a highly sensitive lake which is over capacity for development. The Applications do not conform with and are not consistent with the policies of the Township's Official Plan and the PPS. The proposed dedication of the island does not offset the impacts of additional shoreline and backlot development, and the Applications fail to adequately demonstrate conformity with lake capacity, environmental protection, and traffic safety policies. Faris Lake is now well over the 5-lot carrying capacity. When the Applicant proposed previous applications in 2006, Township's staff raised concerns and recommended refusal. Those concerns are only further exacerbated today with the lake being high sensitivity. For all of the above reasons, the Applications do not represent good planning and should not be approved.

We respectfully request that municipal staff not support the proposed Applications and that Council refuse the Applications.

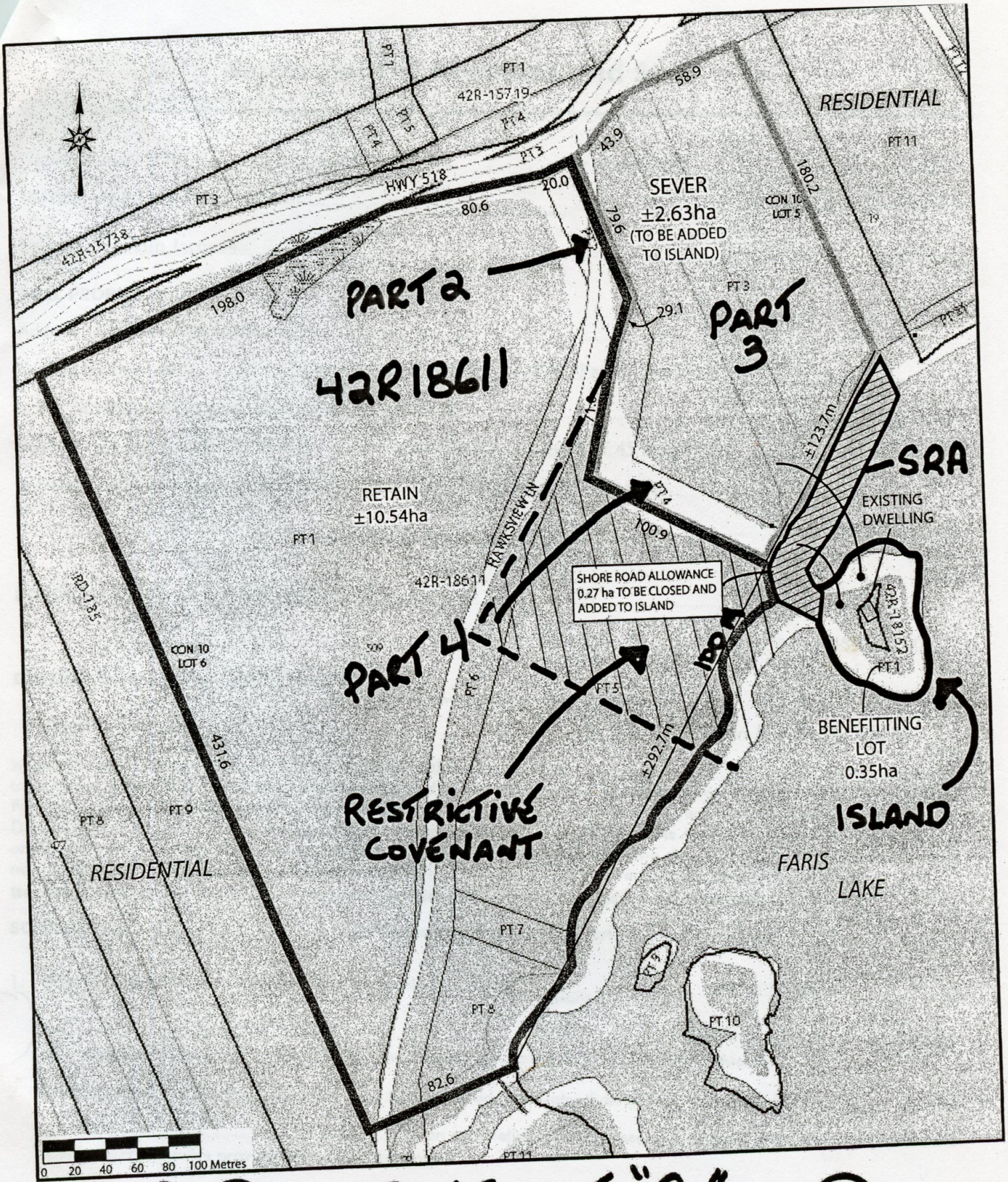
Yours truly,

Dentons Canada LLP



Katarzyna Sliwa
Partner

Copy: Clients
Township of Seguin Planning via planning@seguin.ca



BUYERS

SCHEDULE "C"

SELLER

Outlook

Fw: To Craig Jeffery, Municipal Clerk, re Jacques Zoning Amendment

From info <info@seguin.ca>
Date Tue 1/20/2026 11:30 AM
To Craig Jeffery <cjeffery@seguin.ca>; Andrea Spinney <aspinney@seguin.ca>
Cc Taylor Elgie <telgie@seguin.ca>; Planning <planning@seguin.ca>

2 attachments (4 MB)
Faris Lake Property Owners Letter of Objection.pdf; Schedule C-Restrictive Covenant.jpg;

Township of Seguin
(705) 732-4300

From: Allan & Betty Hubbell <abhubbell1980@gmail.com>
Sent: January 20, 2026 10:49 AM
To: info <info@seguin.ca>
Subject: To Craig Jeffery, Municipal Clerk, re Jacques Zoning Amendment

You don't often get email from abhubbell1980@gmail.com. Learn why this is important

76 Ann St.,
Box 215,
Thamesville, ON
abhubbell1980@gmail.com
Jan. 20, 2026

To: Clerk Craig Jeffery,
and Municipal Councillors,
Seguin Township, ON
info@seguin.ca

RE: Amendment to Zoning By-Law (R-2025-0014-H) and Application for Consent (B-2025-0029-30-F) regarding subject lands: FOLEY CON 10 PT LOT 6 RP 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2 (Roll No. 4903-030-003-00605)

Dear Mr. Jeffery and all Members of Council,

This letter is to express our objection to an Amendment to Zoning By-law and Application for Consent, submitted by owner Franklin Jacques, regarding the above referenced subject lands.

We are owners of an adjoining lot, (Part Lot 6, Con 10, Foley Parts 3,4 on Plan 42R18611, Part 1, Plan 42R 17258, Part 1, Plan 42R18152), 5 Hawksview Lane, Seguin, ON.

We support the concerns of other Faris Lake property owners, as outlined in the accompanying letter drawn up by Katarzyna Silwa, Partner with Dentons Canada LLP. We feel very fortunate to own our small property in Seguin Township, where restrictions are in place to protect drinking water and recreational activities for people, and habitat for fish, insects, wildlife, trees and native flora. We take this opportunity to express our appreciation for your part in upholding the existing standards as referenced in the accompanying letter.

We would like to emphasize item number 9, the Restrictive Covenant, as it is of particular concern.

Our property was purchased from Franklin Jacques in 2016. A condition of the purchase, agreed upon by Frank, was a restrictive covenant preventing development of a portion of Frank's adjoining property. Our notes from our conversation with Frank at the time, are a reminder that he readily agreed to this restrictive covenant, allowing the purchase to go through, as "the lake is already closed off to severances ".

From The agreement of Purchase and Sale:
"The seller agrees to place a Restrictive Covenant on the retained parcel 100 metres along the shoreline as shown on attached Schedule C. This covenant will restrict any buildings, docks, decks, tree clearing, and septic from being built on this section of the retained parcel."

Upon closing the deal, our lawyer, Lisa M. Lund Professional Corporation, of Parry Sound, confirmed the establishment of the Restrictive Covenant, as such: **"You will recall that it was a term of the Agreement of Purchase and Sale that the Seller register a Restrictive Covenant against the abutting lands described as Part 2, Plan 42R-20512 forbidding the erection of any structures, septic systems or the clearing of any trees. Said Instrument was registered as #GB93608 on July 18th, 2016."**

Please find attached the referenced Schedule C, showing the area of the Restrictive Covenant.

As you are aware, Restrictive Covenants "run with the land", as legally binding obligations that stay attached to the property, not the Promiser. We therefore suggest that the requested proposal to sever and develop this area should be prevented.

Thank you for your time and consideration regarding this issue,
Yours,
Allan & Betty Hubbell
abhubbell1980@gmail.com
519-359-6272

Please see attached: Faris Lake Property Owners Letter of Objection and Schedule C-Restrictive Covenant

Peter and Marina Engelking
141 Deloraine Avenue
Toronto, Ontario
M5M 2B1
peter.engelking@gmail.com
marina.engelking@gmail.com

January 20, 2026

Craig Jeffery
Municipal Clerk
Township of Seguin
5 Humphrey Drive
Seguin, ON, P2A 2W8

Sent via Email to: info@seguin.ca

Re: Zoning By-law Amendment Application and Consent Application (R-2025-0014-F & B-2025-0029-30-F) (the "Application")
FOLEY CON 10 PT LOT 6 RP 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2 (the "Subject Lands)
Frank Jacques (the "Applicant")

Dear Mr. Jeffery:

We are writing in opposition to the above noted Application for a Zoning By-law Amendment and Consent. We ask that this letter be distributed to the assigned Planning reviewer and Council for their consideration prior to the public meeting on February 2, 2026 and included in the informational materials provided for the meeting. Please add us to the circulation list for any meetings, reports, and/or decisions as they relate to the Applications.

We are the owners of two properties on Faris Lake: (1) our seasonal cottage at 24 Engelking Lane and (2) a vacant shoreline lot which is identified as CON 10 PT LOT 5 RP 42R13719 PART 1 & RP 42R13864 PART 1 TOGETHER WITH R-O-W. Our seasonal cottage was built in 1995, but the properties have been in our family since 1965.

Existing and Proposed Development on Faris Lake

Faris Lake

Faris Lake is currently classified as having high sensitivity in Appendix I of the Official Plan. Appendix III of the Official Plan specifies the carrying capacity of Faris Lake to be five (5) recreational residential units. There are currently ten (10) shoreline lots on the lake, including two (2) permanent residences, five (5) seasonal residences and three (3) vacant lots. There is also a small island at the west end of the lake that is owned by the Applicant. Due in part to its high sensitivity, Faris Lake has a minimum shoreline frontage requirement of 200m as noted in Column 3, Appendix I of the Official Plan.

Application Proposal

The Application proposes to sever an additional shoreline lot and a backlot from the Subject Lands. The proposal offers to surrender the assumed building rights on the Applicant's small island at the west end of the lake in exchange for allowing a new building lot on shore. The existing shoreline lot has a frontage of approximately 282m. The two proposed new shoreline lots have frontages of 108.5m on the east lot and 173.4m on the west lot. Because neither proposed shoreline lot meets the minimum shoreline requirement of 200m, both are non-complying.

A. The island offered for exchange is not a viable building lot. Therefore, the proposed severance increases the number of building lots on the lake.

Building Envelope

The island is an existing lot owned by the Applicant, but it exists as a separate lot only by virtue of being naturally separated from the shore. According to the current Seguin Zoning Map, the west half of the island is zoned EP, and the east half of the island is zoned LSR. Section 3.6 (v) of the Zoning By-law states the following:

> *Where a lot falls into two or more Zones the Zone boundary dividing the lot shall be deemed to be a lot line for purposes of calculating required setbacks, and each portion of the lot shall be used in accordance with the provisions of this By-law for the applicable Zone.*

In this case, no part of the island is more than 20m from shore or an EP Zone, so it has no capacity for a building envelope of any size.

Requirements for Non-Complying Lots

The island is an existing non-complying lot as it does not meet the lot area and shoreline frontage requirements of the Zoning By-law. Section 4.17 (d) of the Zoning By-law, which speaks to non-complying lots, states the following:

> *Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with and provided that a sewage disposal system can be installed on the lands.*

In this case, even if the island were not in an EP zone, it does not comply with all other applicable provisions of the Zoning By-law because it does not meet the minimum requirements for shoreline setbacks and cannot support sewage disposal system as explained below.

Setback requirements**:**

The island does not have the capacity for a building envelope of sufficient size within the 20m setback from the shore. The scale illustration of the island provided in the Application shows a potential irregular building envelope that is mistakenly labeled as 1,300m^2. The actual total area outside the 20m setback from shore scales to approximately 40m^2. For clarity of scale and perspective, we attach a sketch with a scale outline of a small 6m x 9m (54m^2) building superimposed on it. Due to the small size and irregular shape of the land parcel, there is not enough room in the available building envelope to construct any type of building with a useful size or shape.

Sewage disposal system requirements**:**

The island is a rock outcrop on the lake with very little overburden that is located entirely in or within 20m of a sensitive EP Zone. It does not meet the minimum 20m setback requirement or have suitable topography for a septic or sewage treatment system. It also does not have the capacity for a holding tank as there is no possibility to access the island to regularly maintain it or pump it out. The island, therefore, does not have the capacity for a sewage disposal system as required by section 4.17 (d) of the Zoning Bylaw.

B. The Site Evaluation Report (SER) is not relevant to the creation of a new building lot.

The SER included in the Application is not applicable for new development on the lake. As explained above, severing the Subject Lands to create two shoreline lots would increase the total number of building lots on the lake. The SER, however, does not acknowledge this increase. Instead, it makes recommendations with respect to the internal capacity of the Subject Lands for additional development but dismisses any potential environmental impacts on the lake, stating that such impacts would be offset by the surrender of building rights on the Applicant's island. It also characterizes Faris Lake as having moderate sensitivity, despite Appendix I of the Official Plan classifying it as high sensitivity. The SER is not relevant to the scope of the Application because it does not address the creation of an additional building lot on the lake.

Conclusion

The Application attempts to create an additional building lot on Faris Lake. With ten existing lots on the lake, the shoreline is already developed to double the carrying capacity allowed in the Official Plan. It proposes to exchange presumed building rights on the Applicant's island for new shoreline building permissions. However, according to the Zoning By-law, the island does not have the recognized building rights. With no rights to transfer, the Application lacks validity and does not demonstrate compliance with the Official Plan or the Zoning By-law. For these reasons, we ask that the Application be denied.

Sincerely,

Peter Engelking

Marina Engelking

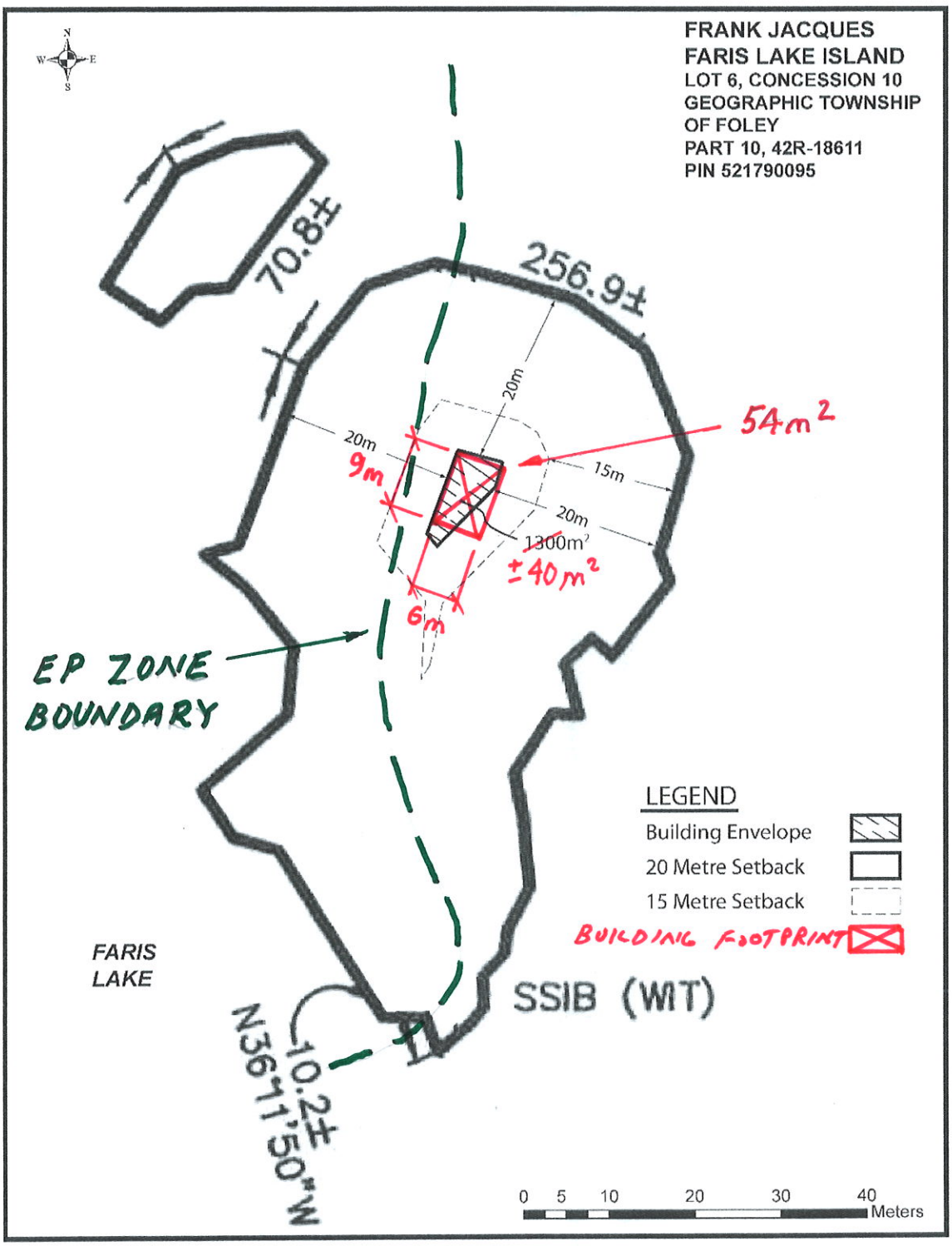
Attachment: Sketch of building footprint on island

MATTERS UNDER SECTION 51(24)

Section 51(24) of the Planning Act sets out criteria for land divisions.

Section	Criteria	Compliance
51 (24)	**b)** whether the proposed subdivision is premature or in the public interest	The proposal will comply with the Seguin official plan subject to the island swap and rezoning.

The island is a viable building lot and the dedication to a public open space use will negate any increase in parcels on the lake.



Outlook

Fw: Zoning By-Law Amendment Application: R-2025–0014–F and Consent Application:B-2025–0029–30-F

From info <info@seguin.ca>
Date Wed 1/21/2026 8:47 AM
To Craig Jeffery <cjeffery@seguin.ca>; Andrea Spinney <aspinney@seguin.ca>
Cc Taylor Elgie <telgie@seguin.ca>; Planning <planning@seguin.ca>

Township of Seguin
(705) 732-4300

From: Wally Engelking <wally.engelking@gmail.com>
Sent: January 20, 2026 6:01 PM
To: info <info@seguin.ca>
Cc: Wally Engelking <wally.engelking@gmail.com>
Subject: Zoning By-Law Amendment Application: R-2025–0014–F and Consent Application:B-2025–0029–30-F

[You don't often get email from wally.engelking@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Craig Jeffery, Council Members and Planning
Township of Seguin

I would like to express my opposition to both of these applications.

I Walter Engelking, am an adjacent land owner represented in Denton's letter dated January 19, 2026.

I have two additional concerns that supports the denial of these applications.

1. The official plan speaks to D.8 Narrow Waterbodies where, in paragraph three it reads:

Where lot creation is proposed in narrow water bodies, larger lot frontages shall be required to maintain the character of the shoreline.

On Schedule C to the official plan it identifies most part of the shoreline frontage with the exception of the most easterly 50m (as it relates to to the proposed application) as narrow waterbodies.

Since Faris Lake has a minimum frontage requirement of 200m due to its high sensitivity, additional frontage required to increase these distances would make the proposed 173m and 108m frontages completely unacceptable and support denial of this application.

2. I strongly oppose the conveyance of the island to the municipality as open space public municipal land.

My question would be, does the municipality have any interest in taking on potential liability associated to its use by the public? If this island is a viable and valuable public space it would only seem sensible to provide public access and facilities to provide lake access, boat ramp, parking, and sanitary provisions similar to other public water access points. As well, perhaps a publicly maintained municipal road(constructed to the township standards) should be constructed in from Highway 518 to accommodate the use of the island. The cost of this would not make sense for the municipality or the applicant in either case.

In conclusion, the value of this tiny island is many times greater a liability than it is an asset, and I encourage council to deny the

application based on this rationale.

Craig could you please forward this to everyone for me, and put me on the list for receiving any updates in regards to these applications.

Thank you.

Wally Engelking

19 Engelking Lane,
Seguin, Ontario,
P2A 0B2,
2025/01/21.

Craig Jeffery, Municipal Clerk
Mayor Ann MacDiarmid,
Councillor Ken Adams,
Township of Seguin
5 Humphrey Drive,
Seguin, ON,
P2A 2W8

Dear Mr. Jeffery, Ms. MacDiarmid, Mr. Adams and Members of Council:

RE: Zoning By-law Amendment Application and Consent Application (R-2025-0014-F & B-2025-0029-30-F) (the "Applications")
FOLEY CON 10 PT LOT 6 RP 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2 (the "Subject Lands")
Franklin Jacques (the "Applicant")

You have received a letter from lawyer Katarzyna Sliwa opposing the above noted applications. While the letter expresses our views in respect to the technical/legal perspective, we wanted to add a personal and environmental dimension to the rationale for our opposition, and why we see this application as a threat to the paradise that we now call home.

Our connection to Faris Lake goes back to 1965 when Eva's dad bought the central portion of land around the lake. For several years the off grid Engelking Cottage was the only structure on the lake. Eva, Peter and Walter spent the entirety of most summers here as children and were able to daily explore and come to know Faris Lake in its almost untouched form. Phil started coming here on weekends in 1972. Faris Lake played a central role in our childhood and development as people. It is has done the same for our children and is now again working its magic on our grandchildren. We have many fond memories of this pristine place and its serene and clean waters providing a safe place to swim, play, explore and protect.

Our bond and connection to Faris Lake is anchored by the plants and wildlife with which we share the shore and waters. The biodiversity is truly amazing. We make a point of protecting the various stands of milkweed so that the Monarch Butterflies have a place to lay eggs and food for larvae. Every year we have Snapping and Painted Turtles making the journey up our yard to lay their eggs. Last year we had five Snapping Turtle and three Painted Turtle mothers make their nests near our home which we protected with cages from Georgian Bay Biosphere. Most hatchlings made their way to the lake on their own, but we did help a few of them. We saw other turtles but did not see where they nested.

Other amphibians and reptiles include various garter snakes, water snakes, salamanders, different varieties of toads and frogs including bull frogs and the spring peepers and others that serenade us at night. Other families on the lake have seen Blandings Turtles, Eastern Hog Nosed Snakes and a Wolverine.

We have seen moose, bears, wolves, foxes, coyotes, deer, porcupines, pine martin, ermines, racoons, otters, beavers, chipmunks, red squirrels, grey squirrels including an albino grey squirrel, flying squirrels and bats. Beaver are always busy at the lake and can be seen every evening swimming from one side to the other.

Our feathered neighbours include Grouse, Turkey Vultures and many species of migrating birds including swans who dropped by one afternoon to rest and feed and flocks of Evening Grosbeaks. Hummingbirds enjoy the abundance all summer.

Predatory birds such as the Barred and Snowy Owl have been seen as well as a variety of hawks including Kestrels, Goshawks and Red-Tailed Hawks.

Water Birds include Canada Geese and every summer we host at least three couples and watch them raise their chicks to adult and capable birds by the end of the summer. The geese are joined by a variety of ducks including Common Mergansers, Hooded Merganzers, Wood Ducks, American Black Ducks, Buffleheads Ducks and Mallards. Loons were a regular summer visitor but disappeared for awhile. They have reappeared recently and we hope that they will return now as annual visitors who like the rest of us, have found Faris Lake a great place to raise young.

Wild turkeys inhabit the neighbourhood. The Blue Heron seems to find the fish, frogs or chipmunks he needs on Faris Lake. The Olive Sided Flycatchers and Phoebes help keep the mosquitos and blackflies in check as do the Dragonflies and Fireflies that follow them. A variety of pollinating bees, including Rusty Patch Bumble Bees make Faris Lake home.

At the end of this letter, we have created a list of species that we have been able to identify (and remember). Those that are protected, endangered, threatened or are of special concern are highlighted.

The SER report suggests that Faris Lake is not yet at capacity and is considered of "moderate sensitivity". It is in fact well over capacity and of "high sensitivity" as per the township's assessment. We are worried about the impacts on the lake by the creation of additional lots from the proposed severances.

We would welcome new environmentally sensitive building on the current available Faris Lake lots, and would welcome new neighbours if the applicant decided to sell his property or build on it and join our community, but we are strongly opposed to dividing up that property yet again in order to create more building lots accessing and drawing from the lake. As expressed by our lawyers we are concerned that Faris Lake, a pristine and beautiful place, cannot sustain the extra development. Like all our neighbours, both human and animal, we take our water from Faris Lake. It is Faris Lake that renews, refreshes and sustains us each day, and to which we have become deeply connected and committed. We hope that successive generations also have this pristine lake to enjoy and protect.

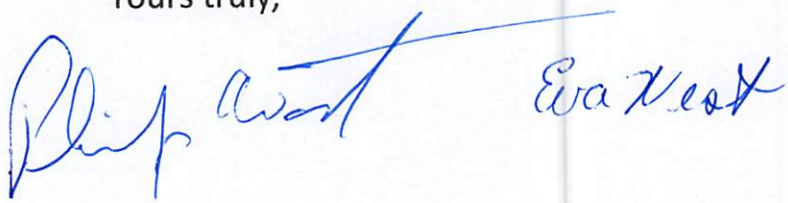
In contrast the applicant has shown by his past actions and by the current application that despite his family's long-standing interest in Faris Lake, his own interest is speculative and commercial. He has twice now built, severed and sold and the only purpose behind this requested subdivision of his property seems to be to sell it off piece by piece without regard to the health and well being of Faris Lake and all those who depend on it. We urge Council to reject this application given its failure to meet planning and zoning requirements and insufficient evidence that the proposed additional lots will not harm our "paradise".

Once the ice is off the water, we would be happy to escort you on a tour of the lake or take you to the island that the applicant proposes to gift to the township

in exchange for additional development rights on his remaining lot. You may use our boat and electric motor. We prefer no gasoline motors on the lake, and no boats that have recently been in other lakes so that there is no transfer of invasive species from other lakes.

We respectfully request that this letter be included in the Public Meeting materials for February 2, 2026, and forwarded to Council in advance of its consideration of the Applications. Please add me to the circulation list for any meetings, reports, and/or decisions as it relates to the Applications.

Yours truly,



Philip and Eva West

c.c. Councillor Ward 2 Mario Buszynski
Councillor Ward 3 Greg Getty
Councillor Ward 4 Terry Fellner
Councillor Ward 5 Ted Collins
Councillor Ward 6 Gail Finnson

BIRDS:

Ruffed Grouse

Wild Turkeys

Sandpipers

Cranes (heard only)

Olive Sided Flycatchers

Other Flycatchers

Tree Swallows

Robins

Blue Jays

Black Capped Chickadees

Dark Eyed Juncos

Red Breasted Nuthatches

White Breasted Nuthatches

Pine Grosbeaks

Rose Breasted Grosbeaks

Evening Grosbeaks

Purple Finches

American Goldfinches

Downy Woodpeckers

Hairy Woodpeckers

Pileated Woodpeckers

Flickers

Cardinals

Baltimore Orioles

Ruby-throated Hummingbirds

Various sparrows

Various wrens and warblers

Common Loons

Hooded Mergansers

Common Mergansers

Bufflehead Ducks

Wood Ducks

American Black Ducks

Great Blue Herons

Cormorants

Black birds

Brown Headed Cow Birds

Red Winged Black Birds

Eastern Blue Birds

American Crows

Northern Ravens

Kestrels

Red Tailed Hawks

Goshawks

Turkey Vultures

Barred Owls

Snowy Owls

Whip or Will (heard only)

Trumpeter Swans

Canada Geese

INSECTS:

Rusty patch bumble bees

Monarch Butterflies

Cloudless sulphur butterfly

Sphinx hummingbird moth

REPTILES AMPHIBIANS

Snapping Turtles

Painted Turtles

Blandings Turtle (neighbour saw)

Garter snakes

Water snakes

Eastern Hog nosed snake (neighbour saw)

Various Salamanders

Various toads and frogs

MAMMALS

Moose

Deer

Bears

Wolves

Coyotes

Red Foxes

Porcupines

Racoons,

Pine Martins,

Ermines

Otters

Beavers

Chipmunks

Red Squirrels

Grey Squirrels

Flying Squirrels

Various Bats

Wolverine (neighbour saw on ring camera)















DENTONS

Katarzyna Sliwa
Partner

kat.sliwa@dentons.com
D +1 416 863 4628

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

January 19, 2026

Sent Via E-mail: info@seguin.ca

Craig Jeffery
Municipal Clerk
Township of Seguin
5 Humphrey Drive
Seguin, ON,
P2A 2W8

Dear Mr. Jeffery and Members of Council:

Re: Zoning By-law Amendment Application and Consent Application (R-2025-0014-F & B-2025-0029-30-F) (the "Applications")
FOLEY CON 10 PT LOT 6 RP 42R18611 PARTS 1 2 6 7 8 PT PART 5 RP 42R20512 PART 2 (the "Subject Lands")
Franklin Jacques (the "Applicant")

We are lawyers representing several landowners surrounding Faris Lake and neighbouring the Subject Lands, namely Anna and Ross Barrett, Philip W.H. and Eva West, Kane and Carissa Moser, Walter, Peter, and Marina Engelking, and Allan and Betty Hubbell (collectively, the "Neighbouring Landowners"). We write to provide a formal submission in opposition to the proposed Applications for the Subject Lands located adjacent to Highway No. 518 with frontage on Faris Lake.

We respectfully request that this letter be included in the Public Meeting materials for February 2, 2026, and forwarded to Council in advance of its consideration of the Applications. Please add me and my colleague Alan Han (alan.han@dentons.com) to the circulation list for any meetings, reports, and/or decisions as it relates to the Applications.

Overview of the Proposal and Basis of Opposition

As we understand, the proposal seeks to sever and rezone the Subject Lands to create three parcels:

- One (1) new rural backlot of approximately 7 hectares; and,
- Two (2) shoreline lots of approximately 1.3 and 1.6 hectares each.

One shoreline lot would be retained, and two new lots would be created. As part of the proposal, an island on Faris Lake of approximately 0.4 hectares, privately owned by the Applicant, is proposed to be conveyed to the Township and rezoned to Open Space, ostensibly to offset the creation of additional shoreline development.

Puyat Jacinto & Santos ► Link Legal ► Zaanouni Law Firm & Associates ► LuatViet ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

The Neighbouring Landowners have significant concerns with the Applications and the impact on Faris Lake. For the reasons outlined below, the Applications fail to have regard to Section 51(24) of the *Planning Act*, are inconsistent with Provincial Planning Statement 2024 ("PPS"), and do not conform to the Township of Seguin Official Plan (the "Official Plan").

1. **The Application will increase phosphorus levels at Faris Lake, which is a High Sensitivity Lake**

Appendix I of the Official Plan classifies Faris Lake as a high sensitivity lake. For high sensitivity lakes, Policy B.3.1.1.3 provides that any new development is subject to the submission of a Site Evaluation Report and that Council shall not permit new development that would result in the lowering of water quality of the lake above its modeled total phosphorus background level, plus 50%.

The Riverstone Site Evaluation Report ("SER"), dated January 2025, submitted with the Applications acknowledges that the shoreline along Faris Lake is at capacity. It erroneously says that Faris Lake has moderate sensitivity to phosphorus, despite the Official Plan classifying the lake as high sensitivity. The SER does not appear to provide on-site testing or a detailed analysis of potential for phosphorus levels increasing. Accordingly, the SER is either wrong or outdated, and conflicts with the Official Plan. Council cannot rely on a study that is inconsistent with the Township's own lake classification. The Neighbouring Landowners rely on the lake for clean drinking water, not just for recreational activities. Many are all season residents. These Applications have the potential to significantly impact Faris Lake and the quality of the lake water, which is crucial for the local residents.

2. **The net carrying capacity at Faris Lake is already exceeded**

Appendix III of the Official Plan establishes a recreational carrying capacity of five (5) residential units for Faris Lake. Both the Applicant's Planning Justification Report ("PJR") and the SER acknowledge that Faris Lake is at capacity. The supporting materials for the Applications fail to mention that there are already 10 residential lots around Faris Lake, and that these Applications would create a 11th lot. The proposed rural backlot should be counted as a 12th lot for the purposes of analyzing the carrying capacity and impact on Faris Lake as it would impact phosphorus and rely on the lake for servicing.

3. **The island is not a viable residential lot to offset the proposed new unit(s) along Faris Lake**

The Applications significantly rely on the proposed dedication of the privately owned island to the Township to justify the creation of additional shoreline lots, on the basis that the island is a "developable parcel" and therefore constitutes a "residential unit". Currently the island is not a developable lot because the island does not meet the frontage and area requirements in the Official Plan for residential development and it does not meet setback and servicing requirements in the Zoning By-law to constitute a developable residential lot.

The island does not meet the Official Plan requirements for island residential development as Policy C.3.1.3.1(b) requires that all residential development on islands have a minimum frontage of 120 metres and an area of 1.2 hectares. At approximately 0.4 hectares in area, the island is not a developable residential lot as of right and cannot reasonably be relied on to offset the additional lot(s) proposed through the Applications. Appendix A of the Official Plan further sets out a minimum 200 metre frontage requirment for lots at Faris Lake. The island does not meet this standard.

The setback and servicing requirements of the Zoning By-law do not permit a viable building envelope on the island. The PJR, on page 10, depicts a purported "building envelope" labelled at 1,300 m² located centrally on the island based on the application of 20-metre setbacks required by the Zoning By-law, and relies on this illustration to conclude that the island constitutes a viable building lot. However, based on the scale of the drawing, the area of the illustrated "building envelope" is in fact only approximately 40 m², not 1,300 m² as suggested. When considered in conjunction with its highly irregular shape, this area is clearly insufficient to accommodate residential development and cannot reasonably be regarded as a viable building envelope, notwithstanding the conclusions reached in the PJR.

Further, the PJR in fact misapplies the Zoning By-law setback provisions. The setbacks shown are measured from the outer edges of the island, whereas the island is subject to split zoning. Specifically, the western portion of the island is zoned Environmental Protection (EP), while the eastern portion is zoned Limited Service Residential (LSR). For ease of reference, the island is outlined in red on the zoning map below to illustrate the boundary of the split zoning. Pursuant to Section 3.6(v) of the Zoning By-law, where a lot is divided into two or more zones, the zone boundary is deemed to be a lot line for the purpose of calculating required setbacks, and each portion of the lot must comply with the provisions applicable to its respective zone. Accordingly, the required 20-metre setback must be measured from the boundary of the LSR zone rather than from the exterior limits of the island. When this provision is correctly applied, no building envelope remains within the LSR-zoned portion of the island.



Lastly, Section 4.1.6.1 of the Zoning By-law requires that private sewage systems be located a minimum of 20 metres from a waterway, navigable water, or shoreline. Accordingly, any viable building envelope must be of sufficient size and configuration to accommodate not only the principal building but also the accompanying sewage disposal system. In this instance, no such building envelope exists on the island. On this basis, the island cannot be considered a developable lot.

The Applicant would need an official plan amendment and a zoning by-law amendment to develop the island for residential use. Accordingly, the offer to dedicate the island is a fallacy and does not represent removal of a viable developable lot or residential unit. Rather, the Applications result in a net increase in shoreline development, contrary to the 5-lot carrying capacity established in the Official Plan and the lake capacity protection objectives in Section B.3.3.

4. **The Applications fail to demonstrate that lake capacity can sustain additional lots**

Policy B.12.2.4 of the Official Plan requires that new waterfront lots only be permitted where it is demonstrated to the satisfaction of Council that the abutting waterbody can sustain the impact associated with the additional lot(s) and shall not exceed the lower, or most precautionary, of the recreational or biological capacity of the waterbody. This is not addressed by the Applicant in the submission materials. The proposed rural backlot should also be included in this analysis due to its proximity to the lake, reliance on the lake for servicing and potential impacts to the waterbody.

5. **Backlot development is expressly discouraged by the Official Plan**

The creation of a new rural backlot within proximity to Faris Lake is expressly discouraged by Policy B.12.2.4(c) of the Official Plan. While the policy allows limited consideration of backlot development, the Township's stated intent is to restrict this form of development around sensitive lakes. Further, servicing the backlot, particularly if reliant on Faris Lake, would place additional strain on an already at-capacity lake system.

6. **The minimum lot frontage requirements are not met**

Appendix I of the Official Plan sets a minimum 200 metre frontage requirement for lots at Faris Lake. We interpret this to be a minimum requirement for shoreline frontage. This is further reinforced by the SER, which states in Section 1 Background that Faris Lake has "a minimum shoreline frontage of 200 m for new lot creation (see Appendix 1, Township of Seguin Official Plan)". The shoreline frontages of each proposed waterfront lot does not meet this standard, as each is proposed to be approximately 173.4 metres and 108.5 metres.

7. **Traffic and Access Concerns**

The PJR includes attachments of correspondence from the Ministry of Transportation ("MTO"). The MTO says that it has "no objections to the proposed severances, on the understanding that there will be no net increase in additional lots gaining access via Hawksview Lane. No new entrances to Highway 518 are supported. The Ministry will not support any additional lot development that will increase the traffic, at the Hawksview Lane intersection, with the Highway beyond its capacity to safely accommodate".

This proposal would create additional lots with access from Hawksview Lane. MTO does not support the creation of such additional lots as this will bring Highway 518 above a capacity that it can safely accommodate. The Official Plan Policy B.12.2.1(f) requires that new lots created by consents to "not cause a traffic hazard". The Applications do not meet the traffic and safety standards set out by MTO and in the Official Plan.

8. **Environmental and Ecological Impacts**

The Official Plan, in Policies B.12.2.1(h) to (o), requires that new lot creation not negatively impact natural heritage features, species at risk, wetlands, drainage patterns, or water quality. The SER acknowledges the lake is at capacity and identifies multiple environmental features, such as species at risk and wetlands on the Subject Lands. The Applications do not consider how further development along Faris Lake will affect the integrity of ecological features of the lake and surrounding area. There are several endangered, threatened and at-risk species and their habitats observed by the Neighbouring Landowners in and around the lake.

9. Restrictive Covenant

In July 2016 the Applicant provided a restrictive covenant to one of the Neighbouring Landowners as it relates to the Subject Land. The restrictive covenant restricts buildings, docks, decks, tree clearing, and septic systems within a section of the Subject Lands. The restrictive covenant represents a commitment by the Applicant to not further develop the same lands it now proposes to develop.

10. Non-Compliance with the Planning Act and Provincial Policy

The proposed Applications do not comply with the requirements of the *Planning Act* and are inconsistent with the Provincial Planning Statement, 2024 ("PPS").

Pursuant to Section 53(12) and 51(24) of the *Planning Act*, when considering consent applications to sever lands, Council must have regard to matters including conformity with the Official Plan, the suitability of the land for the proposed division, the adequacy of servicing, and the conservation of natural resources. The applications fail to satisfy the criteria for the following reasons:

1. The Applications do not conform to the Township of Seguin Official Plan policies as outlined throughout this letter respecting lake sensitivity, recreational carrying capacity, and the strong discouragement of backlot development, contrary to section 51(24)(c).

2. Faris Lake is identified as a highly sensitive lake and is acknowledged by the Applicant to be at capacity. The creation of additional shoreline and backlot lots therefore raises concerns regarding the suitability of the land for further division under section 51(24)(d).

3. The Applications do not adequately demonstrate that additional development can be accommodated without adverse impacts to the lake ecosystem. The Applications fail to adequately address the conservation of natural resources, ecology, species, habitat and the protection of water quality, including as required by section 51(24)(h).

4. The Applications do not adequately demonstrate that additional lots can be serviced without adverse impacts to lake water quality, contrary to section 51(24)(i).

The Applications are not consistent with the PPS including:

1. Section 4.1 requires protection, maintenance, restoration, or improvement of natural heritage systems and surface water features, including lakes and hydrologic functions. The Applications do not demonstrate that additional development can occur without negatively impacting these features.

2. Section 4.2 requires protection, improvement, or restoration of quality and quantity of water by minimizing negative impacts to watershed and protecting drinking water supplies. This section further provides that planning authorities shall ensure consideration of environmental lake capacity, as applicable. The Applications, as outlined throughout this letter, will bring Faris Lake over capacity and have potential negative impacts to water quality that are inadequately addressed.

3. Section 3.6.1 requires that planning for sewage and water services be integrated with land use planning and protect water quality and quantity. The Applications do not sufficiently demonstrate how additional private servicing can be accommodated without environmental risk.

Conclusion

Overall, the Applications represent an incremental intensification of development around a highly sensitive lake which is over capacity for development. The Applications do not conform with and are not consistent with the policies of the Township's Official Plan and the PPS. The proposed dedication of the island does not offset the impacts of additional shoreline and backlot development, and the Applications fail to adequately demonstrate conformity with lake capacity, environmental protection, and traffic safety policies. Faris Lake is now well over the 5-lot carrying capacity. When the Applicant proposed previous applications in 2006, Township's staff raised concerns and recommended refusal. Those concerns are only further exacerbated today with the lake being high sensitivity. For all of the above reasons, the Applications do not represent good planning and should not be approved.

We respectfully request that municipal staff not support the proposed Applications and that Council refuse the Applications.

Yours truly,

Dentons Canada LLP



Katarzyna Sliwa
Partner

Copy: Clients
Township of Seguin Planning via planning@seguin.ca

Prepared for: Mayor and Members of Council

Subject: Consent Applications B-2025-0027-28-H (McDougall, Torenvliet, Sandy Bay Vacations Inc.)

From: Bradie Debes, Planner, Planning Department

Agenda Date: February 2, 2026 **Report No:** PL-2026-017

Executive Summary:

The purpose of the consent applications is to permit two lot additions to benefit 36 and 37 Farm Sandy Bay Road.

It is recommended that any public and/or agency comments be given consideration.

Staff recommend that the lot addition applications be approved.

Prepared for: Mayor and Members of Council

Subject: Consent Applications B-2025-0027-28-H (McDougall, Torenvliet, Sandy Bay Vacations Inc.)

From: Bradie Debes, Planner, Planning Department

Agenda Date: February 2, 2026 **Report No:** PL-2026-017

Recommendation:

That Consent Applications B-2025-0027-H and B-2025-0028-H be provisionally approved, subject to the conditions of approval outlined in Schedule A.

Background & Analysis:

Consent Application Nos.:	B-2025-0027-H and B-2025-0028-H
Owners:	Cameron McDougall, Catherine Torenvliet, and Sandy Bay Vacations Inc
Agents:	Kim-Isabel Obenhaus and Cameron Hoos
Civic Addresses:	36 and 37 Farm Sandy Bay Road
Roll Nos.:	4903-010-001-00255 and 4903-010-001-00275

Proposal:

The owners of 36 and 37 Farm Sandy Bay Road propose to adjust the existing lot line between the adjacent properties. The adjustment is intended to improve privacy between adjacent uses and to increase existing setbacks.

No new lots will be created, and no development is proposed as part of the applications.

The application will permit two lot additions to benefit 36 and 37 Farm Sandy Bay Road, as outlined in Table 1 below.

Table 1. Consent Analysis

Description	Lot Area +/-	Lot Frontage +/-
Severed Lot **(Lot Addition Parcel 1)** to benefit 36 Farm Sandy Bay Road **see Figure 2*	0.02 hectares	nil
Severed Lot **(Lot Addition Parcel 2)** to benefit 37 Farm Sandy Bay Road **see Figure 2*	0.22 hectares	nil

Figure 1: Key Map

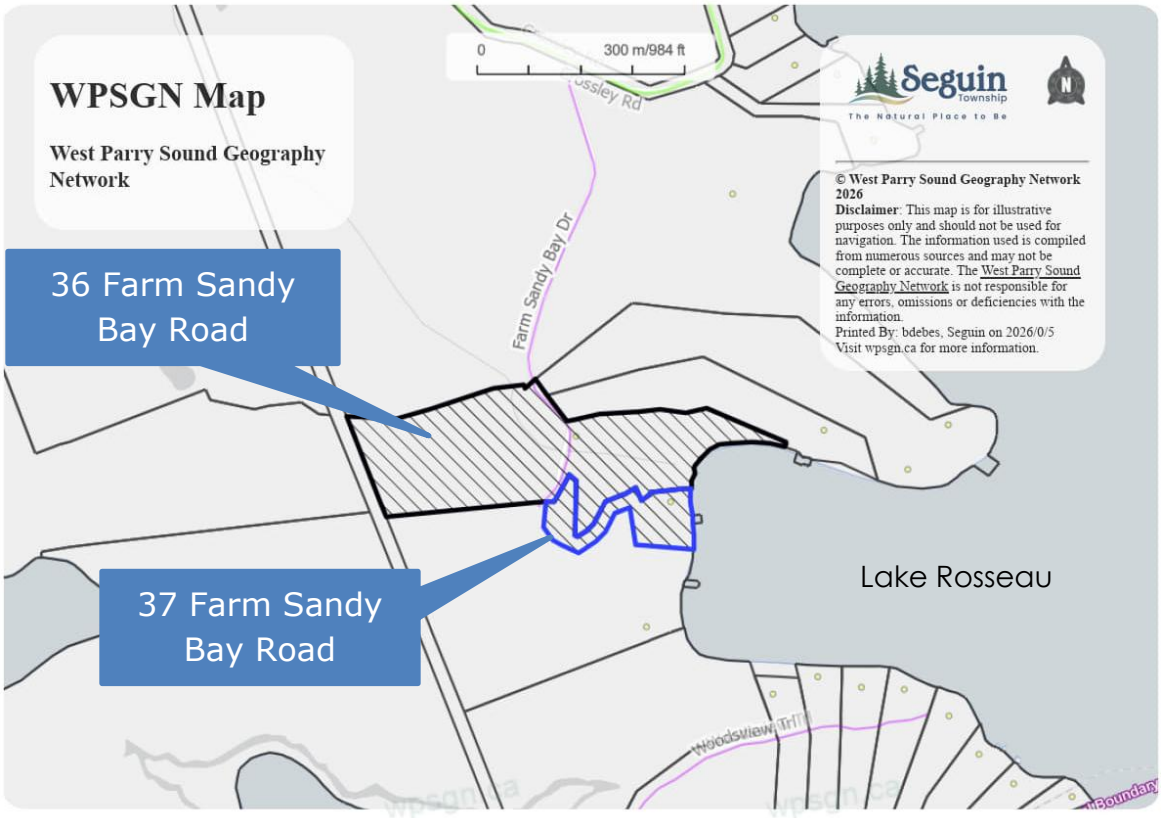
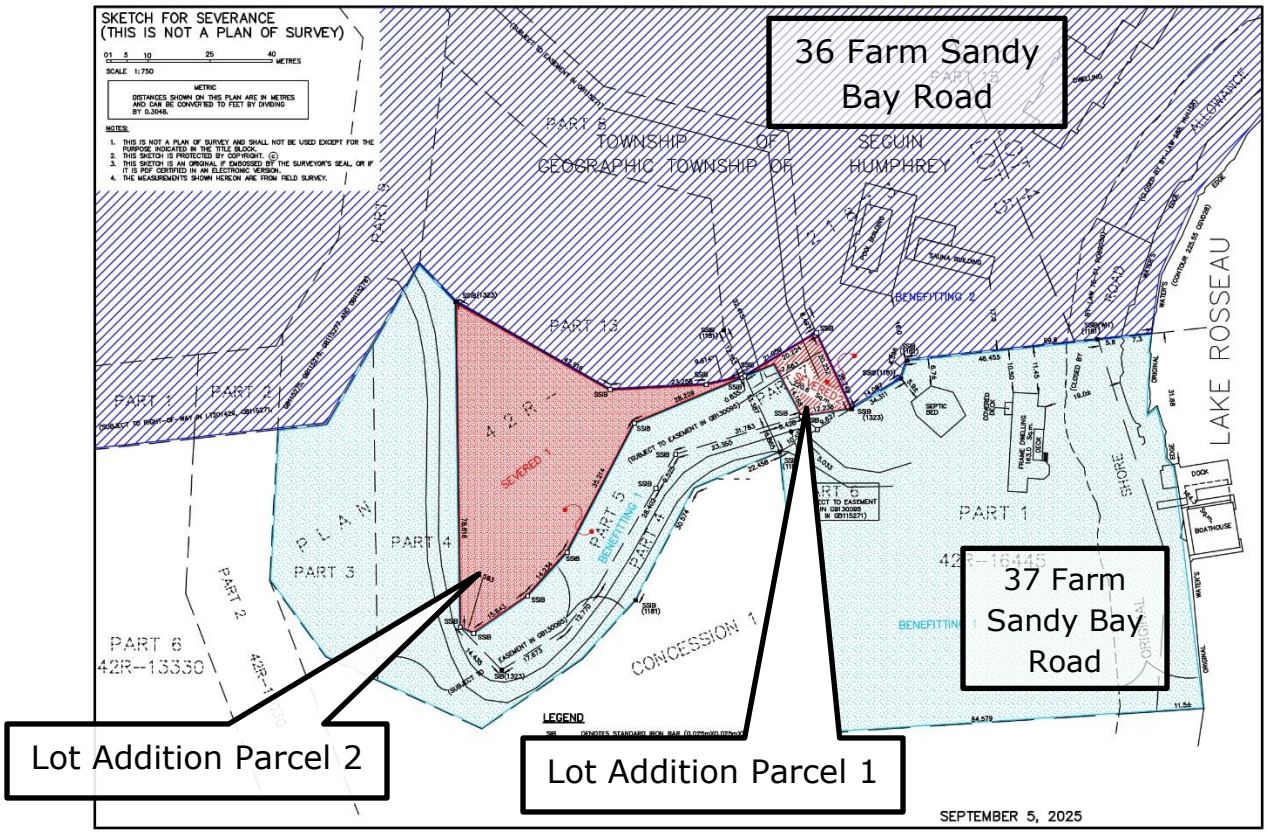


Figure 2: Proposed Lot Addition Plan



Official Plan Designation: Shoreline Area and Rural and Resource Area
Zoning By-law 2006-125: Shoreline Residential One (SR1), Limited Service Residential Exception One Hundred and Thirty-Four (LSR-134) and Environmental Protection (EP)
Access: Farm Sandy Bay Road (Private)
Lot Size and Frontage:

<u>36 Farm Sandy Bay Road</u>

- Lot area of +/- 7.2 hectares
- Straight-line shoreline frontage of 156.7 metres (Lake Rosseau)

<u>37 Farm Sandy Bay Road</u>

- Lot area of +/- 1.37 hectares
- Straight-line shoreline frontage of 91.3 metres (Lake Rosseau)

Existing Development and Site Characteristics:

36 Farm Sandy Bay Road

- Cottage, detached garage, boathouse, dock and sauna building (all under construction)
- The property is treed with mixed forests and contains an open field. The property gently slopes towards the lake, and to the south along the property. Revegetation is in progress along the waterfront per the requirements of a recent Site Plan Agreement

37 Farm Sandy Bay Road

- Cottage, boathouse, dock, gazebo
- The property is well vegetated with mixed forests. The property gently slopes towards the shoreline and to the north along the property.

Comments:

Clerk: No comments received
Building: No comments received
Fire/By-law: No comments received
Public Works: No comments received
Treasury: No planning-related comments

Public Participation & Access

Notice of the application was circulated and posted in accordance with the Planning Act. Notice was also posted on the Township's website.

No public comments have been received.

Land Use Planning Policy

Planning Act

The application has been reviewed per Section 2 of the Planning Act and is in accordance with the applicable provincial interests.

Provincial Planning Statement, 2024 (PPS) and Growth Plan for Northern Ontario (GPNO)

The Provincial Planning Statement is a province-wide document requiring consistency of all decisions with its policies.

The subject lands are classified as Rural Lands in the PPS. Section 2.6.1 envisions residential development, including lot creation and lot additions, within the Rural Lands if site conditions are suitable for appropriate sewage and water services. The applications for lot additions to benefit existing shoreline residential uses on private services are consistent with this policy.

Section 4 of the PPS requires that natural heritage features and areas be protected for the long term. Staff note that a portion of the lands at the rear of the property is zoned as Environmental Protection, which represents a rock barren for potential wildlife habitat. The lot addition parcels are outside of this EP boundary.

The applications are consistent with the PPS and GPNO policies.

Township of Seguin Official Plan

The subject lands are within the Shoreline Area and Rural and Resource Area designation as identified in the Official Plan. Residential uses are permitted within both designations. The general intent of the Official Plan is to protect and preserve the natural character of the shoreline while providing guidelines to limit the density and intensity of shoreline development. Within the Rural and Resource Area, it is an objective to recognize existing residential uses, to permit limited new development that is compatible with the rural environment, and to buffer adjacent lands and uses from the potential negative impact of the uses permitted.

The proposed lot additions and use of the lands are for residential purposes, which conforms to the uses and standards in the Official Plan. No new development is proposed as part of the applications.

Section B.12.2.2 of the Official Plan contains policies on lot additions. Specifically, Section B.12.2.2 permits lot additions, provided no new building lot is created. Further, Council shall be satisfied that the lot addition will not affect the viability of the use of the properties.

The application will adjust the lot boundary between 36 and 37 Farm Sandy Bay Road to improve privacy between adjacent uses and to increase existing setbacks. The proposed lot additions will not result in the creation of a new building lot and will not negatively

affect the viability of the lands. The existing uses on the lands are proposed to remain the same.

In consideration of the above, the proposed consents conform to the Official Plan.

Zoning By-law 2006-125

The lands known as 37 Farm Sandy Bay Road are zoned Shoreline Residential One (SR1). The SR1 zone permits uses such as cottages, single detached dwellings, home occupations, and, where permitted, associated accessory structures such as docks and boathouses.

The lands known as 36 Farm Sandy Bay Road are zoned Limited Service Residential Exception One Hundred and Thirty Four (LSR-134). The LSR zone also permits uses such as cottages, single detached dwellings, home occupations, and, where permitted, associated accessory structures such as docks and boathouses. The special provision permits lot coverage within 60 metres of the shoreline of 8.8%, a minimum dwelling setback of 25 metres, a minimum lot frontage of 155 metres and a minimum lot area of 7 hectares.

Following the lot additions, 36 Farm Sandy Bay Road will have a resulting lot area of 7.02 hectares. The lot area will remain in compliance with the LSR-134 zone requirements. Following the lot additions, 37 Farm Sandy Bay Road will have a resulting lot area of 1.59 hectares. The lot frontage (shoreline) for both lots will be unaffected by the lot additions.

Both lot addition parcels are located beyond 60 metres from the shoreline. As such, no changes to lot coverage within 60 metres of the shoreline will result. The applicant's agent has confirmed compliance with whole lot coverage for both properties.

The lot additions will further increase the setbacks for existing structures on each property, providing for increased buffering and separation between existing uses.

The lot additions are minor and will not negatively affect the use of the lands.

The proposed applications comply with the intent of the Zoning By-law.

Financial Impact:

There are no financial impacts.

Options/Alternatives:

Council has three options on how to proceed with this Report:

- Option 1: Council can approve the applications to permit the Consents.
- Option 2: Council can defer the applications for the Consents to address further questions/comments in a subsequent staff report.
- Option 3: Council can deny the applications to permit the Consents.

Staff recommends Option 1.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

It is the Planning Department's position that the Consent applications are consistent with the Provincial Planning Statement. The applications conform to the Seguin Official Plan, provisions of the Zoning By-law, and represent good planning. It is recommended that Council approve the Consent applications.

Prepared by:

B. Debes.

Bradie Debes,
Planner

Reviewed by:



Taylor Elgie, MCIP, RPP
Director of Planning

Reviewed by:



Jason Inwood,
Chief Administrative Officer

Attachments:

Schedule A – Conditions of Approval
Schedule B – Applications

Schedule A to Staff Report PL-2026-017

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

COUNCIL DECISION re: CONSENT APPLICATION

TAKE NOTICE THAT the Council for The Corporation of the Township of Seguin considered the following Application for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13.

Subject:	Consent Application B-2025-0027-H
Owner:	Cameron McDougall and Catherine Torenvliet
Location:	PCL 27771 SEC SS; PT LT 5 CON 1 HUMPHREY; PT SHORE RDAL IN FRONT LT 5 CON 1 HUMPHREY CLOSED BY RO69050 PT 1 42R16445; TOGETHER WITH AN EASEMENT OVER PART LOT 5, CONCESSION 1 & PART LOTS 4 & 5, CONCESSION 2, PARTS 1 & 2 PLAN 42R13330 AS IN LT201428 (PARTIAL RELEASE OF PART 2 PLAN 42R13330 AS IN GB114616); TOGETHER WITH AN EASEMENT OVER PART LOT 5, CONCESSION 1, PART 2 42R13330 AND PART 2 42R16445 AS IN GB115271, RELEASED AS TO PARTS 1 AND 2 42R21873 AS IN GB168808 TOGETHER WITH AN EASEMENT OVER PART LOT 5, CONCESSION 1 HUMPHREY, PARTS 1 & 2 42R-21270 AS IN GB130095 TOWNSHIP OF SEGUIN
Civic Address:	37 Farm Sandy Bay Road
Assessment #:	4903-010-001-00275

The purpose and effect of the consent application is to permit a lot addition. The lands at 37 Farm Sandy Bay Road would convey a parcel to the abutting lands at 36 Farm Sandy Bay Road.

Lot Addition
Area: +/- 0.02 hectares
Frontage: nil

LOCATION: Geographic Township of Humphrey

DECISION: **PROVISIONAL APPROVAL**
DATE: **February 2, 2026**

THE REASONS for Council's Decision are:

Given that the Minister of Municipal Affairs and Housing has delegated approval authority under Section 53 of the Planning Act to the Council, the Council is satisfied that the proposed Consent under Section 53 of the Planning Act is consistent with the 2024 Provincial Planning Statement, conforms to the Township's Official Plan, has regard to the regulations of the Zoning By-Law 2006-125, will provide for the orderly development of the Township, and does not fall under the exclusive consideration of Section 51 of the Planning Act.

CONDITIONS:

The Township's Director of Planning shall not give Final Approval and shall not issue a Certificate regarding Consent **B-2025-0027-H (McDougall and Torenvliet)** until the Owner satisfies the following conditions of Provisional Approval.

If the Owner fails to satisfy the condition(s) of Provisional Approval as set out herein on or before the **of , 2028**, then this Provisional Approval shall lapse per Subsection 53(41) of the Planning Act.

A) That Consent Application **B-2025-0027-H (McDougall and Torenvliet)** be Provisionally Approved, subject to the Township's standard conditions of approval, including but not limited to the following conditions, and that this approval applies to the lands described below and as illustrated in Appendix I to these conditions of approval:

1. That this approval applies as described as follows:

File	Severed Parcel (Lot Addition Parcel)	Benefitting Parcel
B-2025-0027-H Lot Addition	Area: +/- 0.02 hectares Frontage: nil 37 Farm Sandy Bay road	36 Farm Sandy Bay Road

2. The owner shall have delivered to the Planning Official the following:

   a. A plan of survey prepared by an Ontario Land Surveyor indicating the parcel to be conveyed, including all rights-of-way to each parcel. All dimensions are to be provided in metric units.

   b. The document conveying the severed parcel so the final consent may be endorsed thereon by the Planning Official.

3. That the Deed Stamping and Review Fee of $175.00 per deed for this application shall have been paid for by the applicant.

4. That all Municipal taxes to date shall be paid in full.

5. That all Township fees and disbursements (legal, engineering, planning), if any incurred by the Township for this application shall be paid for by the owner.

6. That Lot Addition Application B-2025-0028-H be registered.

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is the day of ,2026.

Take notice that an appeal to the Ontario Land Tribunal may be made by filing a notice of appeal with the Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at https://olt.gov.on.ca/e-file-service by selecting Seguin Township as the Approval Authority or by email to info@seguin.ca or by mail to 5 Humphrey Drive, Seguin ON, P2A 2W8 no later than 4:30 p.m. on **the day of , 2026**. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal. The fee can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario.

All written and oral public input was taken into consideration when the merits of this Planning Act application was determined with appropriate measures being included as conditions of approval where required as part of the decision of the approval authority.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Mayor/ Clerk Initials	

CERTIFICATION

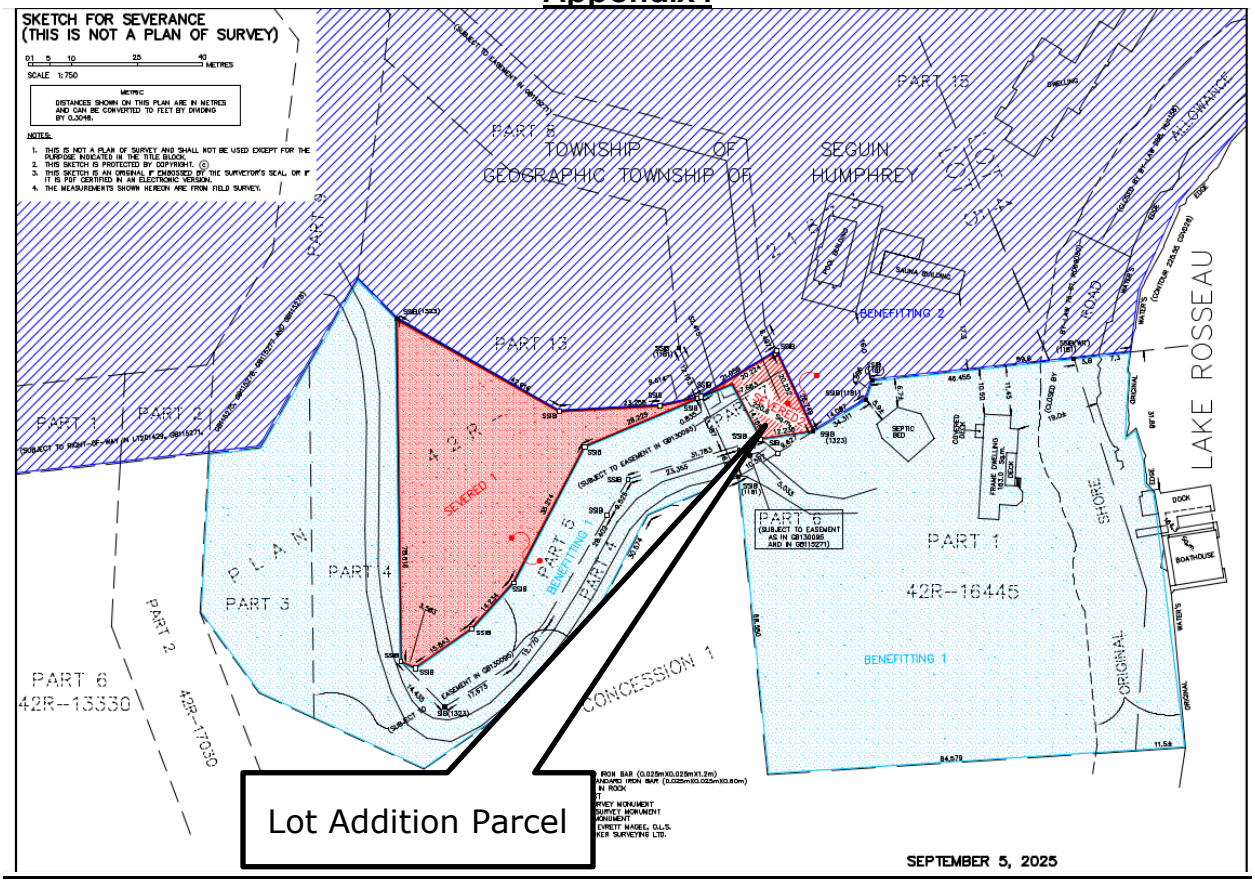
I, Taylor Elgie, Director of Planning for The Corporation of the Township of Seguin, do hereby certify that the foregoing is a correct copy of the Decision with respect to the above noted Application.

Dated this _____ day of _____, 2026.

_____
Taylor Elgie, MCIP, RPP
Director of Planning

Seguin Municipal Building
5 Humphrey Drive,
Seguin, ON. P2A 2W8

Appendix I



Schedule A to Staff Report PL-2025-017

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

COUNCIL DECISION re: CONSENT APPLICATION

TAKE NOTICE THAT the Council for The Corporation of the Township of Seguin considered the following Application for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13.

Subject:	Consent Application B-2025-0028-H
Owner:	Sandy Bay Vacations Inc.
Location:	*PART LOT 4 CONCESSION 1 HUMPHREY, PART LOT 5 CONCESSION 1 HUMPHREY, PART SHORE ROAD ALLOWANCE IN FRONT OF LOT 4 AND 5 CONCESSION 1 HUMPHREY, PARTS 2, 3 AND 5 42R13330 EXCEPT PARTS 11 AND 14 PLAN 42R21873 AND SAVE AND EXCEPT PARTS 3, 4, 5, 6 AND 7 42R21873; T/W PT 1 42R13330 AS IN LT201430; S/T PT 2 42R13330 AS IN LT201429; SUBJECT TO AN EASEMENT OVER PART 2, 42R13330 AND PART 2, 42R16445 IN FAVOUR OF PT LT 5 CON 1 HUMPHREY; PT SHORE RDAL IN FRONT LT 5 CON 1 HUMPHREY CLOSED BY RO69050 PT 1 42R16445 AS IN GB115271, RELEASED AS TO PARTS 1 AND 2 42R21873 AS IN GB168808; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 42R13330 IN FAVOUR OF PT LT 5 CON 1 & PT RDAL IN FRONT THEREOF BEING PT 6 PL 42R13330 EXCEPT PT 1 PL 42R17030 & EXCEPT PT 1 PL 42R16445 AS IN GB115275; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 42R13330 IN FAVOUR OF PART 1, PLAN 42R17030 AS IN GB115276; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 42R13330 IN FAVOUR OF PARTS 9, 11, 12 & 14, PLAN 42R13330 AS IN GB115277; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 42R13330 IN FAVOUR OF PARTS 7, 8, 10, 13 & 15, PLAN 42R13330 AS IN GB115278; SUBJECT TO AN EASEMENT OVER PART LOT 5 CONCESSION 1 HUMPHREY, PARTS 10 AND 12 42R21873 IN FAVOUR OF PART LOT 5 CONCESSION 1 HUMPHREY, PART 11 42R21873 AND PART LOTS 4 AND 5 CONCESSION 1 HUMPHREY AND PART SHORE ROAD ALLOWANCE IN FRONT OF LOTS 4 AND 5 CONCESSION 1 HUMPHREY, PART 14 42R21873 PARTS 11 AND 14 PLAN 42R21873 AS IN GB154490 SUBJECT TO AN EASEMENT OVER PART LOT 5 CONCESSION 1 HUMPHREY, PARTS 9, 10 AND 12 42R21873 IN FAVOUR OF PART LOT 5 CONCESSION 1 HUMPHREY, PARTS 3, 4, 5, 6 AND 7 42R21873 AS IN GB168807 TOWNSHIP OF SEGUIN*
Civic Address:	36 Farm Sandy Bay Road
Assessment #:	4903-010-001-00255

The purpose and effect of the consent application is to permit a lot addition. The lands at 36 Farm Sandy Bay Road would convey a parcel to the abutting lands at 37 Farm Sandy Bay Road.

Lot Addition
Area: +/- 0.22 hectares
Frontage: nil

LOCATION: Geographic Township of Humphrey

DECISION: PROVISIONAL APPROVAL
DATE: February 2, 2026

THE REASONS for Council's Decision are:

Given that the Minister of Municipal Affairs and Housing has delegated approval authority under Section 53 of the Planning Act to the Council, the Council is satisfied that the proposed Consent under Section 53 of the Planning Act is consistent with the 2024 Provincial Planning Statement, conforms to the Township's Official Plan, has regard to the regulations of the Zoning By-Law 2006-125, will provide for the orderly development of the Township, and does not fall under the exclusive consideration of Section 51 of the Planning Act.

CONDITIONS:

The Township's Director of Planning shall not give Final Approval and shall not issue a Certificate regarding Consent **B-2025-0028-H (Sandy Bay Vacations Inc)** until the Owner satisfies the following conditions of Provisional Approval.

If the Owner fails to satisfy the condition(s) of Provisional Approval as set out herein on or before the **of , 2028**, then this Provisional Approval shall lapse per Subsection 53(41) of the Planning Act.

A) That Consent Application **B-2025-0028-H (Sandy Bay Vacations Inc)** be Provisionally Approved, subject to the Township's standard conditions of approval, including but not limited to the following conditions, and that this approval applies to the lands described below and as illustrated in Appendix I to these conditions of approval:

1. That this approval applies as described as follows:

File	Severed Parcel (Lot Addition Parcel)	Benefitting Parcel
B-2025-0028-H Lot Addition	Area: +/- 0.22 hectares Frontage: nil 36 Farm Sandy Bay Road	37 Farm Sandy Bay Road

2. The owner shall have delivered to the Planning Official the following:

    a. A plan of survey prepared by an Ontario Land Surveyor indicating the parcel to be conveyed, including all rights-of-way to each parcel. All dimensions are to be provided in metric units.

    b. The document conveying the severed parcel so the final consent may be endorsed thereon by the Planning Official.

3. That the Deed Stamping and Review Fee of $175.00 per deed for this application shall have been paid for by the applicant.

4. That all Municipal taxes to date shall be paid in full.

5. That all Township fees and disbursements (legal, engineering, planning), if any incurred by the Township for this application shall be paid for by the owner.

6. That Lot Addition Application B-2025-0027-H be registered.

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is the day of ,2026.

Take notice that an appeal to the Ontario Land Tribunal may be made by filing a notice of appeal with the Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at https://olt.gov.on.ca/e-file-service by selecting Seguin Township as the Approval Authority or by email to info@seguin.ca or by mail to 5 Humphrey Drive, Seguin ON, P2A 2W8 no later than 4:30 p.m. on **the day of , 2026**. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal. The fee can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario.

All written and oral public input was taken into consideration when the merits of this Planning Act application was determined with appropriate measures being included as conditions of approval where required as part of the decision of the approval authority.

You will be entitled to receive notice of any changes to the conditions of the

provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Mayor/ Clerk Initials	

CERTIFICATION

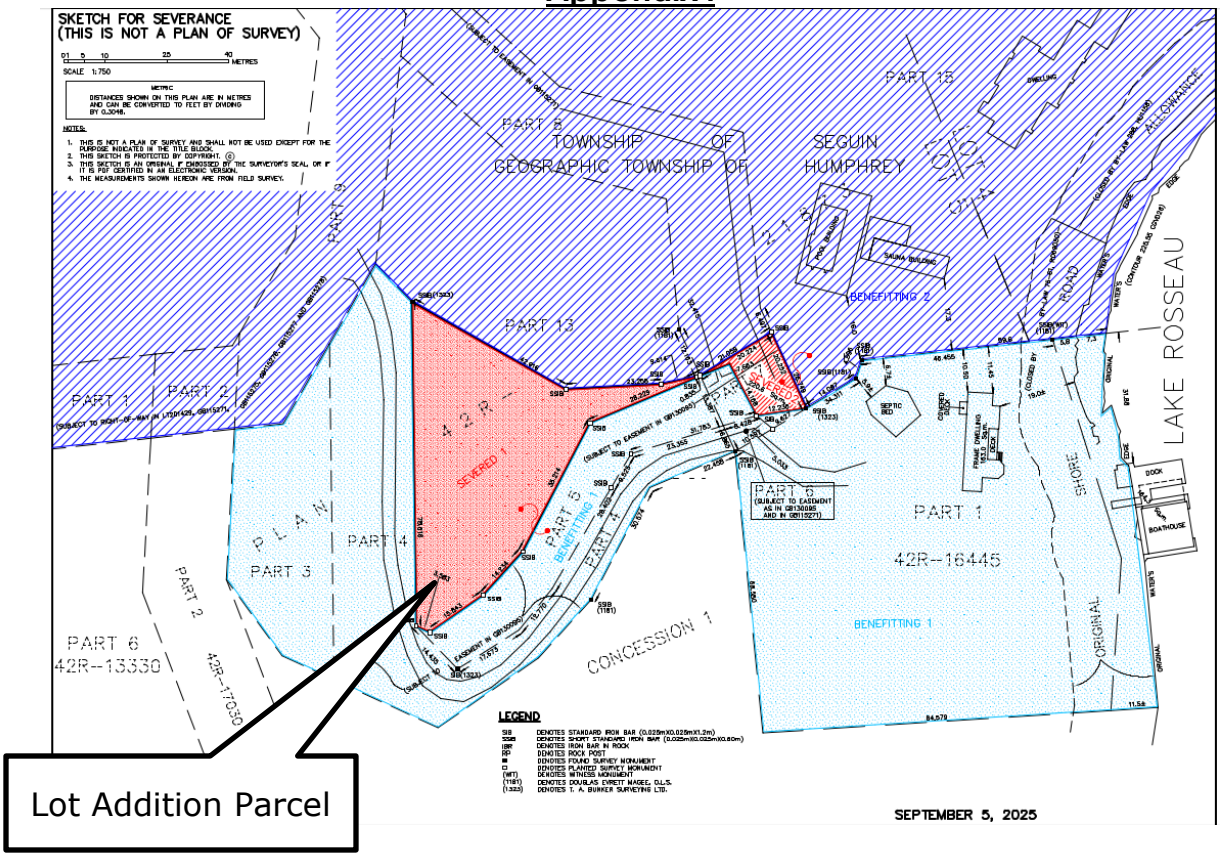
I, Taylor Elgie, Director of Planning for The Corporation of the Township of Seguin, do hereby certify that the foregoing is a correct copy of the Decision with respect to the above noted Application.

Dated this _____ day of _____, 2026.

_____
Taylor Elgie, MCIP, RPP
Director of Planning

Seguin Municipal Building
5 Humphrey Drive,
Seguin, ON. P2A 2W8

Appendix I



Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

APPLICATION FOR CONSENT

OFFICE USE ONLY		Date Stamp:
Application No.: B- 2025-0027-H		
File Name: Sandy Bay Vacations Inc and McDougall		Nov 7/2025
Civic Address: 37 Farm Sandy Bay Dr		
Application Complete: ☑ Yes ☐ No	Fee Received: ☒ Yes ☐ No	

ROLL # 4903- 010 - 001 - 00275 **- 0000**

Did you pre-consult with the Township Planning Department? ☐ Yes ☑ No
If yes, please submit a copy of your completed "Pre-Consultation Form".
Pre-consultation Date: _____
Attending Planner: _____

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only.

Primary Contact: Cameron Hoos - Hoos Law Professional Corporation

a) Registered Owner(s): Cameron McDougall and Catherine Torenvliet
(List all owners and contact information if multiple exist)

Mailing Address: 1181 Colborne Crt., Oakville, ON L6J 6B9

Home Phone: 416-357-5036 (Cameron) Home Fax: 289-242-5288 (Catherine)

Business Phone: _____ Business Fax: _____

Email Address: cbrucey999@gmail.com catherine.torenvliet@gmail.com

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

b) Agent: Cameron Hoos

Mailing Address: 280 Manitoba Street, Bracebridge ON P1L 1S5

Home Phone: _____ Home Fax: _____

Business Phone: 705-645-9932 Business Fax: 705-640-0336

Email Address: cameron@hooslaw.ca

c) Planner: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

d) Surveyor: T.A.Bunker Surveying Ltd.

Mailing Address: 150 John St N. PO Box 1180 P1P 1V4

Phone Number: 705-687-5883 Fax Number: _____

Email Address: Surveys@BunkerSurveying.ca

e) Solicitor: Cameron Hoos

Mailing Address: 280 Manitoba Street, Bracebridge ON P1L 1S5

Phone Number: 705-645-9932 Fax Number: 705-640-0336

Email Address: cameron@hooslaw.ca, erin@hooslaw.ca

f) Engineer: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): 1

b) Lot(s): PART OF LOTS 4 & 5 and Part of the OSRA in front

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : 41R-21873 \ 41R-13330 Part(s): SEE ATTACHED PARCEL PAGE

e) Geographic Township (former municipality) : HUMPHREY

f) Civic Address: 37 FARM SANDY BAY

g) Dimensions of the existing subject lands:

Frontage (m)	Depth (m)	Area (ha)
91.3 +/-	96.0	1.6+/-

h) Official Plan (current designation of subject lands): RURAL RESIDENTIAL

i) Zoning (current zoning of subject lands) : SR1

3. PROVINCIAL POLICY

a) Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O. as amended?

- ☑ Yes
- ☐ No

If no, please explain:

b) Is the subject land within an area of land designated under any provincial plan(s)?

- ☐ Yes
- ☑ No

If yes, does the application conform (ie: does not conflict) with the applicable provincial plan(s)?

- ☐ Yes
- ☐ No

4. CONSENT

a) Purpose of the Consent:

- ☐ New Lot(s)
- ☑ Lot Addition
- ☐ Easement or Right-of-Way
- ☐ Title Correction
- ☐ Other: _____

b) Dimensions, uses, and structures of lands to be developed:

Lands	Frontage (m)	Depth (m)	Area (ha)	Existing Use	Proposed Use	Existing Structures	Proposed Structures
RETAINED LOT	+/-91.3	96.0	+/-1.6	residential	residential	cottage, dock, boathouse	no change
LOT ADDITION	0	+/-20	220 sq.m.	residential (vacant)	residential	residential	no change
BENEFITTING LOT	+/-156.7	575.9	7.18	residential (vacant)	residential	vacant	cottage, pool, sauna
SEVERED LOT 1							
SEVERED LOT 2							

**Attach an additional sheet if necessary.*

c) If known, provide the name of the person to whom the land or an interest in the land is to be transferred, charged or leased:

Name(s): Sandy Bay Vacations Inc.

Mailing Address: 20 Main Street West, Huntsville ON P1H 2C3

Phone Number: 705-787-8584 Fax Number: _____

Email Address: todd@caymanmarsha l com

d) Is this a submission of a previous consent application?

- ☐ Yes
- ☑ No

If yes, please indicate the file number: _____

e) Does the applicant request a certificate for the retained land?

- ☐ Yes
- ☑ No

If yes, please provide a lawyer's statement that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act.

5. HISTORY

a) Date the subject land was acquired by the current owner: September 19, 2025

b) When was the present lot created: unknown

c) How was the present lot created:

- ☐ Consent
- ☐ Plan of Subdivision
- ☐ Original Patent
- ☐ Reference Plan
- ☐ Other: _____

d) Are there any easements or right-of-ways affecting the subject lands:

- ☑ Yes
- ☐ No

If yes, indicate and describe the purpose of the easement, or right-of-way:

Access - see parcel register attached

e) Have any lands been severed from the original parcel acquired by the Owner of the subject land:

- ☐ Yes
- ☑ No

If yes, please indicate the following:

Date of transfer: _____

Name of transferee: _____

Land use on severed land: _____

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

6. EXISTING USES

a) Existing uses of the subject land:

Seasonal Residential

b) Length of time that the existing uses have continued: unknown

c) Dimensions of all existing buildings or structures on subject land.
**Attach separate sheet if more than 4 structures exist*

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)
1.	N/A					
2.						
3.						
4.						

d) Location of all buildings and/or structures on the subject land (metric)

Type of building / structure	Front Yard (m)	Interior Side Yard (m)	Exterior Front yard (m)	Rear yard (m)
1.	N/A			
2.				
3.				
4.				

e) What are the adjacent land uses:

To the north: Seasonal Residential

To the south: Seasonal Residential

To the west: N/A

To the east: Waterfront

7. ACCESS

a) Access to the subject land is provided by: Farm Sandy Bay Road

- ☐ Provincial highway
- ☐ Municipal road (year round)
- ☐ Municipal road (seasonal)
- ☑ Private road / Right-of-Way
- ☐ Other road

Water

b) If access to the subject land is by water only, indicate the following:
Provide written confirmation of parking and docking facilities.

Docking facility: _____

Distance from docking to subject land: _____

Distance from docking to nearest public road: _____

Parking facility: _____

Distance from docking to parking: _____

Distance from parking to nearest public road: _____

8. SERVICES

a) Water is provided to the subject land by:

- ☐ Private well
- ☐ Privately owned/operated communal well
- ☑ Lake or other water body
- ☐ Other: _____

b) Sewage disposal is provided to the subject land by:

- ☑ Private sewage system
- ☐ Privately owned/operated communal sewage system
- ☐ Privy
- ☐ Other: _____

c) Storm drainage is provided to the subject land by:

- ☐ Ditches
- ☐ Swales
- ☑ Natural
- ☐ Other: _____

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

9. OTHER APPLICATIONS

Indicate if the subject land is the subject to any applications currently under the Planning Act:

Application	File #	Status
Plan of Subdivision/Condominium (Section 51)		
Consent (Section 53)		
Minor Variance (Section 45)		
Zoning By-law (Section 34)		
Official Plan (Section 22)		
Site Plan (Section 41)		

10. DIRECTIONS: HOW TO GET THERE

Civic Address: 37 Farm Sandy Bay Road Seguin

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

141 to 632 to Burgess Road to Crossley Road to Farm Sandy Bay Road

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

11. PLANS REQUIRED

Please attach a copy of the sketch, site plan, or survey **drawn to scale, in metric**. *One copy must be submitted on 8.5" x 11" paper and an electronic* version in Adobe Acrobat pdf format.

Minimum requirements will be a sketch showing the following:

- ❑ The boundaries and dimensions (frontage, depth, area) of the subject land, the part(s) that is to be **severed** and the part that is to be **retained**.
- ❑ The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land.
- ❑ The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- ❑ The distance between the subject land and the nearest township lot line or landmark
  (ie: bridge, or railway crossing, etc.)
- ❑ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- ❑ The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the Applicant, may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- ❑ The existing use of the adjacent land. (ie: residential, agricultural, commercial, etc.)
- ❑ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right-of-way.
- ❑ If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- ❑ If the subject land has lake frontage, label the lake name.
- ❑ The location and nature of any easement affecting the subject land.
- ❑ Label the lots numerically (ie: Lot 1, Lot 2)
- ❑ North arrow and scale.

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

12. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), Cameron McDougall and Cathenne Torenvliet the undersigned,
Registered Owner(s)

being the Registered Owner(s) of the subject land, hereby authorize

Cameron Hoos to act as my Agent with respect to the
Agent

preparation and submission of this Application.

DocuSigned by:
Cameron Mcdougall
Signature of Owner — Date: 10/23/2025

Signed by:
Signature of Owner — Date: 10/23/2025

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

13. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form, collected and maintained pursuant to Section 53 of The Planning Act, will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

DocuSigned by:
Cameron Mcdougall
018B5B983447426...
Signature of Owner

10/23/2025
Date

Signed by:
758DE2E7E6C947A...
Signature of Owner

10/23/2025
Date

DocuSigned by:
Erin Thomson
33AB583F09FC458...
Signature of Witness

10/28/2025
Date

14. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I Cameron Hoos (Owner(s)/Agent) of the Town of Bracebridge in the County/District/Regional Municipality of Muskoka do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Bracebridge in the District Municipality of Muskoka this 28th day of October, 2025.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Brittany Mary Louise Findlay, a Commissioner, etc., Province of Ontario, for Hoos Law Professional Corporation. Expires November 7, 2026.

Signature of Commissioner

Commissioners Stamp

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

15. ADDITIONAL FEES AND ACKNOWLEDGEMENT

If Planning, Engineering and/or legal and land appraisal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

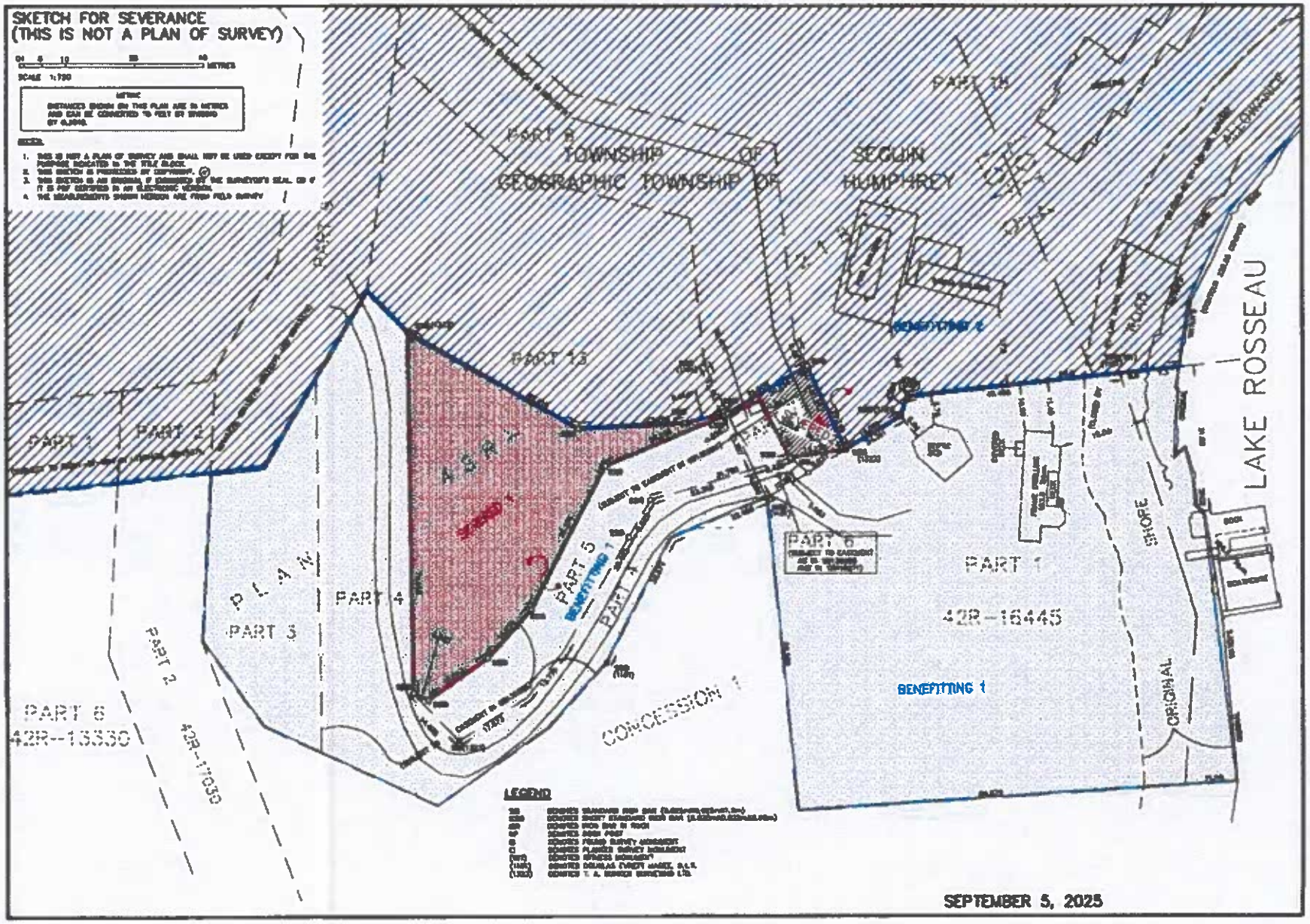
In consideration of being permitted to proceed with the application for consent without first securing the required development approval(s), the registered owner(s) and agent hereby release and discharge the Township from any and all claims for liability, costs, expenses, damages, losses associated with or resulting from an inability to meet, or failure to meet, the conditions imposed in any conditional approval of the consent application in this matter requiring the obtaining of development approval(s).

Signature of Owner(s)/Agent

October 28, 2025
Date

Please submit this application to the Township of Seguin Planning Department at:

Township of Seguin
5 Humphrey Drive
Seguin, ON P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846



Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF6-7FB8A5024B76

APPLICATION FOR CONSENT

OFFICE USE ONLY		Date Stamp:
Application No.: B- 2025-0028-H		
File Name: Sandy Bay Vacations and McDougall		
Civic Address: 36 Farm Sandy Bay		Nov 7/2025
Application Complete: ☒ Yes ☐ No	Fee Received: ☒ Yes ☐ No	

ROLL # 4903- 010 - 001 - 00255 **- 0000**

Did you pre-consult with the Township Planning Department? ☐ Yes ☑ No
If yes, please submit a copy of your completed "Pre-Consultation Form".
Pre-consultation Date: _____
Attending Planner: _____

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only.

Primary Contact: Kim-Isabel Obenhaus

a) Registered Owner(s): Sandy Bay Vacations Inc.
(List all owners and contact information if multiple exist)

Mailing Address: 20 Main Street West, Huntsville ON P1H 2C3

Home Phone: 705-787-8584 Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: todd@caymanmarshall.com; jamie@jscustombuilders.com

b) Agent: Kim-Isabel Obenhaus

Mailing Address: 39 Dominion Street, Bracebridge ON P1L 1T6

Home Phone: _____ Home Fax: _____

Business Phone: 705-645-8787 Business Fax: 705-645-3390

Email Address: kim-isabel@wylaw.ca

c) Planner: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

d) Surveyor: T.A.Bunker Surveying Ltd.

Mailing Address: 150 John St N. PO Box 1180 p1p1v4

Phone Number: 705-687-5883 Fax Number: _____

Email Address: Surveys@BunkerSurveying.ca

e) Solicitor: Kim-Isabel Obenhaus

Mailing Address: 39 Dominion Street, Bracebridge ON P1L 1T6

Phone Number: 705-645-8787 Fax Number: 705-645-3390

Email Address: kim-isabel@wylaw.ca

f) Engineer: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): 1

b) Lot(s): PART OF LOTS 4 & 5 and OSRA in front

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : 41R-21873 \ 41R-13330 Part(s): SEE ATTACHED PARCEL PAGE

e) Geographic Township (former municipality) : HUMPHREY

f) Civic Address: 36 FARM SANDY BAY

g) Dimensions of the existing subject lands:

Frontage (m)	Depth (m)	Area (ha)
156.7	575.9	7.2 HA

h) Official Plan (current designation of subject lands): RURAL RESIDENTIAL

i) Zoning (current zoning of subject lands) : LSR

3. PROVINCIAL POLICY

a) Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O. as amended?

- ☑ Yes
- ☐ No

If no, please explain:

b) Is the subject land within an area of land designated under any provincial plan(s)?

- ☐ Yes
- ☑ No

If yes, does the application conform (ie: does not conflict) with the applicable provincial plan(s)?

- ☐ Yes
- ☐ No

4. CONSENT

a) Purpose of the Consent:

- ☐ New Lot(s)
- ☑ Lot Addition
- ☐ Easement or Right-of-Way
- ☐ Title Correction
- ☐ Other: _____

b) Dimensions, uses, and structures of lands to be developed:

Lands	Frontage (m)	Depth (m)	Area (ha)	Existing Use	Proposed Use	Existing Structures	Proposed Structures
RETAINED LOT	156.7	575.9	7.2	residential (vacant)	residential	none	cottage, pool, sauna
LOT ADDITION	0	+/- 67.0	0.223	residential (vacant)	residential	none	no change
BENEFITTING LOT	+/-91.3	96.0	+/-1.6	residential	no change	cottage, boathouse & dock	no change
SEVERED LOT 1							
SEVERED LOT 2							

**Attach an additional sheet if necessary.*

c) If known, provide the name of the person to whom the land or an interest in the land is to be transferred, charged or leased:

Name(s): Cameron McDougall and Catherine Torenvliet

Mailing Address: 1181 Colborne Crt., Oakville, ON, L6J 6B9

Phone Number: 416-357-5038 (Cameron) Fax Number: 289-242-5288 (Catherine)

Email Address: cbrucey999@gmail.com catherine.torenvliet@gmail.com

d) Is this a submission of a previous consent application?

- ☐ Yes
- ☑ No

If yes, please indicate the file number: _____

e) Does the applicant request a certificate for the retained land?

- ☐ Yes
- ☑ No

If yes, please provide a lawyer's statement that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act.

5. HISTORY

a) Date the subject land was acquired by the current owner: March 31, 2025

b) When was the present lot created: unknown

c) How was the present lot created:

- ☐ Consent
- ☐ Plan of Subdivision
- ☐ Original Patent
- ☐ Reference Plan
- ☐ Other: _____

d) Are there any easements or right-of-ways affecting the subject lands:

- ☑ Yes
- ☐ No

If yes, indicate and describe the purpose of the easement, or right-of-way:

Access - see attached parcel register

e) Have any lands been severed from the original parcel acquired by the Owner of the subject land:

- ☐ Yes
- ☑ No

If yes, please indicate the following:

Date of transfer: _____

Name of transferee: _____

Land use on severed land: _____

6. EXISTING USES

a) Existing uses of the subject land:

Seasonal Residential

b) Length of time that the existing uses have continued: _____

c) Dimensions of all existing buildings or structures on subject land.
**Attach separate sheet if more than 4 structures exist*

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)
1.	N/A					
2.						
3.						
4.						

d) Location of all buildings and/or structures on the subject land (metric)

Type of building / structure	Front Yard (m)	Interior Side Yard (m)	Exterior Front yard (m)	Rear yard (m)
1.	N/A			
2.				
3.				
4.				

e) What are the adjacent land uses:

To the north: Vacant

To the south: Seasonal Residential

To the west: Vacant

To the east: Waterfront

7. ACCESS

a) Access to the subject land is provided by: Farm Sandy Bay Road

- ☐ Provincial highway
- ☐ Municipal road (year round)
- ☐ Municipal road (seasonal)
- ☑ Private road / Right-of-Way
- ☐ Other road

Water

b) If access to the subject land is by water only, indicate the following:
Provide written confirmation of parking and docking facilities.

Docking facility: _____

Distance from docking to subject land: _____

Distance from docking to nearest public road: _____

Parking facility: _____

Distance from docking to parking: _____

Distance from parking to nearest public road: _____

8. SERVICES

a) Water is provided to the subject land by:

- ☐ Private well
- ☐ Privately owned/operated communal well
- ☑ Lake or other water body
- ☐ Other: _____

b) Sewage disposal is provided to the subject land by:

- ☑ Private sewage system
- ☐ Privately owned/operated communal sewage system
- ☐ Privy
- ☐ Other: _____

c) Storm drainage is provided to the subject land by:

- ☐ Ditches
- ☐ Swales
- ☑ Natural
- ☐ Other: _____

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF8-7FB8A5024B76

9. OTHER APPLICATIONS

Indicate if the subject land is the subject to any applications currently under the Planning Act:

Application	File #	Status
Plan of Subdivision/Condominium (Section 51)		
Consent (Section 53)		
Minor Variance (Section 45)		
Zoning By-law (Section 34)		
Official Plan (Section 22)		
Site Plan (Section 41)		

10. DIRECTIONS: HOW TO GET THERE

Civic Address: 36 Farm Sandy Bay Road

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

141 to 632 to Burgess Road to Crossley Road to Farm Sandy Bay Road.

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF6-7FB8A5024B76

11. PLANS REQUIRED

Please attach a copy of the sketch, site plan, or survey **drawn to scale, in metric**. *One copy must be submitted on 8.5" x 11" paper and an electronic* version in Adobe Acrobat pdf format.

Minimum requirements will be a sketch showing the following:

- ❑ The boundaries and dimensions (frontage, depth, area) of the subject land, the part(s) that is to be **severed** and the part that is to be **retained**.
- ❑ The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land.
- ❑ The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- ❑ The distance between the subject land and the nearest township lot line or landmark
  (ie: bridge, or railway crossing, etc.)
- ❑ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- ❑ The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the Applicant, may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- ❑ The existing use of the adjacent land. (ie: residential, agricultural, commercial, etc.)
- ❑ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right-of-way.
- ❑ If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- ❑ If the subject land has lake frontage, label the lake name.
- ❑ The location and nature of any easement affecting the subject land.
- ❑ Label the lots numerically (ie: Lot 1, Lot 2)
- ❑ North arrow and scale.

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF6-7FB8A5024B76

12. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), Sandy Bay Vacations Inc. *AUTHORIZED SIGNING OFFICER TODD ADAIR and JAMIE STEELE the undersigned,
Registered Owner(s)

being the Registered Owner(s) of the subject land, hereby authorize

Kim-Isabel Obenhaus to act as my Agent with respect to the
Agent

preparation and submission of this Application.

Signed by:
1A14E7D8136943C...
Signature of Owner — Date: 10/27/2025

Signed by:
E3893D56C49A491...
Signature of Owner — Date: 10/28/2025

13. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form, collected and maintained pursuant to Section 53 of The Planning Act, will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

Signed by:
1A14E7D8136843C...

Signature of Owner — Date: 10/27/2025

Signed by:
E3883D55C49A491...

Signature of Owner — Date: 10/28/2025

DocuSigned by:
kim-Isabel Obenhaus
C7D37366423C4F2...

Signature of Witness — Date: 10/28/2025

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF6-7FB8A5024B76

14. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I Kim-Isabel Obenhaus (Owner(s)/Agent) of the Town of Bracebridge in the County/District/Regional Municipality of Muskoka do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Bracebridge in the District Municipality of Muskoka this 29 day of October, 2025, _____.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Sheryl Lyn Goldthorp, a Commissioner, etc.
Province of Ontario,
for Wylaw Professional Corporation,
Expires June 2, 2028

Signature of Commissioner

Commissioners Stamp

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF6-7FB8A5024B76

15. ADDITIONAL FEES AND ACKNOWLEDGEMENT

If Planning, Engineering and/or legal and land appraisal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

In consideration of being permitted to proceed with the application for consent without first securing the required development approval(s), the registered owner(s) and agent hereby release and discharge the Township from any and all claims for liability, costs, expenses, damages, losses associated with or resulting from an inability to meet, or failure to meet, the conditions imposed in any conditional approval of the consent application in this matter requiring the obtaining of development approval(s).

DocuSigned by:
Kim-Isabel Obenhaus
C7D37386423C4F2...

Signature of Owner(s)/Agent

10/28/2025

Date

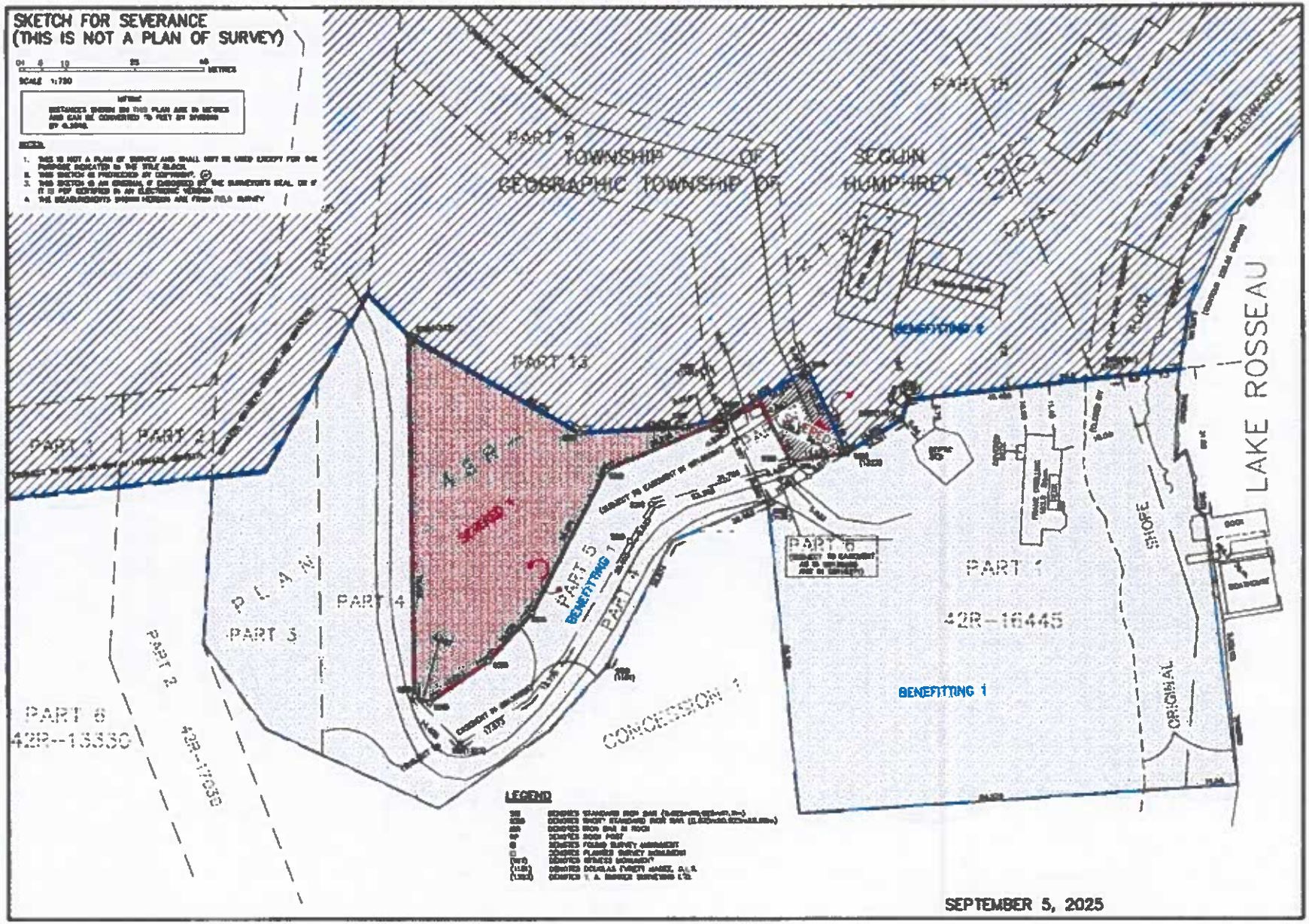
Please submit this application to the Township of Seguin Planning Department at:

Township of Seguin
5 Humphrey Drive
Seguin, ON P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846

Docusign Envelope ID: 7D3681FB-28C7-40DD-AFF6-7FB8A5024B76

PROPERTY DESCRIPTION: PART LOT 4 CONCESSION 1 HUMPHREY, PART LOT 5 CONCESSION 1 HUMPHREY, PART SHORE ROAD ALLOWANCE IN FRONT OF LOT 4 AND 5 CONCESSION 1 HUMPHREY, PARTS 2, 3 AND 5 42R13330 EXCEPT PARTS 11 AND 14 PLAN 42R21873 AND SAVE AND EXCEPT PARTS 3, 4, 5, 6 AND 7 42R21873; PT SHORE RDAL IN FRONT LT 5 CON 1 HUMPHREY CLOSED BY RO69050 PT 1 42R16445 AS IN GB115271;

Docusign Envelope ID: 237D0746-A22E-4416-9770-529CAEB6E7F5



Shore/Concession Road Allowances

Prepared for: Mayor and Members of Council

Subject: Shore Road Allowance Application (RAS-2025-0003-H Caravaggio)

From: Taylor Elgie, Director of Planning, Planning Department

Agenda Date: February 2nd, 2026 **Report No:** PL-2026-014

Executive Summary:

RAS-2025-0003-H is an application to purchase the remaining flooded land portions of the Shore Road Allowance in front of the subject lands at 201 Sandy Plains Road on Clear Lake.

Staff recommend that Council pass By-law 2026-008 to transfer the requested portions of Shore Road Allowance to the abutting owner.

Prepared for: Mayor and Members of Council

Subject: Shore Road Allowance Application (RAS-2025-0003-H Caravaggio)

From: Taylor Elgie, Director of Planning, Planning Department

Agenda Date: February 2nd, 2026 **Report No:** PL-2026-014

Recommendation:

That Council pass By-law 2026-008 to transfer portions of the Shore Road Allowance, designated as Parts 8, 9, and 10 according to Plan 42R-7796, to the abutting owner;

Background & Analysis:

APPLICATION NO:	RAS-2025-0003-H
Applicants:	Daniel Caravaggio & Wendy Brown
Subject Lands:	PT LT 32 CON 11 HUMPHREY; PT RDAL IN FRONT OF LT 32 CON 11 HUMPHREY CLOSED BY RO98418 PT 1 TO 4 42R17495;
Civic Address:	201 Sandy Plains Road
Roll No.:	4903-010-008-12900

On November 26th, 2025, an application was made by the owner to purchase the "Flooded Lands" portion of the Original Shore Road Allowance (SRA) laid out along the shores of Clear Lake, in front of Lot 32, Concession 11, designated as Parts 8, 9, and 10 according to Plan 42R-7796.

The applicant wishes to purchase the flooded lands in order to expand a boathouse.

In 1983, By-law 83-5 was passed to close and stop up Parts 8, 9, and 10 of Plan 42R-7796. Only a portion of the SRA was transferred to the abutting owner as the Township did not sell flooded lands at that time.

As of 2009, the Ministry of Natural Resources and Forestry has authorized the Township to sell those parts of road allowance which are covered by

water. A review of the subject lands determined that there are no concerns that would indicate that the lands should remain in Township ownership. Township Departments were also circulated for comment and no concerns were identified.

FIGURE 1: KEY MAP

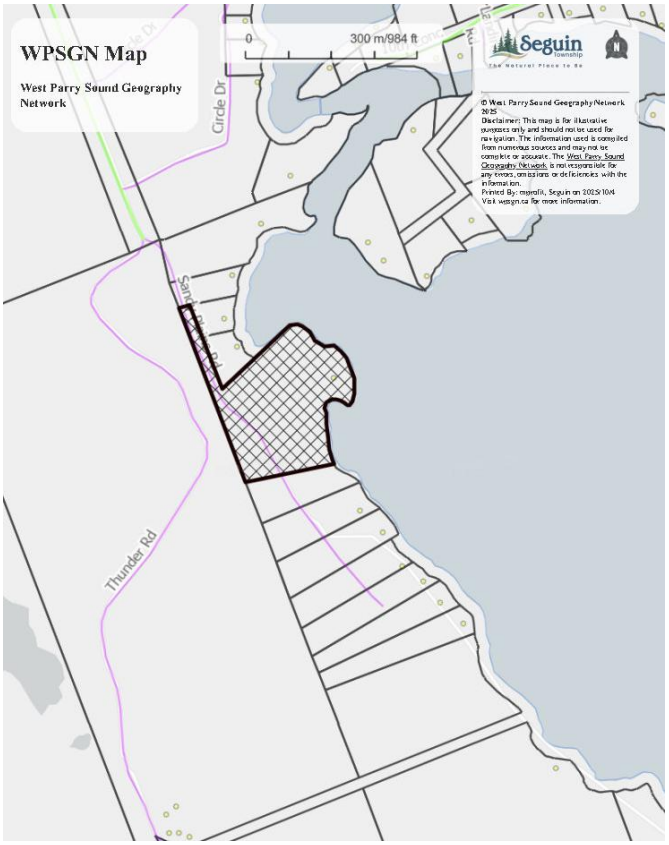
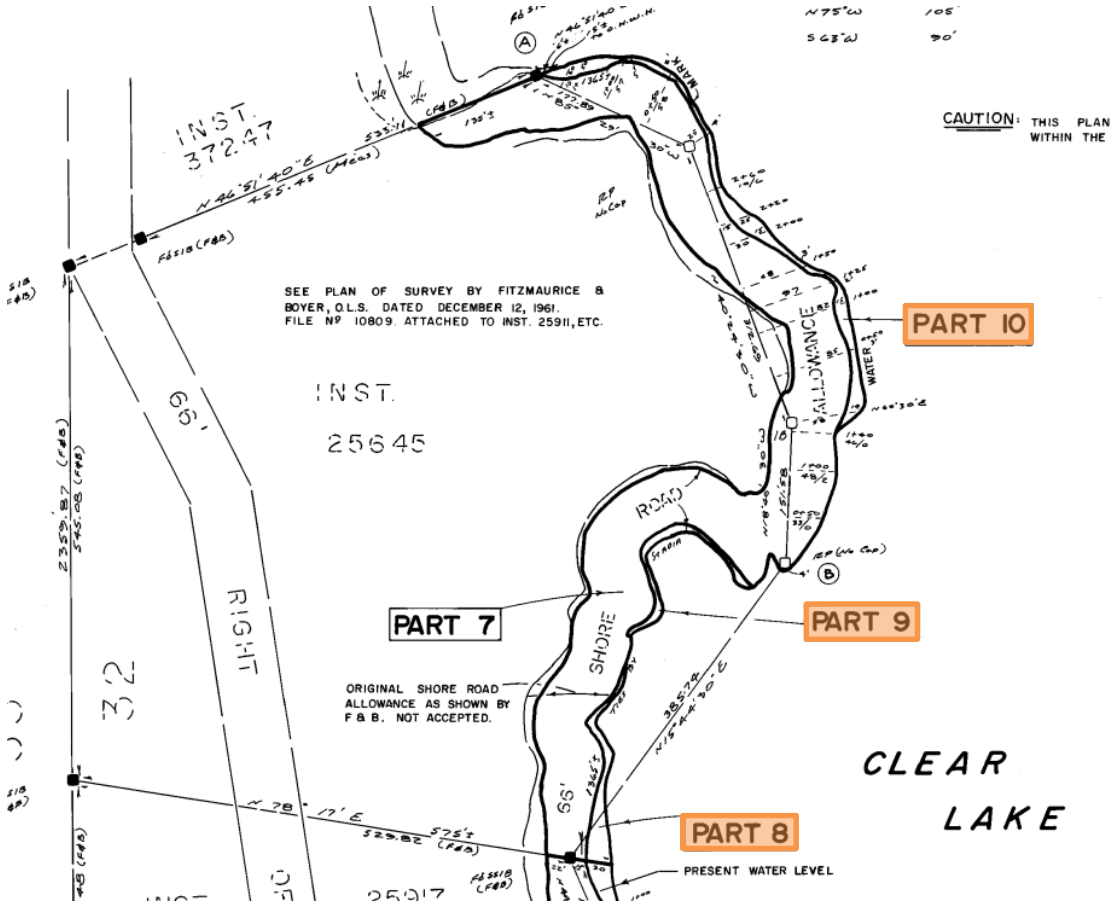


FIGURE 2: 42R-7796



Financial Impact:

There is no financial impact associated with this report. The cost of land is determined by By-law 2013-038. The land value cost for the requested flooded land portions of the shore road allowance is $1.00.

Options/Alternatives:

Council has two options on how to proceed with the request to acquire the subject Shore Road Allowance.

Option 1: Sell the requested portions of the Shore Road Allowance to the applicant, as requested.

Option 2: Do not sell the requested portions of the Shore Road Allowance at this time.

Staff recommends Option 1.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

It is the recommendation of the Planning Department that Council pass By-law 2026-008 (Schedule A) to transfer those parts of the Shore Road Allowance laid out along the shores of Clear Lake, in front of Lot 32, Concession 11, designated as Parts 8, 9, and 10 according to Plan 42R-7796, in the Geographic Township of Humphrey.

Prepared by:



Melissa Profit,
Planning Technician

Reviewed by:



Taylor Elgie,
Director of Planning

Reviewed by:



Jason Inwood,
Chief Administrative Officer
Attachments:

- Schedule A – Draft By-law 2026-008

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2026-008

TO SELL PART OF The original shore road allowance laid out along the shores of Clear Lake, in front of Lot 32, Concession 11, designated as Parts 8, 9 and 10 according to plan 42R-7796, in the Geographic Township of Humphrey, now Township of Seguin, District of Parry Sound.

WHEREAS by By-Law 83-5 passed on the 10th day of June 1983 those portions of the original shore road allowance in front of Lot 32, Concession 11, designated as Parts 8, 9 and 10 according to plan 42R-7796, in the Geographic Township of Humphrey, now Township of Seguin, District of Parry Sound, were closed and stopped up;

AND WHEREAS the adjacent owner has made a request to the Corporation for the purchase of part of the said original shore road allowance being designated as Parts 8, 9 and 10 according to plan 42R-7796.

NOW THEREFORE the Council of THE CORPORATION OF THE TOWNSHIP OF SEGUIN enacts as follows:

1. THAT upon and after passing of this By-law that part of the original shore road allowance designated as Parts 8, 9 and 10 according to plan 42R-7796 be sold and conveyed by the Corporation to the adjacent owner or owners forthwith after this By-law comes into effect for other lawful consideration and the sum of One Dollar ($1.00).

2. THAT the road allowance described in Schedule A hereto is declared surplus.

3. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign all such conveyances as may be necessary and expedient for carrying out the provisions of this By-law, and to affix to such conveyances the Corporate Seal of the Municipality.

PASSED in Council February 2, 2026

Certified to be a true copy of
By-law No. 2026-008 passed in
Council, this 2nd day of February, 2026

_____
ANN MACDIARMID, Mayor

_____
CRAIG JEFFERY, Clerk

_____
CRAIG JEFFERY, Clerk

DRAFT

SCHEDULE A

Parts of the original shore road allowance laid out along the shores of Clear Lake, in front of Lot 32, Concession 11, designated as Parts 8, 9 and 10 according to plan 42R-7796, in the Geographic Township of Humphrey, now Township of Seguin, District of Parry Sound.

DRAFT

Prepared for: Mayor and Members of Council

Subject: Shore Road Allowance Application (Scott) – Information Report

From: Taylor Elgie, Director of Planning, Planning Department

Agenda Date: February 2nd, 2026 **Report No**: PL-2026-009

Executive Summary:

RAS-2024-0006-H is an application to purchase the Shore Road Allowance (SRA) that abuts 46 Little Whitefish Shores Road on Little Whitefish Lake. The existing cottages are partially located on the shore road allowance, and the applicants seek to purchase the lands as a long-term legacy investment.

The owners of the neighbouring property to the south previously raised objections to the proposed sale, citing concerns related to an existing legal right-of-way and potential impacts on sightlines due to the configuration of the shore road allowance, which extends onto a peninsula. In response, the applicants amended the draft plan to address these concerns by providing an extension of the existing legal right-of-way (Part 4) and agreeing to register a Restrictive Covenant over Part 3, requiring that the lands remain in a natural state with no structures permitted. Staff reviewed these revisions and were satisfied that reasonable steps had been taken to address the concerns. An information report was presented to Council on November 3, 2025 (attached as Schedule A), and Council directed staff to proceed with processing the application.

In January 2026, Township staff received correspondence from legal counsel representing the neighbouring property owners to the south (attached as Schedule C), asserting a claim of adverse possession over a portion of the Shore Road Allowance. This correspondence represents a new matter that arose subsequent to Council's previous direction, and therefore an update is warranted.

Prepared for: Mayor and Members of Council

Subject: Shore Road Allowance Application (Scott) – Information Report

From: Taylor Elgie, Director of Planning, Planning Department

Agenda Date: February 2nd, 2026 **Report No**: PL-2026-009

Recommendation:

That Council direct staff to proceed with processing the application to sell a portion of the Shore Road Allowance to the applicant with an additional ROW over the driveway, and to hold a public meeting at a future date.

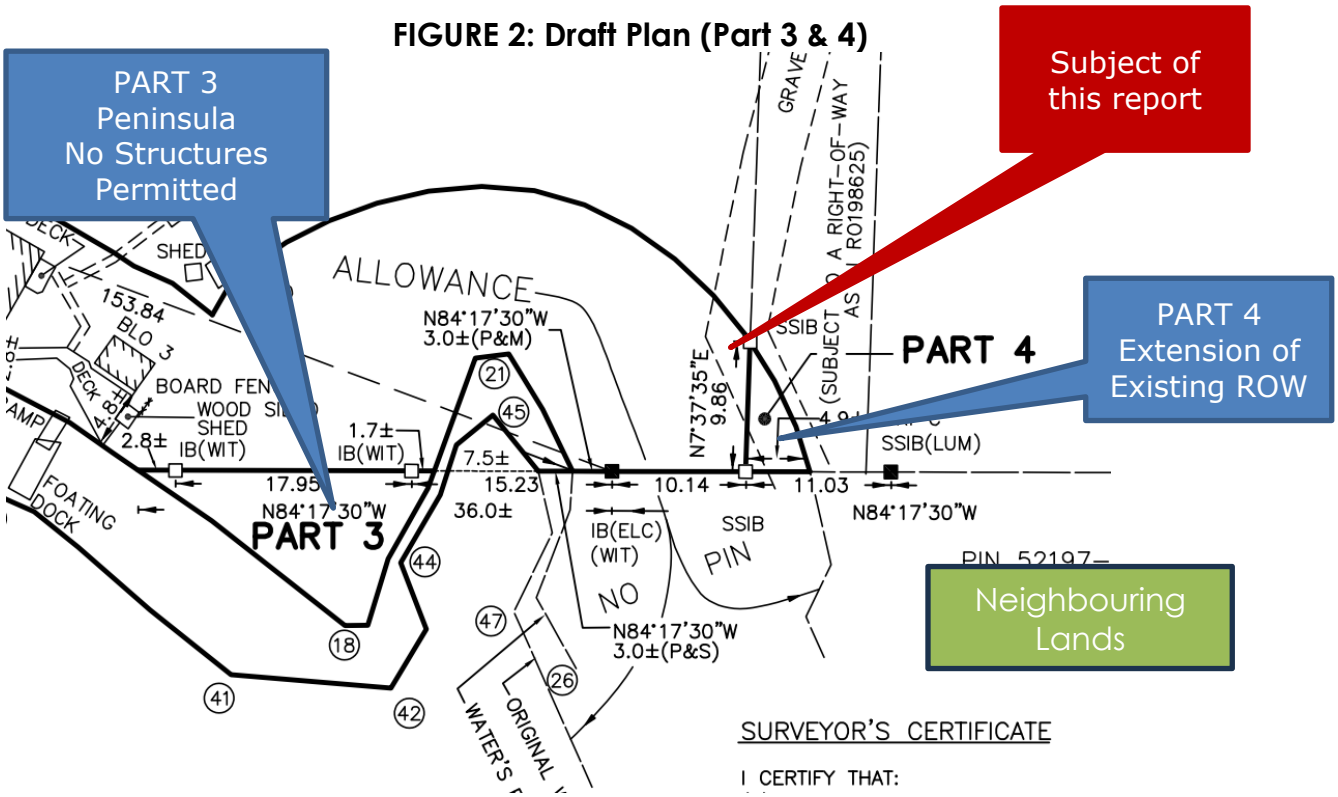
Background & Analysis:

APPLICATION NO's:	Shore Road Allowance RAS-2024-0006-H
Applicants:	Sandra Scott-Tapia, Susan Scott-Mallett, Pamela McWhirter
Subject Lands:	*PT LT 97 CON A HUMPHREY AS IN RO198625; S/T & T/W RO198625 PARTIALLY RELEASED BY RO201525; T/W RO201526; S/T INTEREST IN RO198625; S/T BENEFICIARIES INTEREST IN RO198622; SEGUIN*
Civic Address:	46 Little Whitefish Shores Road
Roll No.:	4903-010-009-06700

On August 13th, 2024, an application was made to purchase part of the Original Shore Road Allowance (SRA) laid out along the shores of Little Whitefish in front of Lot 97, Concession A, designated as Parts 1-4 according to Draft Plan Figure 2.

As per the Townships Shore Road Allowance policies, when abutting neighbours are not in agreement with the privatization of a shore road allowance, staff bring these concerns forward to Council prior to continuing with the file.

FIGURE 2: Draft Plan (Part 3 & 4)



Accordingly, staff recommend that the process to sell a portion of the Shore Road Allowance to the applicants proceed and request that the plan be amended to include the driveway that deviates off of the right-of-way, and that Council direct staff to schedule a public meeting at a future date to allow for further consideration of the application.

Legal disputes may occur irrespective of whether a right-of-way is included in a land transfer. The Townships solicitor's initial opinion is that while litigation can be initiated by any party, success is not assured. The Township of Seguin likely holds no liability, whether land is transferred with or without a right-of-way. In cases without a right of way, Seguin can convey limited historical knowledge regarding details such as driveway construction and usage, addressing claims with transparency. It is justifiable for Seguin to require a right-of-way when necessary for valid planning purposes, ensuring transparency, public consultation, and fairness in land transactions.

The applicants (the Scotts) do not wish to pay for or provide a right-of-way as part of this process (letter attached as Schedule B). Staff are of the opinion that it's the more cautious approach, as it minimizes land use disputes in the future. The conveyance will have no outstanding issues. Regardless, the Scotts have

essentially requested to purchase the Townships lands without conveying this ROW, and accepting any future issues. If Council is to proceed on this course, we would ask our lawyer to include language which reduces municipal liability.

Financial Impacts:

There are no financial impacts.

Options/Alternatives:

Council has three options on how to proceed with the request to acquire the subject Shore Road Allowance.

Option 1: Proceed with processing the application to sell a portion of the Shore Road Allowance to the applicant and request the plan to be amended to include the driveway that deviates from the Right-of-Way on the Shore Road Allowance.

Option 2: Proceed with processing the application to sell a portion of the Shore Road Allowance to the applicant, as requested.

Option 3: Do not sell any portion of the Shore Road Allowance at this time.

Staff recommends Option 1.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

Staff are recommending that the process to sell a portion of the Shore Road Allowance to the applicant and request the plan to be amended to include the driveway that deviates off of the Right-of-Way on the Shore Road Allowance.

Prepared by:

Melissa Profit
Planning Technician

Approved by:

Taylor Elgie, MCIP, RPP
Director of Planning

Jason Inwood
Chief Administrative Officer

Attachments:
Schedule A – PL-2025-103 November 3rd Report to Council
Schedule B- The Scotts Revised Objection Letter
Schedule C – Vivaldi Letter
MP/TE/JI

Seguin Township
The Natural Place to Be

Seguin Township
Staff Report to Council

Prepared for: Mayor and Members of Council

Subject: Shore Road Allowance Application (Scott) – Information Report

From: Taylor Elgie, Director of Planning, Planning Department

Agenda Date: November 3rd, 2025 **Report No**: PL-2025-103

Executive Summary:

RAS-2024-0006-H is an application to purchase the Shore Road Allowance (SRA) in front of the subject lands at 46 Little Whitefish Shores Road on Little Whitefish Lake.

The original cottages are located on the shore road allowance. The owners wish to purchase the shore road land as a legacy investment.

The owners of the property to the south of the subject lands have objections over the sale of the requested Shore Road Allowance due to an existing right-of-way as well as the sightline due to the shape of the shore road allowance that abuts the Scotts lands. Letter attached as Schedule A.

The Scotts have agreed to place an additional restrictive covenant on the inlet lands that project into the neighbours sightline as well as to extend the existing right of way to be continued over a small portion of shoreroad lands the draft plan has been amended to address these concerns (Figure 3.).

Staff are recommending that the process to sell a portion of the Shore Road Allowance to the applicant proceeds and that Council direct staff to hold a public meeting at a future date.

Prepared for: Mayor and Members of Council

Subject: Shore Road Allowance Application (Scott) – Information Report

From: Taylor Elgie, Director of Planning, Planning Department

Agenda Date: November 3rd, 2025 **Report No**: PL-2025-103

Recommendation:

That Council direct staff to proceed with processing the application to sell a portion of the Shore Road Allowance to the applicant, and to hold a public meeting at a future date.

Background & Analysis:

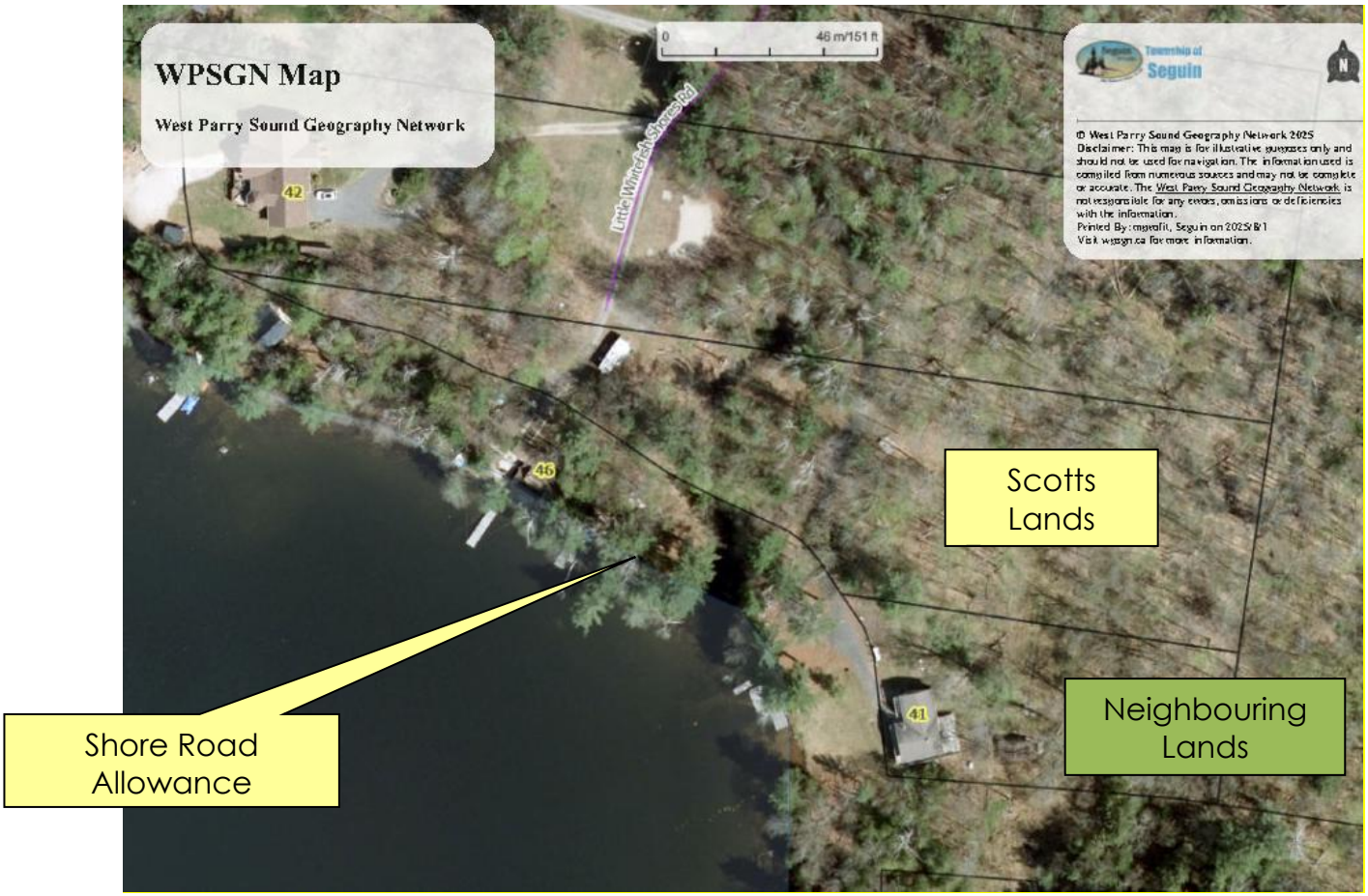
APPLICATION NO's:	Shore Road Allowance RAS-2024-0006-H
Applicants:	Sandra Scott-Tapia, Susan Scott-Mallett, Pamela McWhirter
Subject Lands:	*PT LT 97 CON A HUMPHREY AS IN RO198625; S/T & T/W RO198625 PARTIALLY RELEASED BY RO201525; T/W RO201526; S/T INTEREST IN RO198625; S/T BENEFICIARIES INTEREST IN RO198622; SEGUIN*
Civic Address:	46 Little Whitefish Shores Road
Roll No.:	4903-010-009-06700

On August 13th, 2024, an application was made to purchase part of the Original Shore Road Allowance (SRA) laid out along the shores of Little Whitefish in front of Lot 97, Concession A, designated as Parts 1-4 according to Draft Plan Figure 2.

Township staff received correspondence from the neighbouring property owners to the south of the subject lands at 41 Little Whitefish Shores Road. The neighbouring owners expressed objections to the sale of the requested Shore Road Allowance, citing concerns related to an existing right-of-way and potential impacts on sightlines, as the shore road lands extend onto a peninsula.

In response to these concerns, the Scott's have agreed to provide a small extension (Part 4) of the existing legal right-of-way over the subject lands, as shown in Figures 2 and 3. In addition, the Scott's have agreed to register a Restrictive Covenant over Part 3, stipulating that Part 3 will remain in its natural state and that no structures will be permitted on this portion. A draft of the Restrictive Covenant is attached as Schedule B.

FIGURE 1: AERIAL



In 2013 Council directed Staff to review the policy and procedures for the closing of Shore Road Allowances, and directed staff to proceed with the following approach:

Placing a restrictive covenant on the lands that places a specific prohibition on title that Council considers appropriate to advance the objectives of the Official Plan. This could be used to prohibit certain uses or structures contrary to the Township by-laws. The covenant could also be used to provide another level of protection for areas of natural vegetation and steep slopes.

FIGURE 2: Draft Plan (Excerpt)

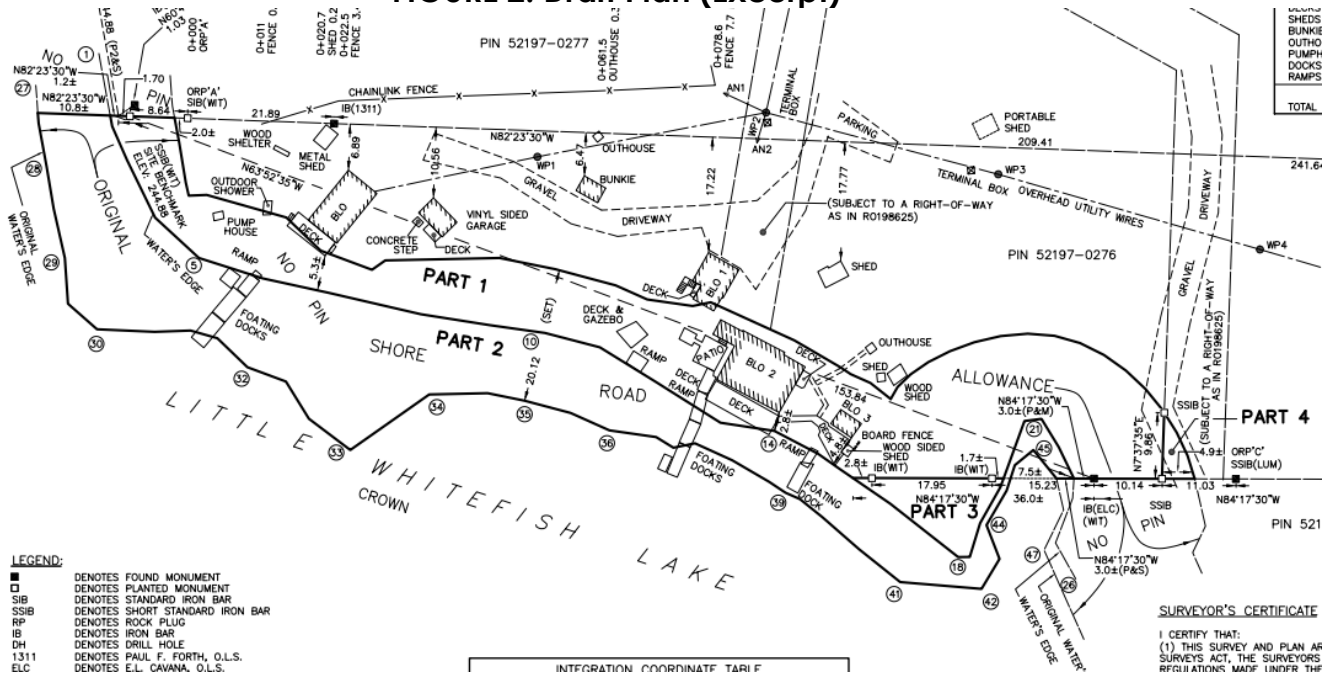
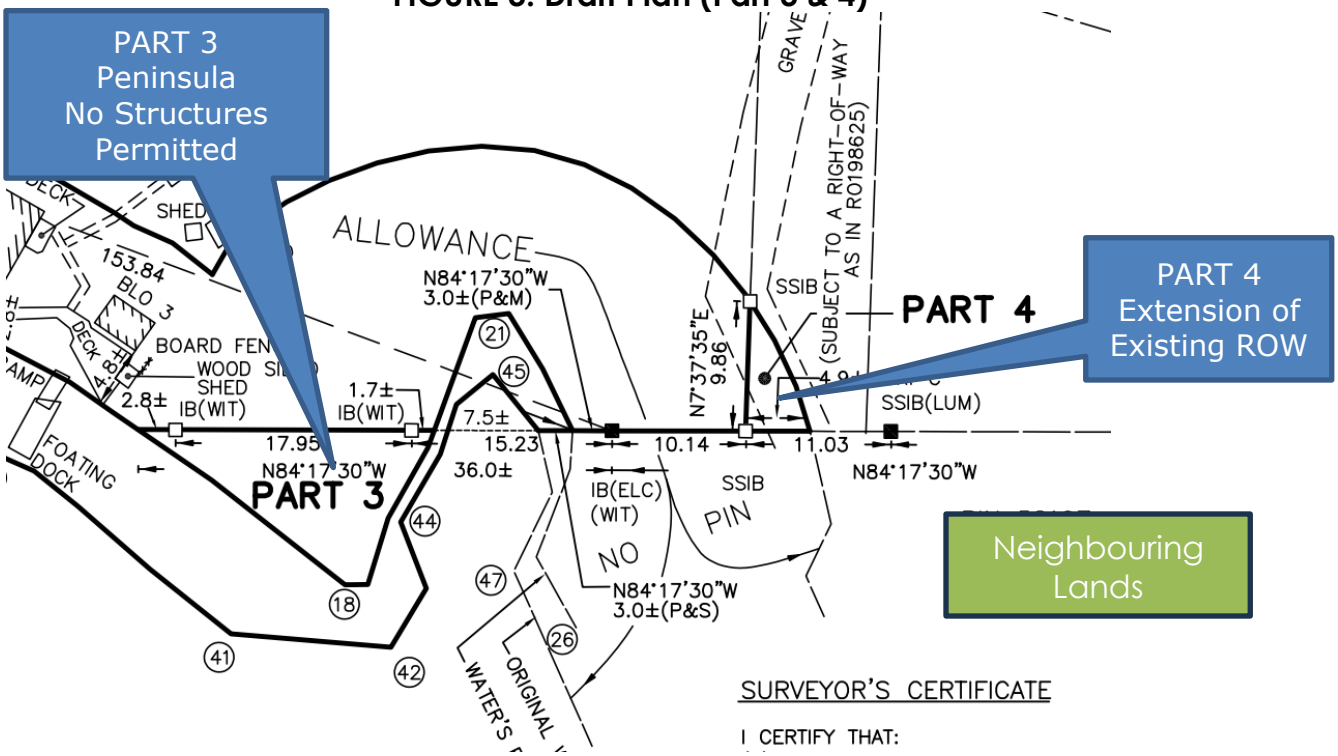


FIGURE 3: Draft Plan (Part 3 & 4)



As per the Townships Shore Road Allowance policies, when abutting neighbours are not in agreement with the privatization of a shore road allowance, staff bring these concerns forward to Council prior to continuing with processing the file.

Staff are of the opinion that the applicants, the Scott's, have taken reasonable steps to address the concerns raised by the neighbouring property owners to the south. Specifically, the draft plan has been amended to include an extension of the existing legal right-of-way (Part 4) and the Restrictive Covenant over Part 3 to ensure the area remains natural and free of structures. These measures provide additional protections that align with the objectives of the Township's Official Plan and By-laws.

Figure 4: Site Visit Photos
Existing Cottages



Figure 5: Site Visit Photos
View of Inlet



Given the distinctive shape of the shoreline, along with the fact that the existing cottages are situated on the Shore Road Allowance and will require renovation in the future, staff are of the view that the concerns raised should not prevent the application from moving forward at this stage.

Accordingly, staff recommend that the process to sell a portion of the Shore Road Allowance to the applicants proceed, and that Council direct staff to schedule a public meeting at a future date to allow for further consideration of the application.

Financial Impacts:

There are no financial impacts.

Options/Alternatives:

Council has two options on how to proceed with the request to acquire the subject Shore Road Allowance.

Option 1: Proceed with processing the application to sell a portion of the Shore Road Allowance to the applicant, as requested.

Option 2: Do not sell any portion of the Shore Road Allowance at this time.

Staff recommends Option 1.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

Staff are recommending that the process to sell a portion of the Shore Road Allowance to the applicant proceeds and that Council direct staff to hold a public meeting at a future date.

Prepared by:



Melissa Profit
Planning Technician

Approved by:



Taylor Elgie, MCIP, RPP
Director of Planning



Jason Inwood
Chief Administrative Officer

Attachments:
Schedule A – Neighbour Objection Letter
Schedule B – Draft Restrictive Covenants Agreement

MP/TE/JI

PACELAW

January 27, 2025

By email to rebecca@prichardlaw.ca

Edward Peghin
Managing Lawyer
Direct: 416-734-0405
epeghin@pacelawfirm.com

Al Pace
Robert J. Kram
Andy J. Semotiuk
Nicholas Cutaia
Alexander M. Voudouris *
Allan Chapnik
Edward Peghin
Anu Malhotra
Samantha Keser
Michelle Arzaga *
Vince Lalonde
Vishal Janda
Raffaele Masellis
Nancy Young
Aleksa Pace
Rachel Eta Brown
Daniel Freiheit **
Michael O'Rourke
Anna Aazam
Brume Jabuoma
Anthony Gullo
Aarij Jawaid
Mark Ruffolo
Thisari Widyalankara
C. Jenny Yu
Tanner Blomme
Polina Elizarova
Austin Roncali
Rebecca Strain
Jana Savevska
Christina Atrach

*Certified as a Specialist in Civil Litigation by the Law Society of Ontario

**Certified as a Specialist in Corporate/Commercial Law by the Law Society of Ontario

Ben Prichard
Ben Prichard Professional Corporation
17 Miller Street
Parry Sound, ON P2A 1S7

Objection to Application to Purchase Original Shore Road Allowance; Township of Seguin; Scott-Tapia/Scott-Mallett/McWhirter - Shore Road Closing; Your File Number: 1000-4168

Dear Mr. Prichard:

We are writing on behalf of our client, Vivaldi Consulting Inc., ("**Vivaldi**"), the owner of the property municipally known as 41 Little Whitefish Shores Road, Seguin ON P2A 2W8 ("**Vivaldi Property**").

Vivaldi objects to elements of the application made by their neighbours, Scott-Tapia/Scott-Mallett/McWhirter ("**Applicants**"), who reside at the property municipally known as 46 Little Whitefish Shores Road, Seguin ON P2A 2W8 ("**46 Little Whitefish**"), to purchase the Original Shore Road Allowance ("**OSRA**") abutting 46 Little Whitefish for the reasons below. The OSRA is shown as Parts 1 and 2 on the proposed survey attached to your letter dated December 10, 2024 (located below at **Tab 1**).

Vivaldi will be applying to purchase the portion of the OSRA abutting the Vivaldi Property, to secure its ownership of and rights to the land it has used and enjoyed for years. Vivaldi is not seeking to prevent the Applicants from purchasing the OSRA abutting 46 Little Whitefish. Rather, Vivaldi only seeks to prevent adverse impacts on the Vivaldi Property, including any encroachment resulting from the proposed purchase plan.

In preparing for its objection to the Applicants' application, Vivaldi retained Planscape Inc. to provide a land use planning opinion on the proposed OSRA purchase by the Applicants (**Tab 2**).

Vivaldi is very concerned about the 46 Little Whitefish purchase and anticipated impacts on the Vivaldi Property and encourages a mutually agreeable solution to satisfy the wishes of the parties.

Encroachment on Lot Projection and Sightline – the Peninsula

The proposed sale of the OSRA encroaches on the Vivaldi Property lot projection and sightline onto the peninsula and lake, affecting Vivaldi's future development plans and enjoyment of the dock and waterfront (Figure 3 of the Planscape Inc. report at **Tab 2**). The OSRA includes a unique peninsula and cove that is within the Vivaldi Property view and projection of its property line onto the lake (as shown by the maps at **Tab 3** and **Tab 4**). The view enriches the sightline, adds value to the Vivaldi Property and was one of the selling features enticing Vivaldi to purchase the Vivaldi Property.

Vivaldi requests that this unique portion of the OSRA (the peninsula at **Tab 3**) not be sold to the Applicants to ensure no one will erect structures which will obstruct nearly half of the magnificent view from the Vivaldi Property, thereby decreasing both the enjoyment and market value of the Vivaldi Property.

Furthermore, the Township's Official Plan, Section C.3.1.3.3, encourages maintaining the area's unique character. Any obstructions to the sightline would impact the "visual and aesthetic character" of the lake and the recreational experience, which also violates the Township's Official Plan, Section A.2.2.1. Vivaldi seeks to maintain the peaceful and serene character of the cottage landscape and avoid unnecessary development that would detract from it. Thus, Vivaldi requests that the peninsular portion of the OSRA remain in the control and ownership of the Township in perpetuity.

If the Applicants are permitted to purchase the peninsula, newly created use or zoning restrictions may prevent Vivaldi from constructing a boathouse, extending or widening its dock, or additional otherwise permitted structures.

If the peninsula within the OSRA were sold to the Applicants, despite Vivaldi's objection, Vivaldi requests that conditions, such as building restrictions, be imposed on the Applicants to protect the Vivaldi Property sightline and maintain the status quo, pursuant to Schedule 1 to By-law no. 2013-038, paragraph 8. This would include assurance that the Applicants are prohibited from marking off or erecting structures in the cove, whether on land or in the water (see Part 3 of the proposed survey).

Protection of Marshy Inlet and Aquatic Wildlife

The proposed sale of the peninsula within the OSRA would compromise the protection of natural heritage features and waterfront character. This area includes a cove and marshy inlet that is home to aquatic wildlife and vegetation. Vivaldi wants to ensure this specific area remains vacant and undisturbed, as it contributes to the quality of the water, biodiversity of the lake, and natural beauty of the shoreline.

Including the peninsula as part of the sale to the Applicants may lead to its development, which may be contrary to the Township's Official Plan. Section E.1.2.6. states "*Generally, Shoreline road allowances that abut Type 1 Fish Habitat should not be sold unless the Township and owner have entered into a Site Plan Agreement restricting the use and development of the lands abutting the*

Type 1 Fish Habitat." In addition, Section A.2.2.1. sets a goal that any development must preserve the quality of the water and the visual character of the lake.

Road Access to Vivaldi Property

In addition to the issue of the peninsula described above, the sale of the OSRA would create an access problem for Vivaldi. The only available land access to the Vivaldi Property is by a road that crosses over the OSRA. If the Applicants are permitted to purchase the OSRA, Vivaldi requests a **registered easement over the OSRA to permit unrestricted access to the Vivaldi Property**. Water access does not constitute an alternate route (*Atkins v. Carter* (2004 CanLII 8193)).

Conclusion

Vivaldi requests that the Township disallow the Applicants' application to purchase the OSRA abutting 46 Little Whitefish because of the legitimate concerns regarding Vivaldi's use and enjoyment of the Vivaldi Property, as well as the potential impact on the environment. Instead, Vivaldi welcomes constructive discussions with Council and the Applicants, with a consideration of the proposed solutions offered above.

Thank you for considering Vivaldi's requests and concerns. We look forward to hearing from you at your convenience.

If you have any questions or require additional information, please feel free to contact us at 416-734-0405 or by email at epeghin@pacelawfirm.com.

Sincerely,

Pace Law Firm Professional Corporation



Edward Peghin

Encl.

TAB 1

BEN PRICHARD

Professional Corporation
Barristers, Solicitors, & Notaries Public

10 December 2024

SENT BY EMAIL

Vivaldi Consulting Inc.
41 Little Whitefish Shores Road
Seguin, Ontario
P2A 2W8

Dear Sir/Madam:

RE: TOWNSHIP OF SEGUIN
SCOTT-TAPIA/SCOTT-MALLETT/MCWHIRTER- Shore Road Closing
Description: In front of Lot 97, Concession A; Humphrey
Parts 1 and 2 on the enclosed Draft Plan of Survey
My File Number: 1000-4168

We are the solicitors for the Township of Seguin, with regard to an application made by your neighbours, Sandra Patricia Scott-Tapia, Susan Margaret Scott-Mallett and Pamela Jean McWhirter, to purchase the shore road allowance in front of their property.

Enclosed is a consent form and attached thereto is a draft plan outlining the shore road lands which your neighbours are applying to close and purchase, namely, Parts 1 and 2 (outlined in yellow highlighter).

As your land is adjacent to the Scott-Tapia, Scott-Mallett and McWhirter property, I am writing to request your input on the closure and transfer of Parts 1and 2 to your neighbours.

If you have questions, concerns, or objections in this regard, I ask that you contact my assistant, Rebecca Scott, who will relay such to the Township for consideration. Rebecca can be reached at 249-988-0015 or at rebecca@prichardlaw.ca.

If instead you are agreeable at this stage to the above-noted proposal, I ask that you sign the enclosed consent form and return it to my office.

17 Miller Street
Parry Sound, Ont.
Canada
P2A 1S7

www.prichardlaw.ca

Telephone: 249-988-0015
Fax: 1-888-787-6099
ben@prichardlaw.ca

The Township kindly requests your reply by January 13, 2024, to prevent this matter from being unnecessarily delayed. If my office and the Township have not heard from you by that date, the Township will proceed without your comments.

Please do not hesitate to contact my office with any questions. Your input in this matter is appreciated.

Yours very truly,

per: Benjamin E. S. Prichard

BEP/rs
Encl.

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

IN THE MATTER OF AN APPLICATION TO CLOSE AND STOP UP THAT PART OF THE ORIGINAL SHORE ROAD ALLOWANCE ALONG THE SHORES OF LITTLE WHITEFISH LAKE, IN FRONT OF LOT 97, CONCESSION A, IN THE GEOGRAPHIC TOWNSHIP OF HUMPHREY, NOW TOWNSHIP OF SEGUIN, DISTRICT OF PARRY SOUND AND TO SELL THE SAME TO SANDRA PATRICIA SCOTT-TAPIA, SUSAN MARGARET SCOTT-MALLETT AND PAMELA JEAN MCWHIRTER.

NEIGHBOURS' WRITTEN AUTHORIZATION

WE, VIVALDI CONSULTING INC., the owner of Part of Lot 97, Concession A, in the Geographic Township of Humphrey, now Township of Seguin, District of Parry Sound, abutting one side of the Applicants' lands,

(a) consent to the purchase by SANDRA PATRICIA SCOTT-TAPIA, SUSAN MARGARET SCOTT-MALLETT and PAMELA JEAN MCWHIRTER of that part of the original shore road allowance along the shores of Little Whitefish Lake, in front of Lot 97, Concession A, in the Geographic Township of Humphrey, now Township of Seguin, District of Parry Sound, designated as Parts 1 and 2, on the portion of the draft reference plan attached and initialed by us; and

(b) agree to the proposed boundary locations as shown on the plan.

DATED AT this day of , 2024

_____

Per:
On behalf of VIVALDI CONSULTING INC.

I have the authority to bind the Corportation

PLAN OF SURVEY
OF PART OF THE ORIGINAL SHORE ROAD ALLOWANCE LYING IN FRONT OF LOT 97, CONCESSION A GEOGRAPHIC TOWNSHIP OF HUMPHREY NOW IN THE TOWNSHIP OF SEGUIN DISTRICT OF PARRY SOUND

KPK SURVEYING INC.

2024

5m 0 5 25m

SCALE 1 : 500

THE INTENDED PLOT SIZE OF THIS PLAN IS 711mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500.

BEARING NOTE:

BEARINGS ARE UTM GRID AND ARE DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY BASE/ROVER OBSERVATIONS, AND ARE REFERRED TO THE CENTRAL MERIDIAN FOR UTM ZONE 17 (81°00' WEST LONGITUDE), NAD83(CSRS)(2010.0).

METRIC:

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

GROUND DISTANCES SHOWN HEREON CAN BE CONVERTED TO UTM GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999680.

CONVERGENCE NOTE:

A CONVERGENCE (ROTATION) FACTOR OF 0°50'30" COUNTER CLOCKWISE HAS BEEN APPLIED TO THE ASTRONOMIC BEARINGS OF UNDERLYING PLAN P TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS.

A CONVERGENCE (ROTATION) FACTOR OF 0°55'00" COUNTER CLOCKWISE HAS BEEN APPLIED TO THE ASTRONOMIC BEARINGS OF UNDERLYING PLANS P1 AND P2 TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS.

NOTE:

THE ORIGINAL WATER'S EDGE AS SHOWN HEREON HAS BEEN ESTABLISHED AT A CONTOUR ELEVATION OF 243.81 CGVD28 AND HAS BEEN ACCEPTED AS THE BEST AVAILABLE LIMIT OF LITTLE WHITEFISH LAKE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF HUMPHREY. LITTLE WHITEFISH LAKE IS REGULATED BY A DAM AT THE OUTLET OF WHITEFISH LAKE.

ELEVATIONS ARE REFERRED TO THE TOP OF THE DAM AT THE OUTLET OF WHITEFISH LAKE HAVING AN ELEVATION OF 245.80m CGVD28.

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

DATE

KEVIN P. KUJALA
ONTARIO LAND SURVEYOR

PLAN 42R–

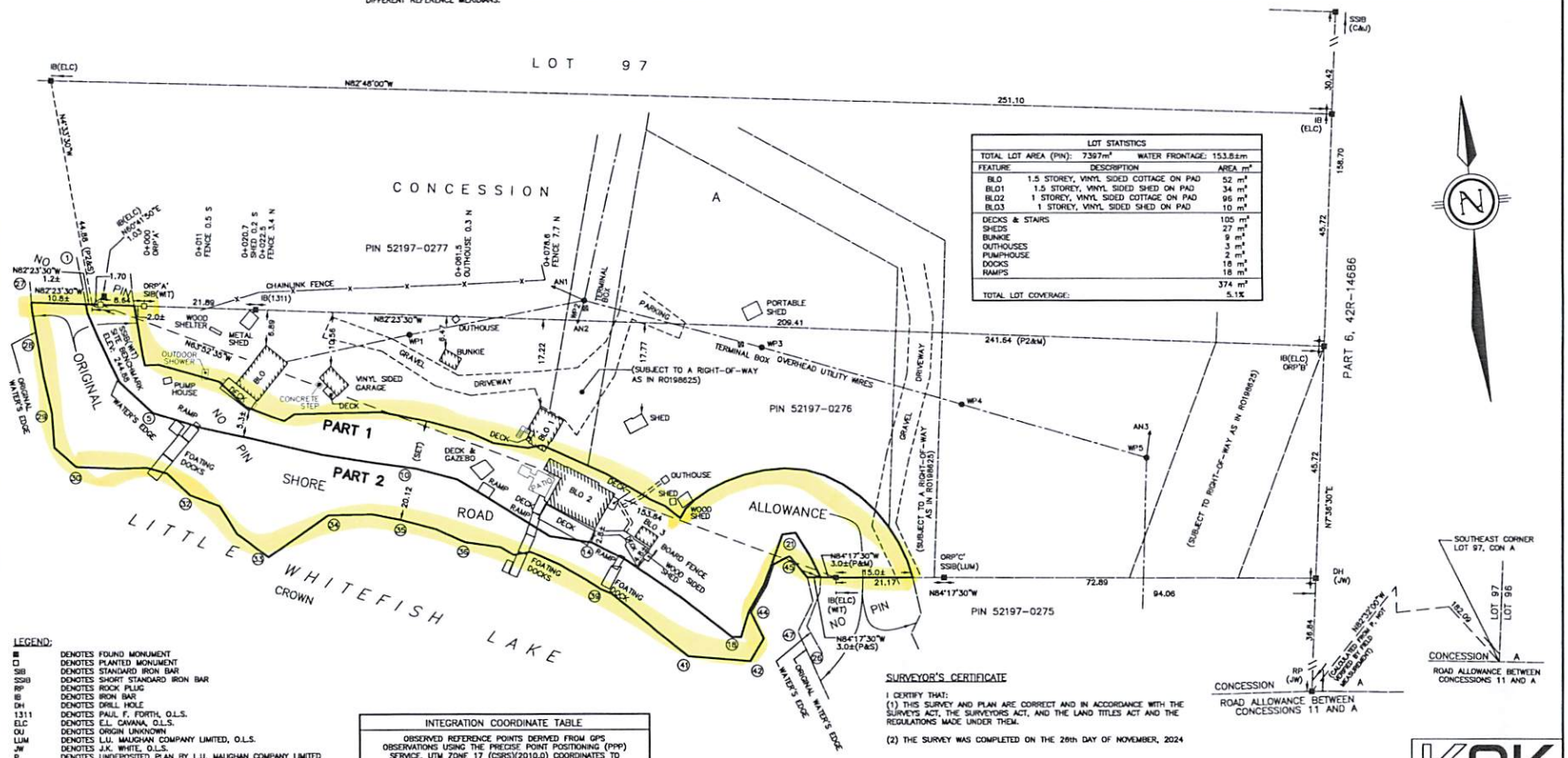
RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PARRY SOUND (No.42)

SCHEDULE

PART	LOT	CONCESSION/PLAN	PIN	AREA
1	PART OF THE ORIGINAL SHORE ROAD ALLOWANCE LYING IN FRONT OF LOT 97,	CONCESSION A	NO PIN ASSIGNED	2292± m²
2				1857± m²



FEATURE COORDINATE TABLE

WOOD POLE

WP#	NORTHING	EASTING
1	5013850.0	595977.8
2	5013853.3	596012.5
3	5013840.7	596046.1
4	5013825.8	596083.9
5	5013811.8	596118.8

ANCHOR

AN#	NORTHING	EASTING
1	5013856.8	596006.7
2	5013849.1	596010.8
3	5013816.7	596119.9

FEATURE COORDINATE TABLE

WATER'S EDGE

#	NORTHING	EASTING
1	5013871.7±	595914.1±
2	5013860.7±	595915.1±
3	5013855.4±	595916.8±
4	5013846.5±	595920.1±
5	5013839.9±	595926.1±
6	5013835.9±	595935.3±
7	5013832.9±	595944.7±
8	5013828.3±	595958.2±
9	5013825.7±	595968.3±
10	5013823.8±	595976.4±
11	5013820.8±	595984.4±
12	5013814.9±	595992.2±
13	5013807.9±	596001.2±
14	5013805.9±	596009.1±
15	5013801.9±	596015.3±
16	5013799.3±	596018.3±
17	5013793.4±	596025.3±
18	5013784.5±	596034.8±
19	5013784.4±	596036.3±
20	5013794.3±	596041.9±
21	5013803.7±	596046.4±
22	5013803.8±	596049.0±
23	5013799.4±	596051.2±
24	5013791.6±	596052.5±
25	5013785.2±	596049.3±
26	5013779.6±	596051.8±

FEATURE COORDINATE TABLE

ORIGINAL WATER'S EDGE

#	NORTHING	EASTING
27	5013867.9±	595904.3±
28	5013855.7±	595904.7±
29	5013841.8±	595906.1±
30	5013830.8±	595909.9±
31	5013829.2±	595923.8±
32	5013823.0±	595931.7±
33	5013814.4±	595940.1±
34	5013816.3±	595958.3±
35	5013814.0±	595972.4±
36	5013808.4±	595984.6±
37	5013804.9±	595993.8±
38	5013802.1±	596002.4±
39	5013796.6±	596009.9±
40	5013792.4±	596015.0±
41	5013781.7±	596025.6±
42	5013779.5±	596037.6±
43	5013783.7±	596040.7±
44	5013789.0±	596038.7±
45	5013799.3±	596047.3±
46	5013790.0±	596051.0±
47	5013784.3±	596047.5±

LOT STATISTICS

TOTAL LOT AREA (PIN): 7397m² WATER FRONTAGE: 153.8±m

FEATURE	DESCRIPTION	AREA m²
BLO	1.5 STOREY, VINYL SIDED COTTAGE ON PAD	52 m²
BLO1	1.5 STOREY, VINYL SIDED SHED ON PAD	34 m²
BLO2	1 STOREY, VINYL SIDED COTTAGE ON PAD	96 m²
BLO3	1 STOREY, VINYL SIDED SHED ON PAD	10 m²
DECKS & STAIRS		105 m²
SHEDS		27 m²
BUNKIE		9 m²
OUTHOUSES		3 m²
PUMPHOUSE		2 m²
DOCKS		18 m²
RAMPS		18 m²
		374 m²
TOTAL LOT COVERAGE:		5.1%

LEGEND:

■	DENOTES FOUND MONUMENT
□	DENOTES PLANTED MONUMENT
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
RP	DENOTES ROCK PLUG
IB	DENOTES IRON BAR
DH	DENOTES DRILL HOLE
1311	DENOTES PAUL F. FORTH, O.L.S.
ELC	DENOTES E.L. CAVANA, O.L.S.
OU	DENOTES ORIGIN UNKNOWN
LUM	DENOTES L.U. MAUGHAN COMPANY LIMITED, O.L.S.
JW	DENOTES J.K. WHITE, O.L.S.
P	DENOTES UNDEPOSITED PLAN BY L.U. MAUGHAN COMPANY LIMITED DATED APRIL 11, 2001
P1	DENOTES PLAN 42R-14686
P2	DENOTES SRPR BY P.F. FORTH, O.L.S. DATED JUNE 2, 1995
WIT	DENOTES WITNESS
M	DENOTES MEASURED
S	DENOTES SET
ORP	DENOTES OBSERVED REFERENCE POINT
WP1	DENOTES WOOD POLE AND NUMBER
AN1	DENOTES ANCHOR AND NUMBER
⊠	DENOTES BELL TERMINAL BOX

INTEGRATION COORDINATE TABLE

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 17 (CSRS)(2010.0) COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O.REG 216/10

ORP	NORTHING	EASTING
A	5013880.79	595926.40
B	5013830.16	596155.59
C	5013792.10	596077.01

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

(2) THE SURVEY WAS COMPLETED ON THE 28th DAY OF NOVEMBER, 2024

DATE

KEVIN P. KUJALA
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM V-87829.

Initials

KPK SURVEYING
KPK SURVEYING INC.
HUNTSVILLE, ON
705.788.2701 KPKSURVEY.CA

DRAFTED BY: ST | FILE NO: 240717

\2024\240717\PROJECT DRAWINGS\240717 RP 1_500.DWG

TAB 2

PLANSCAPE
BUILDING COMMUNITY THROUGH PLANNING

Planning Opinion Report

Property Location: 41 Little Whitefish Shores, Seguin ON P2A 2W8
Part of Lot 97, Concessions A, in the former Geographic Township of Humphrey, now in the Township of Seguin, District Parry Sound

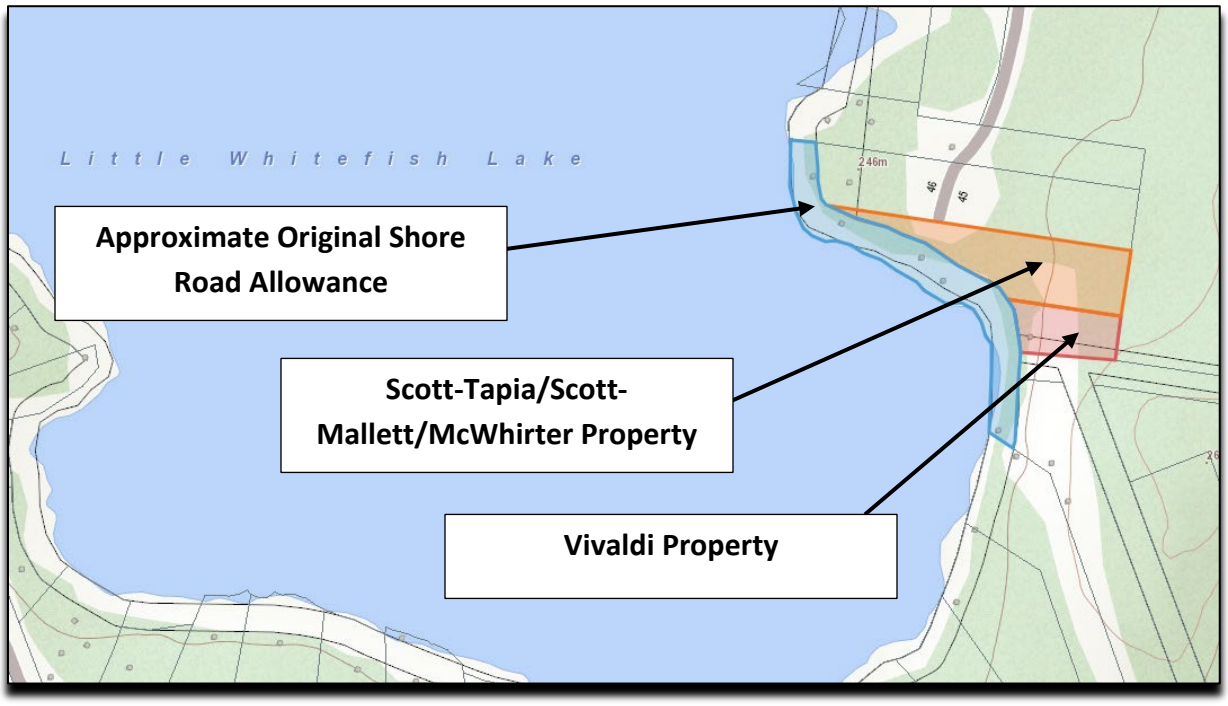
Property Owner: Vivaldi Consulting Inc. (Nicole & Michael Vivaldi)

Purpose of Report: To provide a land use planning opinion on the purchase of the Original Shore Road Allowance (see Figure 1)

Planscape has been retained by Nicole and Michael Vivaldi to review the application made by their neighbours, Sandra Patricia Scott-Tapia, Susan Marget Scott-Mallett and Pamela Jean McWhirter, to purchase the Original Shore Road Allowance (OSRA) in front of their property.

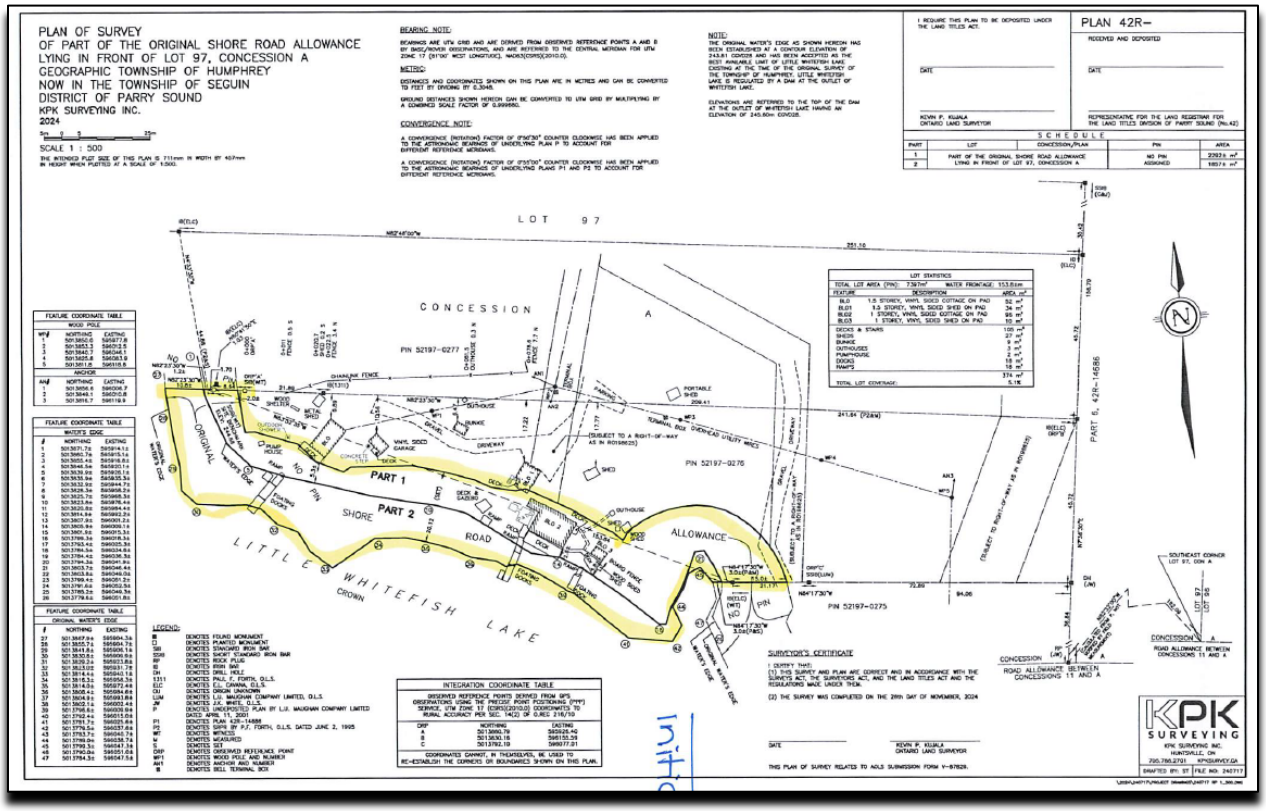
Figure 1 below shows the Vivaldi Property, the neighbouring property and the approximate location of the existing open OSRA in front of the subject properties.

Figure 1: Subject Lands



Ms. And Mr. Vivaldi were advised on December 10, 2024 by Ben Prichard, solicitor of the Township of Seguin regarding the application and the request to purchase the Original Shore Road Allowance (OSRA) as depicted in Figure 2 below.

Figure 2: Proposed Survey of Original Shore Road Allowance Purchase



Ms. Vivaldi reached out to Planscape Inc. seeking a planning opinion on the proposed OSRA purchase by Scott-Tapia/Scott-Mallett/McWhirter.

Ms. and Mr. Vivaldi requested a professional planning opinion on their development rights and potential impacts to their property that may result from the sale of the OSRA as illustrated in Figure 2.

Ms. and Mr. Vivaldi have indicated that they do not wish to stop Scott-Tapia/Scott-Mallett/McWhirter family from purchasing their own OSRA and have now decided to proceed with the necessary steps to purchase their own OSRA in the hopes of providing a permanent solution to the complexities of the properties, access and OSRAs. Their goal is to arrive at a mutually satisfying solution.

The following offers a review of the relevant policies and provisions of the Township of Seguin.

Shore Road Allowance Closures By-law no. 2013-038

By-law No. 2013-038 Shore Road Allowance Closures is the current by-law that includes the Policy and Procedures necessary to purchase an OSRA. The following policies allow Vivaldi's to voice objections to the proposed purchase as follows:

> *…Any objections received from the public on a specific closing and deemed valid by Staff will be referred to Council for a decision…*

Further, the Township has the ability to sell OSRA except when:

> *…The abutting neighbours are not in agreement for a legitimate reason with the mutual boundary or the privatization of the shore road allowance as determined by Council.*

The brief policy review below will address the concerns of the property owners to offer legitimate rationale for the proposed sale as illustrated by the survey provided. Finally, it is noted that:

> *Council may impose any condition upon the sale and transfer of the closed road allowance that it considers necessary and appropriate. This may include registration of a prohibition or restrictive covenant on title of the lands.*

The following policy review of the Township's Zoning By-law and Official Plan will examine the concerns of Ms. and Mr. Vivaldi to determine their legitimacy.

Township of Seguin Zoning By-law No. 2006-125

As part of our review, we examined Zoning By-law No. 2006-125 of the Township of Seguin. Both subject properties are zoned Limited Service Residential (LSR) as shown on Zoning Map 23 of the Zoning By-law. Table 6.1 of the Zoning By-law outlines the permitted main uses of the LSR Zone that would allow a cottage. Additionally, Shoreline Structures and Facilities of Section 4.28 would permit accessory structures provided they meet the associated provisions.

The Zoning By-law defines Lot Frontage as:

> *Lot Frontage means the horizontal distance between the two lot lines which intersect the front lot line of a lot, except:*
>
> *i) where the front lot line is not perpendicular to the side lot lines and the said lot lines are parallel, lot frontage means the horizontal perpendicular distance between the side lot lines or;*

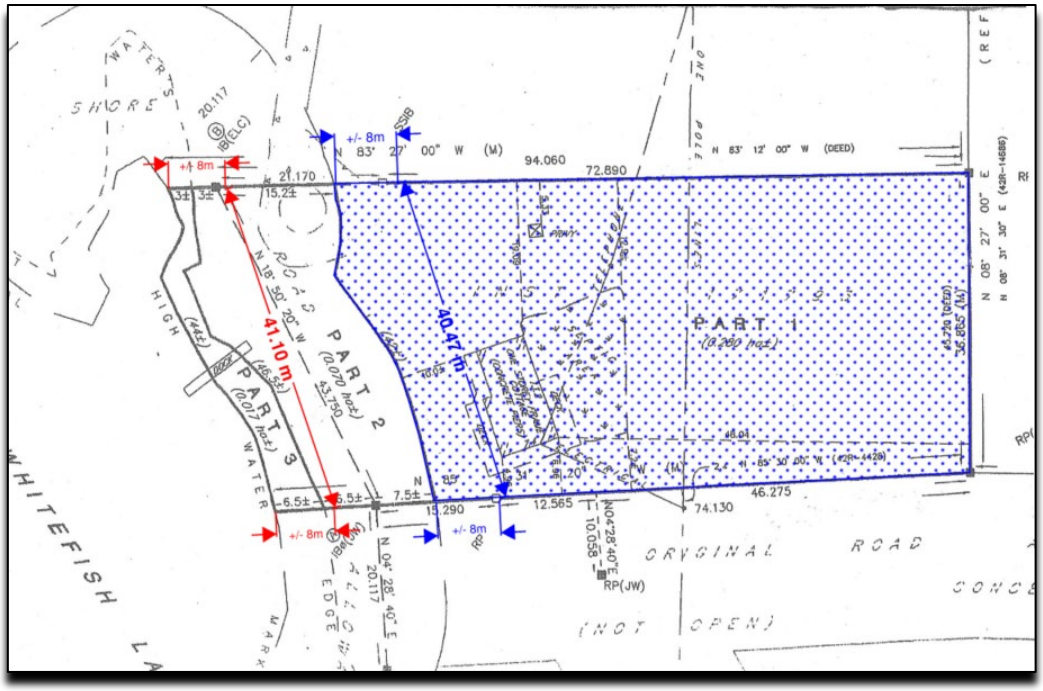
ii) *where the front lot line is not a straight line and the side lot lines are not parallel, the lot frontage is to be measured by a line 8 metres back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line; and,*

iii) *on an island that has not been subdivided, the lot frontage shall be the greatest distance between any two points of the shoreline, and,*

iv) *Where a lot has two or more frontages on a shoreline the longer shoreline frontage shall be deemed to be the by-law frontage.*

The Vivaldi property does not have a front lot line that is perpendicular to the side lot lines, a common scenario of many waterfront lots. It also would appear that the side lot lines are not completely parallel and therefore a straight line measured 8 m back would determine the approximate frontage. Figure 3 below illustrates a frontage of approximately 40.5 m without the purchase of the OSRA. Purchasing the OSRA would result in a slight increase in frontage to 41.1 m.

Figure 3: Vivaldi Property Frontage



Given the Vivaldi property has between 31 m and 60 m of frontage, the Zoning By-law requires a minimum of a 9.0 m side yard setback for shoreline structures and facilities such as boathouses or docks.

Township of Seguin Official Plan

Section E.1.2.6 of the Township's Official Plan gives Council the approval to "stop up and close existing… shoreline road allowances." Additionally, the following policies may also apply:

> *Council may impose such conditions and requirements on the sale of public lands including existing local roads, concession road allowances and shore road allowances, that Council deems appropriate and necessary to further advance the objectives and policies of this Plan.*
>
> *Generally, Shoreline road allowances that abut Type 1 Fish Habitat should not be sold unless the Township and owner have entered into a Site Plan Agreement restricting the use and development of the lands abutting the Type 1 Fish Habitat.*

Waterfront Area policies of the Official Plan aim to protect natural heritage features and waterfront character where:

> *It is the goal of this Plan that all development on the Township's lakes and rivers must protect and preserve the quality of the water, protect the visual and aesthetic character of the lakes and rivers, protect the recreational, social, and environmental experiences, protect public safety by prohibiting development in areas subject to flooding or erosion, and respect the unique character of each lake.*

Ms. and Mr. Vivaldi want to ensure the natural features and vegetation of the OSRA are protected from future development and human impact where possible. Figure 4 below is an aerial view of the "swampy" inlet area that the Vivaldi's wish to ensure remains vacant to protect it.

Figure 4: Aerial View of "Inlet" Area



Objections to Scott-Tapia/Scott-Mallett/McWhirter Property OSRA Sale

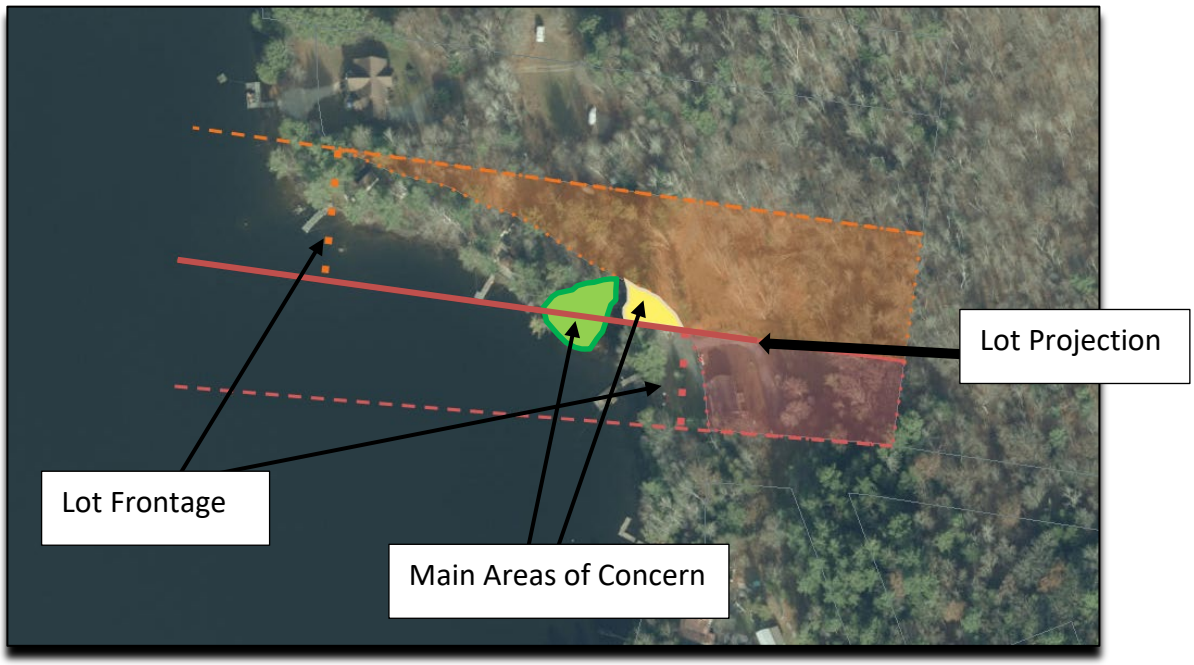
The proposed sale of the neighbouring OSRA presents areas of concern in terms of the future use of the Vivaldi's land and enjoyment of their cottage. Figure 5 illustrates the existing properties, their lot projection lines, frontage and two key areas of concern in green and yellow.

The area in green shows a peninsula that is within the Vivaldi's sightline and projection of their property into the lake. Selling this piece of property to the Scott-Tapia/Scott-Mallett/McWhirter will impact any future development of the Vivaldi property and potentially the enjoyment of their existing dock. When the Vivaldi's purchase their OSRA and wish to redevelop their waterfront with permitted shoreline structures, the green area of concern unnecessarily creates potential conflicts for structures and water activities. The north portion of the green area is also marshy and is home to aquatic wildlife that is not appropriate for development, active recreation or the storage of cottage materials.

The yellow area contains the Vivaldi's driveway and access to their property. At the time of this report, it is unknown if a legal easement exists on the portion over the OSRA. If the easement over the OSRA is not legally on title, selling this portion of the OSRA could inappropriately

eliminate access to the Vivaldi property. The Vivaldi's have hired legal representation to investigate the easement or Right of Way status for their access, but given the long-standing location of that access, it creates a conflict to sell that publicly owned land to a private party that is not the Vivaldi's.

Figure 5: Original Shore Road Allowance Areas of Concern

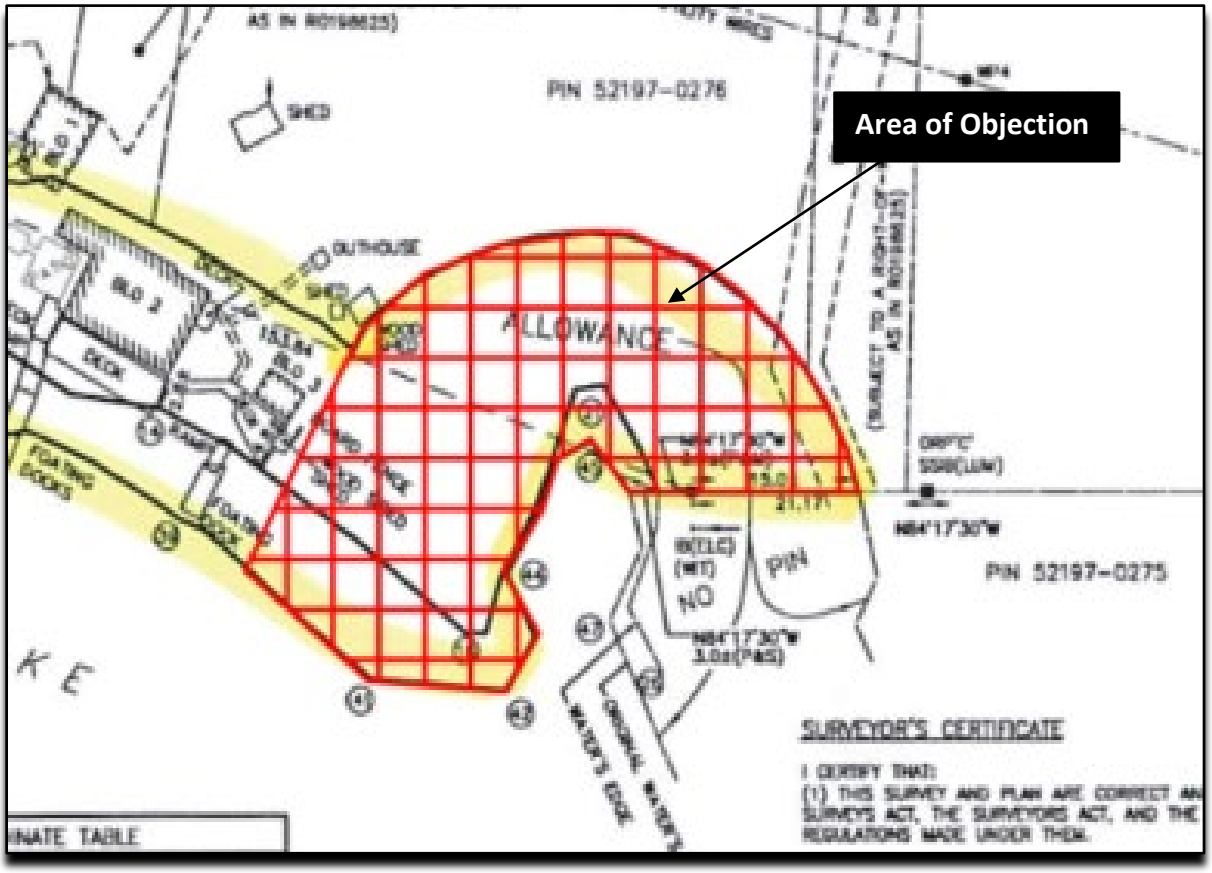


Requested Considerations

Through discussions with Nicole & Michael Vivaldi in consideration of the land use planning concerns identified by Planscape, Figure 6 illustrates the area of objection regarding the proposed purchase.

By eliminating the area of concern from the proposed sale, the Vivaldi's would maintain their current access without complication, would be able to purchase their OSRA with no adjacent use impacts and the "swampy" inlet that is inappropriate for physical development would be protected.

Figure 6: Area of Objection



Conclusion:

In our opinion, the current proposal to purchase the OSRA by the Scott-Tapia/Scott-Mallett/McWhirter family should not be approved as proposed. A compromised solution is possible that mitigates the negative land use impacts of selling the Scott-Tapia/Scott-Mallett/McWhirter OSRA.

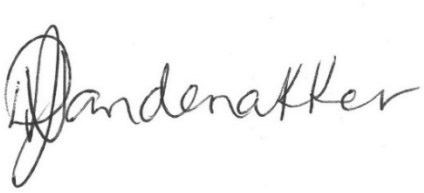
We respectfully request that staff defer the application until such time as a meeting with both property owners and the Township can be held with the intent of finding a shared solution. We believe that the solution will include an altered division line and/or set of conditions to protect the future development and interests of both properties.

It is our opinion that finding a mutually agreed upon solution for the sale of the OSRA for both properties is good planning.

Should you have any questions or concerns regarding this land use planning opinion, please do not hesitate to contact the undersigned.

Yours truly,

PLANSCAPE INC.

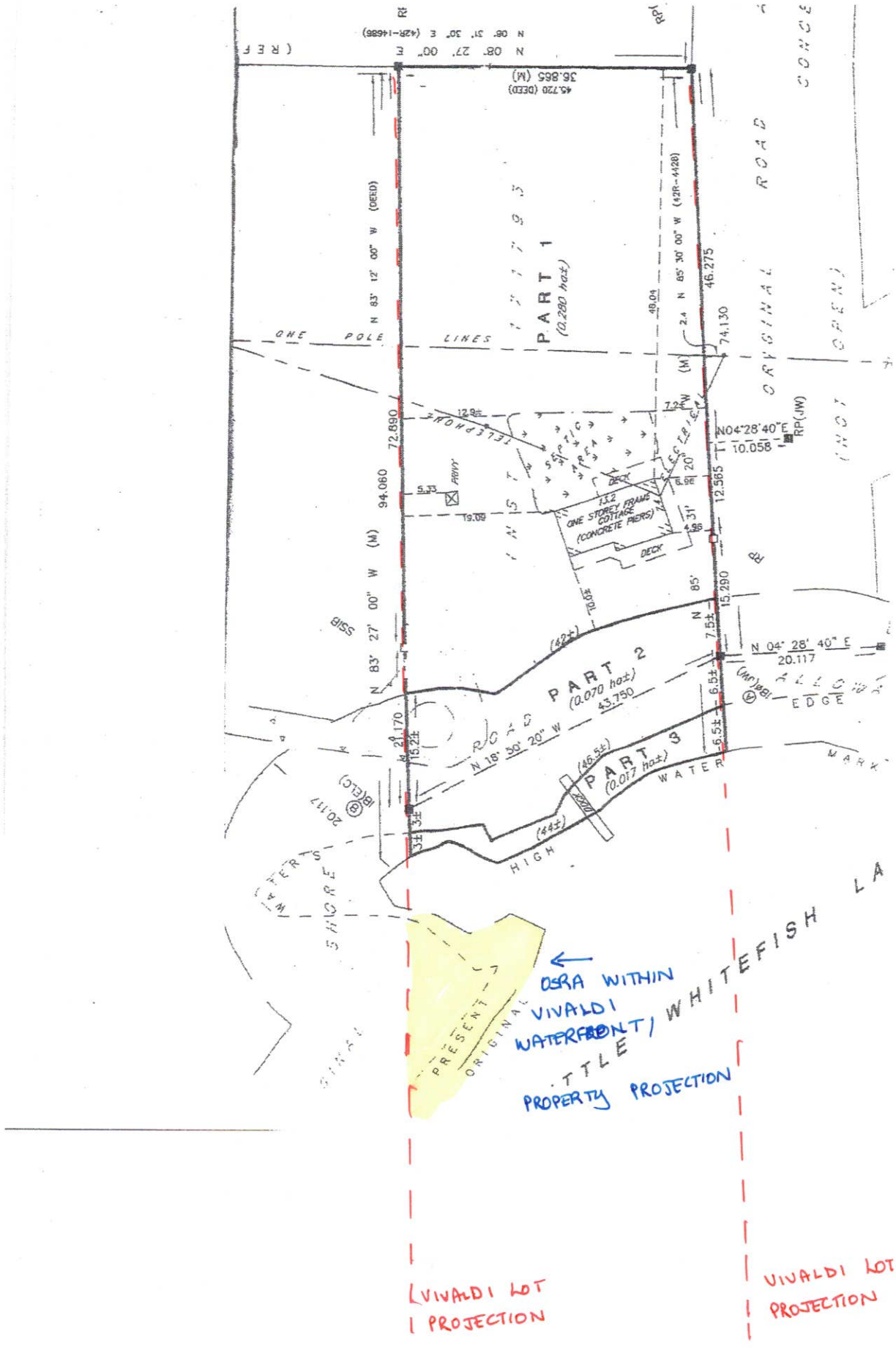




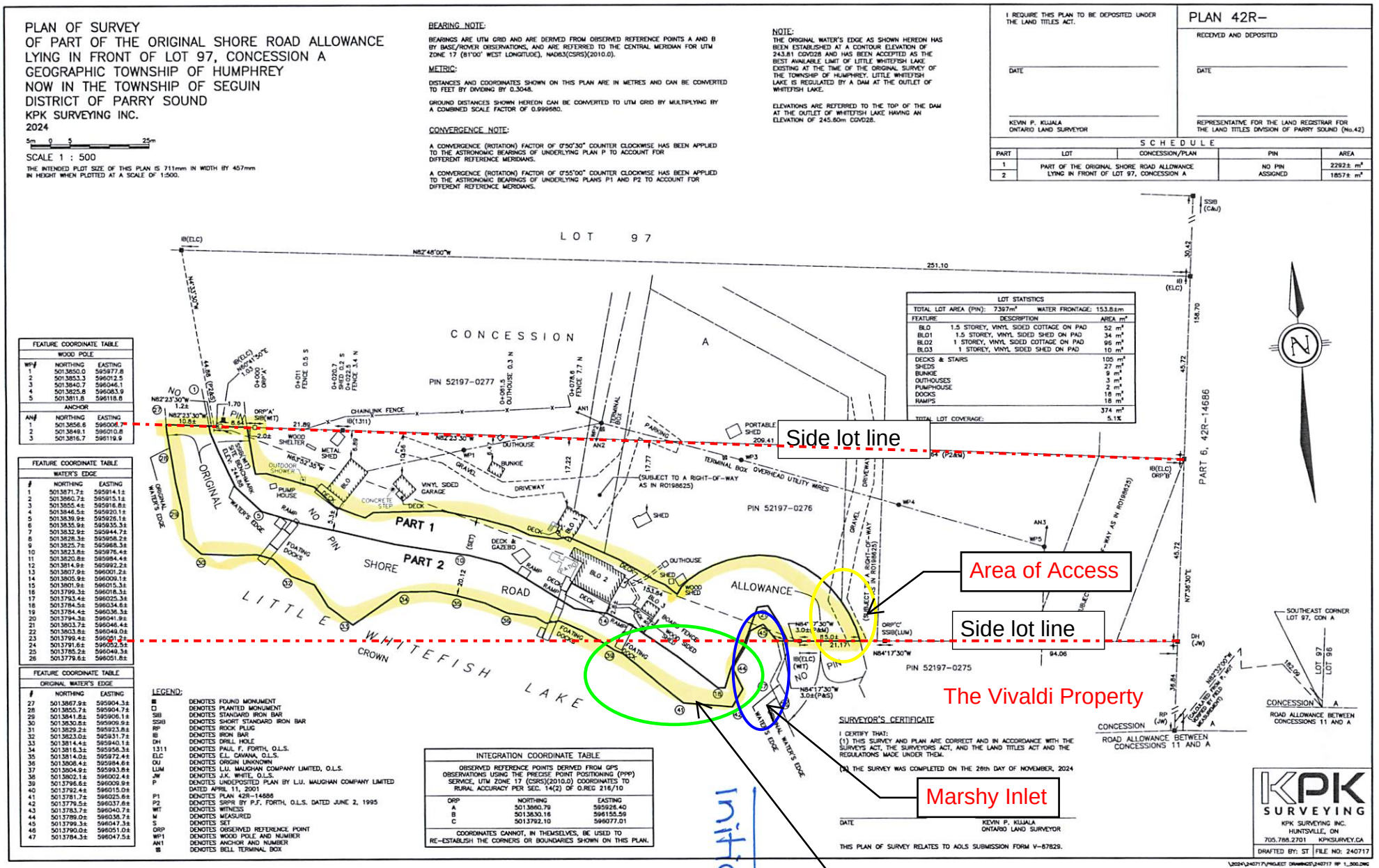
Debbie Vandenakker, MCIP, RPP, PMP
Senior Planner

Ryan Lloyd, BES
Planner

TAB 3


PART 1
(0.280 ha±)
PART 2
(0.070 ha±)
PART 3
(0.017 ha±)
ONE STOREY FRAME COTTAGE (CONCRETE PIERS)
DECK
ONE POLE LINES
WATER
HIGH
ORIGINAL
PRESENT
OSRA WITHIN VIVALDI WATERFRONT / WHITEFISH LA
PROPERTY PROJECTION
VIVALDI LOT PROJECTION
VIVALDI LOT PROJECTION

TAB 4


PLAN OF SURVEY
OF PART OF THE ORIGINAL SHORE ROAD ALLOWANCE
LYING IN FRONT OF LOT 97, CONCESSION A
GEOGRAPHIC TOWNSHIP OF HUMPHREY
NOW IN THE TOWNSHIP OF SEGUIN
DISTRICT OF PARRY SOUND
KPK SURVEYING INC.
2024
SCALE 1 : 500
BEARING NOTE:
METRIC:
CONVERGENCE NOTE:
NOTE:
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
PLAN 42R–
RECEIVED AND DEPOSITED
KEVIN P. KUJALA
ONTARIO LAND SURVEYOR
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PARRY SOUND (No.42)
SCHEDULE
PART
LOT
CONCESSION/PLAN
PIN
AREA
PART OF THE ORIGINAL SHORE ROAD ALLOWANCE LYING IN FRONT OF LOT 97, CONCESSION A
NO PIN ASSIGNED
2292± m²
1857± m²
LOT 97
CONCESSION A
PIN 52197-0277
PIN 52197-0276
PIN 52197-0275
PART 1
PART 2
PART 6, 42R-14686
ORIGINAL SHORE ROAD ALLOWANCE
LITTLE WHITEFISH LAKE
CROWN
Side lot line
Side lot line
Area of Access
The Vivaldi Property
Marshy Inlet
OSRA within Vivaldi Waterfront/Property Projection
LOT STATISTICS
FEATURE COORDINATE TABLE
WOOD POLE
ANCHOR
WATER'S EDGE
ORIGINAL WATER'S EDGE
LEGEND:
INTEGRATION COORDINATE TABLE
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
(2) THE SURVEY WAS COMPLETED ON THE 28th DAY OF NOVEMBER, 2024
KEVIN P. KUJALA
ONTARIO LAND SURVEYOR
THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM V-87829.
KPK SURVEYING
KPK SURVEYING INC.
HUNTSVILLE, ON
705.788.2701
KPKSURVEY.CA
DRAFTED BY: ST
FILE NO: 240717

RESTRICTIVE COVENANTS

MADE IN TRIPLICATE this day of , 202

BETWEEN:

COVENANTOR (Hereinafter called the **"OWNER"**)

-and-

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

COVENANTEE (Hereinafter called the **"TOWNSHIP"**)

The following restrictive covenants are hereby annexed to the lands described in this Application being

> PART ORIGINAL SHORE ROAD ALLOWANCE IN FRONT OF LOT 97, CONCESSION A, GEOGRAPHIC TOWNSHIP OF HUMPHREY; PART 3 ON 42R-____; TOWNSHIP OF SEGUIN
>
> (Hereinafter referenced as the "**lands**")

for a period to expire 50 years from the date of registration of this Agreement and the benefit shall run with land now owned by The Corporation of the Township of Seguin (the "Township") being

> PIN 52197-0330 RDAL BTN LT 100 AND LT 101 CON A HUMPHREY; RDAL BTN LT 100 AND LT 101 CON B HUMPHREY BTN SHORE RDAL ALONG WHITEFISH LAKE & SHORE RDAL ALONG LITTLE WHITEFISH LAKE; SEGUIN
> PIN 52192-0897 RDAL BTN CON 13 AND CON A HUMPHREY E OF HWY94; SEGUIN
> PIN 52192-0827 FIRSTLY: HUMPHREY DR PL 290; SECONDLY: PT LT 105 CON A HUMPHREY AS IN RO30999 & RO31014 (FIRSTLY); SEGUIN

The covenants shall be binding upon and enure to the benefit of the respective heirs, executors, administrators, successors, and assigns of the owners of the lands and the owner of the Township lands.

These covenants are intended to enhance and preserve the economic, environmental and social values of the foregoing lands and to benefit the foregoing lands by protecting and preserving the natural state of the shoreline and shorelands of Little Whitefish Lake.

But for the imposition of the following restrictions and the intention of the parties for such restrictions to bind future owners of said lands, The Corporation of the Township of Seguin would not convey this shore road allowance to the abutting property owner.

USES, BUILDINGS, STRUCTURES

No part of the lands described above shall be used for the construction, erection, placement, or maintenance of any buildings, structures, or improvements of any kind – whether permanent or temporary. This restriction applies to, but is not limited to, residential dwellings, garages, sheds, fences, walls, decks, mobile homes, temporary shelters, and any other man-made structures.

Furthermore, the subject property shall be maintained in as natural a condition as reasonably possible, and no activities shall be undertaken that would significantly alter the natural landscape, vegetation, or ecological character of the land, except as may be expressly permitted by The Corporation of the Township of Seguin by section 4 below.

DRAFT

3. GENERAL

The foregoing restrictions apply notwithstanding any other restrictions imposed by Municipal By-law. Furthermore, for clarity, despite any conclusions by a court or other tribunal of competent jurisdiction otherwise that a Municipal By-law(s) does not prohibit the above, these restrictive covenants continue to operate to bind the land and prohibit the foregoing until such time as the Township, by by-law authorizes the deletion/ release or by by-law authorizes the modification of the restrictive covenant pursuant to section 3 below.

4. MODIFICATION

The Township or any successor municipal corporation, with the consent of the owner of the Lands, may alter or modify these restrictions in respect of the lands or any part thereof and such alteration or modification shall be evidenced by a municipal by-law. Furthermore, as a condition of the alteration or modification of these restrictive covenants the Owner agrees to the registration of a new restrictive covenant to give effect to the foregoing alteration or modification.

IN WITNESS WHEREOF the parties hereto have hereunto executed this agreement as follows:

By the OWNER on the _____ day of _____, 2025

_____ _____
Witness

_____ _____
Witness

By the TOWNSHIP on the _____day of _____, 2025

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

_____
ANN MACDIARMID, Mayor

_____
CRAIG JEFFERY, Clerk

DRAFT

Schedule "B" to staff report PL-2026-009

January 5, 2026

To: Ben Pritchard

REVISED

PURCHASE OF SHORE ROAD ALLOWANCE BY SCOTT FAMILY 1000-4168

REQUEST FOR ADVERSE POSSESSION EASEMENT BY VIVALDIS

We the three Scott sisters do not agree with the latest request from the Vivaldis lawyer to include a second Easement to access their property. We have reviewd the letter from Mr. Lather and understand that they are trying to claim Adverse Possession to include a second right of way entrance to access their property as part of this process.

We do not want to engage another Lawyer to dispute or negotiate this issue, or prolong the process, but we would like to have our position reviewed by both Seguin Township and Mr. Pritchard as follows:

In the fall and winter of 2021/2022 the previous owners, the Hutchinsons, cleared part of our property and built two illegal roadways across our property and the shore allowance. Attached is a photograph downloaded from Goggle Earth which cleary indicates the two roadways freshly gravelled. We hired Larry Douglas to help us with negotiations to resolve our dispute with the Hutchinsons. As a result the one road was removed but the second remained unresolved when the Hutchinsons abruptly sold their property to the Vivaldis in May, 2023. Mr. Douglas advised us that *"The Law pertaining to ``Squatters Rights`` ie. Adverse Possession no longer applies as the properties have been registered on the Land Titles System for over 20 years. "*

The Vivaldis did know of the Right of Way situation when they purchased the property. We immediately spoke with them and advised them of the unresolved dispute.

We spoke to the Township Officer, a Mr. Rory Payton, on April 19, 2023 about the lower road. At our request Inspector Shylo Adamson came to inspect the road on May 10, 2023 and we were advised on June 6, 2023 that the Road was not on the Shore Allowance but in fact on Private Property! See exerpts from the emails to and from the township. In that timeframe the property was sold and we did not pursue the issue further at that time!

Thanks for speaking with me today Rory. Here are some pictures for you. The Google Earth photo was from early last summer before we discovered the devastation, shows the long road which they have removed and also the road we are concerned with. Can your inspector confirm that all of that one is on the shore allowance or not, or part thereof? Thanks for your assistance. Sandra

Hi again Rory. Thank You very much for your assistance. Inspector Adamson called and did advise me that the road I was questionning is in fact NOT on the shore allowance but on

private property, part of which is our property. We are still trying unsuccessfully to resolve our dispute with our neighbours. But they have just sold their property and things are still not resolved.

We approached the Vivaldis in August, 2024 and asked if they were interested in purchasing their Shore Road Allowance as were were going to proceed. They replied that they were not interested.

Our family has owned the property since 1967 and obviously have the best knowledge of the neighbouring property. The Hallers purchased their property in 1965 and the original log cottage was close to the lake and accessed by the legal Right of Way which went straight down to near the shore and then curved towards the cottage. They rebuilt a new cottage further back in the 1970`s and continued to use the original right way as did the subsequent owners when the property was sold in 2001 to Sarah Bryant and then to the Hutchinsons in 2015. The Hutchinsons first made a trail and then cut down many mature trees (see picture 625) and built the actual road to create a circular driveway as stated above in 2022. Attached are pictures taken in the fall 0f 2022 of this road and junction.

We inherited our property in 2004 and the original Right of Way has always been registered and attached to our deed.

Due to two objections from the Vivaldis the Township advised us that we had to extend the Legal Right of Way and modify our original survey to include the extension. Also that we have to sign a Restrictive Covenent restricting our use of part of the shore allowance. We agreed to both changes and paid an extra $3000 for the changes to made to the survey. Due to these objections and responses we realize that the Legal fees are mounting for which we are responsible!

Now this late in the process their Lawyer is requesting yet another change to allow for a second entrance to access their property.

Whie we agree they should have ONE easement we do not agree that they should have TWO easements. This second access would extend approx. 15 ft. across the new property.

We feel they should be entitled to have ONE access only with the extended Right of Way which we have already agreed to.

If in the future should the Vivaldis wish to legally change the Right of Way to eliminate this entrance and move the access instead to the new road we would agree to that. But they should have to officially Purchase an Easement from us and Pay for the Legal work to change both of our deeds at that time.

At your discretion we would allow our comments above to be shared with the Vivaldis and their lawyer.

For now we have not asked our Surveyor to make the requested change until this matter is resolved.

We are very frustrated with the process which appears to us to give the Vivaldis what they are seeking re the Adverse Possession access, even if unfounded, at our Expense. Unfortunately it appears that we are being told that we have to agree to this or we may not be able to purchase the Shore Road

Allowance!

Rest assured we do want to proceed with our Purchase of the Shore Road Allowance. Please review the situation and advise how we can resolve it so that we can proceed. Thank You.

Yours truly, Sandra Scott-Tapia, Susan Scott-Mallett, Pamela McWhirter

cc: Melssa Profit

Rebecca Scott

Greg Getty

Mark Lathem
Senior Lawyer
Direct: 416-734-0414
mlathem@pacelawfirm.com

January 20, 2026

Ben Prichard Professional Corporation
17 Miller St.
Parry Sound, ON P2A 1S7

SENT VIA EMAIL to:
rebecca@prichardlaw.ca

ATTENTION: Ben Prichard/Rebecca Scott

Dear Sir and Madam,

RE: Proposed Transfer of Shore Road Allowance to Scott
Your File: 1000-4168
Our File: 48915

I am writing to advise you that we have obtained instructions from our client on what basis they are prepared to remove their objection to the closure and transfer of the Shore Road Allowance to the Scotts.

We did an extensive search of the title back to when the Scott and Vivaldi properties were originally separated. It is very clear that on November 12, 1965 there was an existing building, likely the current cottage on the Vivaldi property, that was being accessed by a road of some description. Please see RO34948 (copy attached) showing the deeded right of way and building.

Notwithstanding this issue, the Vivaldis' predecessor in title had been using the portion of the right of way that deviates from the deeded right of way for 60 years. The property was converted to LTQ in 2009, which means the non-deeded right of way was utilized 44 years prior to its conversion based on this instrument. This is more than sufficient to acquire adverse possession of the non-deeded right of way that is currently being utilized by the Vivaldis' to access their property. As such, it's our position that in removing their objection to the purchase of the Shore Road Allowance by the Scott-Tapia's, the adverse possession of non-deeded right of way should be recognized by both the Scott-Tapia's and the Municipality. That means enlarging the deeded right of way given by the Municipality to the Vivaldis, on the lands being conveyed to the Scotts.

For further clarity, we propose the following:

1. That "Docks" be added to restrictive covenants on part 3;

2. The Easement be enlarged as shown in the enclosed Plan in red, which corresponds to the actual land being used by the Vivaldi's (attached);

3. The Scotts convey an easement where it deviates from the registered easement as shown in blue on the enclosed plan; and

4. Easement Agreement, specifying the obligations and rights of the parties.

Given that the Planning Act restrictions do not apply to rights acquired by adverse possession (as noted above), the normal practice here would be to have both lawyers sign on the Planning Act box and convey an easement only to the Vivaldis.

I believe the obligations regarding the easement agreement would mostly fall to the Vivaldis, with the only obligation on the Scotts being not to block the easement.

I think it is in the interest of all the parties to document the current and existing road access into the Vivaldi property which has been in existence for the past 60 years.

Kind regards,

Mark K. Lathem, J.D.
Senior Commercial Real Estate Solicitor

MKL/hs

Encl.

Pace Law Firm Professional Corporation T: 416-236-3060 F: 416-236-1809

191 The West Mall, Suite 1100, Toronto, ON M9C 5K8 E: mlathem@pacelawfirm.com

Pacelawfirm.com

PLAN OF SURVEY
OF PART OF THE ORIGINAL SHORE ROAD ALLOWANCE LYING IN FRONT OF LOT 97, CONCESSION A GEOGRAPHIC TOWNSHIP OF HUMPHREY NOW IN THE TOWNSHIP OF SEGUIN DISTRICT OF PARRY SOUND

KPK SURVEYING INC.

2025

5m 0 5 25m

SCALE 1 : 500

THE INTENDED PLOT SIZE OF THIS PLAN IS 711mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500.

BEARING NOTE:

BEARINGS ARE UTM GRID AND ARE DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY BASE/ROVER OBSERVATIONS, AND ARE REFERRED TO THE CENTRAL MERIDIAN FOR UTM ZONE 17 (81°00' WEST LONGITUDE), NAD83(CSRS)(2010.0).

METRIC:

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

GROUND DISTANCES SHOWN HEREON CAN BE CONVERTED TO UTM GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999680.

CONVERGENCE NOTE:

A CONVERGENCE (ROTATION) FACTOR OF 0°50'30" COUNTER CLOCKWISE HAS BEEN APPLIED TO THE ASTRONOMIC BEARINGS OF UNDERLYING PLAN P TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS.

A CONVERGENCE (ROTATION) FACTOR OF 0°55'00" COUNTER CLOCKWISE HAS BEEN APPLIED TO THE ASTRONOMIC BEARINGS OF UNDERLYING PLANS P1 AND P2 TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS.

NOTE:

THE ORIGINAL WATER'S EDGE AS SHOWN HEREON HAS BEEN ESTABLISHED AT A CONTOUR ELEVATION OF 243.81 CGVD28 AND HAS BEEN ACCEPTED AS THE BEST AVAILABLE LIMIT OF LITTLE WHITEFISH LAKE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF HUMPHREY. LITTLE WHITEFISH LAKE IS REGULATED BY A DAM AT THE OUTLET OF WHITEFISH LAKE.

ELEVATIONS ARE REFERRED TO THE TOP OF THE DAM AT THE OUTLET OF WHITEFISH LAKE HAVING AN ELEVATION OF 245.60m CGVD28.

NOTE:

SSIB'S WERE SET IN LIEU OF SIB'S DUE TO LACK OF OVERBURDEN.

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

DATE

KEVIN P. KUJALA
ONTARIO LAND SURVEYOR

PLAN 42R–

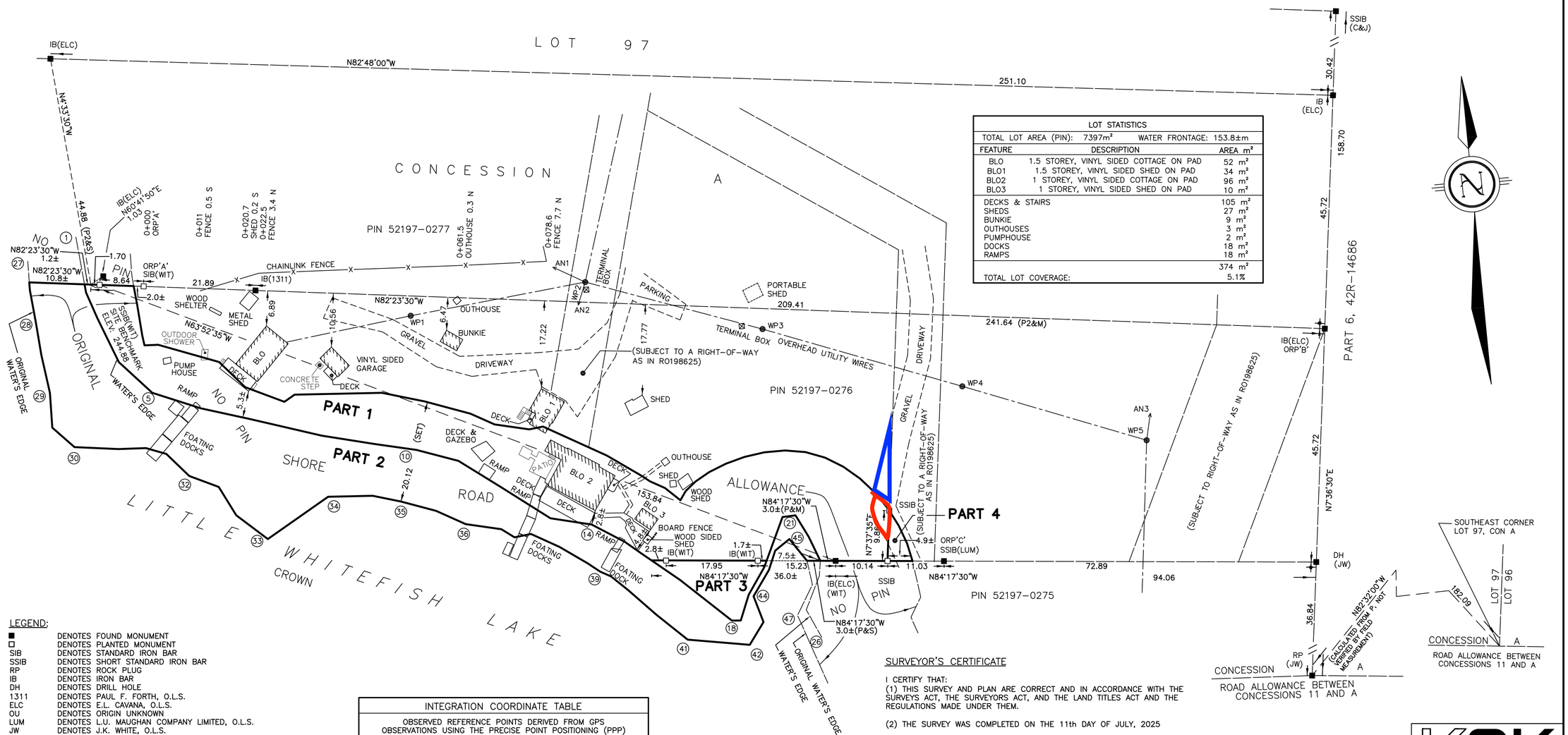
RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PARRY SOUND (No.42)

SCHEDULE

PART	LOT	CONCESSION/PLAN	PIN	AREA
1	PART OF THE ORIGINAL SHORE ROAD ALLOWANCE LYING IN FRONT OF LOT 97	CONCESSION A	NO PIN ASSIGNED	1968± m²
2				1857± m²
3				137± m²
4				27± m²



LOT STATISTICS		
TOTAL LOT AREA (PIN): 7397m²	WATER FRONTAGE: 153.8±m	
FEATURE	DESCRIPTION	AREA m²
BLO	1.5 STOREY, VINYL SIDED COTTAGE ON PAD	52 m²
BLO1	1.5 STOREY, VINYL SIDED SHED ON PAD	34 m²
BLO2	1 STOREY, VINYL SIDED COTTAGE ON PAD	96 m²
BLO3	1 STOREY, VINYL SIDED SHED ON PAD	10 m²
DECKS & STAIRS		105 m²
SHEDS		27 m²
BUNKIE		9 m²
OUTHOUSES		3 m²
PUMPHOUSE		2 m²
DOCKS		18 m²
RAMPS		18 m²
		374 m²
TOTAL LOT COVERAGE:		5.1%

FEATURE COORDINATE TABLE		
WOOD POLE		
WP#	NORTHING	EASTING
1	5013850.0	595977.8
2	5013853.3	596012.5
3	5013840.7	596046.1
4	5013825.8	596083.9
5	5013811.8	596118.8
ANCHOR		
AN#	NORTHING	EASTING
1	5013856.6	596006.7
2	5013849.1	596010.8
3	5013816.7	596119.9

FEATURE COORDINATE TABLE		
WATER'S EDGE		
#	NORTHING	EASTING
1	5013871.7±	595914.1±
2	5013860.7±	595915.1±
3	5013855.4±	595916.8±
4	5013846.5±	595920.1±
5	5013839.9±	595926.1±
6	5013835.9±	595935.3±
7	5013832.9±	595944.7±
8	5013828.3±	595958.2±
9	5013825.7±	595968.3±
10	5013823.8±	595976.4±
11	5013820.8±	595984.4±
12	5013814.9±	595992.2±
13	5013807.9±	596001.2±
14	5013805.9±	596009.1±
15	5013801.9±	596015.3±
16	5013799.3±	596018.3±
17	5013793.4±	596025.3±
18	5013784.5±	596034.6±
19	5013784.4±	596036.3±
20	5013794.3±	596041.9±
21	5013803.7±	596046.4±
22	5013803.8±	596049.0±
23	5013799.4±	596051.2±
24	5013791.6±	596052.5±
25	5013785.2±	596049.3±
26	5013779.6±	596051.8±

FEATURE COORDINATE TABLE		
ORIGINAL WATER'S EDGE		
#	NORTHING	EASTING
27	5013867.9±	595904.3±
28	5013855.7±	595904.7±
29	5013841.8±	595906.1±
30	5013830.8±	595909.9±
31	5013829.2±	595923.8±
32	5013823.0±	595931.7±
33	5013814.4±	595940.1±
34	5013816.3±	595958.3±
35	5013814.0±	595972.4±
36	5013808.4±	595984.6±
37	5013804.9±	595993.8±
38	5013802.1±	596002.4±
39	5013796.6±	596009.9±
40	5013792.4±	596015.0±
41	5013781.7±	596025.6±
42	5013779.5±	596037.6±
43	5013783.7±	596040.7±
44	5013789.0±	596038.7±
45	5013799.3±	596047.3±
46	5013790.0±	596051.0±
47	5013784.3±	596047.5±

LEGEND:

■	DENOTES FOUND MONUMENT
□	DENOTES PLANTED MONUMENT
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
RP	DENOTES ROCK PLUG
IB	DENOTES IRON BAR
DH	DENOTES DRILL HOLE
1311	DENOTES PAUL F. FORTH, O.L.S.
ELC	DENOTES E.L. CAVANA, O.L.S.
OU	DENOTES ORIGIN UNKNOWN
LUM	DENOTES L.U. MAUGHAN COMPANY LIMITED, O.L.S.
JW	DENOTES J.K. WHITE, O.L.S.
P	DENOTES UNDEPOSITED PLAN BY L.U. MAUGHAN COMPANY LIMITED DATED APRIL 11, 2001
P1	DENOTES PLAN 42R–14686
P2	DENOTES SRPR BY P.F. FORTH, O.L.S. DATED JUNE 2, 1995
WIT	DENOTES WITNESS
M	DENOTES MEASURED
S	DENOTES SET
ORP	DENOTES OBSERVED REFERENCE POINT
WP1	DENOTES WOOD POLE AND NUMBER
AN1	DENOTES ANCHOR AND NUMBER
⊠	DENOTES BELL TERMINAL BOX

INTEGRATION COORDINATE TABLE		
OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 17 (CSRS)(2010.0) COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O.REG 216/10		
ORP	NORTHING	EASTING
A	5013860.79	595926.40
B	5013830.16	596155.59
C	5013792.10	596077.01
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE–ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

(2) THE SURVEY WAS COMPLETED ON THE 11th DAY OF JULY, 2025

DATE

KEVIN P. KUJALA
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM V–87829.

KPK SURVEYING
KPK SURVEYING INC.
HUNTSVILLE, ON
705.788.2701 KPKSURVEY.CA

DRAFTED BY: ST | FILE NO: 240717

\2024\240717\PROJECT DRAWINGS\240717 RP 1_500.DWG

Staff Reports

Prepared for: Mayor and Members of Council

Subject: AMP System Implementation

From: Sean Carroll, Director of Emergency Services/Fire Chief

Agenda Date: February 2, 2026 **Report No:** BL-2026-001

Executive Summary:

The purpose of this report is to present a comprehensive overview of the proposed implementation of the Administrative Monetary Penalty System (AMP system) within Seguin Township's by-law enforcement framework. The AMP system program aims to streamline the issuance, processing, and collection of monetary penalties for by-law violations, thereby enhancing efficiency, compliance, and revenue collection.

The initiative involves appointing dedicated personnel, including a screening officer and a hearing officer, to oversee the system's operations. An initial capital budget of $15,000 had been allocated in 2024 to support this project.

Prepared for: Mayor and Members of Council

Subject: AMP System Implementation

From: Sean Carroll, Director of Emergency Services/Fire Chief

Agenda Date: February 2, 2026 **Report No:** BL-2026-001

Recommendation:

Staff recommend that the council approve the implementation of an Administrative Monetary Penalty system program, including the appointment of a screening officer responsible for initial case review and a hearing officer to handle appeals and disputes.

Background & Analysis:

On January 1, 2007, Bill 130, the *Municipal Statute Law Amendment Act, 2006*, further amended the *Municipal Act, 2001*. Such amendments included components associated to licensing and enforcement. One of the changes was to specifically permit systems of AMP system for licensing by-laws and for parking by-laws. Section 102.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of parking AMP system, subject to Ontario Regulation 333/07 (Parking Regulation). The Parking Regulation prescribes minimum requirements for a system of municipal parking AMP system.

On May 30, 2017, Bill 68*, Modernizing Ontario's Municipal Legislation Act, 2016* received Royal Assent. Among its amendments was the addition of a new section 434.1 to the *Municipal Act, 2001* expressly authorizing municipalities to establish AMP systems for failure to comply with any *Municipal Act, 2001* by-law.

On December 14, 2017, Bill 177, *Stronger, Fairer Ontario Act (Budget Measures),* 2017 received Royal Assent. It included amendments to the *Building Code Act*,

1992 (Building Code Act) to establish AMP systems for the enforcement of property standards by-laws and property standards orders.

On November 26, 2025, Ontario Regulation 260/25, made under the *Fire Protection and Prevention Act, 1997* (FPPA), was filed. The regulation gives municipalities the option to use Administrative Monetary Penalties (AMP system) as a progressive enforcement tool that could be imposed upon anyone, including tenants, owners, and corporations, who contravenes certain provisions of the Ontario Fire Code. The regulation came into force on January 1, 2026.

The purpose of the system of administrative penalties established by the municipality shall be to assist the municipality in regulating the flow of traffic, waste disposal, and use of land, also development of structures and public safety by promoting compliance with its by-laws, the Ontario Building Code and the Ontario Fire Code

As per Section 7 of O. Reg. 333/07, A municipality shall develop standards relating to the administration of the system of administrative penalties which shall include,

(a) policies and procedures to prevent political interference in the administration of the system.

(b) guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur.

(c) policies and procedures regarding financial management and reporting; and

(d) procedures for the filing and processing of complaints made by the public with respect to the administration of the system.

Benefits to the Township of Seguin with respect to implementation of an AMP system program are expected to include and are not limited to:

- **Improved customer service**: with an AMP system program, regulatory matters can be resolved on-line, at the Township of Seguin, and no longer require courts, justice of the peace, the officer that issued the charge etc.
- **Efficiencies:** POA trials are often months delayed and further delays due to court backlogs, and through an AMP system these wait time may be significantly reduced.
- **Cost Savings:** to be recognized in time, currently the courts process parking tickets after a certain point in time and keep certain administrative fees. With AMP system, administrative fees applied for the services would be maintained by the municipality.

Future development of supporting by-laws will establish a system that enables the use of AMP system as an additional tool to encourage compliance with various Township by-laws. Future reports will recommend amendments to specific bylaws to establish AMP system for those by-laws.

A key feature of the proposed AMP system is that individuals to whom a penalty notice is given will have an opportunity to have the penalty notice reviewed by a Screening Officer and another opportunity to have the Screening Officer's decision reviewed on an appeal to a Hearing Officer, each of whom has the jurisdiction to cancel, vary or extend the time for payment of the penalty notice and any related administrative fees.

Standards for the Administration of an AMP System

The Regulations requires a municipality to develop standards relating to the administration of an AMP system. Each department using the AMP system will be required to develop specific administration processes as per the established standards regulating their use of the AMP system.

The following subsections overview certain standards and how they are addressed in the proposed AMP system. A parking infraction scenario is used in this section to map out the process followed for all charges issued through the AMP system.

1. Notice

The owner of the vehicle must be provided with reasonable notice that a parking AMP is payable. The proposed AMP system addresses the notice requirement as follows:

- A penalty notice must be given to the person as soon as is practicable.
- The penalty notice must include certain information including respecting the process by which a person may request that the AMP be reviewed and stating that the AMP will, unless cancelled or reduced pursuant to the review or appeal processes, constitute a debt of the person to the Township.
- Specific methods of giving notice to the person are prescribed.

2. Payment

The Parking Regulation requires that the individual issuing a parking AMP penalty notice may not accept payment of the parking AMP.

3. First Level Review of Penalty

The Parking Regulation requires that a person receiving a parking AMP penalty notice have a right to request a review of the AMP by a "screening officer" appointed by the municipality. The screening officer may cancel, affirm or vary the AMP, including any administrative fee, on grounds set out in the municipal by-law.

The proposed parking AMP system addresses these requirements as follows:

- A person who is given a penalty notice may request that the AMP be reviewed by a "Screening Officer".
- The review process will be set out in detail.
- The person may elect to (1) meet electronically with the Screening Officer, (2) meet with the Screening Officer in person, or (3) have the review undertaken by the Screening Officer without a meeting.
- The Screening Officer may cancel, reduce or extend the time for payment of the AMP and any administrative fee where;
    1. there is reason to doubt that a contravention occurred,
    2. the person took all reasonable steps to prevent the contravention, or

3. the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

4. Second Level Review by Hearing Officer

The Parking Regulation requires that a person who receives notice of the screening officer's decision must be given a right to a review of that decision by a "hearing officer" appointed by the municipality. This right to a review includes a right to be heard by the hearing officer. The hearing officer may cancel, affirm or vary the decision of the screening officer, on grounds set out in the municipal by-law.

The proposed parking AMP system addresses these requirements as follows:

- A person who is given a "Screening Decision" may appeal to a Hearing Officer.
- The appeal process will be set out in detail.
- The person may elect for the appeal to be heard by the Hearing Officer:
    1. electronically or,
    2. in person.
- The Hearing Officer may cancel, reduce or extend the time for payment of the AMP and any administrative fee where;
    1. there is reason to doubt that a contravention occurred
    2. the person took all reasonable steps to prevent the contravention, or
    3. the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

5. Procedural Requirements re. Hearing Officer

The hearing officer's appointment must be consistent with conflict-of-interest guidelines. This requirement is more specifically addressed under the heading, "Hearing Officer By-law", below. The Parking Regulation also requires the hearing officer to conduct hearings in an impartial manner and pursuant to the *Statutory Powers Procedure Act* and provides that the decision of a hearing officer is final.

6. Extensions of Time

The parking AMP system must establish procedures to permit a person to obtain extensions of time for requesting a review by a screening officer, for requesting a review by a hearing officer and for paying an AMP. The procedures must also provide for the suspension of enforcement mechanisms where an extension has been granted.

7. Hardship

The parking AMP system must establish procedures to permit persons to be excused from paying all or part of an AMP and related administrative fees in circumstances of "undue hardship".

As noted, the Parking Regulation requires a municipality to develop standards relating to the administration of the system of parking AMP system including "policies and procedures to prevent political interference in the administration of the system" and "guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur".

Financial Impact:

In Report No. 2023-397, on December 18th, 2023, Council approved $15,000.00 in the 2024 capital budget to implement an Administrative Monetary Penalty System (AMP system).
AMP system includes a fee structure that facilitates recovery of a portion of operating costs and typically results in efficiencies that realize the collection of a greater amount of fine revenue that through the traditional POA system.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Conclusion:

The implementation of the AMP system program represents a strategic advancement in Seguin Township's by-law enforcement capabilities when addressing non-compliance with township by-laws including future by-laws governing waste management as well as Fire Code and Building Code non-compliance.

Staff are requesting approval to move forward with this initiative including the appointment of dedicated personnel in the roles of screening officer and hearing officer. With the utilization of the AMP system the township can expect to achieve greater operational efficiency, improved compliance, and increased revenue. The $15,000 budget allocated for the project in 2024 is sufficient to support the purchase of all required hardware and software for the use by the By-law Enforcement team, Fire Administration and Building Department.

Staff recommends that the council endorse this proposal allowing staff to move forward with purchasing the required equipment, appointment of staff to the screening officer and hearing officer positions and the creation and revision of all supporting by-laws to ensure successful deployment of the AMP system and program.

Prepared by:



Sean Carroll,
Director of Emergency Services/Fire Chief

Reviewed by:



Jason Inwood,
Chief Administrative Officer

Attachments:

Schedule "A" O. Reg 333-07 AMP system for Municipal Act

Schedule "B" O. Reg 260-25 AMP system for Fire Code

Schedule "C" Ontario Building Code (Section 15.4.1 Administrative Penalty)

Français

Municipal Act, 2001

ONTARIO REGULATION 333/07
ADMINISTRATIVE PENALTIES

Consolidation Period: From July 1, 2015 to the e-Laws currency date.

Last amendment: 149/15.

Legislative History: 149/15.

This is the English version of a bilingual regulation.

Definitions

1. In this Regulation,

"administrative penalty by-law" means a by-law establishing a system of administrative penalties and described in clause 3 (1) (a); ("règlement municipal sur les pénalités administratives")

"designated by-law" means a by-law with respect to parking, standing or stopping of vehicles that is designated by a municipality as a by-law to which the municipality's system of administrative penalties applies and, if only a part of a by-law is designated, includes only the designated part of the by-law. ("règlement municipal désigné") O. Reg. 333/07, s. 1.

Application

2. This Regulation applies to administrative penalties that are required by a municipality in respect of the parking, standing or stopping of vehicles and referred to in section 102.1 of the Act. O. Reg. 333/07, s. 2.

General condition

3. (1) A municipality shall not exercise the power referred to in section 102.1 of the Act to require a person to pay an administrative penalty unless the municipality,

(a) has passed a by-law establishing a system of administrative penalties that meets the requirements of this Regulation;

(b) has designated the by-laws respecting parking, standing or stopping of vehicles, or the parts of such by-laws, to which the system of administrative penalties applies; and

(c) has met any other requirements of this Regulation. O. Reg. 333/07, s. 3 (1).

(2) The purpose of the system of administrative penalties established by the municipality shall be to assist the municipality in regulating the flow of traffic and use of land, including highways, by promoting compliance with its by-laws respecting the parking, standing or stopping of motor vehicles. O. Reg. 333/07, s. 3 (2).

(3) REVOKED: O. Reg. 149/15, s. 1.

Non-application of *Provincial Offences Act*

4. The *Provincial Offences Act* does not apply to the contravention of a designated by-law. O. Reg. 333/07, s. 4.

Liability of owner

5. (1) If a vehicle has been left parked, standing or stopped in contravention of a designated by-law, the owner of the vehicle shall, upon issuance of a penalty notice in accordance with the administrative penalty by-law, be liable to pay an administrative penalty in an amount specified in the administrative penalty by-law. O. Reg. 333/07, s. 5 (1).

(2) For the purposes of subsection (1), the owner of a vehicle is deemed to be,

(a) the person whose name appears on the permit for the vehicle; and

(b) if the vehicle permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion. O. Reg. 333/07, s. 5 (2).

Monetary limit

6. The amount of an administrative penalty established by a municipality,

(a) shall not be punitive in nature; and

(b) shall not exceed the amount reasonably required to promote compliance with a designated by-law.

(c) REVOKED: O. Reg. 149/15, s. 2.

O. Reg. 333/07, s. 6; O. Reg. 149/15, s. 2.

Administration of system of administrative penalties

7. A municipality shall develop standards relating to the administration of the system of administrative penalties which shall include,

(a) policies and procedures to prevent political interference in the administration of the system;

(b) guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur;

(c) policies and procedures regarding financial management and reporting; and

(d) procedures for the filing and processing of complaints made by the public with respect to the administration of the system. O. Reg. 333/07, s. 7.

Procedural requirements

8. (1) The administrative penalty by-law passed by a municipality shall include the following procedural requirements:

1. The owner of a vehicle must be provided with reasonable notice that an administrative penalty is payable under the administrative penalty by-law.
2. The individual issuing a penalty notice in respect of the contravention of a designated by-law is not allowed to accept payment in respect of the penalty.
3. A person who receives a penalty notice shall be given the right to request a review of the administrative penalty by a screening officer appointed by the municipality for that purpose.
4. The screening officer may cancel, affirm or vary the penalty, including any fee imposed under section 12, upon such grounds as are set out in the administrative penalty by-law.
5. A person who receives notice of the decision of the screening officer shall, in such circumstances as may be specified in the administrative penalty by-law, be given the right to a review of the screening officer's decision by a hearing officer appointed by the municipality for that purpose.
6. The hearing officer shall not make a determination with respect to a review of the screening officer's decision unless he or she has given the person who requested the review an opportunity to be heard.
7. The hearing officer may cancel, affirm or vary the decision of the screening officer upon such grounds as are set out in the administrative penalty by-law.
8. Procedures must be established to allow a person to obtain an extension of time in which to request a review by a screening officer, or a review by a hearing officer, on such grounds as may be specified in the administrative penalty by-law.
9. Procedures must be established to permit persons to obtain an extension of time for payment of the penalty on such conditions as may be specified in the administrative penalty by-law.
10. The procedures established under paragraphs 8 and 9 shall provide for a suspension of the enforcement mechanisms available under sections 9, 10 and 11 in relation to the administrative penalty if an extension of time has been granted.
11. Procedures must be established to permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees referred to in section 12, if requiring them to do so would cause undue hardship. O. Reg. 333/07, s. 8 (1).

(2) The appointment of the hearing officer shall be consistent with the conflict of interest guidelines referred to in clause 7 (b) and the hearing officer shall conduct hearings in an impartial manner. O. Reg. 333/07, s. 8 (2).

(3) Neither a screening officer nor a hearing officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law. O. Reg. 333/07, s. 8 (3).

(4) The *Statutory Powers Procedure Act* applies to a review by a hearing officer. O. Reg. 333/07, s. 8 (4).

(5) The decision of a hearing officer is final. O. Reg. 333/07, s. 8 (5).

Enforcement

9. (1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to a municipality, it has the right to enforce payment of the amount in default in accordance with this section. O. Reg. 333/07, s. 9 (1).

(2) The municipality may file a certificate of default in a court of competent jurisdiction and, once filed, the certificate is deemed to be an order of the court and may be enforced in the same manner as an order of the court. O. Reg. 333/07, s. 9 (2).

(3) A certificate of default shall be in the form approved by the Attorney General. O. Reg. 333/07, s. 9 (3).

(4) Costs incurred in obtaining and enforcing the deemed order shall be added to the order and collected under the order. O. Reg. 333/07, s. 9 (4).

(5) REVOKED: O. Reg. 149/15, s. 3.

(6) One certificate of default may be filed with the court in respect of two or more administrative penalties imposed on the same person. O. Reg. 333/07, s. 9 (6).

(7) If, after a certificate of default has been filed with the court, every penalty to which the certificate relates is paid in full, the municipality shall,

(a) notify the court in writing; and

(b) if a writ of execution has been filed with the sheriff, notify the sheriff in writing. O. Reg. 333/07, s. 9 (7).

Plate denial

10. (1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to a municipality, it may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid. O. Reg. 333/07, s. 10 (1).

(2) Subsection (1) applies only to the permit related to the vehicle to which the administrative penalty relates. O. Reg. 333/07, s. 10 (2).

Other enforcement measures

11. (1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to a municipality, it may adopt, in addition to the enforcement measures described in sections 9 and 10, such other enforcement measures as may be permitted under the Act. O. Reg. 333/07, s. 11 (1).

(2) The other enforcement measures referred to in subsection (1) shall not be punitive in nature. O. Reg. 333/07, s. 11 (2).

Administrative fees

12. (1) Subject to subsection (2), a municipality may charge administrative fees, in the amounts specified in the by-law, as follows:

1. If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the municipality,
   i. late payment fees, and
   ii. fees in respect of amounts paid by the municipality to obtain documents or information about the vehicle or the owner of the vehicle.
2. A fee in respect of the failure of a person to appear at the time and place scheduled for a hearing by a hearing officer.
3. Any other fee or charge that may be imposed by the municipality in respect of the administration of the administrative penalty system under section 391 of the Act. O. Reg. 333/07, s. 12 (1).

(2) No fee may be charged in relation to obtaining a review before a screening officer or a hearing officer. O. Reg. 333/07, s. 12 (2).

(3) REVOKED: O. Reg. 149/15, s. 4.

(4) The fees described in subsection (1) may be added to the administrative penalties in default and the additional amount may be included in the amount to be collected in accordance with the enforcement measures adopted by the municipality under sections 9, 10 and 11. O. Reg. 333/07, s. 12 (4).

(5) If a person has paid any of the fees described in subsection (1) in respect of an administrative penalty and the penalty is subsequently cancelled by a screening officer or a hearing officer, the municipality shall refund the fees in full to the person. O. Reg. 333/07, s. 12 (5).

Availability of by-laws

13. A municipality shall ensure that its administrative penalty by-law is made available to the public in such manner as it sees fit, at no cost. O. Reg. 333/07, s. 13.

14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 333/07, s. 14.

Français

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Français

Fire Protection and Prevention Act, 1997

ONTARIO REGULATION 260/25
ADMINISTRATIVE PENALTIES

Consolidation Period: From January 1, 2026 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

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PART I
INTERPRETATION

Definitions

1. In this Regulation,

"municipality" means the municipality in which the contravention that is the subject of a penalty order occurred; ("municipalité")

"penalty order" means an order imposing an administrative penalty that is made under subsection 30.2 (2) of the Act. ("ordonnance de pénalité")

PART II
PENALTY ORDERS

Persons who may impose administrative penalty in municipalities

2. (1) Subsection (2) applies to municipalities that have both a screening officer and a hearing officer described in section 7.

(2) The following persons are prescribed as authorized persons for the purpose of section 30.2 of the Act in respect of any contravention that takes place in a municipality described in subsection (1) of this section:

1. The Fire Marshal.

2. An assistant to the Fire Marshal.

Prescribed provisions that may give rise to administrative penalty

3. The provisions listed in Schedule 1 to this Regulation are prescribed for the purposes of subsection 30.2 (2) of the Act.

Amount of penalty

4. (1) The amount of the penalty for a contravention of a provision listed in Schedule 1 to this Regulation is,

(a) the first time an order is issued for a contravention of the provision, $200;

(b) the second time an order is issued for a contravention of the same provision, $400; or

(c) the third or subsequent time an order is issued for a contravention of the same provision, $600.

(2) For the purposes of subsection (1), a penalty order for the contravention of a provision is considered to be a second, third or subsequent order in respect of the same provision if the order is issued within three years after the first order was issued.

Service of penalty order

5. A penalty order shall be served on the person who is subject to the order in accordance with section 77 of the Act.

PART III
REVIEW AND PAYMENT OF PENALTY ORDERS IN MUNICIPALITIES

REVIEW

Application

6. This Part applies to penalty orders for contraventions that occurred in a municipality and that are issued by an authorized person described in subsection 2 (2).

Prescribed reviewer

7. (1) The following persons are prescribed for the purposes of subsection 30.2 (9) of the Act in respect of the stages of a review described in paragraphs 1 to 3 of subsection 8 (1) of this Regulation:

1. A screening officer appointed by the municipality to review administrative penalties described in section 2 of Ontario Regulation 611/06 (Administrative Penalties) made under the *City of Toronto Act, 2006*.

2. A screening officer appointed by the municipality to review administrative penalties described in section 2 of Ontario Regulation 333/07 (Administrative Penalties) made under the *Municipal Act, 2001*.

3. A screening officer appointed by the municipality to review penalty orders.

(2) The following persons are prescribed for the purposes of subsection 30.2 (9) of the Act in respect of the stages of a review described in paragraphs 4 to 7 of subsection 8 (1) of this Regulation:

1. A hearing officer appointed by the municipality to review administrative penalties described in section 2 of Ontario Regulation 611/06 (Administrative Penalties) made under the *City of Toronto Act, 2006*.

2. A hearing officer appointed by the municipality to review administrative penalties described in section 2 of Ontario Regulation 333/07 (Administrative Penalties) made under the *Municipal Act, 2001*.

3. A hearing officer appointed by the municipality to review penalty orders.

Review process

8. (1) A review of a penalty order described in section 6 shall be conducted as follows:

1. A person who is subject to the penalty order may commence the first stage of a review by requesting, in the manner set out in the order, a review of the order by a screening officer.

2. The screening officer may affirm or rescind the penalty order, or amend it to reduce the amount of the penalty, and shall do so as soon as practical after the review is complete.

3. The screening officer shall send a copy of the decision to the person who requested the review by mail, courier or electronic means as soon as practical after the decision is made.

4. The person who requested the first stage of the review may commence the second stage of the review by requesting a review of the screening officer's decision by a hearing officer.

5. A request under paragraph 4 must be made within 30 days after the date of the decision of the screening officer.

6. The hearing officer may affirm or rescind the penalty order, or amend it to reduce the amount of the penalty, and shall do so as soon as practical after the review is complete.

7. The hearing officer shall send a copy of the decision to the person who requested the review by mail, courier or electronic means as soon as practical after the decision is made.

(2) If a screening officer considers it fair and appropriate in the circumstances, the officer may extend the 30-day period to commence a review under subsection 30.2 (10) of the Act, and the extension may be made even after the 30-day period has expired.

(3) If a hearing officer considers it fair and appropriate in the circumstances, the officer may extend the 30-day period mentioned in paragraph 5 of subsection (1) to request a review and the extension may be made even after the 30-day period has expired.

Conduct of a review

9. (1) A screening officer or hearing officer shall determine whether the stage of the review for which they are responsible is to be conducted orally, electronically or in writing and shall ensure that the person who requested the review is informed of the determination.

(2) If a date and time is set for the person who requested the review to make submissions in respect of any stage of a review, the person shall attend at the set date and time.

(3) A screening officer or hearing officer, as the case may be, shall not decide whether to affirm or rescind the penalty order, or amend it to reduce the amount of the penalty, unless the person who requested the review has been given an opportunity to make submissions in the same manner in which the review is to be conducted.

(4) A hearing officer shall not decide whether to affirm or rescind the penalty order, or amend it to reduce the amount of the penalty, unless a representative of the municipality has been given an opportunity to make submissions in the same manner in which the review is to be conducted.

(5) No witnesses shall be called in the review.

Determination of a review

10. (1) In deciding whether to affirm or rescind the penalty order, or amend it to reduce the amount of the penalty, a screening officer shall determine whether it was reasonable for the authorized person to impose the order.

(2) In deciding whether to affirm or rescind the penalty order, or amend it to reduce the amount of the penalty, a hearing officer shall determine whether the decision of the screening officer was reasonable.

(3) In making a determination mentioned in subsection (1) or (2), the screening officer or hearing officer, as the case may be, may consider the following information:

1. Photographs, drawings or other images.

2. Statements, including certified statements, made by the authorized person who imposed the penalty order.

3. Documents, including certified documents.

4. Statements by the person who requested the review made either in writing or in the manner in which the review is conducted.

5. Statements by or on behalf of the municipality made either in writing or in the manner in which the review is conducted.

6. Any other information, materials or submissions that the screening officer or hearing officer considers to be credible or trustworthy in the circumstances.

Jurisdiction

11. A screening officer or hearing officer, as the case may be, does not have jurisdiction to consider questions relating to the validity of a statute or regulation or the constitutional applicability or operability of any statute or regulation.

PAYMENTS

Payment recipient

12. (1) An administrative penalty for a penalty order described in section 6 is payable to the municipality.

(2) The municipality shall collect payment of the administrative penalty.

Deadline for payment if review occurs

13. If a review of a penalty order does not result in the order being rescinded, the person who is subject to the order shall pay the administrative penalty within 30 days after,

(a) the date of the decision by the screening officer, if no request for a review of the decision was made under paragraph 4 of subsection 8 (1); or

(b) the date of the decision by the hearing officer, if a request for review was made under paragraph 4 of subsection 8 (1).

Extension of payment deadline, plan of periodic payments

14. (1) If a screening officer or hearing officer, as the case may be, considers it fair and appropriate in the circumstances, the officer may approve a plan of periodic payments that extends beyond the deadline set out in section 30.2 of the Act or in section 13 of this Regulation.

(2) An approval mentioned in subsection (1) may be conditional on the payment of a specified amount of the administrative penalty being made on or before a specified date.

(3) A plan of periodic payments may be approved even after the 30-day period has expired.

Undue hardship

15. (1) The municipality may excuse a person from paying all or part of an administrative penalty if it determines that requiring the person to pay the penalty would cause undue hardship.

(2) The municipality shall establish a procedure for assessing applications to have all or part of the payment of an administrative penalty excused due to undue hardship.

(3) A person who wishes to have all or part of their payment excused due to undue hardship shall apply to the municipality in accordance with the procedure established by the municipality.

Municipal fees

16. (1) A municipality shall not charge any fees to,

(a) commence a review in respect of a penalty order;

(b) extend, under subsection 8 (2) or (3), the period of time in which to commence a review; or

(c) approve, under subsection 14 (1), a plan of periodic payments.

(2) A municipality may, by by-law, impose fees or charges, other than those mentioned in subsection (1), under section 259 of the *City of Toronto Act, 2006* or under section 391 of the *Municipal Act, 2001*, as the case may be, in respect of services related to an administrative penalty imposed under section 30.2 of the Act, but any such fee or charge shall not be included in the amount of the administrative penalty and may be collected at the time that the related service is provided.

17. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

SCHEDULE 1
PROVISIONS OF FIRE CODE THAT ARE SUBJECT TO ADMINISTRATIVE PENALTY

Division B provisions subject to administrative penalty

1. The following provisions of Division B of the fire code are subject to an administrative penalty:

1. Article 1.1.1.1.
2. Sentence 1.1.1.2.(3).
3. Sentence 1.1.2.1.(1).
4. Sentence 1.1.2.1.(2).
5. Sentence 1.1.2.1.(3).
6. Sentence 1.1.2.1.(4).
7. Clause 1.1.2.2.(1)(a).
8. Clause 1.1.2.2.(1)(b).
9. Sentence 1.1.2.2.(2).
10. Sentence 2.1.3.5.(7).
11. Sentence 2.1.3.5.(8).
12. Clause 2.2.3.2.(1)(a).
13. Clause 2.2.3.2.(1)(b).
14. Clause 2.2.3.2.(1)(c).

15. Clause 2.2.3.2.(1)(d).
16. Article 2.2.3.3.
17. Sentence 2.2.3.4.(1).
18. Sentence 2.2.3.4.(5).
19. Clause 2.4.1.4.(1)(a).
20. Clause 2.4.1.4.(1)(b).
21. Article 2.4.1.5.
22. Sentence 2.4.3.1.(2).
23. Article 2.4.3.2.
24. Sentence 2.4.4.1.(2).
25. Sentence 2.4.4.1.(3).
26. Article 2.4.4.3.
27. Sentence 2.4.4.4.(1).
28. Sentence 2.5.1.2.(1).
29. Sentence 2.5.1.2.(2).
30. Article 2.5.1.3.
31. Article 2.5.1.4.
32. Clause 2.6.1.4.(2)(a).
33. Clause 2.6.1.4.(2)(b).
34. Article 2.6.1.5.
35. Sentence 2.6.1.8.(1).
36. Article 2.6.1.9.
37. Clause 2.6.1.10.(1)(a).
38. Clause 2.6.1.10.(1)(b).
39. Clause 2.6.1.10.(1)(c).
40. Sentence 2.6.1.14.(1).
41. Sentence 2.6.1.14.(2).
42. Sentence 2.6.3.3.(2).
43. Article 2.6.4.1.
44. Article 2.6.4.2.
45. Sentence 2.7.1.5.(1).
46. Sentence 2.7.1.5.(2).
47. Sentence 2.7.1.7.(1).
48. Sentence 2.7.1.7.(2).
49. Sentence 2.7.1.8.(1).
50. Sentence 2.7.1.8.(2).
51. Sentence 2.7.1.9.(1).
52. Sentence 2.7.1.9.(5).
53. Sentence 2.7.2.2.(4).
54. Sentence 2.7.2.2.(5).
55. Clause 2.7.2.2.(6)(b).

56. Sentence 2.7.2.3.(2).
57. Sentence 2.7.2.3.(3).
58. Sentence 2.7.2.3.(4).
59. Article 2.7.2.4.
60. Article 2.7.3.1.
61. Sentence 2.7.3.2.(1).
62. Clause 2.7.3.3.(3)(a).
63. Clause 2.7.3.3.(3)(b).
64. Sentence 2.7.3.3.(4).
65. Sentence 2.7.4.1.(2).
66. Sentence 2.8.1.2.(1).
67. Clause 2.8.1.3.(1)(a).
68. Clause 2.8.1.3.(1)(b).
69. Article 2.8.1.4.
70. Sentence 2.8.2.1.(1).
71. Sentence 2.8.2.1.(3).
72. Sentence 2.8.2.1.(4).
73. Sentence 2.8.2.1.(6).
74. Sentence 2.8.2.1.(7).
75. Sentence 2.8.2.1.(8).
76. Article 2.8.2.4.
77. Sentence 2.8.2.8.(1).
78. Clause 2.8.2.8.(2)(a).
79. Clause 2.8.2.8.(2)(b).
80. Sentence 2.8.2.8.(3).
81. Sentence 2.8.3.2.(1).
82. Sentence 2.8.3.2.(2).
83. Clause 2.8.3.2.(3)(a).
84. Clause 2.8.3.2.(3)(b).
85. Clause 2.8.3.2.(3)(c).
86. Clause 2.8.3.2.(4)(a).
87. Clause 2.8.3.2.(4)(b).
88. Clause 2.8.3.2.(4)(c).
89. Sentence 2.8.3.2.(5).
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91. Sentence 2.8.3.2.(7).
92. Article 2.8.3.3.
93. Sentence 2.8.3.4.(1).
94. Sentence 2.8.3.4.(2).
95. Article 2.8.3.5.
96. Sentence 2.9.3.1.(1).

97. Article 2.10.2.1.
98. Article 2.10.2.2.
99. Article 2.12.1.5.
100. Article 2.12.1.7.
101. Clause 2.13.2.1.(1)(a).
102. Clause 2.13.2.1.(1)(b).
103. Clause 2.13.2.1.(1)(c).
104. Clause 2.13.2.1.(1)(d).
105. Sentence 2.13.2.1.(2).
106. Sentence 2.14.1.2.(2).
107. Sentence 2.14.1.5.(2).
108. Clause 2.16.2.1.(1)(a).
109. Clause 2.16.2.1.(1)(b).
110. Clause 2.16.2.1.(2)(a).
111. Clause 2.16.2.1.(2)(b).
112. Clause 2.16.2.1.(2)(c).
113. Clause 2.16.2.1.(2)(d).
114. Clause 2.16.2.1.(3)(a).
115. Clause 2.16.2.1.(3)(b).
116. Clause 2.16.2.1.(3)(c).
117. Clause 2.16.2.1.(4)(a).
118. Clause 2.16.2.1.(4)(b).
119. Clause 2.16.2.1.(4)(c).
120. Clause 2.16.2.1.(4)(d).
121. Sentence 2.16.2.1.(5).
122. Sentence 2.16.2.1.(8).
123. Sentence 2.17.2.1.(1).
124. Sentence 2.17.2.1.(2).
125. Sentence 2.17.2.1.(3).
126. Sentence 2.17.2.1.(4).
127. Sentence 2.17.2.1.(5).
128. Sentence 3.2.1.3.(2).
129. Sentence 3.2.7.4.(1).
130. Sentence 3.3.1.3.(3).
131. Sentence 3.3.1.3.(4).
132. Sentence 3.3.1.5.(2).
133. Sentence 3.3.1.7.(1).
134. Clause 3.3.1.7.(2)(g).
135. Sentence 3.3.1.8.(5).
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137. Article 3.3.1.11.

138. Article 3.3.2.6.
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150. Article 3.5.1.2.
151. Article 3.5.1.3.
152. Article 3.5.1.10.
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155. Clause 3.5.2.4.(2)(a).
156. Clause 3.5.2.4.(2)(b).
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158. Clause 5.5.5.7.(1)(a).
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160. Sentence 5.14.5.3.(2).
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163. Article 6.2.1.5.
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167. Sentence 6.2.7.9.(1).
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256. Sentence 9.9.3.10.(3).
257. Sentence 9.9.4.13.(1).

Division C provisions subject to administrative penalty

2. The following provisions of Division C of the fire code are subject to an administrative penalty:
   1. Clause 1.2.1.2.(1)(a).

2. Clause 1.2.1.2.(1)(b).
3. Sentence 1.2.1.2.(3).
4. Sentence 1.2.1.3.(2).
5. Clause 1.2.2.2.(1)(a).
6. Clause 1.2.2.2.(1)(b).
7. Sentence 1.2.2.2.(3).
8. Sentence 1.2.2.3.(2).
9. Clause 1.2.3.2.(1)(a).
10. Clause 1.2.3.2.(1)(b).
11. Clause 1.2.3.3.(1)(a).
12. Clause 1.2.3.3.(1)(b).

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Building Code Act, 1992

S.O. 1992, CHAPTER 23

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INTERPRETATION

Definitions

1 (1) In this Act,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definitions: (See: 2020, c. 16, Sched. 1, s. 1 (1))

"administrative agreement" means the agreement described in subsection 30.3 (1); ("accord d'application")

"administrative authority" means the corporation designated by regulation under clause 30.1 (1) (a); ("organisme d'application")

"building" means,

(a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,

(b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,

(c) plumbing not located in a structure,

(c.1) a sewage system, or

(d) structures designated in the building code; (“bâtiment”)

“building code” means regulations made under section 34; (“code du bâtiment”)

“building condition evaluation” means an evaluation conducted under a building condition evaluation program; (“évaluation de l’état du bâtiment”)

“building condition evaluation program” means a program established under subsection 34 (2.3); (“programme d’évaluation de l’état des bâtiments”)

“building owner” means, in respect of a building,

(a) the registered owner of the land on which the building is located or, if the building is owned separately from the land on which the building is located, the owner of the building, unless the person is a person prescribed in the building code,

(b) the person that is responsible for maintaining the building or part of the building subject to a building condition evaluation program, unless the person is a person prescribed in the building code, and

(c) such other persons as may be prescribed; (“propriétaire du bâtiment”)

“change certificate” means a certificate prescribed under the building code or approved by the Minister as a change certificate; (“certificat de modification”)

“chief building official” means a chief building official appointed or constituted under section 3 or 4; (“chef du service du bâtiment”)

“code of conduct” means a code of conduct described in section 7.1; (“code de conduite”)

“construct” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and “construction” has a corresponding meaning; (“construire”, “construction”, “travaux de construction”)

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2020, c. 16, Sched. 1, s. 1 (1))

“delegated provisions” means the provisions of this Act and the regulations whose administration is delegated to the administrative authority under clause 30.1 (1) (b), subject to any restrictions imposed under subsection 30.1 (2); (“dispositions déléguées”)

“demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning; (“démolir”, “démolition”, “travaux de démolition”)

“director” means the person appointed as director under section 2; (“directeur”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “director” in subsection 1 (1) of the Act is repealed. (See: 2020, c. 16, Sched. 1, s. 1 (2))

“final certificate” means a certificate prescribed under the building code or approved by the Minister as a final certificate; (“certificat définitif”)

“inspector” means an inspector appointed under section 3, 3.1, 4, 6.1 or 6.2; (“inspecteur”)

“maintenance inspection” means an inspection conducted under a maintenance inspection program; (“inspection d’entretien”)

“maintenance inspection program” means a program established under clause 7 (1) (b.1) or subsection 34 (2.2); (“programme d’inspections d’entretien”)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“municipality” means a local municipality; (“municipalité”)

“officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1; (“agent”)

“planning board” means a planning board established under section 9 or 10 of the *Planning Act*; (“conseil d’aménagement”)

“plans review certificate” means a certificate prescribed under the building code or approved by the Minister as a plans review certificate; (“certificat d’examen des plans”)

“plumbing” means a drainage system, a venting system and a water system or parts thereof; (“installation de plomberie”)

"principal authority" means,

(a) the Crown,

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of "principal authority" in subsection 1 (1) of the Act is amended by adding the following clause: (See: 2020, c. 16, Sched. 1, s. 1 (3))

(a.1) the administrative authority,

(b) the council of a municipality,

(c) an upper-tier municipality that has entered into an agreement under subsection 3 (5), 6.1 (1) or 6.2 (1),

(d) a board of health that has been prescribed for the purposes of subsection 3.1 (1) or has entered into an agreement under subsection 6.1 (2) or (3) or 6.2 (2),

(e) a planning board that has been prescribed for the purposes of subsection 3.1 (1), or

(f) a conservation authority that has been prescribed for the purposes of subsection 3.1 (1) or has entered into an agreement under subsection 6.2 (2); ("autorité principale")

"registered code agency" means a person that has the qualifications and meets the requirements described in subsection 15.11 (4); ("organisme inscrit d'exécution du code")

"regulations" means regulations made under this Act. ("règlements") 1992, c. 23, s. 1 (1); 1997, c. 24, s. 224 (1, 2); 1997, c. 30, Sched. B, s. 1; 1999, c. 12, Sched. M, s. 1; 2002, c. 9, s. 2 (1-3); 2002, c. 17, Sched. C, s. 1 (1); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. O, s. 1 (1); 2006, c. 21, Sched. F, s. 104 (1-3); 2006, c. 22, s. 112 (1); 2017, c. 34, Sched. 2, s. 1.

Interpretation

(1.1) Except as provided in subsection (1.2), a reference to "this Act" in any provision of this Act shall be deemed to be a reference to this Act excluding sections 15.1 to 15.8. 1997, c. 24, s. 224 (3).

Same

(1.2) A reference to "this Act" in subsection 1 (1) and sections 2, 16, 19, 20, 21, 27, 31, 36 and 37 includes a reference to sections 15.1 to 15.8. 1997, c. 24, s. 224 (3).

Chief building official

(1.3) A reference to the "chief building official" in this Act, other than in subsections 1 (1), 3 (2), (3) and (6) and section 4, includes an inspector who has the same powers and duties as the chief building official,

(a) in relation to sewage systems by virtue of subsections 3.1 (3) or 6.2 (4); and

(b) in relation to plumbing by virtue of subsection 6.1 (5). 2002, c. 9, s. 2 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1.3) of the Act is repealed and the following substituted: (See: 2020, c. 16, Sched. 1, s. 1 (4))

Chief building official

(1.3) A reference to the "chief building official" in this Act, other than in subsection 1 (1) and sections 3 and 4, includes,

(a) an inspector who has the same powers and duties as the chief building official,

(i) in relation to sewage systems by virtue of subsection 3.1 (3) or 6.2 (4), and

(ii) in relation to plumbing by virtue of subsection 6.1 (5); and

(b) a chief building inspector and assistant chief building inspector appointed under subsection 30.31 (1). 2020, c. 16, Sched. 1, s. 1 (4).

Inspector

(1.4) A reference to an "inspector" in this Act, other than in subsection 1 (1) and sections 3 and 4 includes an inspector appointed under section 30.31. 2020, c. 16, Sched. 1, s. 1 (4).

Director

(1.5) A reference to the "director",

(a) in sections 2, 4, 15.14, 15.20, 28.1, 29, 31 and 34 and the regulations made under section 34 means the person appointed as director under subsection 2 (2); and

(b) in sections 30.31, 30.32 and 30.33 and the regulations made under section 30.38 means the person appointed as director under subsection 30.33 (1). 2020, c. 16, Sched. 1, s. 1 (4).

Exclusion

(2) This Act does not apply to structures used directly in the extraction of ore from a mine. 1992, c. 23, s. 1 (2).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (1-3) - 17/06/1998; 1997, c. 30, Sched. B, s. 1 (1, 2) - 06/04/1998; 1999, c. 12, Sched. M, s. 1 - 22/12/1999

2002, c. 9, s. 1, 2 (1-4) - 01/07/2005; 2002, c. 17, Sched. C, s. 1 (1) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 19, Sched. O, s. 1 (1) - 22/06/2006; 2006, c. 21, Sched. F, s. 104 (1-3) - 25/07/2007; 2006, c. 22, s. 112 (1) - 03/07/2007

2017, c. 34, Sched. 2, s. 1 - 14/12/2017

2020, c. 16, Sched. 1, s. 1 (1-4) - not in force

Role of various persons

1.1 (1) It is the role of every person who causes a building to be constructed,

(a) to cause the building to be constructed in accordance with this Act and the building code and with any permit issued under this Act for the building;

(b) to ensure that construction does not proceed unless any permit required under this Act has been issued by the chief building official; and

(c) to ensure that construction is carried out only by persons with the qualifications and insurance, if any, required by this Act and the building code. 2002, c. 9, s. 3.

Role of designers

(2) It is the role of a designer,

(a) if the designer's designs are to be submitted in support of an application for a permit under this Act, to provide designs which are in accordance with this Act and the building code and to provide documentation that is sufficiently detailed to permit the design to be assessed for compliance with this Act and the building code and to allow a builder to carry out the work in accordance with the design, this Act and the building code;

(b) to perform the role described in clause (a) in respect of only those matters for which the designer has the qualifications, if any, required by this Act and the building code; and

(c) if the building code requires that all or part of the design or construction of a building be under general review, to perform the general review in respect of only those matters for which the designer has the qualifications, if any, required by this Act and the building code. 2002, c. 9, s. 3.

Role of builders

(3) It is the role of a builder,

(a) to ensure that construction does not proceed unless any permit required under this Act has been issued by the chief building official;

(b) to construct the building in accordance with the permit;

(c) to use appropriate building techniques to achieve compliance with this Act and the building code; and

(d) when site conditions affect compliance with the building code, to notify the designer and an inspector or the registered code agency, as appropriate. 2002, c. 9, s. 3.

Role of manufacturers, etc.

(4) It is the role of manufacturers, suppliers and retailers of products that are intended for use in Ontario in the construction of a building for a purpose that is regulated by this Act or the building code to ensure that the products comply with the standards established under this Act and the building code. 2002, c. 9, s. 3.

Role of building owners

(4.1) It is the role of a building owner,

(a) to ensure that the building or part of the building is maintained, repaired and evaluated in accordance with this Act and the building code; and

(b) to ensure documents, records and other information about the building are kept and provided in accordance with this Act and the building code. 2017, c. 34, Sched. 2, s. 2 (1).

Role of persons conducting building condition evaluations

(4.2) It is the role of a person who conducts a building condition evaluation,

(a) to carry out the responsibilities of that person under a building condition evaluation program in accordance with this Act and the building code; and

(b) to perform the role described in clause (a) in respect of only those matters for which the person has the qualifications, if any, required by this Act and the building code. 2017, c. 34, Sched. 2, s. 2 (1).

Role of registered code agencies

(5) It is the role of a registered code agency,

(a) to exercise powers and perform duties under this Act and the building code in connection with reviewing plans, issuing certificates, inspecting construction and performing other functions in accordance with this Act and the building code; and

(b) to carry out the duties of a registered code agency under this Act and the building code in respect of only those matters for which the registered code agency is qualified under this Act and the building code. 2002, c. 9, s. 3.

Role of chief building officials

(6) It is the role of a chief building official,

(a) to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction;

(b) to co-ordinate and oversee the enforcement of this Act and the building code within the applicable jurisdiction;

(c) to exercise powers and perform the other duties assigned to him or her under this Act and the building code; and

(d) to exercise powers and perform duties in an independent manner and in accordance with the standards established by the applicable code of conduct. 2002, c. 9, s. 3; 2017, c. 34, Sched. 2, s. 2 (2).

Role of inspectors

(7) It is the role of an inspector,

(a) to exercise powers and perform duties under this Act and the building code in connection with reviewing plans, inspecting construction, conducting maintenance inspections and issuing orders in accordance with this Act and the building code;

(b) to exercise powers and perform duties in respect of only those matters for which he or she has the qualifications required by this Act and the building code; and

(c) to exercise powers and perform duties in an independent manner and in accordance with the standards established by the applicable code of conduct. 2002, c. 9, s. 3; 2006, c. 22, s. 112 (2); 2017, c. 34, Sched. 2, s. 2 (3).

Limitation

(8) Nothing in this section relieves any person from the duty to comply with any part of this Act or the building code or affects the rights or duties of a person not mentioned in this section in respect of the construction of a building. 2002, c. 9, s. 3; 2006, c. 19, Sched. O, s. 1 (2).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 3 - 01/07/2005

2006, c. 19, Sched. O, s. 1 (2) - 22/06/2006; 2006, c. 22, s. 112 (2) - 03/07/2007

2017, c. 34, Sched. 2, s. 2 (1-3) - 14/12/2017

ENFORCEMENT AUTHORITIES

Administration

2 (1) The Minister is responsible for the administration of this Act. 1992, c. 23, s. 2 (1).

Director

(2) There shall be a director of the Building and Development Branch of the Ministry of Municipal Affairs and Housing who is appointed by the Lieutenant Governor in Council for the purposes of this Act. 2002, c. 9, s. 5.

Acting director

(3) The director may designate in writing a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry of Municipal Affairs and Housing to exercise the powers and perform the duties of the director in his or her absence or if he or she is unable to act. 2009, c. 33, Sched. 21, s. 2 (1).

Delegation

(4) The director may delegate in writing any of his or her powers or duties to one or more public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry of Municipal Affairs and Housing, and may impose conditions or restrictions with respect to the delegation. 2009, c. 33, Sched. 21, s. 2 (1).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1997, c. 24, s. 224 (4) - 17/06/1998

2002, c. 9, s. 4 - 01/07/2005; 2002, c. 9, s. 5 - 01/09/2003

2009, c. 33, Sched. 21, s. 2 (1) - 15/12/2009

Enforcement by municipalities

3 (1) The council of each municipality is responsible for the enforcement of this Act in the municipality, except where otherwise provided by this Act. 2002, c. 9, s. 6 (1).

Chief building official, inspectors

(2) The council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction. 1992, c. 23, s. 3 (2).

(2.1) REPEALED: 2002, c. 9, s. 6 (2).

Joint enforcement

(3) The councils of two or more municipalities may enter into an agreement,

(a) providing for the joint enforcement of this Act within their respective municipalities;

(b) providing for the sharing of costs incurred in the enforcement of this Act within their respective municipalities; and

(c) providing for the appointment of a chief building official and inspectors. 1992, c. 23, s. 3 (3).

Joint jurisdiction

(4) If an agreement under subsection (3) is in effect, the municipalities have joint jurisdiction in the area comprising the municipalities. 1992, c. 23, s. 3 (4).

Enforcement by upper-tier

(5) The council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of this Act in the municipalities and for charging the municipalities the whole or part of the cost. 2002, c. 17, Sched. F, Table.

Power of upper-tier

(6) If an agreement under subsection (5) is in effect, the upper-tier municipality has jurisdiction for the enforcement of this Act in the municipalities that are parties to the agreement and shall appoint a chief building official and such inspectors as are necessary for that purpose. 2002, c. 17, Sched. F, Table.

(7) REPEALED: 2002, c. 17, Sched. F, Table.

Certificate

(8) The clerk of the municipality or upper-tier municipality shall issue a certificate of appointment bearing the clerk's signature or a facsimile of it to the chief building official and each inspector appointed by the municipality or upper-tier municipality. 1992, c. 23, s. 3 (8); 2002, c. 17, Sched. F, Table.

Records

(9) Every municipality and every upper-tier municipality that has jurisdiction for the enforcement of this Act shall retain such records as may be prescribed by regulation for the prescribed period of time. 2002, c. 9, s. 6 (3); 2002, c. 17, Sched. C, s. 2 (1).

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 2 - 06/04/1998

2000, c. 5, s. 7 - 01/01/2001

2002, c. 9, s. 6 (1, 2) - 01/09/2003; 2002, c. 9, s. 6 (3) - 01/07/2005; 2002, c. 17, Sched. C, s. 2 (1) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

Enforcement, boards of health

3.1 (1) A board of health, a planning board or a conservation authority prescribed in the building code is responsible for the enforcement of the provisions of this Act and the building code related to sewage systems in the municipalities and territory without municipal organization prescribed in the building code. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2 (1).

Inspectors

(2) The board of health, planning board or conservation authority shall appoint such sewage system inspectors as are necessary for the enforcement of this Act in the areas in which the board of health, planning board or conservation authority has jurisdiction under subsection (1). 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2 (2).

Powers

(3) A sewage system inspector appointed under this section in an area of jurisdiction or, if there is more than one inspector in the area of jurisdiction, the inspector designated by the board of health, planning board or conservation authority has the same powers and duties in relation to sewage systems as does the chief building official in respect of buildings. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2 (3).

Jurisdiction

(4) A board of health, planning board or conservation authority prescribed for the purposes of subsection (1) has jurisdiction for the enforcement of this Act in the prescribed municipalities and territory without municipal organization. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2 (4).

Responsibility

(5) If sewage system inspectors have been appointed under this section, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of sewage systems. 1997, c. 30, Sched. B, s. 3.

Certificate

(6) The medical officer of health or the secretary-treasurer of a planning board or conservation authority shall issue a certificate of appointment bearing his or her signature, or a facsimile of it, to each sewage system inspector appointed by the board of health, planning board or conservation authority. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2 (5).

Records

(7) Every board of health, planning board and conservation authority prescribed for the purposes of subsection (1) shall retain such records as may be prescribed by regulation for the prescribed period of time. 2002, c. 9, s. 7.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 3 - 06/04/1998; 1999, c. 12, Sched. M, s. 2 (1-5) - 22/12/1999

2002, c. 9, s. 7 - 01/07/2005

Provincial enforcement

4 (1) Subject to section 3.1, Ontario is responsible for the enforcement of this Act in a territory without municipal organization. 1992, c. 23, s. 4 (1); 1997, c. 30, Sched. B, s. 4.

Agreements

(2) The council of a municipality and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act in the municipality by Ontario subject to such payment in respect of costs as is set out in the agreement. 1992, c. 23, s. 4 (2).

Idem

(3) If an agreement under subsection (2) is in effect, Ontario has jurisdiction for the enforcement of this Act in the municipality. 1992, c. 23, s. 4 (3).

Inspectors

(4) The Deputy Minister of Municipal Affairs and Housing shall appoint inspectors necessary for the enforcement of this Act in the areas in which Ontario has jurisdiction. 2023, c. 10, Sched. 1, s. 1.

Chief building official

(5) The director is the chief building official for the areas in which Ontario has jurisdiction. 1992, c. 23, s. 4 (5).

Certificate

(6) The Deputy Minister of Municipal Affairs and Housing shall issue a certificate of appointment bearing his or her signature or a facsimile of it to the director and each inspector appointed under subsection (4). 1992, c. 23, s. 4 (6); 1997, c. 24, s. 224 (5).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (5) - 17/06/1998; 1997, c. 30, Sched. B, s. 4 - 06/04/1998

2006, c. 35, Sched. C, s. 8 (1) - 20/08/2007

2023, c. 10, Sched. 1, s. 1 - 08/06/2023

Enforcement by registered code agency appointed by a principal authority

4.1 (1) Subject to this Act and the building code, a principal authority may enter into agreements with registered code agencies authorizing the agency to perform the functions specified in the agreement in respect of the construction of any building or class of building specified in the agreement. 2002, c. 9, s. 8.

Appointment

(2) After entering into the agreement with the registered code agency, the principal authority may appoint the agency to perform specified functions in respect of the construction of a building or class of buildings. 2002, c. 9, s. 8.

Delegation of power to appoint

(3) The principal authority may delegate, in writing, to the chief building official the authority to make appointments described in subsection (2), and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 8; 2020, c. 18, Sched. 1, s. 1.

Same

(4) Unless otherwise provided in the building code, an appointment of a registered code agency may authorize the agency to perform all of the applicable functions described in section 15.15,

(a) before a permit is issued under section 8;

(b) after a permit is issued under section 8; or

(c) both before and after a permit is issued under section 8. 2002, c. 9, s. 8.

Conflicts

(5) A registered code agency shall not accept an appointment in the circumstances set out in the building code or if it would have a conflict of interest as determined in accordance with the building code. 2002, c. 9, s. 8.

Effect of appointment

(6) A registered code agency shall perform the functions specified in the appointment for the construction of a specified building or class of buildings and subject to the restrictions set out in this Act and the building code, and shall do so in the manner and subject to the restrictions, if any, set out in the building code. 2002, c. 9, s. 8.

Same

(7) The duty of the registered code agency to perform those functions begins when the appointment is made and ends when the appointment expires as described in section 15.19 or is terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Notice to the director

(8) A principal authority that appoints a registered code agency shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 8 - 01/07/2005

2020, c. 18, Sched. 1, s. 1 - 21/07/2020

Enforcement by registered code agency appointed by an applicant

4.2 (1) This section applies only if a principal authority authorizes it, by regulation, by-law or resolution, as the case may be, to apply within the jurisdiction of the principal authority. 2002, c. 9, s. 8.

Appointment

(2) Subject to this Act and the building code, a prescribed person who is entitled to apply for a permit under section 8 of this Act may appoint a registered code agency to perform all of the functions described in section 15.15 in respect of the construction of a building. 2002, c. 9, s. 8.

Exception

(3) Subsection (2) does not apply,

(a) if a registered code agency has been appointed by a principal authority to perform any function in respect of the construction; or

(b) if an inspector has begun to perform any function in respect of the construction. 2002, c. 9, s. 8.

Manner of appointment

(4) The appointment must be made in writing in the prescribed manner and is subject to the prescribed conditions and restrictions. 2002, c. 9, s. 8.

Conflicts

(5) A registered code agency shall not accept an appointment in the circumstances set out in the building code or if it would have a conflict of interest as determined in accordance with the building code. 2002, c. 9, s. 8.

Effect of appointment

(6) A registered code agency shall perform its functions for the specified building subject to the restrictions set out in this Act and the building code and shall do so in the manner and subject to the restrictions, if any, set out in the building code. 2002, c. 9, s. 8.

Same

(7) The duty of the registered code agency to perform those functions begins when the appointment is made and ends when the appointment expires as described in section 15.19 or is terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Replacement agency

(8) A person who has appointed a registered code agency under subsection (2) in respect of the construction of a building cannot replace the agency after it has begun to perform any function in respect of the construction unless the appointment of that agency has expired as described in section 15.19 or has been terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Notice to director

(9) The person who appoints a registered code agency under this section shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Notice to chief building official

(10) The person who appoints a registered code agency under this section shall give the chief building official such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 8 - 01/07/2005

Agreements re enforcement

5 (1) The council of a municipality and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act by the municipality in such part of the territory without municipal organization and subject to such payment in respect of costs as is set out in the agreement. 1992, c. 23, s. 5 (1); 2017, c. 34, Sched. 2, s. 3.

Area of municipal jurisdiction

(2) The municipality has jurisdiction for the enforcement of this Act in the area designated in the agreement. 1992, c. 23, s. 5 (2).

Application

(3) An agreement under this section may apply to the enforcement of all or any part of this Act or the building code. 1997, c. 30, Sched. B, s. 5.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 5 - 06/04/1998

2017, c. 34, Sched. 2, s. 3 - 14/12/2017

Agreement re review of plans

6 (1) Two or more principal authorities may enter into an agreement providing for,

(a) the review by a principal authority for compliance with the building code of plans and specifications for the construction of a building within its area of jurisdiction;

(b) an expedited review by another principal authority for compliance with the building code of plans and specifications for the construction of substantially similar buildings;

(c) the allocation of responsibility for reviews for compliance with the building code of plans and specifications for the construction of buildings;

(d) the resolution of disagreements about whether plans and specifications comply with the building code;

(e) indemnification; and

(f) such other matters as may be necessary to give effect to the agreement. 2002, c. 9, s. 9.

Delegation

(2) A principal authority may delegate to the chief building official the authority to make such decisions under an agreement as may be necessary for its implementation. 2002, c. 9, s. 9.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 9 - 01/07/2005

Agreement re plumbing

6.1 (1) Despite any other provision of this Act, the council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of the provisions of this Act and the building code related to plumbing in the municipalities and for charging the municipalities the whole or part of the cost. 2002, c. 17, Sched. C, s. 3 (1).

Delegation to health unit

(2) If an agreement under subsection (1) is in effect, the council of an upper-tier municipality may by agreement delegate its powers under subsection (1) to a board of health having jurisdiction in the municipalities that are parties to the agreement. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (2).

Delegation by municipality

(3) A municipality that is not a party to an agreement under subsection (1) may enter into an agreement with the board of health having jurisdiction in the municipality for the enforcement of the provisions of this Act and the building code relating to plumbing. 2002, c. 9, s. 10.

Plumbing inspectors

(4) The council of an upper-tier municipality or the board of health may appoint plumbing inspectors for the purpose of this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (3).

Powers

(5) A plumbing inspector appointed under this section or, if there is more than one inspector in the area of jurisdiction, the senior plumbing inspector has the same powers and duties in relation to plumbing as does the chief building official in respect of buildings other than the issuance of conditional permits. 2002, c. 9, s. 10.

Responsibility

(6) If plumbing inspectors have been appointed under this section, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of plumbing. 2002, c. 9, s. 10.

Application

(7) Subsections 3 (8) and (9) and section 7 apply with necessary modifications to the council of an upper-tier municipality or a board of health that has assumed responsibility for plumbing under this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (4).

Transition, plumbing

(8) If, on July 1, 1993, an upper-tier municipality was carrying out plumbing inspections under the *Ontario Water Resources Act* in the municipalities that formed part of the upper-tier municipality, the upper-tier municipality shall enforce the provisions of this Act and the building code related to plumbing in all of the municipalities forming part of the upper-tier municipality until the council of the upper-tier municipality by by-law determines otherwise, whereupon section 3 applies. 2002, c. 17, Sched. C, s. 3 (5).

Same

(9) Subsections (4) to (7) apply with necessary modifications to an upper-tier municipality that has assumed responsibility for plumbing under subsection (8). 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (6).

Interpretation

(10) For the purpose of subsection (8), an upper-tier municipality that has been deemed to be a county by any general or special Act for the purposes of section 76 of the *Ontario Water Resources Act*, as it read on June 30, 1993, shall be deemed to be an upper-tier municipality that was carrying out plumbing inspections under the *Ontario Water Resources Act* in the municipalities that formed part of the upper-tier municipality for municipal purposes on July 1, 1993. 2002, c. 17, Sched. C, s. 3 (7).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 10 - 01/07/2005; 2002, c. 17, Sched. C, s. 3 (1-7) - 01/07/2005

Agreement re sewage systems

6.2 (1) Despite any other provision of this Act, the council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of the provisions of this Act and the building code related to sewage systems in the municipalities and for charging the municipalities the whole or part of the cost. 2002, c. 17, Sched. C, s. 3 (8).

Delegation

(2) A municipality that is not a party to an agreement under subsection (1) may enter into an agreement with a board of health or a conservation authority having jurisdiction in the municipality for the enforcement of the provisions of this Act and the building code related to sewage systems. 2002, c. 9, s. 10.

Inspectors

(3) The council of an upper-tier municipality, board of health or conservation authority may appoint sewage system inspectors for the purposes of this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (9).

Powers

(4) A sewage system inspector appointed under this section in an area of jurisdiction or, if there is more than one inspector in the area of jurisdiction, the inspector designated by the council of an upper-tier municipality, board of health or conservation authority has the same powers and duties in relation to sewage systems as does the chief building official in respect of buildings. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (10).

Responsibility

(5) If sewage system inspectors have been appointed under this section, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of sewage systems. 2002, c. 9, s. 10.

Application

(6) Subsections 3 (8) and (9) and section 7 apply with necessary modifications to the council of an upper-tier municipality, board of health or conservation authority that has assumed responsibility for sewage systems under this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3 (11).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 10 - 01/07/2005; 2002, c. 17, Sched. C, s. 3 (8-11) - 01/07/2005

By-laws, resolutions, regulations

7 (1) The council of a municipality or of an upper-tier municipality that has entered into an agreement under subsection 3 (5) or a board of health prescribed for the purposes of section 3.1 may pass by-laws, a planning board prescribed for the purposes of section 3.1 may pass resolutions and a conservation authority prescribed for the purposes of section 3.1 or the Minister may make regulations, applicable to the matters for which and in the area in which the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, respectively, has jurisdiction for the enforcement of this Act,

(a) prescribing classes of permits under this Act, including permits in respect of any stage of construction or demolition;

(b) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed;

(b.1) subject to the regulations made under subsection 34 (2.1), establishing and governing a program to enforce standards prescribed under clause 34 (2) (b), in addition to any programs established under subsection 34 (2.2);

(b.2) subject to the regulations made under subsection 34 (2.2), governing a program established under subsection 34 (2.2);

(c) requiring the payment of fees and prescribing the amounts of the fees,

(i) on application for and on issuance of permits,

(ii) for maintenance inspections,

(iii) for providing documentation, records or other information under section 15.10.4, and

(iv) for providing information under subsection 15.10.6 (2);

(c.1) requiring the payment of interest and other penalties, including payment of collection costs, when fees are unpaid or are paid after the due date;

(d) providing for refunds of fees under such circumstances as are prescribed;

(e) requiring a person specified in the building code to give notice to the chief building official or an inspector or to a registered code agency if one is appointed, of any of the stages of construction specified in the building code, in addition to the stages of construction prescribed under subsection 10.2 (1) and prescribing the period of time after such notice is given during which an inspection may be carried out;

(f) prescribing forms respecting permits and applications for permits and providing for their use;

(g) enabling the chief building official to require that a set of plans of a building or any class of buildings as constructed be filed with the chief building official on completion of the construction under such conditions as may be prescribed in the building code;

(h) providing for the transfer of permits when land changes ownership;

(i) requiring the person to whom a permit is issued to erect and maintain fences to enclose the site of the construction or demolition within such areas of the municipality as may be prescribed;

(j) prescribing the height and description of the fences required under clause (i). 1992, c. 23, s. 7; 1997, c. 30, Sched. B, s. 6; 1999, c. 12, Sched. M, s. 3; 2002, c. 9, s. 11 (1); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. O, s. 1 (5); 2006, c. 22, s. 112 (3-5); 2017, c. 34, Sched. 2, s. 4 (1); 2020, c. 18, Sched. 1, s. 2.

Fees

(2) The total amount of the fees authorized under clause (1) (c) must not exceed the anticipated reasonable costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2).

Reduction in fees

(3) A regulation, by-law or resolution establishing fees under subclause (1) (c) (i) must provide for reduced fees to be payable in respect of the construction of a building for which a registered code agency is appointed under section 4.2. 2002, c. 9, s. 11 (2); 2017, c. 34, Sched. 2, s. 4 (2).

Report on fees

(4) Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1) (c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2).

Same

(5) The principal authority shall make its report available to the public in the manner required by regulation. 2002, c. 9, s. 11 (2).

Change in fees

(6) If a principal authority proposes to change any fee imposed under clause (1) (c), the principal authority shall,

(a) give notice of the proposed changes in fees to such persons as may be prescribed; and

(b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11 (2); 2006, c. 22, s. 112 (6).

Same, notice

(7) The notice of proposed changes in fees must contain the prescribed information, including information about the public meeting, and must be given in the prescribed manner. 2002, c. 9, s. 11 (2).

Same, public meeting

(8) The public meeting concerning proposed changes in fees must be held within the period specified by regulation before the regulation, by-law or resolution to implement the proposed changes is made. 2002, c. 9, s. 11 (2).

Fees may be added to tax roll

(8.1) Section 398 of the *Municipal Act, 2001* or section 264 of the *City of Toronto Act, 2006*, as the case may be, applies, with necessary modifications, to fees established by a municipality or local board under clause (1) (c) and, with the approval of the treasurer of a local municipality, to fees established under clause (1) (c) by a conservation authority whose area of jurisdiction includes any part of the local municipality. 2006, c. 22, s. 112 (7).

Forms

(9) The power to prescribe forms under clause (1) (f) does not include the power to prescribe a form for a particular purpose where there is a form for that purpose prescribed in the building code or approved by the Minister. 2002, c. 9, s. 11 (2); 2006, c. 21, Sched. F, s. 104 (4).

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 6 - 06/04/1998; 1999, c. 12, Sched. M, s. 3 - 22/12/1999

2002, c. 9, s. 11 (1, 2) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 19, Sched. O, s. 1 (3) - 22/06/2006; 2006, c. 19, Sched. O, s. 1 (5) - 01/07/2006; 2006, c. 21, Sched. F, s. 104 (4) - 25/07/2007; 2006, c. 22, s. 112 (3-7) - 03/07/2007

2017, c. 34, Sched. 2, s. 4 (1, 2) - 14/12/2017

2020, c. 18, Sched. 1, s. 2 - 21/07/2020

Code of conduct

7.1 (1) A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors. 2002, c. 9, s. 12.

Purposes

(2) The following are the purposes of a code of conduct:

1. To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.

2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors. 2002, c. 9, s. 12.

Contents

(3) A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c. 9, s. 12.

Public notice

(4) The principal authority shall ensure that the code of conduct is brought to the attention of the public. 2002, c. 9, s. 12.

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. M, s. 4 - 22/12/1999

2002, c. 9, s. 12 - 01/07/2005

CONSTRUCTION AND DEMOLITION

Building permits

8 (1) No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. 1992, c. 23, s. 8 (1); 1997, c. 30, Sched. B, s. 7 (1).

Application for permit

(1.1) An application for a permit to construct or demolish a building may be made by a person specified by regulation and the prescribed form or the form approved by the Minister must be used and be accompanied by the documents and information specified by regulation. 2002, c. 9, s. 14 (1); 2006, c. 21, Sched. F, s. 104 (5).

Issuance of permits

(2) The chief building official shall issue a permit referred to in subsection (1) unless,

(a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;

(b) the applicant is a builder or vendor as defined in subsection 1 (1) of the *New Home Construction Licensing Act, 2017* and is not licensed under that Act;

(b.1) the *Architects Act* or the *Professional Engineers Act* requires that the proposed construction of the building be designed by an architect or a professional engineer or a combination of both and the proposed construction is not so designed;

(c) a person who prepared drawings, plans, specifications or other documents or gave an opinion concerning the compliance of the proposed building or construction with the building code does not have the applicable qualifications, if any, set out in the building code or does not have the insurance, if any, required by the building code;

(d) the plans review certificate, if any, required for the application does not contain the prescribed information;

(e) the application for the permit is not complete; or

(f) any fees due have not been paid. 2002, c. 9, s. 14 (2); 2014, c. 7, Sched. 3, s. 1; 2015, c. 28, Sched. 1, s. 147; 2017, c. 33, Sched. 1, s. 88 (1).

Restriction

(2.1) If the application includes a plans review certificate that contains the prescribed information, the chief building official is not entitled to refuse to issue the permit on the grounds that the proposed construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14 (2).

Decision

(2.2) If an application for a permit meets the requirements prescribed by regulation, the chief building official shall, unless the circumstances prescribed by regulation apply, decide within the period prescribed by regulation whether to issue the permit or to refuse to issue it. 2009, c. 33, Sched. 21, s. 2 (2).

Same, reasons for refusal

(2.3) If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14 (2).

Conditional permit

(3) Even though all requirements have not been met to obtain a permit under subsection (2), the chief building official may issue a conditional permit for any stage of construction if,

(a) compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the building code has been achieved in respect of the proposed building or construction;

(b) the chief building official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted; and

(c) the applicant and such other person as the chief building official determines agree in writing with the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Crown in right of Ontario to,

(i) assume all risk in commencing the construction,

(ii) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,

(iii) file plans and specifications of the complete building in the time set out in the agreement,

(iv) at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and

(v) comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance with subclause (iv). 1992, c. 23, s. 8 (3); 1997, c. 30, Sched. B, s. 7 (2); 1999, c. 12, Sched. M, s. 5 (1); 2002, c. 17, Sched. F, Table.

Delegation re conditional permits

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3).

Criteria

(4) In considering whether a conditional permit should be granted, the chief building official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained. 1992, c. 23, s. 8 (4).

Registration

(5) Any agreement entered into under clause (3) (c) may be registered against the land to which it applies and the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, as the case may be, is entitled to enforce its provisions against the registered owner and, subject to the *Registry Act* and the *Land Titles Act*, any person acquiring any interest in the land subsequent to the registration of the agreement. 1999, c. 12, Sched. M, s. 5 (2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 5.

Enforcement of agreement

(6) If the chief building official determines that a building has not been removed or a site restored as required by an agreement under clause (3) (c), the chief building official may cause the building to be removed and the site restored and for this purpose the chief building official, an inspector and their agents may enter upon the land and into the building governed by the agreement at any reasonable time without a warrant. 1992, c. 23, s. 8 (6).

Lien

(7) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the removal of the building and restoration of the site under subsection (6) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (1).

Deemed taxes

(8) If the building is in territory without municipal organization, the amount spent on the removal of the building and restoration of the site under subsection (6) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 1992, c. 23, s. 8 (8); 2006, c. 33, Sched. Z.3, s. 4 (1).

Disclosure of prescribed information

(8.1) The chief building official shall, within the period and in the manner prescribed by regulation, give to the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act* the information prescribed by regulation relating to permits issued under this section and the applications for those permits. 2009, c. 33, Sched. 21, s. 2 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (8.1) of the Act is amended by striking out "the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act*" and substituting "the warranty authority within the meaning of the *Protection for Owners and Purchasers of New Homes Act, 2017*". (See: 2017, c. 33, Sched. 2, s. 74)

Referral of plans, etc.

(9) Upon reasonable grounds, the chief building official or registered code agency may refer drawings, plans or specifications accompanying applications for permits or the reports arising out of the general review of the construction of a building to the Association of Professional Engineers of Ontario or the Ontario Association of Architects for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14 (4).

Same

(9.1) At the request of the Association of Professional Engineers of Ontario or the Ontario Association of Architects, the chief building official shall refer documents and information described in subsection (9) to those associations for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14 (4).

Revocation of permits

(10) Subject to section 25, the chief building official may revoke a permit issued under this Act,

(a) if it was issued on mistaken, false or incorrect information;

(b) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the chief building official, been seriously commenced;

(c) if the construction or demolition of the building is, in the opinion of the chief building official, substantially suspended or discontinued for a period of more than one year;

(d) if it was issued in error;

(e) if the holder requests in writing that it be revoked; or

(f) if a term of the agreement under clause (3) (c) has not been complied with. 1992, c. 23, s. 8 (10).

Prohibition

(11) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with this Act and the building code. 1992, c. 23, s. 8 (11).

Notice of change

(12) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the chief building official. 1992, c. 23, s. 8 (12).

Prohibition

(13) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the chief building official. 1992, c. 23, s. 8 (13).

Restriction

(14) If a request for authorization referred to in subsection (12) or (13) is accompanied by a change certificate that contains the prescribed information, the chief building official is not entitled to refuse to authorize the change on the grounds that the construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14 (5).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (6) - 17/06/1998; 1997, c. 30, Sched. B, s. 7 (1, 2) - 06/04/1998; 1999, c. 12, Sched. M, s. 5 (1, 2) - 22/12/1999

2002, c. 9, s. 13, 14 (1-5) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 21, Sched. F, s. 104 (5) - 25/07/2007; 2006, c. 32, Sched. C, s. 3 (1) - 01/01/2007; 2006, c. 33, Sched. Z.3, s. 4 (1) - 01/01/2009

2009, c. 33, Sched. 21, s. 2 (2, 3) - 01/01/2011

2014, c. 7, Sched. 3, s. 1 - 24/07/2014

2015, c. 28, Sched. 1, s. 147 - 01/01/2018

2017, c. 33, Sched. 1, s. 88 (1) - 01/02/2021; 2017, c. 33, Sched. 1, s. 90 (1, 2) - no effect; 2017, c. 33, Sched. 2, s. 74 - not in force; 2017, c. 34, Sched. 2, s. 5 - 14/12/2017

9 REPEALED: 2009, c. 33, Sched. 21, s. 2 (4).

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 8 - 06/04/1998

2002, c. 9, s. 15 - 01/07/2005

1992, c. 23, s. 9 (5) - no effect - see 2009, c. 33, Sched. 21, s. 2 (4) - 01/07/2010

2009, c. 33, Sched. 21, s. 2 (4) - 01/07/2010

Change of use

10 (1) Even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in an increase in hazard, as determined in accordance with the building code, unless a permit has been issued by the chief building official. 2002, c. 9, s. 16.

Permit

(2) The chief building official shall issue a permit under subsection (1), unless,

(a) the building if used as proposed would result in a contravention of this Act or the building code or any other applicable law;

(b) the application for it is incomplete; or

(c) any fees due are unpaid. 1992, c. 23, s. 10 (2).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 16 - 01/09/2003

Prohibition re sewage systems

10.1 No person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with this Act and the building code. 1997, c. 30, Sched. B, s. 9.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 9 - 06/04/1998

Notice of readiness for inspection

10.2 (1) At each stage of construction specified in the building code, the prescribed person shall notify the chief building official or the registered code agency, if any, that the construction is ready to be inspected. 2002, c. 9, s. 17.

Inspection

(2) After the notice is received, an inspector or the registered code agency, as the case may be, shall carry out the inspection required by the building code within the prescribed period. 2002, c. 9, s. 17.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 17 - 01/07/2005

Occupancy or use after completion

11 (1) Except as authorized by the building code, a person shall not occupy or use a building or part of a building that is newly erected or installed or permit it to be occupied or used until the requirements set out in this section are met. 2002, c. 9, s. 18.

Notice of date of completion

(2) Notice of the date of completion of the building or part must be given to the chief building official or the registered code agency, if any. 2002, c. 9, s. 18.

Final certificate

(3) If a registered code agency has been appointed for the building or part of the building by a principal authority to perform the functions described in clause 4.1 (4) (b) or (c) or has been appointed under section 4.2, a final certificate that contains the prescribed information must be issued. 2002, c. 9, s. 18.

Inspection, etc.

(4) If subsection (3) does not apply,

(a) either the building or part must be inspected or 10 days must elapse after notice of the date of completion is served on the chief building official; and

(b) any order made under section 12 must be complied with. 2002, c. 9, s. 18.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 18 - 01/07/2005

Inspection of buildings and building sites

12 (1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site to determine whether or not the following are being complied with:

1. This Act.
2. The building code.
3. An order made under this Act. 2017, c. 34, Sched. 2, s. 6 (1)

Order

(2) An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order. 1992, c. 23, s. 12 (2).

Service

(3) The order shall be served on the person whom the inspector believes is contravening this Act or the building code. 1992, c. 23, s. 12 (3).

Form and contents

(4) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2002, c. 9, s. 19; 2006, c. 21, Sched. F, s. 104 (6).

Posting and making information available

(5) A copy of an order made under subsection (2) may be,

(a) posted on the site of the construction or demolition in a location visible to the public;

(b) made available to the public by,

(i) posting the copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(c) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 6 (2).

Registration

(6) If an order made under subsection (2) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 6 (2).

Discharge

(7) When the requirements of an order described in subsection (6) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 6 (2).

Same

(8) In the case of an order that has been made available to the public in accordance with clause (5) (b), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 6 (2).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 19 - 01/07/2005

2006, c. 21, Sched. F, s. 104 (6) - 25/07/2007

2017, c. 34, Sched. 2, s. 6 (1, 2) - 14/12/2017

Order not to cover

13 (1) An inspector may make an order prohibiting the covering or enclosing of any part of a building pending inspection. 1992, c. 23, s. 13 (1).

Form of order

(1.1) The prescribed form or the form approved by the Minister must be used for an order made under this section. 2002, c. 9, s. 20 (1); 2006, c. 21, Sched. F, s. 104 (7).

Service

(2) The order shall be served on the person to whom the permit is issued, if any, and on such other persons affected thereby as the inspector determines. 1992, c. 23, s. 13 (2).

Posting and making information available

(3) A copy of an order made under this section may be,

(a) posted on the site of the construction or demolition in a location visible to the public;

(b) made available to the public by,

(i) posting the copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(c) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 7.

Registration

(3.1) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 7.

Discharge

(3.2) When the requirements of an order described in subsection (3.1) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 7.

Same

(3.3) In the case of an order that has been made available to the public in accordance with clause (3) (b), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 7.

Inspection

(4) An inspection shall be made within a reasonable time after the person to whom the order is made has given notice that the part of the building is ready for inspection. 1992, c. 23, s. 13 (4).

Service

(5) Section 27 does not apply to a notice under subsection (4). 1992, c. 23, s. 13 (5).

Order to uncover

(6) A chief building official or registered code agency who has reason to believe that part of a building that is covered or enclosed has not been constructed in compliance with this Act or the building code may order the persons responsible for the construction to uncover the part at their own expense for the purpose of an inspection if,

(a) the part was covered or enclosed contrary to an order made under subsection (1);

(b) a notice required to be given to the chief building official, registered code agency or inspector before the part was covered or enclosed under a by-law, resolution or regulation made under clause 7 (e) was not given, or a notice required under section 10.2 was not received;

(c) in cases where a notice required under section 10.2 is received, the period prescribed under subsection 10.2 (2) did not elapse before the part was covered or enclosed;

(d) in cases where a notice required by a by-law, resolution or regulation made under clause 7 (e) is given,

(i) the inspection period prescribed under clause 7 (e) did not elapse before the part was covered or enclosed, or

(ii) if an inspection period is not prescribed under clause 7 (e), a reasonable period of time after the notice was given did not elapse before the part was covered or enclosed; or

(e) the part has been constructed without a permit being issued. 2006, c. 19, Sched. O, s. 1 (6).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 20 (1, 2) - 01/07/2005; 2002, c. 9, s. 20 (3) - no effect - see 2006, c. 19, Sched. O, s. 2 - 22/06/2006

2006, c. 19, Sched. O, s. 1 (6) - 22/06/2006; 2006, c. 21, Sched. F, s. 104 (7) - 25/07/2007

2017, c. 34, Sched. 2, s. 7 - 14/12/2017

Stop work order

14 (1) If an order made under section 12 or 13 is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official or registered code agency, as the case may be, may order that all or any part of the construction or demolition cease. 1992, c. 23, s. 14 (1); 2002, c. 9, s. 21 (1).

Form of order

(1.1) The prescribed form or the form approved by the Minister must be used for the order. 2002, c. 9, s. 21 (2); 2006, c. 21, Sched. F, s. 104 (8).

Service

(2) The order shall be served on such persons affected thereby as the chief building official or registered code agency determines and a copy shall be posted on the site of the construction or demolition in a location visible to the public. 1992, c. 23, s. 14 (2); 2002, c. 9, s. 21 (3); 2017, c. 34, Sched. 2, s. 8 (1).

Timing

(3) The order is effective from the time it is posted under subsection (2). 1992, c. 23, s. 14 (3).

Making information available

(3.1) A copy of an order made under subsection (1) may be,

(a) made available to the public by,

(i) posting the copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 8 (2).

Registration

(3.2) If an order made under subsection (1) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 8 (2).

Discharge

(3.3) When the requirements of an order described in subsection (3.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 8 (2).

Same

(3.4) In the case of an order that has been made available to the public in accordance with clause (3.1) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 8 (2).

Effect of order

(4) If an order to cease construction or demolition is made, no person shall perform any act in the construction or demolition of the building in respect of which the order is made other than work necessary to carry out the order made under section 12 or 13. 1992, c. 23, s. 14 (4).

Referral to chief building official

(5) When a registered code agency makes an order under this section, the agency shall refer the matter to the chief building official as soon as practicable. 2002, c. 9, s. 21 (4).

Same

(6) The referral must be made in the prescribed manner. 2002, c. 9, s. 21 (4).

Effect of referral

(7) After making the referral, the registered code agency shall take no further steps in respect of the matter to which the order refers and the principal authority that issued the permit is responsible for the enforcement of this Act in respect of the matter. 2002, c. 9, s. 21 (4).

Powers of chief building official

(8) The chief building official may amend or rescind any order made by the registered code agency in respect of the matter. 2002, c. 9, s. 21 (4).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 21 (1-4) - 01/07/2005

2006, c. 21, Sched. F, s. 104 (8) - 25/07/2007

2017, c. 34, Sched. 2, s. 8 (1, 2) - 14/12/2017

15 REPEALED: 2002, c. 9, s. 22.

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1997, c. 24, s. 224 (7) - 17/06/1998; 1997, c. 30, Sched. B, s. 10 (1, 2) - 06/04/1998; 1999, c. 12, Sched. M, s. 6 (1, 2) - 22/12/1999

2002, c. 9, s. 22 - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

PROPERTY STANDARDS

Municipal property standards

15.1 (1) In sections 15.1 to 15.8 inclusive,

"committee" means a property standards committee established under section 15.6; ("comité")

"occupant" means any person or persons over the age of 18 years in possession of the property; ("occupant")

"owner" includes,

(a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and

(b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; ("propriétaire")

"property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; ("bien")

"repair" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section. ("réparation") 1997, c. 24, s. 224 (8).

Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c. 24, s. 224 (8).

Standards for maintenance and occupancy

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition. 1997, c. 24, s. 224 (8).

No distinction on the basis of relationship

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c. 24, s. 224 (8).

Provision of no effect

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 9, s. 23 - 01/07/2005

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

(a) whether the property conforms with the standards prescribed in the by-law; or

(b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

(a) stating the municipal address or the legal description of the property;

(b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

(c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and

(d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2017, c. 34, Sched. 2, s. 9 - 14/12/2017

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 9, s. 24 - 01/09/2003

Power of municipality if order not complied with

15.4 (1) If an order of an officer under section 15.2 (2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c. 24, s. 224 (8).

Warrantless entry

(2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224 (8).

No liability

(3) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c. 24, s. 224 (8).

Lien

(4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (2).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (2) - 01/01/2007

Administrative penalties

15.4.1 (1) A municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with,

(a) a by-law of the municipality passed under section 15.1; or

(b) an order of an officer under subsection 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3. 2017, c. 34, Sched. 2, s. 10.

Purpose of administrative penalties

(2) The purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with a by-law under section 15.1 or an order under subsection 15.2 (2). 2017, c. 34, Sched. 2, s. 10.

Monetary limit

(3) The amount of an administrative penalty established by a municipality,

(a) shall not be punitive in nature; and

(b) shall not exceed the amount reasonably required to promote compliance with a by-law under section 15.1 or an order under subsection 15.2 (2). 2017, c. 34, Sched. 2, s. 10.

Effect on offences

(4) If a person is required by a municipality to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention. 2017, c. 34, Sched. 2, s. 10.

Regulations

(5) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,

(a) granting a municipality powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;

(b) imposing conditions and limitations on a municipality's powers with respect to administrative penalties. 2017, c. 34, Sched. 2, s. 10.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 10 - 14/12/2017

Debt

15.4.2 (1) An administrative penalty imposed by a municipality on a person under section 15.4.1 constitutes a debt of the person to the municipality. 2017, c. 34, Sched. 2, s. 10.

Amount owing added to tax roll

(2) If an administrative penalty imposed under section 15.4.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of the municipality may add the administrative penalty to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes. 2017, c. 34, Sched. 2, s. 10.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 10 - 14/12/2017

Certificate of compliance

15.5 (1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner. 1997, c. 24, s. 224 (8).

Request for certificate

(2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located. 1997, c. 24, s. 224 (8).

Fee for certificate

(3) A council of a municipality may set a fee for the issuance of a certificate. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

Property standards committee

15.6 (1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish. 1997, c. 24, s. 224 (8).

Filling of vacancies

(2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee. 1997, c. 24, s. 224 (8).

Compensation

(3) The members of the committee shall be paid such compensation as the council may provide. 1997, c. 24, s. 224 (8).

Chair

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair. 1997, c. 24, s. 224 (8).

Quorum

(5) A majority of the members constitutes a quorum for transacting the committee's business. 1997, c. 24, s. 224 (8).

Secretary

(6) The members shall provide for a secretary for the committee. 1997, c. 24, s. 224 (8).

Duty of secretary

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to the minutes and records. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (3).

Rules of procedure and oaths

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths. 1997, c. 24, s. 224 (8).

Where committee required to give notice

(9) The committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (3) - 01/01/2007

Emergency order re dangerous non-conformity with standards

15.7 (1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 1997, c. 24, s. 224 (8).

Service

(2) The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c. 24, s. 224 (8).

Emergency powers

(3) After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant. 1997, c. 24, s. 224 (8).

No liability

(4) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c. 24, s. 224 (8).

Service

(5) If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c. 24, s. 224 (8).

Service of statement

(6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1997, c. 24, s. 224 (8).

Application to court

(7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1997, c. 24, s. 224 (8); 2002, c. 9, s. 25.

Powers of judge

(8) The judge in disposing of an application under subsection (7) shall,

(a) confirm, modify or rescind the order; and

(b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1997, c. 24, s. 224 (8).

Order final

(9) The disposition under subsection (8) is final. 1997, c. 24, s. 224 (8).

Lien

(10) The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (4).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 9, s. 25 - 01/09/2003; 2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (4) - 01/01/2007

Inspection powers of officer

15.8 (1) For the purposes of an inspection under section 15.2, an officer may,

(a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;

(b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;

(c) require information from any person concerning a matter related to a property or part thereof;

(d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;

(e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and

(f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224 (8).

Samples

(2) A sample taken under clause (1) (e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

(a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and

(b) it is technically feasible to divide the sample. 2017, c. 34, Sched. 2, s. 11.

Same

(3) If an officer takes a sample under clause (1) (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c. 24, s. 224 (8).

Receipt

(4) An officer shall provide a receipt for any document or thing removed under clause (1) (b) and shall promptly return them after the copies or extracts are made. 1997, c. 24, s. 224 (8).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2017, c. 34, Sched. 2, s. 11 - 14/12/2017

UNSAFE BUILDINGS

Inspection of unsafe buildings

15.9 (1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting a building to determine,

(a) whether the building is unsafe; or

(b) whether an order made under subsection (4) has been complied with. 2002, c. 9, s. 26.

Interpretation

(2) A building is unsafe if the building is,

(a) structurally inadequate or faulty for the purpose for which it is used; or

(b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented. 2002, c. 9, s. 26.

Sewage systems

(3) In addition to the criteria set out in subsection (2), a sewage system is unsafe if it is not maintained or operated in accordance with this Act and the building code. 2002, c. 9, s. 26.

Order

(4) An inspector who finds that a building is unsafe may make an order setting out the reasons why the building is unsafe and the remedial steps necessary to render the building safe and may require the order to be carried out within the time specified in the order. 2002, c. 9, s. 26.

Service and posting

(5) The order under subsection (4) shall be served on the registered owner and each person apparently in possession of the building and such other persons affected by the order as the chief building official determines and a copy of the order may be posted on the site of the building in a location visible to the public. 2017, c. 34, Sched. 2, s. 12 (1).

Form of order

(5.1) The prescribed form or the form approved by the Minister must be used for an order made under this section. 2017, c. 34, Sched. 2, s. 12 (1).

Making information available

(5.2) A copy of an order made under this section may be,

(a) made available to the public by,

(i) posting the copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 12 (1).

Registration

(5.3) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 12 (1).

Discharge

(5.4) When the requirements of an order described in subsection (5.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 12 (1).

Same

(5.5) In the case of an order that has been made available to the public in accordance with clause (5.2) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 12 (1).

Order respecting occupancy

(6) If an order of an inspector under subsection (4) is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official,

(a) may by order prohibit the use or occupancy of the building; and

(b) may cause the building to be renovated, repaired or demolished to remove the unsafe condition or take such other action as he or she considers necessary for the protection of the public. 2002, c. 9, s. 26.

Power of entry

(7) For the purpose of clause (6) (b), the chief building official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant. 2002, c. 9, s. 26.

Service

(8) The order under clause (6) (a) shall be served on the registered owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy of the order shall be posted on the site of the building in a location visible to the public. 2002, c. 9, s. 26; 2017, c. 34, Sched. 2, s. 12 (2).

Timing

(9) The order under clause (6) (a) is effective from the time it is posted. 2002, c. 9, s. 26.

Lien

(10) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition or other action under clause (6) (b) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. C, s. 4 (1); 2006, c. 32, Sched. C, s. 3 (5).

Deemed taxes

(11) If the building is in territory without municipal organization, the amount spent on the renovation, repair, demolition or other action under clause (6) (b) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 2002, c. 9, s. 26; 2006, c. 33, Sched. Z.3, s. 4 (2).

Where matters addressed under building condition evaluation programs

(12) No order may be made under this section if an order may be made under subsection 15.10.3 (2) respecting the same building or part of a building and the same subject matter. 2017, c. 34, Sched. 2, s. 12 (3).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 26 - 01/07/2005; 2002, c. 17, Sched. C, s. 4 (1) - 01/07/2005

2006, c. 32, Sched. C, s. 3 (5) - 01/01/2007; 2006, c. 33, Sched. Z.3, s. 4 (2) - 01/01/2009

2017, c. 34, Sched. 2, s. 12 (1-3) - 14/12/2017

Emergency order where immediate danger

15.10 (1) If upon inspection of a building an inspector is satisfied that the building poses an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 2002, c. 9, s. 26.

Service

(2) The order shall be served on the registered owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy shall be posted on the site of the building in a location visible to the public. 2002, c. 9, s. 26; 2017, c. 34, Sched. 2, s. 13 (1).

Making information available

(2.1) A copy of an order made under subsection (1) may be,

(a) made available to the public by,

(i) posting the copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 13 (2).

Registration

(2.2) If an order made under subsection (1) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 13 (2).

Discharge

(2.3) When the requirements of an order described in subsection (2.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 13 (2).

Same

(2.4) In the case of an order that has been made available to the public in accordance with clause (2.1) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 13 (2).

Emergency powers

(3) After making an order under subsection (1), the chief building official may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the chief building official, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant. 2002, c. 9, s. 26.

No liability

(4) Despite subsection 31 (2), the Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority or a person acting on behalf of any of them is not liable to compensate the registered owner, occupant or any other person by reason of anything done by or on behalf of the chief building official or an inspector in the reasonable exercise of his or her powers under subsection (3). 2002, c. 9, s. 26; 2002, c. 17, Sched. C, s. 5 (1); 2017, c. 34, Sched. 2, s. 13 (3).

Service

(5) If the order was not served before measures were taken to terminate the danger, the chief building official shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken and each copy of the order shall have attached to it a statement by the chief building official describing the measures taken and providing details of the amount spent in taking the measures. 2002, c. 9, s. 26.

Service of statement

(6) If the order was served before the measures were taken, the chief building official shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 2002, c. 9, s. 26.

Application to court

(7) As soon as practicable after subsections (5) and (6) have been complied with, the chief building official shall apply to the Superior Court of Justice for an order confirming the order made under subsection (1) and the court shall hold a hearing for that purpose. 2002, c. 9, s. 26.

Powers of court

(8) In disposing of an application under subsection (7), the court shall,

(a) confirm, modify or rescind the order; and

(b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 2002, c. 9, s. 26.

Order final

(9) The disposition under subsection (8) is final. 2002, c. 9, s. 26.

Lien

(10) If the building is in a municipality, the amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. C, s. 5 (2); 2006, c. 32, Sched. C, s. 3 (6).

Deemed taxes

(11) If the building is in territory without municipal organization, the amount determined by the judge to be recoverable is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 2002, c. 9, s. 26; 2006, c. 33, Sched. Z.3, s. 4 (3).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 26 - 01/07/2005; 2002, c. 17, Sched. C, s. 5 (1, 2) - 01/07/2005

2006, c. 32, Sched. C, s. 3 (6) - 01/01/2007; 2006, c. 33, Sched. Z.3, s. 4 (3) - 01/01/2009

2017, c. 34, Sched. 2, s. 13 (1-3) - 14/12/2017

MAINTENANCE INSPECTION PROGRAMS

Maintenance inspections

15.10.1 (1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection. 2006, c. 22, s. 112 (8).

Order

(2) An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order. 2006, c. 22, s. 112 (8).

Service

(3) The order shall be served on the person whom the inspector believes is contravening this Act or the building code. 2006, c. 22, s. 112 (8).

Form and contents

(4) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2006, c. 22, s. 112 (8).

Posting

(5) The inspector may post a copy of the order on the site of the maintenance inspection. 2006, c. 22, s. 112 (8).

Making information available

(6) A copy of an order made under subsection (2) may be,

(a) made available to the public by,

(i) posting the copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 14.

Registration

(7) If an order made under subsection (2) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 14.

Discharge

(8) When the requirements of an order described in subsection (7) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 14.

Same

(9) In the case of an order that has been made available to the public in accordance with clause (6) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 14.

Section Amendments with date in force (d/m/y)

2006, c. 22, s. 112 (8) - 03/07/2007

2017, c. 34, Sched. 2, s. 14 - 14/12/2017

BUILDING CONDITION EVALUATION PROGRAMS

Application

15.10.2 (1) This section applies in respect of buildings and parts of buildings that are prescribed as subject to a building condition evaluation program under the regulations made under clause 34 (2.3) (a). 2017, c. 34, Sched. 2, s. 15.

Maintenance of buildings

(2) A building owner shall maintain and operate a building or part of a building to which this section applies in accordance with this Act and the building code. 2017, c. 34, Sched. 2, s. 15.

Evaluation

(3) A building owner shall ensure that a building or part of a building to which this section applies is evaluated in accordance with this Act and the building code. 2017, c. 34, Sched. 2, s. 15.

Building information

(4) The building owner shall, in accordance with this Act and the building code, keep all prescribed documentation, records or other information respecting the building or part of the building to which this section applies. 2017, c. 34, Sched. 2, s. 15.

Same

(5) The building owner shall, in accordance with this Act and the building code, provide a copy of the documentation, records or other information described in subsection (4) to the chief building official upon request and to such other persons as may be prescribed. 2017, c. 34, Sched. 2, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 15 - 14/12/2017

Inspection of buildings subject to program

15.10.3 (1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of,

(a) inspecting a building or part of a building that is prescribed as subject to a building condition evaluation program;

(b) determining whether an order made under subsection (2) or clause (8) (a) has been complied with; or

(c) conducting a building condition evaluation or causing a building condition evaluation to be conducted where the building owner has failed to ensure that an evaluation was conducted in accordance with the regulations. 2017, c. 34, Sched. 2, s. 15.

Order

(2) An inspector who, upon entering upon land or into buildings under subsection (1), finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out within such time as is specified in the order. 2017, c. 34, Sched. 2, s. 15.

Form and contents

(3) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2017, c. 34, Sched. 2, s. 15.

Service, posting and making information available

(4) An order made under this section shall be,

(a) served on the registered owner and each person apparently in possession of the building and such other persons affected by the order as the chief building official determines;

(b) posted on the site of the building in a location visible to the public;

(c) made available to the public by,

(i) posting a copy of the order on the website of the principal authority, or

(ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and

(d) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 15.

Registration

(5) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 15.

Discharge

(6) When the requirements of an order described in subsection (5) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 15.

Same

(7) In the case of an order that has been made available to the public in accordance with clause (4) (c), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 15.

Order respecting occupancy

(8) If an order made under subsection (2) is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official,

(a) may by order prohibit the use or occupancy of the building; and

(b) may cause the building to be renovated, repaired or demolished to achieve compliance with this Act or the building code or take such other action as he or she considers necessary for the protection of the public. 2017, c. 34, Sched. 2, s. 15.

Power of entry

(9) For the purpose of clause (8) (b), the chief building official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant. 2017, c. 34, Sched. 2, s. 15.

Timing

(10) The order under clause (8) (a) is effective from the time it is posted. 2017, c. 34, Sched. 2, s. 15.

Lien

(11) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition or other action under clause (8) (b) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2017, c. 34, Sched. 2, s. 15.

Deemed taxes

(12) If the building is in territory without municipal organization, the amount spent on the renovation, repair, demolition or other action under clause (8) (b) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 2017, c. 34, Sched. 2, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 15 - 14/12/2017

Request for information re buildings subject to program

15.10.4 Upon receiving a request from a prescribed person, a principal authority shall, in accordance with this Act and the building code, provide prescribed documentation, records or other information respecting a building or part of a building prescribed as subject to a building condition evaluation program. 2017, c. 34, Sched. 2, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 15 - 14/12/2017

Complaints policy re program

15.10.5 (1) A principal authority shall adopt and maintain a written policy with respect to,

(a) how a person may submit a complaint to the principal authority respecting,

(i) the maintenance, operation or evaluation of a building or part of a building prescribed as subject to a building condition evaluation program, and

(ii) such other matters as may be prescribed respecting a building or a part of building mentioned in subclause (i);

(b) the circumstances and manner in which the principal authority will respond to a complaint described in clause (a); and

(c) how the principal authority will record complaints and other information described in subsection 15.10.6 (1). 2017, c. 34, Sched. 2, s. 15.

Purposes

(2) The following are the purposes of a complaints policy:

1. To inform persons about how information may be brought to the attention of a chief building official or inspector respecting a matter mentioned in clause (1) (a).
2. To clarify the types of circumstances in which the principal authority considers it appropriate to submit a complaint. 2017, c. 34, Sched. 2, s. 15.

Contents

(3) A complaints policy shall include the prescribed provisions and provisions respecting the prescribed matters. 2017, c. 34, Sched. 2, s. 15.

Public notice

(4) The principal authority shall bring the complaints policy to the attention of the public by,

(a) posting a copy of the policy on the website of the principal authority; or

(b) allowing members of the public, during normal business hours, to inspect and copy the policy at their own expense. 2017, c. 34, Sched. 2, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 15 - 14/12/2017

Record of complaints re program

15.10.6 (1) A principal authority shall, in accordance with this Act and the building code, maintain a record of,

(a) complaints described in clause 15.10.5 (1) (a) that are submitted to the principal authority; and

(b) any enforcement action taken in response to the complaint or, if no enforcement action is taken, the reasons for not taking action. 2017, c. 34, Sched. 2, s. 15.

Information about complaints

(2) The principal authority shall provide prescribed information about complaints and enforcement described in subsection (1) in the circumstances and in the manner prescribed. 2017, c. 34, Sched. 2, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 15 - 14/12/2017

QUALIFICATIONS

Qualifications for various positions

15.11 (1) A person is not eligible to be appointed as a chief building official unless he or she has the qualifications set out in the building code for the position. 2002, c. 9, s. 27.

Same

(2) Subsection (1) also applies to every inspector who has the same powers and duties as a chief building official in relation to sewage systems or to plumbing, to the extent of those powers and duties. 2002, c. 9, s. 27.

Qualifications for inspectors

(3) A person is not eligible to be appointed as an inspector under this Act unless he or she has the qualifications set out in the building code for the position. 2002, c. 9, s. 27.

Qualifications for registered code agencies

(4) A person is not eligible to be appointed as a registered code agency under this Act unless the person has the qualifications and meets the requirements set out in the building code. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (7).

Qualifications for designers

(5) A person is not eligible to engage in any of the following activities unless he, she or it has the qualifications and meets the requirements set out in the building code to be a designer:

1. Prepare a design or give other information or opinion concerning whether a building or part of a building complies with the building code, if the design, information or opinion is to be submitted to a chief building official in connection with,
   i. an application for a permit,
   ii. a request for the authorization referred to in subsection 8 (12) or (13), or
   iii. a report described in paragraph 2.
2. If a general review of the construction of a building or part of a building is required by the building code, prepare a written report based on the general review. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (7).

Same

(6) In subsection (5),

"design" includes a plan, specification, sketch, drawing or graphic representation respecting the construction of a building. 2002, c. 9, s. 27.

Persons conducting building condition evaluations

(6.1) A person is not eligible to conduct a building condition evaluation under this Act unless the person has the qualifications and meets the requirements set out in the building code. 2017, c. 34, Sched. 2, s. 16 (1).

Prohibition

(7) No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (7).

Non application

(8) Subsections (5) and (6.1) do not apply to a holder of any licence or certificate issued under the *Architects Act* or the *Professional Engineers Act*. 2014, c. 7, Sched. 3, s. 2; 2017, c. 34, Sched. 2, s. 16 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, the heading before section 15.11 and section 15.11 of the Act are repealed and the following substituted: (See: 2017, c. 34, Sched. 2, s. 16 (3))

QUALIFICATIONS AND REGISTRATION

Chief building official

15.11 (1) No person shall exercise the powers or perform the duties of a chief building official unless he or she has the qualifications set out in the building code for the position and is registered in accordance with the building code. 2017, c. 34, Sched. 2, s. 16 (3).

Same

(2) Subsection (1) also applies to every inspector who has the same powers and duties as a chief building official in relation to sewage systems or to plumbing, to the extent of those powers and duties. 2017, c. 34, Sched. 2, s. 16 (3).

Inspectors

(3) No person shall exercise the powers or perform the duties of an inspector under this Act unless he or she has the qualifications set out in the building code for the position and is registered in accordance with the building code. 2017, c. 34, Sched. 2, s. 16 (3).

Registered code agencies

(4) No person shall exercise the powers or perform the duties of a registered code agency under this Act unless the person has the qualifications set out in the building code for the position and is registered in accordance with the building code. 2017, c. 34, Sched. 2, s. 16 (3).

Designers

(5) No person shall engage in any of the following activities unless the person has the qualifications set out in the building code to be a designer and is registered in accordance with the building code:

1. Prepare a design or give other information or an opinion concerning whether a building or part of a building complies with the building code, if the design, information or opinion is to be submitted to a chief building official in connection with,

i. an application for a permit,

ii. a request for the authorization referred to in subsection 8 (12) or (13), or

iii. a report described in paragraph 2.

2. If a general review of the construction of a building or part of a building is required by the building code, prepare a written report based on the general review. 2017, c. 34, Sched. 2, s. 16 (3).

Same

(6) In subsection (5),

"design" includes a plan, specification, sketch, drawing or graphic representation respecting the construction of a building. 2017, c. 34, Sched. 2, s. 16 (3).

Persons conducting building condition evaluations

(7) No person shall conduct a building condition evaluation under this Act unless the person has the qualifications set out in the building code to conduct the evaluation and is registered in accordance with the building code. 2017, c. 34, Sched. 2, s. 16 (3).

Prohibition, false representation

(8) No person shall represent, directly or indirectly, that the person has the qualifications or is registered as specified in this section if the person does not have those qualifications or is not registered as specified. 2017, c. 34, Sched. 2, s. 16 (3).

Non application

(9) Subsections (5) and (7) do not apply to a holder of any licence or certificate issued under the *Architects Act* or the *Professional Engineers Act*. 2017, c. 34, Sched. 2, s. 16 (3).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 27 - 01/09/2003

2006, c. 19, Sched. O, s. 1 (7) - 22/06/2006

2014, c. 7, Sched. 3, s. 2 - 24/07/2014

2017, c. 34, Sched. 2, s. 16 (1, 2) - 14/12/2017; 2017, c. 34, Sched. 2, s. 16 (3) - not in force

Qualifications re sewage systems

15.12 (1) No person shall engage in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems unless the person has the qualifications set out in the building code and is registered in accordance with the building code. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (8); 2017, c. 34, Sched. 2, s. 17 (1).

Prohibition

(2) No person shall represent, directly or indirectly, that the person has the qualifications or is registered as specified in this section if the person does not have those qualifications or is not registered as specified. 2017, c. 34, Sched. 2, s. 17 (2).

Duty to notify the chief building official

(3) If any part of the construction of a building will be undertaken by a person described in subsection (1) (a "specified person"), no person shall begin or continue the construction of a sewage system, or cause it to begin or continue, unless the person has given the chief building official the prescribed information about the specified person. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (8).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 27 - 01/09/2003

2006, c. 19, Sched. O, s. 1 (8) - 22/06/2006

2017, c. 34, Sched. 2, s. 17 (1, 2) - 14/12/2017

Duty to have insurance

15.13 (1) Every registered code agency, every person referred to in subsections 15.11 (5) and (6.1) and such other persons as may be specified in the building code who construct buildings are required to have the insurance coverage specified by the building code. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (9). 2017, c. 34, Sched. 2, s. 18 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 15.13 (1) of the Act is amended by striking out "subsections 15.11 (5) and (6.1)" and substituting "subsections 15.11 (5) and (7)". (See: 2017, c. 34, Sched. 2, s. 18 (2))

Exception

(2) Subsection (1) does not apply to a person who is a builder or vendor as defined in subsection 1 (1) of the *New Home Construction Licensing Act, 2017* in respect of the construction of a building. 2017, c. 33, Sched. 1, s. 88 (2).

Prohibition

(3) No person shall represent, directly or indirectly, that he, she or it has the insurance coverage required by subsection (1) if the person does not have that insurance coverage. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (10).

Qualification or requirement

(4) If the building code so provides, the insurance coverage constitutes a qualification or requirement for the purposes of a position referred to in section 15.11. 2002, c. 9, s. 27.

Duty to notify the chief building official

(5) If any part of the construction of a building will be undertaken by a person who is required by subsection (1) to have insurance (a "specified person"), no person shall begin or continue the construction, or cause it to begin or continue, unless the person has given the chief building official the prescribed information about the specified person and the insurance coverage of the specified person. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1 (10).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 27 - 01/09/2003

2006, c. 19, Sched. O, s. 1 (9, 10) - 22/06/2006

2017, c. 33, Sched. 1, s. 88 (2) - 01/02/2021; 2017, c. 34, Sched. 2, s. 18 (1) - 14/12/2017; 2017, c. 34, Sched. 2, s. 18 (2) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 34, Sched. 2, s. 19)

Administrative penalties re qualifications and registration

15.13.1 If a person designated under paragraph 36 of subsection 34 (1) is satisfied that a person is contravening or not complying with or has contravened or failed to comply with any of the following, the designated person may, by order, impose an administrative penalty on the person in accordance with this section and the building code:

1. Section 15.11, 15.12 or 15.13.
2. A provision of the building code, as may be prescribed, related to the qualifications and registration of persons described in sections 15.11 and 15.12 and the requirement in section 15.13 for insurance coverage.
3. A condition of a registration or an order, direction or other requirement made under this Act or an obligation assumed by way of undertaking. 2017, c. 34, Sched. 2, s. 19.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 19 - not in force

POWERS AND DUTIES OF REGISTERED CODE AGENCIES

Notice to chief building official

15.14 (1) Every registered code agency shall give the chief building official such information as may be prescribed by regulation. 2002, c. 9, s. 28.

Notice to the director

(2) Every registered code agency shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Functions of registered code agencies

15.15 The following are the functions that a registered code agency may be appointed to perform in respect of the construction of a building:

1. Review designs and other materials to determine whether the proposed construction of a building complies with the building code.
2. Issue plans review certificates.
3. Issue change certificates.
4. Inspect the construction of a building for which a permit has been issued under this Act.
5. Issue final certificates.
6. Perform such other functions as may be authorized under this Act or in the building code. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Scope of agency's powers

15.16 (1) A registered code agency may exercise the powers and perform the duties specified in this Act and the building code in respect only of the functions and the building specified in a particular appointment. 2002, c. 9, s. 28.

Confidentiality

(2) A registered code agency shall not collect, use or disclose information except in accordance with the building code. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Persons acting on behalf of an agency

15.17 (1) A registered code agency may authorize, in writing, one or more prescribed persons to exercise powers and perform its functions under this Act, subject to such conditions as may be prescribed by regulation. 2002, c. 9, s. 28.

Certificate of authorization

(2) The registered code agency shall issue a certificate of authorization containing the prescribed information to the authorized person. 2002, c. 9, s. 28.

Powers and duties of inspector

(3) The authorized person may exercise the powers and perform the duties of an inspector under any of the following provisions, in respect of the construction of a building for which the agency is appointed under this Act:

1. Section 12 (inspection).
2. Section 13 (order not to cover).
3. Section 16 (entry to dwellings).
4. Section 18 (powers of inspector). 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Duties re certificates and orders

15.18 (1) When a registered code agency makes an order under this Act, the agency shall give a copy of the order within the period prescribed by regulation to the chief building official. 2002, c. 9, s. 28.

Certificates

(2) A registered code agency shall issue such certificates and use such forms as may be required by the building code and shall include in them or provide such information as may be prescribed. 2002, c. 9, s. 28.

Same

(3) A certificate issued under this Act by a registered code agency must be in the prescribed form or the form approved by the Minister. 2002, c. 9, s. 28; 2006, c. 21, Sched. F, s. 104 (9).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

2006, c. 21, Sched. F, s. 104 (9) - 25/07/2007

Expiry of an agency's appointment

15.19 (1) The appointment of a registered code agency expires when the agency has performed the functions for which it was appointed in respect of construction of the specified building. 2002, c. 9, s. 28.

Same, by virtue of circumstances

(2) The appointment of a registered code agency that has not performed all of the functions for which it is appointed in respect of the construction expires if either of the following events occurs:

1. The chief building official refuses to issue a permit for construction of the specified building.
2. The permit for construction of the building is revoked. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Termination of an agency's appointment

15.20 (1) The appointment of a registered code agency shall not be terminated except in accordance with this section and the building code. 2002, c. 9, s. 28.

Same

(2) The building code may specify that the consent of the director to the termination of an appointment is required. 2002, c. 9, s. 28.

Effect of termination, appointment by principal authority

(3) If the registered code agency was appointed by a principal authority, upon the termination of the appointment the principal authority becomes responsible to ensure that the remaining functions of the agency are performed by the principal authority or another registered code agency. 2002, c. 9, s. 28.

Same, appointment by applicant

(4) If the registered code agency was appointed under section 4.2, upon the termination of the appointment the person who made the appointment becomes responsible to ensure that the remaining functions of the agency are performed by another registered code agency or, with the prior written agreement of the principal authority, by the principal authority or to ensure that work on the construction is halted. 2002, c. 9, s. 28.

Powers of the director

(5) When the appointment of a registered code agency is terminated, the director may give directions to anyone described in subsection (6) in order to facilitate the transfer of the agency's functions. 2002, c. 9, s. 28.

Same

(6) Directions may be given to the person who made the appointment that has been terminated, to the registered code agency whose appointment has been terminated and to a transferee registered code agency. 2002, c. 9, s. 28.

Duties

(7) The person to whom directions are given shall comply with them. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Order to suspend construction

15.21 (1) The chief building official may, by order, suspend all or part of the construction of the building to which the appointment of a registered code agency relates,

(a) if the chief building official has reason to believe that the registered code agency has ceased to perform the functions specified in the appointment; and

(b) if the appointment of the registered code agency has not expired or been terminated. 2002, c. 9, s. 28.

Same

(2) If the appointment of a registered code agency under section 4.2 is terminated, the chief building official shall, by order, suspend the construction of the applicable building until,

(a) another registered code agency is appointed to perform the remaining functions of the original registered code agency; or

(b) the principal authority agrees, in writing, to perform the remaining functions of the original registered code agency. 2002, c. 9, s. 28.

Delegation

(3) A principal authority may delegate to the chief building official the power to agree to perform the remaining functions of a registered code agency appointed under section 4.2 whose appointment is terminated and may impose conditions and restrictions on the delegation. 2002, c. 9, s. 28.

Effect of order

(4) If an order is issued under this section, no person shall perform any act in the construction of the building in respect of which the order is made, other than work necessary to secure the safety and security of the building and of the construction site. 2002, c. 9, s. 28.

Procedural matters

(5) Subsections 14 (2) and (3) apply with respect to an order under this section. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

Conflict between appointment and Act, etc.

15.22 This Act and the building code prevail over the terms of an appointment of a registered code agency. 2002, c. 9, s. 28.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 28 - 01/07/2005

GENERAL POWERS OF INSPECTION AND ENFORCEMENT

Duty to carry identification

15.23 The chief building official, inspectors and persons authorized by a registered code agency to exercise powers and perform functions on its behalf shall carry their certificate of appointment or authorization, as the case may be, when performing their duties and shall produce them for inspection upon request. 2002, c. 9, s. 29.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 29 - 01/07/2005

Entry to dwellings

16 (1) Despite sections 8, 12, 15, 15.2, 15.4, 15.9, 15.10.1 and 15.10.3, an inspector or officer shall not enter or remain in any room or place actually being used as a dwelling unless,

(a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;

(a.1) a warrant issued under this Act is obtained;

(b) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;

(c) the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3); or

(d) the requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8 (6), to remove an unsafe condition under clause 15.9 (6) (b) or to repair or demolish under subsection 15.4 (1). 1992, c. 23, s. 16 (1); 1997, c. 24, s. 224 (9, 10); 2002, c. 9, s. 30; 2006, c. 19, Sched. O, s. 1 (11); 2006, c. 22, s. 112 (9); 2017, c. 34, Sched. 2, s. 20.

Notice

(2) Within a reasonable time before entering the room or place for a purpose described in clause (1) (d), the inspector or officer shall serve the occupier with notice of his or her intention to enter it. 1992, c. 23, s. 16 (2); 1997, c. 24, s. 224 (11).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (9-11) - 17/06/1998

2002, c. 9, s. 30 - 01/07/2005

2006, c. 19, Sched. O, s. 1 (11) - 22/06/2006; 2006, c. 22, s. 112 (9) - 03/07/2007

2017, c. 34, Sched. 2, s. 20 - 14/12/2017

17 REPEALED: 2002, c. 9, s. 31 (2).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (12) - 17/06/1998; 1999, c. 12, Sched. M, s. 7 - 22/12/1999

2002, c. 9, s. 31 (1) - 01/09/2003; 2002, c. 9, s. 31 (2) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

Recovery of expenditures for repairs, etc.

17.1 (1) This section applies if money is spent by a board of health, planning board or conservation authority or, in the circumstances described in subsection (2), by the Crown or an upper-tier municipality or, in the circumstances described in subsection (4), by a municipality,

(a) to carry out a removal and restoration under subsection 8 (6);

(b) to carry out a renovation, repair, demolition or other action under clause 15.9 (6) (b) or 15.10.3 (8) (b); or

(c) to perform remedial or other work under subsection 15.10 (1) where the amount spent is determined to be recoverable by a judge under subsection 15.10 (8). 1999, c. 12, Sched. M, s. 8; 2002, c. 9, s. 32 (1); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 21 (1).

In municipalities

(2) If the building in respect of which money was spent is in a municipality,

(a) the upper-tier municipality, board of health, planning board, conservation authority or the Crown may instruct the municipality to recover the amount spent;

(b) subsection 8 (7), 15.9 (10), 15.10 (10) or 15.10.3 (11), as the case may be, applies to the collection of the amount; and

(c) the money collected, less the costs reasonably attributable to the collection, shall be paid by the municipality to the upper-tier municipality, board of health, planning board, conservation authority or the Crown. 1999, c. 12, Sched. M, s. 8; 2002, c. 9, s. 32 (2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 21 (2).

Not interest of the Crown

(3) Where the Crown instructs the municipality under clause (2) (a) to recover the amount spent, the lien referred to in subsection 8 (7), 15.9 (10), 15.10 (10) or 15.10.3 (11) is not an estate or interest of the Crown within the meaning of clause 379 (7) (b) of the *Municipal Act, 2001* or clause 350 (7) (b) of the *City of Toronto Act, 2006*, as the case may be. 1999, c. 12, Sched. M, s. 8; 2002, c. 9, s. 32 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (7); 2017, c. 34, Sched. 2, s. 21 (3).

In territory without municipal organization

(4) If the building in respect of which money was spent is located in territory without municipal organization,

(a) the municipality, board of health, planning board or conservation authority may give the Minister of Finance written notice of the amount that was spent, requesting the collection of the amount under the *Provincial Land Tax Act, 2006*;

(b) the amount may be collected under that Act as if it was tax imposed under it; and

(c) the Minister of Finance shall pay the amount collected under that Act, less the costs reasonably attributable to the collection, to the municipality, board of health, planning board or conservation authority. 2006, c. 33, Sched. Z.3, s. 4 (4).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. M, s. 8 - 22/12/1999

2002, c. 9, s. 32 (1-4) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (7) - 01/01/2007; 2006, c. 33, Sched. Z.3, s. 4 (4) - 01/01/2009

2017, c. 34, Sched. 2, s. 21 (1-3) - 14/12/2017

Powers of inspector

18 (1) For the purposes of an inspection under this Act, an inspector may,

(a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the building or any part thereof;

(b) inspect and remove documents or things relevant to the building or part thereof for the purpose of making copies or extracts;

(c) require information from any person concerning a matter related to a building or part thereof;

(d) be accompanied by a person who has special or expert knowledge in relation to a building or part thereof;

(e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and

(f) order any person to take and supply at that person's expense such tests and samples as are specified in the order. 1992, c. 23, s. 18 (1); 1997, c. 30, Sched. B, s. 11.

Samples

(2) A sample taken under clause (1) (e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

(a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and

(b) it is technically feasible to divide the sample. 2017, c. 34, Sched. 2, s. 22.

Idem

(3) If an inspector takes a sample under clause (1) (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1992, c. 23, s. 18 (3).

Receipt

(4) An inspector shall provide a receipt for any document or thing removed under clause (1) (b) and shall promptly return them after the copies or extracts are made. 1992, c. 23, s. 18 (4).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1992, c. 23, s. 18 (5).

Form of order

(6) The prescribed form or the form approved by the Minister must be used for an order under subsection (1). 2002, c. 9, s. 33; 2006, c. 21, Sched. F, s. 104 (10).

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 11 - 06/04/1998

2002, c. 9, s. 33 - 01/07/2005

2006, c. 21, Sched. F, s. 104 (10) - 25/07/2007

2017, c. 34, Sched. 2, s. 22 - 14/12/2017

18.1 REPEALED: 2002, c. 9, s. 34.

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 34, Sched. 2, s. 23)

Administrative penalties, imposed by inspector

18.1 (1) If an inspector is satisfied that a person is contravening or not complying with or has contravened or failed to comply with any of the following, the inspector may, by order, impose an administrative penalty on the person in accordance with this section and the building code:

1. A provision of this Act as may be prescribed.
2. A provision of the building code as may be prescribed.

3. An order, direction or other requirement made under this Act as may be prescribed. 2017, c. 34, Sched. 2, s. 23.

Same

(2) Subsection (1) does not apply in respect of a provision of this Act, a provision of the building code or an order, direction or other requirement described in section 15.13.1. 2017, c. 34, Sched. 2, s. 23.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 12 - 06/04/1998

2002, c. 9, s. 34 - 01/09/2003

2017, c. 34, Sched. 2, s. 23 - not in force

Obstruction of inspector, etc.

19 (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, a chief building official, inspector, officer or a person authorized by a registered code agency in the exercise of a power or the performance of a duty under this Act. 1997, c. 24, s. 224 (13); 2002, c. 9, s. 35 (1).

Occupied dwellings

(2) A refusal of consent to enter or remain in a place actually used as a dwelling is not hindering or obstructing within the meaning of subsection (1) unless the inspector, officer or authorized person is acting under a warrant issued under this Act or in the circumstances described in clause 16 (1) (b), (c) or (d). 1997, c. 24, s. 224 (13); 2002, c. 9, s. 35 (2).

Assistance

(3) Every person shall assist any entry, inspection, examination, testing or inquiry by an inspector, chief building official, officer or a person authorized by a registered code agency in the exercise of a power or performance of a duty under this Act. 1997, c. 24, s. 224 (13); 2002, c. 9, s. 35 (3).

Same

(4) No person shall neglect or refuse,

(a) to produce any documents, drawings, specifications or things required under clause 15.8 (1) (a) or (e) by an officer or under clause 18 (1) (a) or (e) by an inspector or by a person authorized by a registered code agency; or

(b) to provide any information required under clause 15.8 (1) (c) by an officer or under clause 18 (1) (c) by an inspector or by a person authorized by a registered code agency. 2002, c. 9, s. 35 (4).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (13) - 17/06/1998; 1997, c. 30, Sched. B, s. 13 - 06/04/1998

2002, c. 9, s. 35 (1-4) - 01/07/2005

Obstruction or removal of order

20 No person shall obstruct the visibility of an order and no person shall remove a copy of an order posted under this Act unless authorized to do so by an inspector, officer or registered code agency. 1997, c. 24, s. 224 (14); 2002, c. 9, s. 36.

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (14) - 17/06/1998

2002, c. 9, s. 36 - 01/07/2005

Warrant for entry and search

21 (1) A provincial judge or justice of the peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a building, receptacle or place if the provincial judge or justice of the peace is satisfied by information on oath that there is reasonable ground to believe that,

(a) an offence under this Act has been committed; and

(b) the entry into and search of the building, receptacle or place will afford evidence relevant to the commission of the offence. 1992, c. 23, s. 21 (1).

Seizure

(2) In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize anything that there is reasonable ground to believe will afford evidence relevant to the commission of the offence. 1992, c. 23, s. 21 (2).

Same

(3) Anyone who seizes something under a search warrant shall,

(a) give a receipt for the thing seized to the person from whom it was seized; and

(b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law. 1992, c. 23, s. 21 (3).

Expiry of warrant

(4) A search warrant shall state the date on which it expires, which date shall be not later than fifteen days after the warrant is issued. 1992, c. 23, s. 21 (4).

Time for execution

(5) A search warrant may be executed only between 6 a.m. and 9 p.m. unless it provides otherwise. 1992, c. 23, s. 21 (5).

Application

(6) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of any thing seized under this section. 1992, c. 23, s. 21 (6).

DISPUTE RESOLUTION, REVIEWS AND APPEALS

Review of inspector's order

22 (1) The chief building official may review and amend or rescind an order made by an inspector. 1992, c. 23, s. 22 (1).

Powers

(2) A chief building official may exercise any of the powers or perform any of the duties of an inspector. 1992, c. 23, s. 22 (2).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 37 - 01/07/2005

Building Code Commission

23 (1) The Building Code Commission is continued under the name Building Code Commission in English and Commission du code du bâtiment in French and shall be composed of those persons appointed by the Lieutenant Governor in Council. 1992, c. 23, s. 23 (1).

Chair

(2) The Lieutenant Governor in Council may designate one of the members as chair and one or more of the members as vice-chair. 1992, c. 23, s. 23 (2).

Eligibility

(3) A person is not eligible to be a member of the Commission if the person is,

(a) a deputy minister of a ministry;

(b) a public servant employed under Part III of the *Public Service of Ontario Act, 2006*;

(c) an employee of a municipality; or

(d) in a prescribed relationship to a registered code agency. 2006, c. 35, Sched. C, s. 8 (2).

Remuneration

(4) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1992, c. 23, s. 23 (4).

Quorum

(5) Three members of the Commission constitute a quorum. 1992, c. 23, s. 23 (5).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 38 - 01/07/2005

2006, c. 35, Sched. C, s. 8 (2) - 20/08/2007

Dispute resolution

24 (1) This section applies if there is a dispute,

(a) between an applicant for a permit, a holder of a permit or a person to whom an order is given and the chief building official, a registered code agency or an inspector concerning the sufficiency of compliance with the technical requirements of the building code;

(b) between an applicant for a permit and the chief building official concerning whether the official complied with subsection 8 (2.2) or (2.3); or

(c) between a holder of a permit and the chief building official, a registered code agency or an inspector concerning whether the requirements of subsection 10.2 (2) have been met. 2002, c. 9, s. 39.

Application for dispute resolution

(1.1) A party to the dispute may apply to the Building Code Commission to resolve the issue. 2002, c. 9, s. 39.

Hearing

(2) The Building Code Commission shall hold a hearing to decide the dispute and shall give the parties to the dispute notice of the hearing. 2002, c. 9, s. 39.

Same

(2.1) A hearing to decide a dispute described in clause (1) (b) or (c) must be held within the prescribed period. 2002, c. 9, s. 39.

Powers

(3) The Building Code Commission shall, by order, determine a dispute described in clause (1) (a) and, for that purpose, may substitute its opinion for that of the chief building official, registered code agency or inspector. 2002, c. 9, s. 39.

Same

(3.1) The Building Code Commission shall, by order, determine a dispute described in clause (1) (b) or (c) and, for that purpose, may require the chief building official, registered code agency or inspector, as the case may be, to comply with the applicable subsection of the Act. 2002, c. 9, s. 39.

Decision final

(4) The decision of the Building Code Commission is final. 1992, c. 23, s. 24 (4).

Restrictions on members

(5) Members of the Building Code Commission holding a hearing shall not,

(a) take part before the hearing in any investigation or consideration of the subject-matter of the hearing; or

(b) communicate directly or indirectly in relation to the subject-matter of the hearing with any person unless all parties are given notice and allowed to participate. 1992, c. 23, s. 24 (5).

Independent advice

(6) Despite subsection (5), members of the Building Code Commission may seek independent legal or technical advice but the nature of the advice shall be made known to the parties in order that they may make submissions. 1992, c. 23, s. 24 (6).

Evidence

(7) The findings of fact at a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. 1992, c. 23, s. 24 (7).

Restriction

(8) Members of the Building Code Commission shall not participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing. 1992, c. 23, s. 24 (8).

Idem

(9) Except with the consent of the parties, no decision of the Building Code Commission shall be given unless all members present throughout the hearing participate in the decision. 1992, c. 23, s. 24 (9).

Release of evidence

(10) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released by the Building Code Commission to that person within a reasonable time after the matter in issue has been finally determined. 1992, c. 23, s. 24 (10).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991

2002, c. 9, s. 39 - 01/07/2005

Appeal to court

25 (1) A person who considers themself aggrieved by an order or decision made by the chief building official, a registered code agency or an inspector under this Act (except a decision under subsection 8 (3) not to issue a conditional permit) may appeal the order or decision to the Superior Court of Justice within 20 days after the order or decision is made. 2002, c. 9, s. 40 (2).

Extension of time

(2) A judge to whom an appeal is made may, upon such conditions as the judge considers appropriate, extend the time for making the appeal before or after the time set out in subsection (1), if the judge is satisfied that there is reasonable grounds for the appeal and for applying for the extension. 1992, c. 23, s. 25 (2).

Effect of appeal

(3) If an appeal is made under this section in respect of a matter in which a question is pending before the Building Code Commission, the proceeding before the Commission is terminated. 1992, c. 23, s. 25 (3).

Powers of judge

(4) On an appeal, a judge may affirm or rescind the order or decision and take any other action that the judge considers the chief building official, registered code agency or inspector ought to take in accordance with this Act and the regulations and, for those purposes, the judge may substitute his or her opinion for that of the official, agency or inspector. 2002, c. 9, s. 40 (3).

Reference to Commission

(5) A judge may refer a question respecting the interpretation of the technical requirements of the building code or the sufficiency of compliance with the technical requirements of the building code to the Building Code Commission for a hearing and report to the judge. 1992, c. 23, s. 25 (5).

Procedure

(6) The procedure on the reference shall be the same as on an application under section 24. 1992, c. 23, s. 25 (6).

Stay of order or decision

(7) An appeal under subsection (1) does not stay the operation of the order or decision appealed from but a judge may, on such terms as are just, stay the operation of the order or decision until the disposition of the appeal. 2000, c. 26, Sched. K, s. 1.

Section Amendments with date in force (d/m/y)

2000, c. 26, Sched. K, s. 1 - 06/12/2000

2002, c. 9, s. 40 (1) - 01/09/2003; 2002, c. 9, s. 40 (2, 3) - 01/07/2005

Further appeal

26 (1) A party to the hearing before the Superior Court of Justice under section 25 may appeal from the decision to the Divisional Court. 1992, c. 23, s. 26 (1); 2002, c. 9, s. 41 (1).

Minister represented

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. 1992, c. 23, s. 26 (2).

Powers of Divisional Court

(3) An appeal under this section may be made on any question that is not a question of fact alone and the Divisional Court may,

(a) confirm or alter the decision of the judge;

(b) direct the chief building official, registered code agency or inspector to take any action that the official, agency or inspector is authorized to take under this Act;

(c) refer the matter back to the judge for reconsideration; or

(d) substitute its opinion for that of the chief building official, registered code agency, inspector or judge. 2002, c. 9, s. 41 (2).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 41 (1) - 01/09/2003; 2002, c. 9, s. 41 (2) - 01/07/2005

Service

27 (1) A notice or order required by this Act to be served may be served personally, by email to the last known email address of the person to whom service is required to be made or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service. 1992, c. 23, s. 27 (1); 2019, c. 14, Sched. 14, s. 1 (1).

Idem

(2) If a notice or order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date. 1992, c. 23, s. 27 (2); 1997, c. 24, s. 224 (15).

Same

(3) If a notice or order is served by email, the service shall be deemed to have been made on the day of sending unless,

(a) the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or

(b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date. 2019, c. 14, Sched. 14, s. 1 (2).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (15) - 17/06/1998

2019, c. 14, Sched. 14, s. 1 (1, 2) - 10/12/2019

AUTHORIZATIONS AND RULINGS

Building Materials Evaluation Commission

28 (1) The Building Materials Evaluation Commission is continued under the name Building Materials Evaluation Commission in English and Commission d'évaluation des matériaux de construction in French and shall be composed of those persons appointed by the Lieutenant Governor in Council. 1992, c. 23, s. 28 (1).

Chair

(2) The Lieutenant Governor in Council may designate one of the members as chair and one of the members as vice-chair. 1992, c. 23, s. 28 (2).

Remuneration

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1992, c. 23, s. 28 (3).

Powers and duties

(4) The Building Materials Evaluation Commission may,

(a) conduct research on, and examine, construction materials, systems and building designs or cause such research to be conducted and examinations to be undertaken;

(b) upon application therefor, authorize the use, subject to any conditions that may be set out, of any innovative material, system or building design in respect of any building or part thereof; and

(c) make recommendations to the Minister respecting changes in this Act or the building code. 1992, c. 23, s. 28 (4); 2002, c. 9, s. 43.

Innovative materials

(5) The use of any innovative material, system or building design in the manner approved by the Commission shall be deemed not to be a contravention of the building code. 1992, c. 23, s. 28 (5).

Restriction

(6) If the Canadian Construction Materials Centre of the National Research Council of Canada has examined or has expressed its intention to examine an innovative material, system or building design, the Building Materials Evaluation Commission shall not exercise its powers under subsection (4) in respect of that material, system or building design. 2025, c. 9, Sched. 1, s. 1.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 42 - 01/07/2005; 2002, c. 9, s. 43 - 01/09/2003

2025, c. 9, Sched. 1, s. 1 - 01/07/2025

Binding interpretations by the Minister

28.1 (1) The Minister may issue a written interpretation of any provision of the building code, and the Minister's interpretation is binding on any person exercising a power or performing a duty under this Act and on any person who is subject to this Act. 2002, c. 9, s. 44.

Public notice

(2) A statement setting out the Minister's interpretation of a provision of the building code shall be made available to the public in the prescribed manner. 2002, c. 9, s. 44.

***Legislation Act, 2006*, Part III**

(3) The Minister's interpretation of a provision of the building code is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2002, c. 9, s. 44; 2006, c. 21, Sched. F, s. 136 (1).

Delegation

(4) The Minister may delegate his or her power under subsection (1) to the director. 2002, c. 9, s. 44.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 44 - 01/07/2005

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

Rulings by Minister

29 (1) The Minister may, subject to such conditions as the Minister in his or her discretion considers appropriate, make rulings,

(a) REPEALED: 2025, c. 9, Sched. 1, s. 2 (1).

(b) adopting an amendment to a code, formula, standard, guideline, protocol or procedure that has been adopted by reference in the building code; or

(c) approving the use of alternative materials, systems and building designs which, in the opinion of the Minister, will achieve the level of performance required by the building code. 1997, c. 30, Sched. B, s. 14 (1); 1999, c. 12, Sched. M, s. 9 (1); 2002, c. 9, s. 45 (1); 2025, c. 9, Sched. 1, s. 2 (1).

Delegation

(2) The Minister may by order delegate the power to make rulings to the director. 1992, c. 23, s. 29 (2).

Status

(3) A ruling is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1992, c. 23, s. 29 (3); 2006, c. 21, Sched. F, s. 136 (1).

Publication

(4) Notice of a ruling shall be published at least once in *The Ontario Gazette* and made available, upon request, to members of the public. 1992, c. 23, s. 29 (4).

Application

(5) A ruling of the Minister under clause (1) (c) entitles a person to use the approved material, system or building design in all of Ontario unless the ruling states otherwise. 1999, c. 12, Sched. M, s. 9 (2); 2025, c. 9, Sched. 1, s. 2 (2).

Approved materials

(6) The use of an approved material, system or building design in the manner approved in a ruling under clause (1) (c) shall be deemed not to be a contravention of the building code. 1999, c. 12, Sched. M, s. 9 (2); 2025, c. 9, Sched. 1, s. 2 (2).

Conflicts

(7) In the event of a conflict between an authorization of the Building Materials Evaluation Commission and a ruling of the Minister under clause (1) (c), the ruling prevails. 1992, c. 23, s. 29 (7); 1997, c. 30, Sched. B, s. 14 (4); 2002, c. 9, s. 45 (2); 2025, c. 9, Sched. 1, s. 2 (2).

(8) REPEALED: 2025, c. 9, Sched. 1, s. 2 (3).

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 14 (1-4) - 06/04/1998; 1999, c. 12, Sched. M, s. 9 (1, 2) - 22/12/1999

2002, c. 9, s. 45 (1, 2) - 01/07/2005

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

2025, c. 9, Sched. 1, s. 2 (1-3) - 01/07/2025

Inquiry

30 (1) If it appears to the Minister that there is or may be a failure in construction or demolition standards or in the enforcement of this Act or the building code, the Minister may designate a person to conduct an inquiry into the failure. 1992, c. 23, s. 30 (1).

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act*, *2009* applies to the inquiry. 2009, c. 33, Sched. 6, s. 43.

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 6, s. 43 - 01/06/2011

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections: (See: 2020, c. 16, Sched. 1, s. 2)

BUILDING SERVICES ADMINISTRATIVE AUTHORITY

DELEGATION

Delegation to designated administrative authority

30.1 (1) If the requirements of section 30.2 and subsection 30.3 (1) are met, the Lieutenant Governor in Council may, by regulation,

(a) designate a corporation as the administrative authority for the purposes of this Act; and

(b) subject to subsection (3), delegate the administration of specified provisions of this Act and the regulations to the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Restrictions

(2) A delegation described in clause (1) (b) may be restricted to specified aspects or purposes of the specified provisions. 2020, c. 16, Sched. 1, s. 2.

Excepted provisions

(3) Sections 23 to 26 and 30 to 36 shall not be delegated to the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Corporation

30.2 A corporation may be designated as the administrative authority only if it is a not-for-profit corporation without share capital and it is incorporated under the laws of Ontario. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Administrative agreement

30.3 (1) A regulation may be made under subsection 30.1 (1) only if the Minister and the corporation have entered into an administrative agreement with respect to the delegated provisions. 2020, c. 16, Sched. 1, s. 2.

Contents

(2) The administrative agreement shall include all matters that the Minister considers necessary for delegating the administration of the delegated provisions to the administrative authority, including, at a minimum,

(a) requirements relating to the governance of the administrative authority;

(b) requirements with which the administrative authority shall comply in connection with the administration of the delegated provisions, including a requirement that the administrative authority obtain adequate insurance against liability arising out of that administration; and

(c) the financial terms of the delegation, including payments to the Crown, licence fees, royalties and reimbursements for transfer of assets. 2020, c. 16, Sched. 1, s. 2.

Promoting public interest

(3) The administrative agreement shall require the administrative authority to promote the protection of the public interest. 2020, c. 16, Sched. 1, s. 2.

Amendment by Minister

(4) Subject to section 30.9, the Minister may unilaterally amend the administrative agreement, after giving the administrative authority the notice that the Minister considers reasonable in the circumstances. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Policy directions

30.4 (1) Subject to section 30.9, the Minister may issue policy directions to the administrative authority relating to its administration of the delegated provisions after giving the administrative authority the notice that the Minister considers reasonable in the circumstances. 2020, c. 16, Sched. 1, s. 2.

Part of administrative agreement

(2) The policy directions are deemed to form part of the administrative agreement. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Compliance by administrative authority

30.5 (1) The administrative authority shall,

(a) administer the delegated provisions in accordance with this Act and the administrative agreement; and

(b) comply with this Act, the regulations, other applicable law and the administrative agreement. 2020, c. 16, Sched. 1, s. 2.

Compliance with orders, directions

(2) If the Minister issues a directive, order or policy direction, the administrative authority shall comply with the directive, order or direction. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Review

30.6 (1) The Minister may,

(a) require that policy, legislative or regulatory reviews related to the delegated provisions and the administrative agreement be carried out,

(i) by or on behalf of the administrative authority, or

(ii) by a person or entity specified by the Minister; or

(b) require that reviews of the administrative authority, of its operations, or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out,

(i) by or on behalf of the administrative authority, or

(ii) by a person or entity specified by the Minister. 2020, c. 16, Sched. 1, s. 2.

Access to records and information

(2) If a review is carried out under subclause (1) (a) (ii) or (1) (b) (ii), the administrative authority shall give the person or entity specified by the Minister and the person or entity's employees or agents access to all records and other information required to conduct the review. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Conflict

30.7 In the event of conflict, sections 30.1 to 30.37 and the regulations made under section 30.38 prevail over,

(a) the administrative agreement;

(b) the administrative authority's constating documents, by-laws and resolutions; and

(c) the *Corporations Act*, the *Corporations Information Act* or a regulation made under either of those Acts. 2020, c. 16, Sched. 1, s. 2.

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 30.7 (c) of the Act is amended by striking out "*Corporations Act*" and substituting "*Not-for-Profit Corporations Act, 2010*". (See: 2020, c. 16, Sched. 1, s. 3)

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2, 3 - not in force

Revocation of designation, restriction of delegation

Public interest

30.8 (1) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority made under clause 30.1 (1) (a) or restrict the delegation made under clause 30.1 (1) (b) if the Lieutenant Governor in Council considers it advisable to do so in the public interest. 2020, c. 16, Sched. 1, s. 2.

Non-compliance

(2) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority made under clause 30.1 (1) (a) or restrict the delegation made under clause 30.1 (1) (b) if,

(a) the administrative authority has failed to comply with this Act, the regulations, other applicable law or the administrative agreement;

(b) the Minister has given the administrative authority an opportunity to remedy the default within the period that the Minister considered reasonable under the circumstances; and

(c) the administrative authority has failed to remedy the default to the Minister's satisfaction within that period and the Minister has so advised the Lieutenant Governor in Council. 2020, c. 16, Sched. 1, s. 2.

No restriction on subs. (1)

(3) Nothing in subsection (2) restricts the ability of the Lieutenant Governor in Council to act under subsection (1). 2020, c. 16, Sched. 1, s. 2.

On request

(4) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority and restrict the scope of the delegation on terms that the Lieutenant Governor in Council considers advisable in the public interest if the authority requests the revocation. 2020, c. 16, Sched. 1, s. 2.

Transition

(5) If the Lieutenant Governor in Council revokes the designation of the administrative authority or restricts the scope of the delegation under this section, the Lieutenant Governor in Council may, by regulation, provide for any transitional matter necessary for the effective implementation of the revocation or restriction. 2020, c. 16, Sched. 1, s. 2.

No Crown liability

(6) No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a direct or indirect result of the revocation or restriction of the designation of the administrative authority or any regulation made under subsection (5). 2020, c. 16, Sched. 1, s. 2.

No proceeding

(7) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against the Crown, a minister of the Crown, a Crown employee or a Crown agent by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (6). 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Condition precedent for exercise of certain powers

30.9 The Minister may exercise a power under subsections 30.3 (4), 30.4 (1), 30.22 (1) and 30.29 (1) if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to the interests of,
   i. the public,
   ii. principal authorities, or
   iii. chief building officials, inspectors, registered code agencies, designers or other persons referred to in sections 15.11 and 15.12.
2. An event of force majeure has occurred.
3. The administrative authority is insolvent.
4. The number of members of the board of directors of the administrative authority is insufficient for a quorum. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

ADMINISTRATIVE AUTHORITY

Board of directors

Criteria and rules

30.10 (1) The Minister may, by order,

(a) establish competency criteria for members of the board of directors of the administrative authority; and

(b) establish rules about the nomination of board members, the appointment or election process, the length of their terms and whether they may be reappointed or re-elected. 2020, c. 16, Sched. 1, s. 2.

Eligibility for appointment, etc.

(2) A person is qualified to be appointed or elected to the board of directors only if the person meets any competency criteria established under clause (1) (a). 2020, c. 16, Sched. 1, s. 2.

Conflict

(3) In the event of conflict, an order made under subsection (1) prevails over the administrative authority's constating documents, by-laws and resolutions. 2020, c. 16, Sched. 1, s. 2.

Appointment by Minister

(4) The Minister may appoint one or more board members for a term specified in the appointment, but the Minister cannot appoint sufficient members to form a majority of the board. 2020, c. 16, Sched. 1, s. 2.

Composition

(5) The board members appointed by the Minister may include representatives of the public, government organizations, principal authorities and such other interests as the Minister considers to be appropriate. 2020, c. 16, Sched. 1, s. 2.

Change in number of directors

(6) The Minister may increase or decrease the number of board members. 2020, c. 16, Sched. 1, s. 2.

Appointment of chair

(7) The Minister may appoint a chair of the board from among the board members. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Public access to corporate information

30.11 (1) The administrative authority shall,

(a) make its corporate by-laws available for public inspection within the time specified in the administrative agreement or, if no time is specified in the agreement, within 10 days after the by-laws are passed by the board; and

(b) make available to the public the information prescribed by regulation relating to the compensation of board members, officers and employees and relating to any other payments that the administrative authority makes or is required to make to them. 2020, c. 16, Sched. 1, s. 2.

Compensation information, transition

(2) For a board member or officer who is in office on the day this section comes into force, or an individual who is an employee on the day this section comes into force, the regulations may require the disclosure of information relating to compensation for a period that begins before that day. 2020, c. 16, Sched. 1, s. 2.

Effect of compliance

(3) The disclosure of information relating to compensation in accordance with this section, or in the reasonable belief that the disclosure is required by this section, shall not be deemed by any court or person,

(a) to contravene any Act or regulation enacted or made before or after the coming into force of this section; or

(b) to be in breach of or contrary to any agreement that purports to restrict or prohibit that action regardless of whether the agreement is made before or after the coming into force of this section. 2020, c. 16, Sched. 1, s. 2.

Processes and procedures

(4) The administrative authority shall follow the processes and procedures prescribed by regulation with respect to providing access to the public to records of the authority and with respect to managing personal information contained in those records. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Employees

30.12 (1) The administrative authority may, subject to the administrative agreement, employ or retain the services of any qualified person to carry out any of its powers or duties relating to the administration of the delegated provisions. 2020, c. 16, Sched. 1, s. 2.

Not Crown employees

(2) The following persons are not employees of the Crown and shall not hold themselves out as such:

1. Persons who are employed or whose services are retained under subsection (1).

2. Members, officers and agents of the administrative authority.
3. Members of the board of directors of the administrative authority, including those appointed by the Minister. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Not Crown agency

30.13 (1) Despite the *Crown Agency Act*, the administrative authority is not an agent of the Crown for any purpose and shall not hold itself out as such. 2020, c. 16, Sched. 1, s. 2.

Same

(2) The following persons are not agents of the Crown and shall not hold themselves out as such:

1. Persons who are employed or whose services are retained under subsection 30.12 (1).
2. Members, officers and agents of the administrative authority.
3. Members of the board of directors of the administrative authority, including those appointed by the Minister. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

No personal liability, employee of the Crown

30.14 (1) No action or other proceeding shall be instituted against a current or former employee of the Crown for,

(a) any act done in good faith in the exercise or performance or intended exercise or performance of a power or duty under sections 30.1 to 30.37 or the regulations made for the purposes of those sections; or

(b) any neglect or default in the exercise or performance in good faith of such a power or duty. 2020, c. 16, Sched. 1, s. 2.

Tort by employee of the Crown

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by an employee of the Crown to which it would otherwise be subject. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

No Crown liability

30.15 (1) No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a direct or indirect result of any act or omission of the administrative authority or its members, officers, directors, employees or agents if the act or omission is related, directly or indirectly, to the exercise or performance or intended exercise or performance of a power or duty under this Act or the regulations. 2020, c. 16, Sched. 1, s. 2.

No proceeding against the Crown

(2) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against the Crown, a minister of the Crown, a Crown employee or a Crown agent by any person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1). 2020, c. 16, Sched. 1, s. 2.

Application

(3) Without limiting the generality of subsection (2), that subsection applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief, and includes a proceeding to enforce a judgment, order or award made by a court, tribunal or arbitrator outside of Canada. 2020, c. 16, Sched. 1, s. 2.

Revocation

(4) Section 30.14 and subsections (1) to (4) of this section apply, with necessary modifications, in respect of a direct or indirect result of the revocation of a designation under section 30.1 or any regulation made under subsection 30.8 (5). 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Indemnification of the Crown

30.16 The administrative authority shall indemnify the Crown, in accordance with the administrative agreement, in respect of damages and costs incurred by the Crown for any act or omission of the administrative authority or its members, officers, directors, employees or agents in the exercise or performance or intended exercise or performance of their powers and duties under this Act, the regulations or the administrative agreement, or for any acts and omissions otherwise connected to sections 30.1 to 30.37, the regulations made for the purposes of those sections or the administrative agreement. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

No personal liability, board members and others

30.17 (1) No action or other proceeding shall be instituted against any of the following persons, or someone who was formerly such a person, for any act done in good faith in the exercise or performance or intended exercise or performance of a power or duty under this Act or the regulations, or any neglect or default in the exercise or performance in good faith of such a power or duty:

1. Members of the board of directors of the administrative authority.
2. Persons who perform functions under this Act or the regulations as employees, agents or officers of the administrative authority or as persons whose services it retains.
3. Members of committees of the administrative authority who perform functions under this Act or the regulations. 2020, c. 16, Sched. 1, s. 2.

Liability of administrative authority

(2) Subsection (1) does not relieve the administrative authority of liability to which it would otherwise be subject in respect of the acts or omissions of a person referred to in subsection (1). 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Not public money

30.18 (1) The money the administrative authority collects in carrying out the administration of the delegated provisions is not public money within the meaning of the *Financial Administration Act*. 2020, c. 16, Sched. 1, s. 2.

Same

(2) The administrative authority may use the money described in subsection (1) to carry out activities in accordance with its objects, subject to subsection 30.21 (2). 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Audit

30.19 (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of the administrative authority, other than an audit required under the *Corporations Act*. 2020, c. 16, Sched. 1, s. 2.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.19 (1) of the Act is amended by striking out "*Corporations Act*" and substituting "*Not-for-Profit Corporations Act, 2010*". (See: 2020, c. 16, Sched. 1, s. 4)

Access to records and information

(2) When the Auditor General conducts an audit under subsection (1), the administrative authority shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2, 4 - not in force

Annual report

30.20 (1) Each year and at any other time the Minister requires, the board of directors of the administrative authority shall report to the Minister on its activities and financial affairs as they relate to this Act and the administrative agreement. 2020, c. 16, Sched. 1, s. 2.

Form and contents

(2) The report shall be in a form that is acceptable to the Minister and shall provide the information that the Minister requires. 2020, c. 16, Sched. 1, s. 2.

Disclosure by board

(3) The board shall publish the report on the administrative authority's website and by any other method within the period and in the manner the Minister requires. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

POWERS AND DUTIES OF ADMINISTRATIVE AUTHORITY

Additional powers

30.21 (1) Subject to subsection (2), the administrative authority may carry out other activities in accordance with its objects or purposes, as set out in the authority's letters patent. 2020, c. 16, Sched. 1, s. 2.

Commercial activity

(2) The administrative authority shall not engage in commercial activity through an individual, corporation or entity that is related to the administrative authority, except as permitted by the regulations. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Change to objects or purposes

30.22 (1) Subject to section 30.9, the Minister may require that the administrative authority make a specified change to its objects or purposes. 2020, c. 16, Sched. 1, s. 2.

Same

(2) No change shall be made to the administrative authority's objects or purposes unless the Minister's written approval is obtained in advance. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Right to use French

30.23 (1) A person has the right to communicate in French with, and to receive available services in French, from the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Board to ensure

(2) The board of directors of the administrative authority shall take all reasonable measures and make all reasonable plans to ensure that persons may exercise the right to use French given by this section. 2020, c. 16, Sched. 1, s. 2.

Limitation

(3) The right to use French given by this section is subject to the limits that are reasonable in the circumstances. 2020, c. 16, Sched. 1, s. 2.

Definition

(4) In this section,

"service" means any service or procedure that is provided to the public by the administrative authority in administration of the delegated provisions and includes responding to inquiries from members of the public and any other communications for the purpose of providing the service or procedure. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Consultations

30.24 The Minister may require the administrative authority to do any of the following:

1. Conduct consultations with the public or persons or entities that have relevant experience or knowledge on any matter that the Minister specifies related to this Act or the building code.
2. Advise or report to the Minister on any matter related to,
   i. an advisory council established under section 30.25,
   ii. this Act or the building code, or
   iii. the administrative authority's objects or purposes as set out in the authority's letters patent. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Advisory council, advisory process

30.25 The Minister may require the administrative authority to,

(a) establish one or more advisory councils;

(b) include as members of an advisory council representatives of principal authorities, professional engineers, architects and such other persons as the Minister considers appropriate; and

(c) undertake an advisory process in which it ensures that the advisory council seeks advice from one or both of the public and persons with experience or knowledge relating to the delegated provisions. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Duty to inform Minister

30.26 The administrative authority shall promptly inform and advise the Minister with respect to,

(a) any material fact that could affect the administrative authority's ability to perform its duties under this Act or the regulations;

(b) any urgent or critical matter that is likely to require action by the Minister to ensure that the administration of the delegated provisions is carried out properly; or

(c) any failure in construction or demolition standards that could be hazardous to public health or safety, as may be specified in the administrative agreement. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Advice of administrative authority

30.27 The administrative authority shall advise or report to the Minister on any matter that the Minister refers to it and that relates to this Act or the administration of the delegated provisions. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Form and fees

30.28 (1) The administrative authority may,

(a) establish forms related to the administration of the delegated provisions;

(b) set and collect fees, costs or other charges related to the administration of the delegated provisions, in accordance with processes and criteria established by the administrative authority and approved by the Minister; and

(c) make rules governing the payment of fees, costs and charges described in clause (b). 2020, c. 16, Sched. 1, s. 2.

Setting fees

(2) In setting the fees, costs and other charges described in clause (1) (b), the administrative authority may specify their amounts or the method for determining the amounts. 2020, c. 16, Sched. 1, s. 2.

Fees for permits

(3) Without limiting the generality of clause (1) (b), the administrative authority may set and collect fees, costs and other charges in respect of applications for permits in any area of the province even if the administrative authority is not the principal authority with respect to that area. 2020, c. 16, Sched. 1, s. 2.

Agents

(4) The administrative authority may require certain persons or entities to collect the fees, costs or other charges described in subsection (3) as agents for the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Publication of fee schedule

(5) The administrative authority,

(a) shall publish the fees, costs and charges, the processes and criteria and the rules on its website and in any other way described in the administrative agreement; and

(b) may publish them in any other format the administrative authority considers advisable. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

MISCELLANEOUS

Administrator

30.29 (1) Subject to section 30.9, the Minister may, by order, appoint an individual as an administrator of the administrative authority for the purposes of assuming control of it and responsibility for its activities. 2020, c. 16, Sched. 1, s. 2.

Notice of appointment

(2) The Minister shall give the administrative authority's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator. 2020, c. 16, Sched. 1, s. 2.

Immediate appointment

(3) Subsection (2) does not apply if there are not enough members on the board to form a quorum. 2020, c. 16, Sched. 1, s. 2.

Term of appointment

(4) The appointment of the administrator is valid until the Minister makes an order terminating it. 2020, c. 16, Sched. 1, s. 2.

Powers and duties of administrator

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the members of the board of directors, officers and members of the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Same

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them. 2020, c. 16, Sched. 1, s. 2.

Right of access

(7) The administrator has the same rights as the board in respect of the administrative authority's documents, records and information. 2020, c. 16, Sched. 1, s. 2.

Report to Minister

(8) The administrator shall report to the Minister as the Minister requires. 2020, c. 16, Sched. 1, s. 2.

Minister's directions

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out. 2020, c. 16, Sched. 1, s. 2.

No personal liability

(10) No action or other proceeding shall be instituted against the administrator or a former administrator for,

(a) any act done in good faith in the exercise or performance or intended exercise or performance of a power or duty under sections 30.1 to 30.37 or the regulations made for the purposes of those sections; or

(b) any neglect or default in the exercise or performance in good faith of such a power or duty. 2020, c. 16, Sched. 1, s. 2.

Crown liability

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject. 2020, c. 16, Sched. 1, s. 2.

Liability of delegated administrative authority

(12) Subsection (10) does not relieve the administrative authority of liability to which it would otherwise be subject. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Status of board during administrator's tenure

30.30 (1) On the appointment of an administrator under section 30.29, the members of the board of the administrative authority cease to hold office, unless the order provides otherwise. 2020, c. 16, Sched. 1, s. 2.

Same

(2) During the term of the administrator's appointment, the powers of any member of the board who continues to hold office are suspended, unless the order provides otherwise. 2020, c. 16, Sched. 1, s. 2.

No personal liability

(3) No action or other proceeding shall be instituted against a member or former member of the board for anything done by the administrator or the administrative authority after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2). 2020, c. 16, Sched. 1, s. 2.

Crown liability

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject. 2020, c. 16, Sched. 1, s. 2.

Liability of administrative authority

(5) Subsection (3) does not relieve the administrative authority of liability to which it would otherwise be subject. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Chief building inspector, assistant chief building inspectors and inspectors

Appointment

30.31 (1) If the administration of any provisions of this Act and the regulations, other than those relating to registration and qualification referred to in section 30.32, is delegated to the administrative authority, the board of directors of the authority shall appoint a chief building inspector and may appoint one or more assistant chief building inspectors and such inspectors as are necessary for the enforcement of this Act in the areas in which the administrative authority has jurisdiction. 2020, c. 16, Sched. 1, s. 2.

Restrictions

(2) A person appointed as the licensing registrar or an assistant licensing registrar under section 30.32 or as the director or an assistant director under section 30.33 shall not be appointed as the chief building inspector, an assistant chief building inspector or an inspector. 2020, c. 16, Sched. 1, s. 2.

Certificate of appointment

(3) The administrative authority shall issue to the chief building inspector and every assistant chief building inspector and inspector a certificate of appointment. 2020, c. 16, Sched. 1, s. 2.

Powers and duties

(4) The chief building inspector and every assistant chief building inspector and inspector shall exercise the powers and perform such duties as may be assigned by the administrative authority, this Act or the regulations. 2020, c. 16, Sched. 1, s. 2.

Assistant chief building inspector to act as chief building inspector

(5) Subject to subsection (6), an assistant chief building inspector shall act as the chief building inspector in the chief building inspector's absence. 2020, c. 16, Sched. 1, s. 2.

Same, if more than one assistant chief building inspector

(6) If more than one assistant chief building inspector is appointed, only one assistant chief building inspector may act at one time as the chief building inspector. 2020, c. 16, Sched. 1, s. 2.

Limitation on authority

(7) The administrative authority may, in the appointment of an assistant chief building inspector or an inspector, limit the authority of the assistant chief building inspector or the inspector in such manner as the authority considers necessary or advisable. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Licensing registrar, assistant licensing registrars

Appointment

30.32 (1) If the administration of any of the following provisions is delegated to the administrative authority, the board of directors of the authority shall appoint a licensing registrar and may appoint one or more assistant licensing registrars for the purpose of those delegated provisions:

1. Section 15.11, 15.12 or 15.13.
2. A provision of the building code, as may be prescribed by regulation, related to the qualifications and registration of persons described in sections 15.11 and 15.12 and the requirement in section 15.13 for insurance coverage. 2020, c. 16, Sched. 1, s. 2.

Restrictions

(2) A person appointed as the chief building inspector, an assistant chief building inspector or inspector under section 30.31 or as the director or an assistant director under section 30.33 shall not be appointed as the licensing registrar or an assistant licensing registrar. 2020, c. 16, Sched. 1, s. 2.

Powers and duties

(3) The licensing registrar and every assistant licensing registrar shall exercise the powers and perform such duties as may be assigned by the administrative authority, this Act or the regulations. 2020, c. 16, Sched. 1, s. 2.

Assistant licensing registrar to act as licensing registrar

(4) Subject to subsection (5), an assistant licensing registrar shall act as the licensing registrar in the licensing registrar's absence. 2020, c. 16, Sched. 1, s. 2.

Same, if more than one assistant licensing registrar

(5) If more than one assistant licensing registrar is appointed, only one assistant licensing registrar may act at one time as the licensing registrar. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Director, assistant directors

Appointment

30.33 (1) If the administration of any provisions of this Act and the regulations is delegated to the administrative authority, the board of directors of the authority shall appoint a director and may appoint one or more assistant directors for the purpose of those delegated provisions. 2020, c. 16, Sched. 1, s. 2.

Restrictions

(2) A person appointed as the chief building inspector, an assistant chief building inspector or inspector under section 30.31 or as the licensing registrar or an assistant licensing registrar under section 30.32 shall not be appointed as the director or an assistant director. 2020, c. 16, Sched. 1, s. 2.

Powers and duties

(3) The director and every assistant director shall exercise the powers and perform such duties as may be assigned by the administrative authority, this Act or the regulations. 2020, c. 16, Sched. 1, s. 2.

Assistant director to act as director

(4) Subject to subsection (5), an assistant director shall act as the director in the director's absence. 2020, c. 16, Sched. 1, s. 2.

Same, if more than one assistant director

(5) If more than one assistant director is appointed, only one assistant director may act at one time as the director. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Who may be appointed

30.34 A person shall not be appointed under section 30.31, 30.32 or 30.33 unless the person is an employee of the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Appointments in writing

30.35 Appointments under sections 30.31, 30.32 and 30.33 shall be made in writing. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Status as officer

30.36 A person appointed under section 30.31, 30.32 or 30.33 is an officer of the administrative authority. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Offences, administrative authority

30.37 (1) If the administrative authority contravenes this Act or the regulations, the authority is guilty of an offence and on conviction is liable to a fine of not more than $100,000 for each day or part of a day on which the offence occurs or continues. 2020, c. 16, Sched. 1, s. 2.

Individuals

(2) A member of the board of directors, officer, employee or agent of the administrative authority who contravenes this Act or the regulations is guilty of an offence. 2020, c. 16, Sched. 1, s. 2.

Parties to offences

(3) A member of the board of directors or officer of the administrative authority is guilty of an offence if he or she,

(a) causes, authorizes, permits or participates in the commission by the administrative authority of an offence mentioned in subsection (1); or

(b) fails to take reasonable care to prevent the administrative authority from committing an offence mentioned in subsection (1). 2020, c. 16, Sched. 1, s. 2.

Penalty, individual

(4) A person who is convicted of an offence under subsection (2) or (3) is liable to a fine of not more than $25,000 for each day or part of a day on which the offence occurs or continues. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

Regulations, administrative authority

30.38 (1) The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary or desirable for the administrative authority to administer the delegated provisions. 2020, c. 16, Sched. 1, s. 2.

Same

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

(a) respecting anything that in sections 30.1 to 30.37 may or must be prescribed, done or provided for by regulation;

(b) requiring the administrative authority to collect and publish statistics on its activities and financial affairs in accordance with the requirements specified in the regulations;

(c) governing the disclosure of information for the purposes of clause 30.11 (1) (b) and subsection 30.11 (2);

(d) governing the processes and procedures for the purposes of subsection 30.11 (4);

(e) governing commercial activities referred to in subsection 30.21 (2) that the administrative authority may engage in through an individual, corporation or other entity, including respecting the manner in which an entity may or may not be related to the authority for the purposes of that subsection;

(f) providing for transitional matters arising from the enactment of Schedule 1 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*. 2020, c. 16, Sched. 1, s. 2.

Limited application

(3) Any regulation made under this section may be limited in its application territorially or to any class of activity, matter, person or thing. 2020, c. 16, Sched. 1, s. 2.

Same

(4) A class under this Act may be defined with respect to any attribute, quality or characteristic and may be defined to consist of, include or exclude any specified member, whether or not with the same attributes, qualities or characteristics. 2020, c. 16, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 1, s. 2 - not in force

GENERAL

Immunity from action

31 (1) No action or other proceeding for damages shall be instituted against the director, a member of the Building Code Commission or the Building Materials Evaluation Commission, or anyone acting under their authority, a person conducting an inquiry under section 30, a chief building official, an inspector or an officer for any act done in good faith in the execution or intended execution of any power or duty under this Act or the regulations or for any alleged neglect or default in the execution in good faith of that power or duty. 1992, c. 23, s. 31 (1); 1997, c. 24, s. 224 (16).

Liability

(2) Subsection (1) does not relieve the Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority of liability in respect of a tort committed by their respective chief building official or inspectors to which they would otherwise be subject and the Crown, municipality or upper-tier municipality, board of health, planning board or conservation authority is liable for any such tort as if subsection (1) were not enacted. 2002, c. 17, Sched. F, Table.

Immunity re registered code agencies

(3) The Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority is not liable for any harm or damage resulting from any act or omission by a registered code agency or by a person authorized by a registered code agency under subsection 15.17 (1) in the performance or intended performance of any function set out in section 15.15. 2002, c. 9, s. 47; 2002, c. 17, Sched. C, s. 6 (1).

Same

(4) The Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority is not liable for any harm or damage resulting from any act or omission in the execution or intended execution of any power or duty under this Act or the regulations by their respective chief building official or inspectors if the act was done or omitted in reasonable reliance on a certificate issued or other information given under this Act by a registered code agency or by a person authorized by a registered code agency under subsection 15.17 (1). 2002, c. 9, s. 47; 2002, c. 17, Sched. C, s. 6 (2).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (16) - 17/06/1998; 1997, c. 30, Sched. B, s. 15 - 06/04/1998; 1999, c. 12, Sched. M, s. 10 - 22/12/1999

2002, c. 9, s. 46, 47 - 01/07/2005; 2002, c. 17, Sched. C, s. 6 (1, 2) - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

32 REPEALED: 2002, c. 9, s. 48.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 48 - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

32.1 REPEALED: 2002, c. 9, s. 49.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 16 - 06/04/1998

2002, c. 9, s. 49 - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

33 REPEALED: 2002, c. 9, s. 50.

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 50 - 01/07/2005; 2002, c. 17, Sched. F, Table - 01/01/2003

Regulations

34 (0.1) The Minister may make such regulations as are desirable governing standards for the construction and demolition of buildings. 2020, c. 18, Sched. 1, s. 3 (1).

Same

(1) Without limiting the generality of subsection (0.1), the Minister may make regulations,

1. designating structures that are to be defined as buildings under subsection 1 (1);

1.0.1 prescribing persons for the purposes of the definition of "building owner" in subsection 1 (1);

1.1 prescribing the functions for which a registered code agency may be appointed under subsection 4.1 (4);

1.2 prescribing the information that a principal authority is required to give to the director under subsection 4.1 (8);

1.3 prescribing the persons who may appoint a registered code agency under subsection 4.2 (2);

1.4 prescribing the manner in which the appointment of a registered code agency under section 4.2 may be made and prescribing conditions and restrictions with respect to each appointment;

1.5 prescribing the information that a person who appoints a registered code agency is required to give to the director under subsection 4.2 (9) or to the chief building official under subsection 4.2 (10);

2. prescribing the conditions under which "as constructed plans" may be required by a chief building official under clause 7 (g);

2.1 prescribing the information about the fees and costs to be included in a report under subsection 7 (4) and the manner in which the report is to be made available to the public;

2.2 prescribing the persons to whom notice of proposed changes in fees is to be given under subsection 7 (6), the information to be included in the notice and the manner in which the notice is to be given;

2.3 prescribing the period within which the public meeting referred to in subsection 7 (6) must be held;

2.4 prescribing the records to be maintained by a principal authority and the period for which the records must be retained;

3. governing the manner of construction and types and quality of materials used therein;

3.1 establishing objectives governing the standards for the construction and demolition of buildings;

3.2 prescribing the persons who may apply for a permit under section 8 and the information to be provided with an application for a permit under section 8;

3.3 prescribing the information that a plans review certificate must contain for the purposes of clause 8 (2) (d);

3.4 prescribing requirements and circumstances for the purposes of subsection 8 (2.2) and prescribing the period within which the chief building official is required to make a decision under subsection 8 (2.2) and the manner of determining when the period begins;

3.4.1 prescribing the period within which the chief building official is required to inform an applicant under subsection 8 (2.3) and the manner of determining when the period begins;

3.5 prescribing the information that a plans review certificate must contain under subsection 8 (2.1) and a change certificate must contain under subsection 8 (14);

4. setting out the applicable laws with which compliance must be achieved before a conditional permit may be issued under subsection 8 (3);

4.1 prescribing the information that a chief building official is required to give under subsection 8 (8.1) and prescribing the period within which and the manner in which the chief building official shall give the information;

5. governing the design of buildings and the use to which they may be put;

6. REPEALED: 2009, c. 33, Sched. 21, s. 2 (7).

7. setting out rules and policies to be observed in the interpretation of the building code by any person exercising a power or discretion conferred under the Act or the building code;

8. determining an increase in hazard for the purposes of section 10;

9. REPEALED: 2020, c. 18, Sched. 1, s. 3 (3).

9.1 requiring any part of the construction of a building described in clauses 11 (3) (a) and (b) of the *Architects Act* or subsection 12 (4) and clause 12 (5) (a) of the *Professional Engineers Act* to be designed by an architect or a professional engineer or a combination of both;

10. requiring any part of the design, construction or demolition of a building to be under the general review of an architect or a professional engineer or a combination of both and that copies of reports arising from the general review be provided to the chief building official or to a registered code agency;

11. designating organizations to test prefabricated building units to the standards prescribed by the building code and providing for the placing of their label on units that conform to the standards;

12. requiring the approval of an inspector or a registered code agency in respect of any method, matter or thing;

13. requiring the posting on buildings or sites of construction or demolition of such documents or information as is prescribed;

14. requiring such documents, information, records, drawings or specifications as are prescribed to be kept on the site of construction or demolition;

14.1 prescribing the records to be kept by any person and the returns of information and reports to be made by any person and providing for the inspection and examination of the records;

15. requiring notice to be given to the chief building official, an inspector or a registered code agency respecting any matter in the course of construction, including notice of readiness for inspection at the stages of construction of a building, and specifying the person required to give the notices;

15.1 prescribing the type and manner of inspections for the purposes of subsection 10.2 (2) (readiness for inspection) and prescribing the period within which the inspections must be carried out;

15.2 prescribing the information that must be given to the chief building official about a person who is required by subsection 15.12 (3) to have certain qualifications or to meet certain requirements or both;

15.3 prescribing the information that must be given to the chief building official under subsection 15.13 (5) about any person required to have insurance coverage and about the coverage;

15.4 prescribing the manner in which a referral to the chief building official under subsection 14 (5) must be made;

16. requiring notice to be given to the chief building official respecting the change in prescribed classes of use made of a building;

17. requiring the chief building official to transmit to the director such returns or reports as are prescribed;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 17 of subsection 34 (1) of the Act is repealed and the following substituted: (See: 2020, c. 16, Sched. 1, s. 5)

17. requiring the chief building official to prepare, keep and transmit to the director or administrative authority such documents, information, records, returns or reports as are prescribed;

17.1 prescribing documentation, records or other information for purposes of section 15.10.4, the manner in which the documentation, records or other information is to be provided and the persons to whom the documentation, records or other information is to be given;

17.2 prescribing matters for the purpose of subclause 15.10.5 (1) (a) (ii);

17.3 prescribing provisions and matters relating to policies described in subsection 15.10.5 (1);

17.4 governing the recording of complaints and enforcement action for the purpose of subsection 15.10.6 (1);

17.5 prescribing information about complaints and enforcement action to be provided under subsection 15.10.6 (2) and the circumstances and the manner in which the information is to be provided;

17.6 prescribing other means for indicating that the requirements of an order have been satisfied for the purpose of subsections 12 (8), 13 (3.3), 14 (3.4), 15.9 (5.5), 15.10 (2.4), 15.10.1 (9) and 15.10.3 (7);

18. prescribing conditions under which a building or any part of a building may be occupied, including requiring notice to be given to a chief building official or registered code agency and requiring permission to be received from the official or agency before the building or part may be occupied;

19. exempting any building or person or class thereof from compliance with all or any part of this Act and the regulations and prescribing conditions for the exemption;

20. prescribing the form of a warrant and the form in which the information upon oath will be taken under section 21;

21. requiring the alteration of any part of an existing building where construction in relation to the building affects that part;

22. requiring the payment of fees in respect of applications to the Building Materials Evaluation Commission and prescribing the amounts thereof;

22.1 prescribing the manner in which the Minister's written interpretations under section 28.1 are to be made available to the public;

23. REPEALED: 2025, c. 9, Sched. 1, s. 3.

24. establishing criteria to be followed by the Minister in respect of a ruling under section 29;

25. prescribing procedures of the Building Code Commission and the Building Materials Evaluation Commission;

26. prescribing the persons to whom notice shall be given of the issuance of a permit, the time for giving the notice and the class of buildings for which notice is required;

27. defining, for the purposes of this Act and the building code, any word or expression not defined in this Act, and in so doing may define a word or expression differently for different provisions;

28. prescribing forms and providing for their use or requiring that forms provided by the Minister or the director be used, and prescribing the information that must be contained in the forms;

29. prescribing boards of health, planning boards and conservation authorities that are responsible for the enforcement of the provisions of this Act related to sewage systems and the municipalities and territory without municipal organization in which they will have jurisdiction to carry out the enforcement;

30. permitting chief building officials or registered code agencies, subject to such conditions as are set out in the building code, to allow the use of materials, systems and building designs other than those prescribed in the building code with respect to the construction of buildings;

31. governing the location of sewage systems;

32. designating areas in which any class of sewage system may not be established;

33. prescribing qualifications for chief building officials, inspectors, registered code agencies, designers and other persons referred to in section 15.12 and related matters including,

    i. requiring different qualifications for different classes of officials, inspectors, agencies, designers and other persons,

    ii. requiring assessments or examinations in connection with obtaining or maintaining the required qualifications,

    iii. establishing one or more registers identifying persons with qualifications and such other information as the regulation may require, and

    iv. requiring fees to be paid in connection with the qualifications;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 33 of subsection 34 (1) of the Act is repealed and the following substituted: (See: 2017, c. 34, Sched. 2, s. 24 (2))

33. prescribing qualifications for chief building officials, inspectors, registered code agencies, designers and other persons referred to in sections 15.11 and 15.12 and related matters including,

    i. requiring different qualifications for different classes of officials, inspectors, agencies, designers and other persons,

    ii. requiring education, training, accreditation, continuing professional development, assessments or examinations in connection with obtaining or maintaining the required qualifications,

    iii. establishing one or more registers identifying persons with qualifications and such other information as the regulation may require, and

    iv. requiring fees to be paid in connection with the qualifications;

33.1 governing a continuing education and professional development program for chief building officials, inspectors, registered code agencies, designers and other persons referred to in sections 15.11 and 15.12, which may include establishing a process for conducting reviews;

34. establishing certification, registration or licensing schemes for chief building officials, inspectors, registered code agencies, designers and other persons referred to in sections 15.11 (qualifications) and 15.12 (qualifications re sewage systems) which may include provision for,

    i. the eligibility or ineligibility of classes of persons to obtain certification, registration or a licence,

    ii. categories or classes of certification, registration or licence,

    iii. application for the issuance, amendment or renewal of a certificate, registration or a licence,

    iv. the issuance, amendment or renewal of a certificate, registration or a licence or the refusal to do so,

    v. suspension, revocation or cancellation of a certificate, registration or a licence,

Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 34 v of subsection 34 (1) of the Act is amended by adding "disciplinary action that may be taken, including" at the beginning. (See: 2017, c. 34, Sched. 2, s. 24 (3))

    vi. the imposition of conditions relating to a certificate, registration or licence, including conditions relating to the qualifications of directors, officers, partners, employees and others associated with the holder of the certificate, registration or licence, conditions relating to the manner in which specified persons carry out activities under this Act and the building code and conditions relating to insurance coverage, including the kinds and amounts of insurance and the circumstances in which a person will be considered to be covered by insurance,

    vii. the establishment and maintenance of one or more registers containing information about the holders of certificates, registrations or licences and containing such information as may be given to the director under paragraph 35.1, and

    viii. fees payable in connection with certification, registration or licensing;

35. prescribing an appeal to a prescribed tribunal from a refusal to issue or renew a certificate, registration or licence or a suspension, revocation or cancellation of a certificate, registration or licence, prescribing the circumstances in which the decision appealed from takes effect immediately despite the appeal, and prescribing the circumstances in which the tribunal may stay the decision pending the outcome of the appeal;

35.1 requiring the Ontario Association of Architects and the Association of Professional Engineers of Ontario to give the prescribed information to the director;

35.2 prescribing fees payable to the Crown by the Ontario Association of Architects and the Association of Professional Engineers of Ontario in connection with the registers referred to in paragraphs 33 and 34 and in respect of the development of training materials for a purpose described in paragraph 33 or 34;

35.3 prescribing the persons who are required under subsection 15.13 (1) to have insurance coverage and prescribing the kinds and amounts of insurance that are required and the circumstances in which the person will be considered to be covered by insurance;

35.4 prescribing additional functions that registered code agencies may perform;

35.5 prescribing the manner in which registered code agencies and persons authorized by them under subsection 15.17 (1) are required to perform any of their functions;

35.6 prescribing the manner in which a registered code agency is authorized to collect, use and disclose information;

35.7 prescribing circumstances in which a registered code agency may be appointed in respect of a building even though an inspector or another registered code agency has already carried out a function described in section 15.15;

35.8 prescribing circumstances in which a registered code agency cannot be appointed, including circumstances that would constitute a conflict of interest for a registered code agency;

35.9 prescribing the information that a registered code agency is required to give to the director or to the chief building official;

35.10 prescribing the classes of persons that may be authorized by a registered code agency under subsection 15.17 (1), the conditions to which the authorization may be subject and the information that must be included in a certificate of authorization;

35.11 prescribing certificates and the form of certificates referred to in subsection 15.18 (2), the information that the certificates are required to contain and the circumstances and manner in which registered code agencies are permitted to issue them;

35.12 prescribing the circumstances in which the appointment of a registered code agency may be terminated and the conditions that must be met before the termination of an appointment, including,

i. requiring the consent of the director and authorizing the director to impose conditions and restrictions in connection with the consent, and

ii. authorizing an appeal to a person specified in the regulations from a decision of the director or conditions imposed by the director;

36. designating persons, specifying powers of a chief building official or inspector that those designated persons may exercise to enforce this Act and the building code in relation to the qualifications of persons described in sections 15.11 and 15.12 and the requirement in section 15.13 for insurance coverage, and establishing conditions for the exercise of the specified powers;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 36 of subsection 34 (1) of the Act is amended by adding "and registration" after "qualifications". (See: 2017, c. 34, Sched. 2, s. 24 (4))

37. prescribing any transitional matters necessary for the regulation of sewage systems, including matters relating to,

i. licensing and certification and the qualifications of inspectors and persons described in subsection 15.12 (1),

ii. certificates of approval and orders issued under the *Environmental Protection Act*,

iii. enforcement issues,

iv. matters commenced under the *Environmental Protection Act*, including appeals,

v. records and documents to be kept or transferred and the payment of associated costs,

vi. certification of records and their use in courts,

vii. the continuation of matters commenced under the *Environmental Protection Act*, and

viii. the transfer of responsibilities involving any municipality or any board of health, conservation authority or planning board prescribed under section 3.1;

38. permitting the Building Code Commission to sit in one or more divisions simultaneously upon such conditions as may be prescribed in the regulation;

39. authorizing one member of the Building Code Commission, with the approval of the chair or vice-chair, to hear and determine any matter and deeming the member to constitute the commission for that purpose, under such conditions as may be prescribed in the regulation;

39.1 prescribing relationships for the purposes of clause 23 (3) (d) (eligibility to be a member of the Commission);

39.2 prescribing the period within which the Building Code Commission must hold a hearing in respect of a dispute described in clause 24 (1) (b) or (c);

39.3 providing for transitional provisions relating to the effect of a repeal or re-enactment of any provision of this Act;

39.4 prescribing provisions of the building code for the purposes of section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*;

39.5 prescribing conditions and limits for the purposes of section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*;

39.6 providing for the approval of an inspector who is the chief of the fire department of a municipality respecting fire safety matters and prescribing circumstances under which approval of the inspector may be required;

40. prescribing any matter referred to in this Act as prescribed. 1992, c. 23, s. 34 (1); 1997, c. 30, Sched. B, s. 17 (1-4); 1999, c. 12, Sched. M, s. 11; 2002, c. 9, s. 51 (1, 2, 4-14); 2006, c. 19, Sched. O, s. 1 (12-17); 2006, c. 35, Sched. C, s. 8 (3); 2009, c. 33, Sched. 21, s. 2 (5-7); 2014, c. 7, Sched. 3, s. 3; 2017, c. 10, Sched. 4, s. 1; 2017, c. 34, Sched. 2, s. 24 (1, 5); 2020, c. 18, Sched. 1, s. 3 (2, 3); 2025, c. 9, Sched. 1, s. 3.

Adoption by reference

(1.1) The Minister may make regulations adopting by reference any of the following documents, in whole or in part, with such changes as the Minister considers necessary, and requiring compliance with any provision of a document so adopted:

1. The National Building Code of Canada 2015, the National Plumbing Code of Canada 2015, the National Energy Code of Canada for Buildings 2017, the National Farm Building Code of Canada 1995 or any subsequent versions of those codes.
2. A code, formula, standard, guideline, protocol or procedure that requires any part of the construction of a building to be designed by an architect or a professional engineer or a combination of both.
3. Any other code, formula, standard, guideline, protocol or procedure. 2020, c. 18, Sched. 1, s. 3 (4).

Standards for existing buildings

(2) The Minister may make regulations to establish standards that existing buildings must meet even though no construction is proposed, including regulations,

(a) prescribing any or all of the matters set out in subsections (0.1) and (1) as applicable to existing buildings;

(b) establishing standards for maintenance, retrofit, operation, occupancy and repair;

(c) prescribing standards related to resource conservation and environmental protection; and

(d) prescribing standards, methods and equipment for the inspection, cleaning, disinfecting and emptying of sewage systems. 1992, c. 23, s. 34 (2); 1997, c. 30, Sched. B, s. 17 (5); 2006, c. 22, s. 112 (10); 2020, c. 18, Sched. 1, s. 3 (5, 6).

Discretionary maintenance inspection programs

(2.1) The Minister may make regulations governing programs established under clause 7 (1) (b.1), including regulations,

(a) governing the classes of buildings and area affected by a program;

(b) governing the type and manner of inspections that are conducted under a program and the frequency of the inspections;

(c) authorizing the principal authority that establishes a program, as an alternative to conducting an inspection, to accept a certificate, in a form approved by the Minister, that is signed by a person who belongs to a class of persons specified by the regulations and that confirms that the person has conducted an inspection and is of the opinion that the building that was inspected complies with the standards prescribed under clause (2) (b) that are enforced by the program. 2006, c. 22, s. 112 (11); 2020, c. 18, Sched. 1, s. 3 (5).

Sewage system maintenance inspection programs

(2.2) The Minister may make regulations establishing and governing programs to enforce standards prescribed under clause (2) (b) in relation to sewage systems, including regulations,

(a) governing the classes of sewage systems affected by the program;

(b) requiring a principal authority that has jurisdiction in the area affected by the program to administer the program for that area and to conduct inspections under the program;

(c) governing the type and manner of inspections that are conducted under the program and the frequency of the inspections;

(d) authorizing the principal authority that administers the program, as an alternative to conducting an inspection, to accept a certificate, in a form approved by the Minister, that is signed by a person who belongs to a class of persons specified by the regulations and that confirms that the person has conducted an inspection and is of the opinion that the sewage system that was inspected complies with the standards prescribed under clause (2) (b) that are enforced by the program. 2006, c. 22, s. 112 (11); 2020, c. 18, Sched. 1, s. 3 (5).

Building condition evaluation programs

(2.3) The Minister may make regulations establishing and governing programs to enforce standards prescribed under clause (2) (b) in relation to buildings other than sewage systems, including regulations,

(a) governing the classes of buildings and area affected by or subject to the programs;

(b) requiring a principal authority that has jurisdiction in an area affected by a program to administer the program for that area;

(c) requiring building condition evaluations to be conducted by persons who belong to a specified class of persons, which may include a holder of any licence or certificate issued under the *Architects Act* or the *Professional Engineers Act* or a class of such holders;

(d) governing the type and manner of building condition evaluations that are conducted under a program, the frequency of the evaluations or the manner for determining when evaluations are required;

(e) authorizing a chief building official or inspector to require a building condition evaluation be conducted and governing the circumstances in which he or she may do so;

(f) requiring a person described in clause (c) who conducts a building condition evaluation to prepare a report in a form approved by the Minister, that is signed by that person and that contains and confirms the prescribed information;

(g) requiring a person described in clause (c) who prepares a report described in clause (f) to, in the prescribed circumstances and within the prescribed period, provide a copy of the report to the building owner, chief building official and other prescribed persons;

(h) requiring a person described in clause (c) to notify the building owner, chief building official and other prescribed persons within a prescribed period if the person is of the opinion the building is unsafe within the meaning of subsection 15.9 (2) or poses an immediate danger to the health or safety of persons;

(i) requiring such documents, records or other information as may be prescribed to be kept as prescribed by any person and providing for their production to, or inspection and examination by, prescribed persons. 2017, c. 34, Sched. 2, s. 24 (6); 2020, c. 18, Sched. 1, s. 3 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsections: (See: 2017, c. 34, Sched. 2, s. 24 (7))

Administrative penalties

(2.4) The Lieutenant Governor in Council may make regulations establishing and governing the administrative penalties that may be imposed under section 15.13.1 and 18.1 of this Act and all matters necessary and incidental to the administration of a system of administrative penalties under this Act. 2017, c. 34, Sched. 2, s. 24 (7).

Same

(2.5) Without limiting the generality of subsection (2.4), the Lieutenant Governor in Council may make regulations,

(a) prescribing the amount of an administrative penalty or providing for the determination of the amount of the penalty by prescribing the method of calculating the amount and the criteria to be considered in determining the amount;

(b) providing for different amounts to be paid, or different calculations or criteria to be used, depending on the circumstances that gave rise to the administrative penalty or the time at which the penalty is paid;

(c) providing for the payment of lump sum amounts and of daily amounts, prescribing the circumstances in which either or both types of amounts may be required;

(d) prescribing the maximum amount that a person may be required to pay, whether a lump sum amount or a daily amount, and, in the case of a daily amount, prescribing the maximum number of days for which a daily amount may be payable;

(e) specifying types of contraventions or circumstances in respect of which an administrative penalty may not be ordered;

(f) prescribing circumstances in which a person is not required to pay an administrative penalty ordered under this Act;

(g) providing for the form and content of an order requiring payment of an administrative penalty and prescribing information to be included in the order;

(h) providing for the payment of administrative penalties, prescribing the person or entity to which the penalty is to be paid and providing for the investment of money received from administrative penalties, including the establishment of a special fund, and the use of such money and interest earned thereon;

(i) prescribing procedures relating to administrative penalties. 2017, c. 34, Sched. 2, s. 24 (7).

Application

(3) A regulation made under this section applies to buildings whether erected before or after the coming into force of this Act. 1992, c. 23, s. 34 (3).

Limited application

(4) Any regulation made under this section may be limited in its application territorially or to any class of activity, matter, person or thing. 1997, c. 30, Sched. B, s. 17 (6).

Same

(4.1) A class under this Act may be defined with respect to any attribute, quality or characteristic and may be defined to consist of, include or exclude any specified member whether or not with the same attributes, qualities or characteristics. 1997, c. 30, Sched. B, s. 17 (6).

Retroactive

(4.2) A regulation made under paragraph 37 of subsection (1) may be retroactive. 1997, c. 30, Sched. B, s. 17 (6).

Purposes

(5) The purposes of the regulations made under this section are,

(a) to establish standards for public health and safety, fire protection, structural sufficiency, conservation, including, without limitation, energy and water conservation, and environmental integrity, and to establish barrier-free requirements, with respect to buildings; and

(b) to establish processes for the enforcement of the standards and requirements. 2002, c. 9, s. 51 (15); 2009, c. 12, Sched. J, s. 1 (1).

(6), (7) REPEALED: 2019, c. 14, Sched. 14, s. 2.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 17 (1-6) - 06/04/1998; 1999, c. 12, Sched. M, s. 11 - 22/12/1999

2002, c. 9, s. 51 (1, 2, 4, 5, 7, 8, 10) - 01/07/2005; 2002, c. 9, s. 51 (3) - no effect - see 2009, c. 33, Sched. 21, s. 3 - 01/07/2010; 2002, c. 9, s. 51 (6, 9, 11-15) - 01/09/2003

2006, c. 19, Sched. O, s. 1 (12-17) - 22/06/2006; 2006, c. 22, s. 112 (10, 11) - 03/07/2007; 2006, c. 35, Sched. C, s. 8 (3) - 20/08/2007

2009, c. 12, Sched. J, s. 1 (1, 2) - 14/05/2009; 2009, c. 33, Sched. 21, s. 2 (5, 6) - 01/01/2011; 2009, c. 33, Sched. 21, s. 2 (7) - 01/07/2010

2010, c. 19, Sched. 2, s. 1 - 01/04/2011

2014, c. 7, Sched. 3, s. 3 - 24/07/2014

2017, c. 10, Sched. 4, s. 1 - 30/05/2017; 2017, c. 34, Sched. 2, s. 24 (1, 5, 6) - 14/12/2017; 2017, c. 34, Sched. 2, s. 24 (2-4, 7) - not in force

2019, c. 14, Sched. 14, s. 2 - 10/12/2019

2020, c. 16, Sched. 1, s. 5 - not in force; 2020, c. 18, Sched. 1, s. 3 (1-6) - 21/07/2020

2025, c. 9, Sched. 1, s. 3 - 01/07/2025

34.1 REPEALED: 2019, c. 14, Sched. 14, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 12, Sched. J, s. 2 - 14/05/2009

2010, c. 19, Sched. 2, s. 2 (1, 2) - 01/04/2011

2019, c. 14, Sched. 14, s. 3 - 10/12/2019

Municipal by-laws

35 (1) This Act and the building code supersede all municipal by-laws respecting the construction or demolition of buildings. 1992, c. 23, s. 35 (1).

Same

(1.1) For greater certainty, sections 9, 10 and 11 of the *Municipal Act, 2001* and sections 7 and 8 of the *City of Toronto Act, 2006* do not authorize a municipality to pass by-laws respecting the construction or demolition of buildings. 2025, c. 9, Sched. 1, s. 4.

Different treatments

(2) In the event that this Act or the building code and a municipal by-law treat the same subject-matter in different ways in respect to standards for the use of a building described in section 10 or standards for the maintenance or operation of a sewage system, this Act or the building code prevails and the by-law is inoperative to the extent that it differs from this Act or the building code. 1992, c. 23, s. 35 (2); 1997, c. 30, Sched. B, s. 18 (1).

Interpretation

(3) For the purpose of this section, a municipal by-law includes a by-law of an upper-tier municipality and a local board as defined in the *Municipal Affairs Act*. 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 18 (1, 2) - 06/04/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2025, c. 9, Sched. 1, s. 4 - 05/06/2025

Status of conservation authority regulations

35.1 A regulation made by a conservation authority under this Act is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2002, c. 9, s. 52; 2006, c. 21, Sched. F, s. 136 (1).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 52 - 01/07/2005

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

Offences

36 (1) A person is guilty of an offence if the person,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 36 (1) of the Act is amended by adding "other than the administrative authority" after "A person" in the portion before clause (a). (See: 2020, c. 16, Sched. 1, s. 6)

(a) knowingly furnishes false information in any application under this Act, in any certificate required to be issued or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with an order, direction or other requirement made under this Act; or

(c) contravenes this Act, the regulations or a by-law passed under section 7. 1992, c. 23, s. 36 (1); 1997, c. 30, Sched. B, s. 19; 2002, c. 9, s. 53 (1); 2009, c. 33, Sched. 21, s. 2 (8).

Idem

(2) Every director or officer of a corporation who knowingly concurs in the furnishing of false information, the failure to comply or the contravention under subsection (1) is guilty of an offence. 1992, c. 23, s. 36 (2).

Penalties

(3) A person who is convicted of an offence is liable to a fine of not more than $50,000 for a first offence and to a fine of not more than $100,000 for a subsequent offence. 2005, c. 33, s. 1.

Corporations

(4) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is $500,000 for a first offence and $1,500,000 for a subsequent offence and not as provided in subsection (3). 2005, c. 33, s. 1; 2017, c. 34, Sched. 2, s. 25 (1).

Subsequent offence

(5) For the purposes of subsections (3) and (4), an offence is a subsequent offence if there has been a previous conviction under this Act. 1992, c. 23, s. 36 (5).

Continuing offence

(6) Every person who fails to comply with an order made by a chief building official under subsection 14 (1) or clause 15.9 (6) (a) or 15.10.3 (8) (a) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (3) and (4), is liable to a fine of not more than $10,000 per day for every day the offence continues after the time given for complying with the order has expired. 1992, c. 23, s. 36 (6); 2002, c. 9, s. 53 (2); 2017, c. 34, Sched. 2, s. 25 (2).

Power to restrain

(7) If this Act or the regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this Act, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. 1992, c. 23, s. 36 (7).

Limitation period

(8) No proceeding under this section shall be commenced more than one year after the facts on which the proceeding is based first came to the knowledge of,

(a) an officer, where the proceeding is in respect of the enforcement of by-laws passed under section 15.1; or

(b) the chief building official, in any other case. 2009, c. 33, Sched. 21, s. 2 (9).

Same

(8.1) Subsection (8), as it read immediately before the day subsection 2 (9) of Schedule 21 to the *Good Government Act, 2009* comes into force, continues to apply where the subject-matter of the proceeding arose more than one year before that day. 2009, c. 33, Sched. 21, s. 2 (9).

Proceeds of fines

(9) If an offence under this section has been committed within a municipality, the proceeds of a fine imposed under this section shall be paid to the treasurer of that municipality, and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine. 1992, c. 23, s. 36 (9).

Same, sewage system offences

(10) Despite subsection (9), if an offence under this section concerns the provisions of this Act and the building code related to sewage systems and if it is committed in a municipality or territory without municipal organization that is prescribed under subsection 3.1 (1), the proceeds of a fine imposed under this section shall be paid to the applicable board of health, planning board or conservation authority prescribed under subsection 3.1 (1), and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine. 2002, c. 9, s. 53 (3).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (17) - no effect - see 2000, c. 26, Sched. K, s. 6 (34) - 06/12/2000; 1997, c. 30, Sched. B, s. 19 - 06/04/1998

2002, c. 9, s. 53 (1, 2) - 01/07/2005; 2002, c. 9, s. 53 (3) - 01/09/2003

2005, c. 33, s. 1 - 15/12/2005

2009, c. 33, Sched. 21, s. 2 (8, 9) - 01/07/2010

2017, c. 34, Sched. 2, s. 25 (1, 2) - 14/12/2017

2020, c. 16, Sched. 1, s. 6 - not in force

Proof of directions, orders, etc.

37 (1) In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is, in the absence of evidence to the contrary, proof of the direction or order without proof of the signature or authority. 1992, c. 23, s. 37 (1).

Same

(2) A statement as to any matter of record in an office of the chief building official or an officer purporting to be certified by the chief building official or the officer is, without proof of the office or signature of the chief building official or officer, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in any civil proceeding or proceeding under the *Provincial Offences Act*. 1997, c. 24, s. 224 (18).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (18) - 17/06/1998

Restraining order

38 (1) Where it appears to a chief building official that a person does not comply with this Act, the regulations or an order made under this Act, despite the imposition of any penalty in respect of the non-compliance and in addition to any other rights he or she may have, the chief building official may apply to the Superior Court of Justice for an order directing that person to comply with the provision. 1992, c. 23, s. 38 (1); 2002, c. 9, s. 54.

Idem

(2) Upon the application under subsection (1), the judge may make the order or such other order as the judge thinks fit. 1992, c. 23, s. 38 (2).

Appeal

(3) An appeal lies to the Divisional Court from an order made under subsection (1). 1992, c. 23, s. 38 (3).

Section Amendments with date in force (d/m/y)

2002, c. 9, s. 54 - 01/09/2003

Suspension of licence

38.1 (1) If a person is in default of payment of a fine imposed upon conviction for an offence under this Act or the regulations, on the application of a prescribed person, an order may be made under subsection 69 (2) of the *Provincial Offences Act* directing that one or more of the licences of the person who is in default be suspended and no licence be issued to that person until the fine is paid. 1997, c. 30, Sched. B, s. 20.

Duty of prescribed person

(2) A prescribed person shall,

(a) on being informed of an order referred to in subsection (1), suspend the licence in accordance with the order; and

(b) on being informed that the fine and any applicable prescribed administrative fee for the reinstatement of the licence are paid, reinstate the licence. 1997, c. 30, Sched. B, s. 20.

No reinstatement

(3) The prescribed person shall not reinstate a licence under clause (2) (b) if he or she is informed that,

(a) there is another outstanding order referred to in subsection (1) directing that the licence be suspended; or

(b) the licence is suspended under any other order or under another statute. 1997, c. 30, Sched. B, s. 20.

Definition

(4) In this section,

"licence" means a licence, certification or registration under the building code. 2002, c. 9, s. 55.

Note: Despite the repeal of the *Building Code Act* (R.S.O. 1990, c. B.13) by the Statutes of Ontario, 1992, chapter 23, subsection 42 (1),

(a) a permit issued under subsection 5 (1) of that Act is continued as a permit issued under subsection 8 (1) of this Act;

(b) an order made under that Act is continued as an order made under the corresponding provision of this Act;

(c) an agreement under section 3 of that Act is continued as an agreement under section 3 of this Act.

See: 1992, c. 23, s. 42.

Section Amendments with date in force (d/m/y)

1997, c. 30, Sched. B, s. 20 - 06/04/1998

2002, c. 9, s. 55 - 01/09/2003

39 OMITTED (AMENDS OR REPEALS OTHER ACTS). 1992, c. 23, s. 39.

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (19) - 17/06/1998

40-42 OMITTED (AMENDS OR REPEALS OTHER ACTS). 1992, c. 23, ss. 40-42.

43 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1992, c. 23, s. 43.

44 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1992, c. 23, s. 44.

Français

Back to top

Prepared for: Mayor and Members of Council

Subject: Annual Drinking Water Sample Results

From: Dominique O'Brien – Director of Community Services

Agenda Date: February 2, 2026 Report No: CS-2026-001

Executive Summary:

This report summarizes water sampling test results for all Seguin Township regulated drinking water systems for the period of January 1 2025 to December 31, 2025. Water quality test results for this time period indicate that Seguin Township facilities continue to have a safe, reliable and secure water supply.

Prepared for: Mayor and Members of Council

Subject: Annual Drinking Water Sample Results

From: Dominique O'Brien – Director of Community Services

Agenda Date: February 2, 2026 Report No: CS-2026-001

Recommendation: That Council receive this report for information.

Background & Analysis: Safe drinking water is one of the key pillars of public health in Ontario. Protection of drinking water is a vital responsibility, and the health of our community depends on the diligent oversight of all facility drinking water systems.

Strong legislative and regulatory measures are key components of Ontario's drinking water safety net. The Safe Drinking Water Act, 2002 provides a legislative framework for all municipal drinking water systems and provides a consistent set of standards and rules to ensure access to safe, high quality, reliable drinking water.
Community Services qualified water system operators are responsible for ensuring Seguin's drinking water systems:

- provide water that meets all prescribed drinking water quality standards;
- operate in accordance with the act and its regulations, and are kept in a fit state of repair;
- are appropriately maintained;
- comply with all sampling, testing and monitoring requirements;
- meet all reporting requirements.

Drinking water lab test results from January 1, 2025 to December 31, 2025 indicate continued clean, safe drinking water at all Seguin facilities.

Financial Analysis: The Community Services operating budget includes $24,500 in 2026 for the maintenance and repair of all small drinking water systems in Seguin Township facilities. There are no new financial impacts associated with this report.

Strategic Plan Alignment:

Goal #1: Lead

1.1 Advocate for infrastructure and services that support a healthy, active, and engaged community.

By regularly monitoring drinking water at all Seguin facilities, we ensure that residents and visitors who utilize our facilities feel confident that their safety is a top priority.

Conclusion: The findings from the annual reporting period January 1, 2025 to December 31, 2026 continue to demonstrate that Seguin Township meets all regulatory compliance requirements prescribed through applicable legislation.

Prepared by:

Dominique O'Brien
Director of Community Services

Reviewed by:

Jason Inwood,
Chief Administrative Officer

Attachments:

- *Schedule A – Water Testing Results Jan 2025 – Dec 2025*

Schedule A to Report
CS-2026-001

Certificate of Analysis

Sample Receipt Date & Time: 2025-01-29 13:38

Total Number of Samples Received: 6

Bacterial Analysis Start Date & Time: 2025-01-29 16:48

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr. Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-01-28	14:45	Lunch Room South End - D				1322		0		0		0							
2025-01-28	15:00	Cubs Corner North End - D				1323		0		0		0							
Seguin Township Office #8472IS965																			
2025-01-28	14:11	Lunch Room - D				1324		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-01-28	11:20	Kitchen - D				1325		0		0		0							
Rosseau Community Centre #747000638																			
2025-01-28	09:00	Kitchen - D				1326		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-01-28	13:30	Kitchen - D				1327		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner

Sample Relinquishment: Gerald Spooner

Date Approved 2025-01-30

Approved By

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-01-29 13:38
Total Number of Samples Received: 2
Bacterial Analysis Start Date & Time: 2025-01-29 16:48
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-01-28	12:30	Bar - D				1328		0		0		0							
Rosseau Nursing Station #747001819																			
2025-01-28	09:30	Wellness Room - D				1329		0		0		0							
Rosseau Change House #747000812																			
		CLOSED																	
Rosseau Field House #7470001820																			
		CLOSED																	
Foley Matheson Park #747000670																			
		CLOSED																	

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner

Date Approved 2025-01-30 Approved By

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-02-26 12:47
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-02-26 14:42
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr.	
	Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-02-25	14:45	Lunchroom South End - D				2683		0		0		0							
2025-02-25	15:00	Cubs Corner North End - D				2684		0		0		0							
Seguin Township Office #8472IS965																			
2025-02-25	14:00	Lunchroom - D				2685		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-02-25	10:20	Kitchen - D				2686		0		0		0							
Rosseau Community Centre #747000638																			
2025-02-25	08:40	Kitchen - D				2687		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-02-25	13:40	Kitchen - D				2688		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-02-27
Approved By KN
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-02-26 12:47
Total Number of Samples Received: 2
Bacterial Analysis Start Date & Time: 2025-02-26 14:42
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-02-25	12:00	Bar Sink - D				2689		0		0		0							
Rosseau Nursing Station #747001819																			
2025-02-25	09:00	Wellness Room - D				2690		0		0		0							
Rosseau Change House #747000812																			
		Closed																	
Rosseau Field House #7470001820																			
		Closed																	
Foley Matheson Park #747000670																			
		Closed																	

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-02-27
Approved By KN
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-03-26 13:34
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-03-26 15:02
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr.	
	Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-03-25	14:40	Cubs Corner North End - D				4116		0		0		0							
2025-03-25	14:55	Lunch Room South End - D				4117		0		0		0							
Seguin Township Office #8472IS965																			
2025-03-25	14:05	Lunch Room Sink - D				4118		0		0		26							
Orrville Community Centre #847159Eo9																			
2025-03-25	10:50	Kitchen - D				4119		0		0		0							
Rosseau Community Centre #747000638																			
2025-03-25	09:20	Kitchen - D				4120		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-03-25	13:31	Kitchen - D				4121		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-03-27
Approved By KN
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-03-26 13:34
Total Number of Samples Received: 2
Bacterial Analysis Start Date & Time: 2025-03-26 15:02
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L Free	Chlorine mg/L Total	UV System	Laboratory Number	Total Coliform </>	Total Coliform CFU/100 mL	E.coli </>	E.coli CFU/100 mL	Background </>	Background CFU/100 mL	HPC </>	HPC CFU/1 mL	pH Temp. (°C)	pH pH Unit	Turbidity NTU	Microcystin </>	Microcystin µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-03-25	12:00	Bar Sink - D				4122		0		0		0							
Rosseau Nursing Station #747001819																			
2025-03-25	09:00	Wellness Room - D				4123		0		0		0							
Rosseau Change House #747000812																			
CLOSED																			
Rosseau Field House #7470001820																			
CLOSED																			
Foley Matheson Park #747000670																			
CLOSED																			

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

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Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner

Date Approved 2025-03-27 Approved By KN

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-04-24 10:15
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-04-24 11:25
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:
Client: Township of Seguin
Address: 5 Humphrey Dr.
Seguin, ON. P2A 2W8
Contact: Ken Griffiths
Email: kgriffiths@seguin.ca
Phone: 705-732-4313 or 732-4300 ext: 271
Fax: 705-732-4508
After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:
Humphrey CC - 15 Humphrey Dr
Seguin Office - 5 Humphrey Dr
Orrville CC - 1207 Hwy. 518
Rosseau CC - 2 Victoria St. W.
Humphrey Fire - 115 Hwy. 141

Drinking Water System Number: See Below
Health Unit: NBSPDHU
Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-04-23	15:00	Lunch Room South - D				5507		0		0		0							
2025-04-23	15:15	Cubs Corner North - D				5508		0		0		0							
Seguin Township Office #8472IS965																			
2025-04-23	14:30	Lunch Room - D				5509		0		0		6							
Orrville Community Centre #847159Eo9																			
2025-04-23	11:00	Kitchen - D				5510		0		0		0							
Rosseau Community Centre #747000638																			
2025-04-23	09:30	Kitchen - D				5511		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-04-23	13:45	Kitchen - D				5512	0			0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner
Date Approved 2025-04-25
Approved By Af

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis
3239 Penetanguishene Rd.

Certificate of Analysis

Sample Receipt Date & Time: 2025-04-24 10:15
Total Number of Samples Received: 2
Bacterial Analysis Start Date & Time: 2025-04-24 11:25
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-04-23	12:40	Bar Sink - D				5513		0		0		1							
Rosseau Nursing Station #747001819																			
2025-04-23	09:00	Wellness Rm - D				5514		0		0		0							
Rosseau Change House #747000812																			
CLOSED																			
Rosseau Field House #7470001820																			
CLOSED																			
Foley Matheson Park #747000670																			
CLOSED																			

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner

Date Approved 2025-04-25 Approved By AF

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis
3239 Penetanguishene Rd.

Certificate of Analysis

Sample Receipt Date & Time: 2025-05-28 13:10
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-05-28 14:40
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:
Client: Township of Seguin
Address: 5 Humphrey Dr.
Seguin, ON. P2A 2W8
Contact: Ken Griffiths
Email: kgriffiths@seguin.ca
Phone: 705-732-4313 or 732-4300 ext: 271
Fax: 705-732-4508
After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:
Humphrey CC - 15 Humphrey Dr
Seguin Office - 5 Humphrey Dr
Orrville CC - 1207 Hwy. 518
Rosseau CC - 2 Victoria St. W.
Humphrey Fire - 115 Hwy. 141

Drinking Water System Number: See Below
Health Unit: NBSPDHU
Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-05-27	15:15	Lunch Room South - D				7633		0		0		0							
2025-05-27	15:30	Cubs Corner North - D				7634		0		0		0							
Seguin Township Office #8472IS965																			
2025-05-27	14:30	Lunch Room - D				7635		0		0		6							
Orrville Community Centre #847159Eo9																			
2025-05-27	11:20	Kitchen - D				7636		0		0		0							
Rosseau Community Centre #747000638																			
2025-05-27	09:50	Kitchen - D				7637		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-05-27	14:20	Kitchen - D				7638		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-05-29
Approved By KN
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-05-28 13:10

Total Number of Samples Received: 4

Bacterial Analysis Start Date & Time: 2025-05-28 14:40

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-05-27	12:30	Bar Sink - D				7639		0		0		2							
Rosseau Nursing Station #747001819																			
2025-05-27	09:30	Wellness Room - D				7640		0		0		0							
Rosseau Change House #747000812																			
2025-05-27	09:00	Water Fountain - D				7641		0		0		0							
Rosseau Field House #7470001820																			
		Closed																	
Foley Matheson Park #747000670																			
2025-05-27	13:20	Mud Sink - D				7642		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner

Date Approved 2025-05-29 Approved By KN

Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-05-13 11:38

Total Number of Samples Received: 1

Bacterial Analysis Start Date & Time: 2025-05-13 11:53

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr. Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Rosseau Change House #747000812																			
2025-05-13	09:30	Water Fountain - D				6621		0		0		8							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner

Date Approved 2025-05-14 Approved By KN

Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-06-25 12:57

Total Number of Samples Received: 12

Bacterial Analysis Start Date & Time: 2025-06-25 14:39

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr. Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-06-24	15:15	Lunch Room South - D				9477		0		0		0							
2025-06-24	15:30	Cubs Corner North - D				9478		0		0		0							
Seguin Township Office #8472IS965																			
2025-06-24	14:30	Lunch Room - D				9479		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-06-24	11:30	Kitchen - D				9480		0		0		0							
Rosseau Community Centre #747000638																			
2025-06-24	10:00	Kitchen - D				9481		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-06-24	14:00	Kitchen - D				9482		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner

Date Approved 2025-06-26 Approved By KN

Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-06-25 12:57
Total Number of Samples Received: 12
Bacterial Analysis Start Date & Time: 2025-06-25 14:39
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L Free	Chlorine mg/L Total	UV System	Laboratory Number	Total Coliform </>	Total Coliform CFU/100 mL	E.coli </>	E.coli CFU/100 mL	Background </>	Background CFU/100 mL	HPC </>	HPC CFU/1 mL	pH Temp. (°C)	pH pH Unit	Turbidity NTU	Microcystin </>	Microcystin µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-06-24	13:00	Bar Sink - D				9483		0		0		0							
Rosseau Nursing Station #747001819																			
2025-06-24	09:30	Wellness Room - D				9484		0		0		0							
Rosseau Change House #747000812																			
2025-06-24	09:00	Fountain - D				9485		0		0		0							
Rosseau Field House #7470001820																			
		CLOSED																	
Foley Matheson Park #747000670																			
		CLOSED																	

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner

Date Approved 2025-06-26 Approved By KN

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-06-26 09:44
Total Number of Samples Received: 1
Bacterial Analysis Start Date & Time: 2025-06-26 10:41
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
Rosseau Nursing Station #747001819																			
Rosseau Change House #747000812																			
Rosseau Field House #7470001820																			
Foley Matheson Park #747000670																			
2025-06-25	12:00	Slop Sink - D				9518		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Ken Griffiths
Date Approved 2025-06-27
Approved By
Sample Relinquishment:

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-07-30 13:12
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-07-30 15:43
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:
Client: Township of Seguin
Address: 5 Humphrey Dr.
Seguin, ON. P2A 2W8
Contact: Ken Griffiths
Email: kgriffiths@seguin.ca
Phone: 705-732-4313 or 732-4300 ext: 271
Fax: 705-732-4508
After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:
Humphrey CC - 15 Humphrey Dr
Seguin Office - 5 Humphrey Dr
Orrville CC - 1207 Hwy. 518
Rosseau CC - 2 Victoria St. W.
Humphrey Fire - 115 Hwy. 141

Drinking Water System Number: See Below
Health Unit: NBSPDHU
Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-07-29	16:00	Lunchroom South - D				11648		0		0		0							
2025-07-29	16:15	Cubs Corner North - D				11649		0		0		0							
Seguin Township Office #8472IS965																			
2025-07-29	14:30	Lunchroom - D				11650		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-07-29	13:30	Kitchen - D				11651		0		0		0							
Rosseau Community Centre #747000638																			
2025-07-29	09:50	Kitchen - D				11652		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-07-29	15:30	Kitchen - D				11653		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner
Date Approved 2025-07-31
Approved By

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-07-30 13:12
Total Number of Samples Received:
Bacterial Analysis Start Date & Time: 2025-07-30 15:43
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-07-29	11:11	Bar - D				11654		0		0		0							
Rosseau Nursing Station #747001819																			
2025-07-29	09:30	Wellness Room - D				11655		0		0		0							
Rosseau Change House #747000812																			
2025-07-29	09:00	Water Fountain - D				11656		0		0		0							
Foley Matheson Park #747000670																			
2025-07-29	11:30	Mud Sink - D				11657		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-07-31
Approved By
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-07-22 09:30
Total Number of Samples Received: 1
Bacterial Analysis Start Date & Time: 2025-07-22 12:00
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Rosseau Field House - 7 Ash St. N.
Address:	5 Humphrey Dr.	
	Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Rosseau Field House #7470001820																			
2025-07-21	09:30	Kitchen Sink - D				10928		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-07-23
Approved By KN

Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-08-27 13:30

Total Number of Samples Received: 14

Bacterial Analysis Start Date & Time: 2025-08-27 15:23

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr.	
	Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-08-26	15:00	Humphrey CC North - D				13586		0		0		0							
2025-08-26	14:50	Humphrey CC South - D				13587		0		0		0							
Seguin Township Office #8472IS965																			
2025-08-26	14:15	Lunch Room - D				13588		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-08-26	11:00	Kitchen - D				13589		0		0		0							
Rosseau Community Centre #747000638																			
2025-08-26	09:10	Kitchen - D				13590		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-08-26	14:00	Kitchen - D				13591		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner

Date Approved 2025-08-28 Approved By

Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-08-27 13:30
Total Number of Samples Received: 14
Bacterial Analysis Start Date & Time: 2025-08-27 15:23
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:
Client: Township of Seguin
Address: 5 Humphrey Dr.
Seguin, ON. P2A 2W8
Contact: Ken Griffiths
Email: kgriffiths@seguin.ca
Phone: 705-732-4313 or 732-4300 ext: 271
Fax: 705-732-4508
After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:
Foley Community Hall - 60 Rankin Lake Rd.
Rosseau Nursing - 17 Victoria St. W.
Rosseau Change House - 2 Jim Swift Dr.
Rosseau Field House - 7 Ash St. N.
Foley Matheson Park - 125 Rankin Lake Rd.

Drinking Water System Number: See Below
Health Unit: NBSPDHU
Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L Free	Chlorine mg/L Total	UV System	Laboratory Number	Total Coliform </>	Total Coliform CFU/100 mL	E.coli </>	E.coli CFU/100 mL	Background </>	Background CFU/100 mL	HPC </>	HPC CFU/1 mL	pH Temp. (°C)	pH pH Unit	Turbidity NTU	Microcystin </>	Microcystin µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-08-26	12:00	Bar Sink - D				13592		0		0		0							
Rosseau Nursing Station #747001819																			
2025-08-26	08:50	Wellness Room - D				13593		0		0		0							
Rosseau Change House #747000812																			
2025-08-26	08:30	Water Fountain - D				13594		0		0		0							
Rosseau Field House #7470001820																			
2025-08-26	09:30	Kitchen - D				13595		0		0		0							
Foley Matheson Park #747000670																			
2025-08-26	13:15	Shop Sink - D				13596		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner
Date Approved 2025-08-28
Approved By

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-09-24 13:25
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-09-24 15:33
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:
Client: Township of Seguin
Address: 5 Humphrey Dr.
Seguin, ON. P2A 2W8
Contact: Ken Griffiths
Email: kgriffiths@seguin.ca
Phone: 705-732-4313 or 732-4300 ext: 271
Fax: 705-732-4508
After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:
Humphrey CC - 15 Humphrey Dr
Seguin Office - 5 Humphrey Dr
Orrville CC - 1207 Hwy. 518
Rosseau CC - 2 Victoria St. W.
Humphrey Fire - 115 Hwy. 141

Drinking Water System Number: See Below
Health Unit: NBSPDHU
Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-09-23	08:30	Cubs Corner - D				15395		0		0		0							
2025-09-23	08:00	Lunch Rm - D				15396		0		0		0							
Seguin Township Office #8472IS965																			
2025-09-23	07:30	Lunch Rm - D				15397		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-09-23	10:30	Kitchen Sink - D				15398		0		0		0							
Rosseau Community Centre #747000638																			
2025-09-23	11:30	Kitchen Sink - D				15399		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-09-23	07:50	Kitchen - D				15400		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Ken Griffiths
Date Approved 2025-09-25
Approved By KN
Sample Relinquishment:

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-09-24 13:25
Total Number of Samples Received: 3
Bacterial Analysis Start Date & Time: 2025-09-24 15:33
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-09-23	09:55	Bar Sink - D				15401		0		0		0							
Rosseau Nursing Station #747001819																			
2025-09-23	12:10	Kitchenette Sink - D				15402		0		0		0							
Rosseau Change House #747000812																			
2025-09-23	12:45	Water Fountain - D				15403		0		0		0							
Rosseau Field House #7470001820																			
CLOSED																			
Foley Matheson Park #747000670																			
CLOSED																			

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Ken Griffiths
Date Approved 2025-09-25
Approved By KN
Sample Relinquishment:

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L	
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10		
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU		

Certificate of Analysis

Sample Receipt Date & Time: 2025-10-29 13:05
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-10-29 14:25
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr.	
	Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-10-28	15:00	Humphrey CC Nort - Cubs Corner - D				17545		0		0		0							
2025-10-28	15:30	Humphrey CC South - Lunch Room - D				17546		0		0		0							
Seguin Township Office #8472IS965																			
2025-10-28	14:30	Lunch Room - D				17547		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-10-28	09:30	Kitchen - D				17548		0		0		0							
Rosseau Community Centre #747000638																			
2025-10-28	09:00	Kitchen - D				17549		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-10-28	14:00	Kitchen - D				17550		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner

Date Approved 2025-10-30 Approved By KN

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-10-29 13:05

Total Number of Samples Received: 2

Bacterial Analysis Start Date & Time: 2025-10-29 14:25

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-10-28	12:00	Bar Sink - D				17551		0		0		3							
Rosseau Nursing Station #747001819																			
2025-10-28	08:30	Wellness Room 1 - D				17552		0		0		0							
Rosseau Change House #747000812																			
		Closed																	
Rosseau Field House #7470001820																			
		Closed																	
Foley Matheson Park #747000670																			
		Closed																	

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner

Sample Relinquishment: Gerald Spooner

Date Approved 2025-10-30 Approved By KN

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-11-26 13:04
Total Number of Samples Received: 6
Bacterial Analysis Start Date & Time: 2025-11-26 14:05
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Humphrey CC - 15 Humphrey Dr Seguin Office - 5 Humphrey Dr Orrville CC - 1207 Hwy. 518 Rosseau CC - 2 Victoria St. W. Humphrey Fire - 115 Hwy. 141
Address:	5 Humphrey Dr.	
	Seguin, ON. P2A 2W8	
Contact:	Ken Griffiths	
Email:	kgriffiths@seguin.ca	Drinking Water System Number: See Below
Phone:	705-732-4313 or 732-4300 ext: 271	Health Unit: NBSPDHU
Fax:	705-732-4508	Comments:
After Hours Contact:	Ken cell: 705-938-0512	

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-11-25	14:30	Humphrey CC North - D				19034		0		0		0							
2025-11-25	14:15	Humphrey CC South Lunch Room - D				19035		0		0		0							
Seguin Township Office #8472IS965																			
2025-11-25	13:30	Lunch Room - D				19036		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-11-25	09:30	Kitchen - D				19037		0		0		0							
Rosseau Community Centre #747000638																			
2025-11-25	08:15	Kitchen - D				19038		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-11-25	13:15	Kitchen - D				19039		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-11-27
Approved By KN
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-11-26 13:04
Total Number of Samples Received: 2
Bacterial Analysis Start Date & Time: 2025-11-26 14:05
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
3239 Penetanguishene Rd.
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Fax: 705-722-5224
Email: aquaenvirolab@gmail.com

REPORT TO:		Drinking Water System Address:
Client:	Township of Seguin	Foley Community Hall - 60 Rankin Lake Rd.
Address:	5 Humphrey Dr.	Rosseau Nursing - 17 Victoria St. W.
	Seguin, ON. P2A 2W8	Rosseau Change House - 2 Jim Swift Dr.
Contact:	Ken Griffiths	Rosseau Field House - 7 Ash St. N.
Email:	kgriffiths@seguin.ca	Foley Matheson Park - 125 Rankin Lake Rd.
Phone:	705-732-4313 or 732-4300 ext: 271	Drinking Water System Number: See Below
Fax:	705-732-4508	Health Unit: NBSPDHU
After Hours Contact:	Ken cell: 705-938-0512	Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		N/A		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-11-25	10:30	Bar Sink - D				19040		0		0		0							
Rosseau Nursing Station #747001819																			
2025-11-25	07:30	Wellness Rm - D				19041		0		0		0							
Rosseau Change House #747000812																			
		CLOSED																	
Rosseau Field House #7470001820																			
		CLOSED																	
Foley Matheson Park #747000670																			
		CLOSED																	

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Date Approved 2025-11-27
Approved By KN
Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 300		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-12-17 13:39

Total Number of Samples Received: 8

Bacterial Analysis Start Date & Time: 2025-12-17 14:45

Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.

2101 Horseshoe Valley Rd. W

Barrie, ON. L4M 4Y8

Telephone: 705-722-5227

Email: aquaenvirolab@gmail.com

REPORT TO:

Client: Township of Seguin

Address: 5 Humphrey Dr.

Seguin, ON. P2A 2W8

Contact: Ken Griffiths

Email: kgriffiths@seguin.ca

Phone: 705-732-4313 or 732-4300 ext: 271

After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:

Humphrey CC - 15 Humphrey Dr
Seguin Office - 5 Humphrey Dr
Orrville CC - 1207 Hwy. 518
Rosseau CC - 2 Victoria St. W.
Humphrey Fire - 115 Hwy. 141

Drinking Water System Number: See Below

Health Unit: NBSPDHU

Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration

HPC - Method AELAB02-HPC Performed by Spread Plate

pH - Method AELAB05-pH Performed by Electrometric Method

Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method

Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		Not Regulated		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L		UV System	Laboratory Number	Total Coliform		E.coli		Background		HPC		pH		Turbidity	Microcystin	
			Free	Total			</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/100 mL	</>	CFU/1 mL	Temp. (°C)	pH Unit	NTU	</>	µg/L
Humphrey Community Centre #847159Eh5																			
2025-12-16	13:15	Humphrey CC North - D				20159		0		0		0							
2025-12-16	13:00	Humphrey CC South - D				20160		0		0		0							
Seguin Township Office #8472IS965																			
2025-12-16	12:15	Lunch Room - D				20161		0		0		0							
Orrville Community Centre #847159Eo9																			
2025-12-16	07:40	Kitchen - D				20162		0		0		0							
Rosseau Community Centre #747000638																			
2025-12-16	09:00	Kitchen - D				20163		0		0		0							
Humphrey Fire Hall #847L4N8I9																			
2025-12-16	11:50	Kitchen - D				20164		0		0		0							

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter

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Sample Collection: Gerald Spooner

Date Approved 2025-12-18

Approved By KN

Sample Relinquishment: Gerald Spooner

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 5700		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Certificate of Analysis

Sample Receipt Date & Time: 2025-12-17 13:39
Total Number of Samples Received: 8
Bacterial Analysis Start Date & Time: 2025-12-17 14:45
Analysis Date & TIme:

Aquatic & Environmental Laboratory Inc.
2101 Horseshoe Valley Rd. W
Barrie, ON. L4M 4Y8
Telephone: 705-722-5227
Email: aquaenvirolab@gmail.com

REPORT TO:
Client: Township of Seguin
Address: 5 Humphrey Dr.
Seguin, ON. P2A 2W8
Contact: Ken Griffiths
Email: kgriffiths@seguin.ca
Phone: 705-732-4313 or 732-4300 ext: 271
After Hours Contact: Ken cell: 705-938-0512

Drinking Water System Address:
Foley Community Hall - 60 Rankin Lake Rd.
Rosseau Nursing - 17 Victoria St. W.
Rosseau Change House - 2 Jim Swift Dr.
Rosseau Field House - 7 Ash St. N.
Foley Matheson Park - 125 Rankin Lake Rd.

Drinking Water System Number: See Below
Health Unit: NBSPDHU
Comments:

Total Coliform, E.coli, Background - Method AELAB01-DC Performed by Membrane Filtration
HPC - Method AELAB02-HPC Performed by Spread Plate
pH - Method AELAB05-pH Performed by Electrometric Method
Turbidity - Method AELAB04-Turbidity Performed by Nephelometric Method
Microcystin - Method AELAB03-Microcystin Performed by ELISA

Regulation:		170/03	✔	319/08		Private
		493/17		Not Regulated		

Date and Time Sampled		Sample ID, Location and Type: R = Raw; T = Entry/Treated; D = Distribution; RWC = Raw Water Consumed; REC = Recreational Swimming	Chlorine mg/L Free	Chlorine mg/L Total	UV System	Laboratory Number	Total Coliform </>	Total Coliform CFU/100 mL	E.coli </>	E.coli CFU/100 mL	Background </>	Background CFU/100 mL	HPC </>	HPC CFU/1 mL	pH Temp. (°C)	pH pH Unit	Turbidity NTU	Microcystin </>	Microcystin µg/L
Foley Community Hall & Resource Centre #84711DFL7																			
2025-12-16	10:30	Bar - D				20165		0		0		0							
Rosseau Nursing Station #747001819																			
2025-12-16	08:15	Wellness Room - D				20166		0		0		0							
Rosseau Change House #747000812																			
		Closed																	
Rosseau Field House #7470001820																			
		Closed																	
Foley Matheson Park #747000670																			
		Closed																	

Results relate only to the items tested. Results apply to sample as received. CFU = Colony Forming Units HPM = Heavy Particulate Matter
Report not to be reproduced, except in full, without written approval of Aquatic and Environmental Laboratory Inc.

Sample Collection: Gerald Spooner
Sample Relinquishment: Gerald Spooner
Date Approved 2025-12-18
Approved By KN

Total Coliform	Detection Limit: 0 - 200	Reportable Limit: 1	Microcystin	Detection Limit: 0.150 µg/L	Reportable Limit: ≥ 1.50 µg/L
E.coli	Detection Limit: 0 - 200	Reportable Limit: 1	pH	Detection Limit: 4 - 10	
HPC	Detection Limit: 5700		Turbidity	Detection Limit: 0.10 - 40.0 NTU	

Prepared for: Mayor and Members of Council

Subject: Certificate of Cancellation B-2025-0036-H (Schwartz)

From: Bradie Debes, Planner, Planning Department

Agenda Date: February 2, 2026 **Report No:** PL-2026-013

Executive Summary:

The applicant and their solicitor have requested a Certificate of Cancellation. The effect of which will essentially 'cancel' a previous consent and allow two lots to merge into a single conveyable parcel.

Prepared for: Mayor and Members of Council

Subject: Certificate of Cancellation B-2025-0036-H (Schwartz)

From: Bradie Debes, Planner, Planning Department

Agenda Date: February 2, 2026 **Report No:** PL-2026-013

Recommendation:

That Council pass By-law 2026-007 to issue a Certificate of Cancellation for 128 Grays Road.

Background & Analysis:

Application No.:	Certificate of Cancellation B-2025-0036-H
Owner:	Heather Schwartz
Agent:	Maggie Bassani, Aird & Berlis LLP
Civic Address:	128 Grays Road
Roll No.:	4903-010-003-11025

The two subject properties (known as 128 Grays Road) are a developed shoreline residential lot on Lake Joseph and a vacant shoreline residential lot on Fraser Lake.

The applicant's agent applied for a Certificate of Cancellation which will have the effect of allowing the properties to merge per Figure 2. Two lots exist today per the Planning Act and if the by-law is passed and registered, one lot will result.

The request comes following the approval of Consent Application B-2025-0012-H for a lot addition to sever lands from 128 Grays Road and dedicate them to 134B Grays Road. A condition of this approval requires the retained parcel (128 Grays Road) to be a single conveyable lot per the Planning Act.

The shoreline lot with frontage on Fraser Lake has an area of approximately 5.2 hectares and the shoreline lot with frontage on Lake Joseph has an area of approximately 2.1 hectares. If passed, the result would be a single lot with an area of 7.3 hectares.

A certificate of cancellation is a rather new tool in the Planning Act that functions in a similar manner to a deeming by-law. It essentially cancels a consent, allowing the property to merge with abutting lots under the same title. In this case, the cancellation certificate allows for the two shoreline lots to merge into one parcel.

Figure 1: Current Lot Fabric (Two Lots)



Figure 2: Proposed Lot Fabric (One Lot)



Considerations:

Generally, reducing the amount of lots does not lead to Planning concerns. Development typically involves lot creation, but the consolidation of lots often reduces new development opportunities. Typically, and especially along the shoreline, there are few reasons the Township would want to prevent parcels from merging.

This type of application does not require any notice of public meeting.

It will be the applicant's lawyer's responsibility to register the certificate and enable the change.

Financial Impact:

There are no financial impacts.

Options/Alternatives:

Council has two options on how to proceed with this Report:

- Option 1: Council can pass the By-law.
- Option 2: Council can refuse the By-law.

Staff recommends Option 1.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

It is recommended that Council pass By-law 2026-007.

Prepared by:

B. Debes

Bradie Debes,
Planner

Reviewed by:

T. Elgie

Taylor Elgie, MCIP, RPP
Director of Planning

Reviewed by:



Jason Inwood,
Chief Administrative Officer

Attachments:

Schedule A – Draft By-law 2026-007
Schedule B – Letter from Agent

Schedule A to Staff Report PL-2026-013

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
BY-LAW NO. 2026-007

"Being a By-law to Issue a Certificate of Cancellation for 128 Grays Road
4903-010-003-11025, 128 Grays Road, B-2026-0036-H (Schwartz)"

WHEREAS the Council of The Corporation of the Township of Seguin received a request to issue a certificate of cancellation respecting lands described in Schedule "A" to this By-law,

WHEREAS Council has the authority pursuant to Section 53 of the Planning Act R.S.O. 1990, Chapter P.13 as amended, to issue a certificate of cancellation; and,

WHEREAS Council has approved the request and deems it appropriate to pass this By-law;

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

1. That Council approves the Certificate of Cancellation, attached as Schedule "B" to this By-law.

2. That Council delegate the authorization to execute the Certificate of Cancellation, attached as Schedule "B" to this By-law, to the Director of Planning, or their designate.

3. That Schedules "A" and "B" attached hereto are hereby made a part of this By-law.

4. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with the provisions of the Planning Act R.S.O. 1990, Chapter P.13 as amended, and the Municipal Act, 2001, S.O. 2001, c.25 as amended.

BY-LAW read a **FIRST**, **SECOND** and **THIRD** time and finally **PASSED** and **ENACTED** this 2nd day of February 2026.

Schedule A to Staff Report PL-2026-013

_____
Ann MacDiarmid
Mayor

_____
Craig Jeffery
Clerk

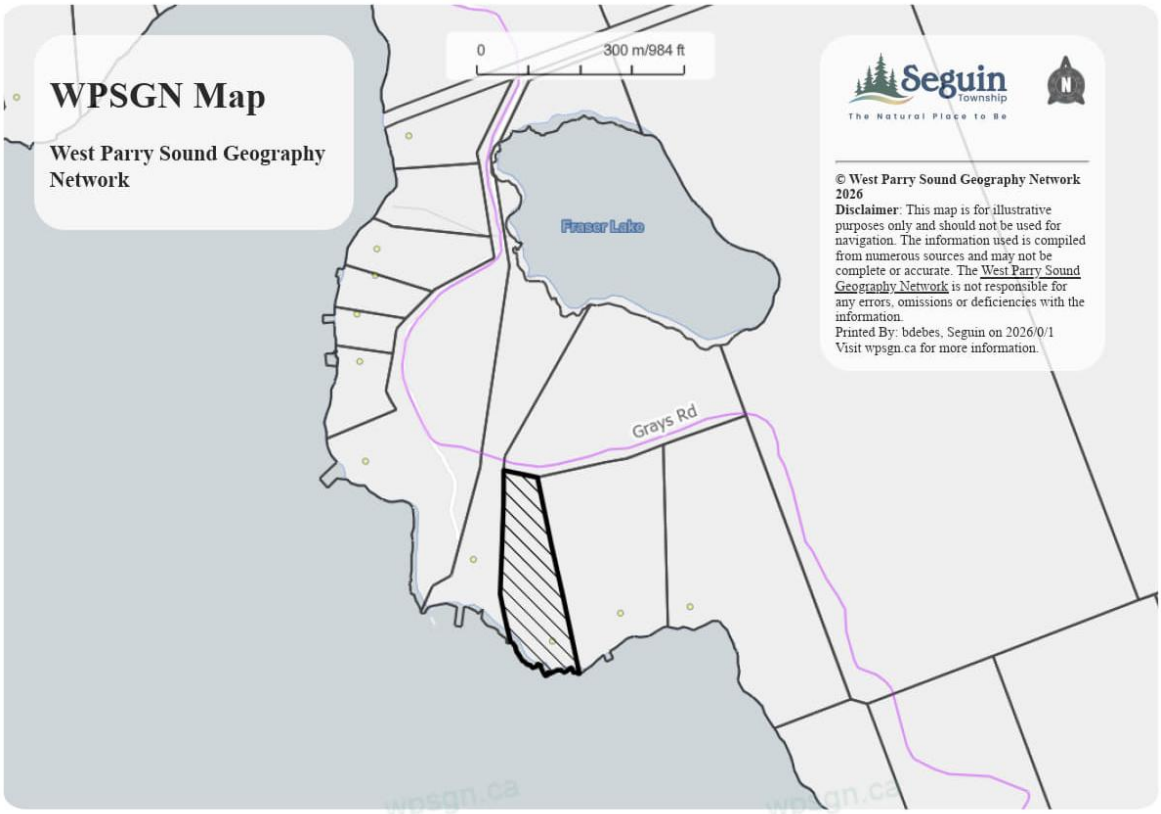
By signing below, I Mayor MacDiarmid will not exercise the power to veto this by-law.

_____ _____
Date Signature

Schedule A to Staff Report PL-2026-013

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
By-law No. 2026-007 Schedule "A"
Description and Key Map

Part of PIN 52193-0760 (LT) described as Part of Lots 23 & 24, Concession 8 and part of the original shore road allowance in front thereof closed by by-law No. 916 registered as Instrument No. 49147, geographic Township of Humphrey, now in the Township of Sequin, District of Parry Sound, designated as Part 2 on Plan 42R-16753



Schedule A to Staff Report PL-2026-013

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
SCHEDULE "B"
TO BY-LAW NO. 2026-007

CERTIFICATE OF CANCELLATION

Section 53(45) of the *Planning Act*

Subsection 50(12) of the *Planning Act* does not apply in respect of the land described as follows:

> Part of PIN 52193-0760 (LT) described as Part of Lots 23 & 24, Concession 8 and part of the original shore road allowance in front thereof closed by by-law No. 916 registered as Instrument No. 49147, geographic Township of Humphrey, now in the Township of Seguin, District of Parry Sound, designated as Part 2 on Plan 42R-16753

Subsection 50(3) or (5) applies to a subsequent conveyance or other transaction involving the land.

This Certificate of Cancellation is issued in accordance with Section 53(45) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and the decision of the Council of the Township of Seguin dated February 2nd, 2026.

Dated the _____ of _____, 2026

_____
Taylor Elgie, MCIP, RPP
Director of Planning, Seguin Township

AIRD BERLIS

Maggie Bassani
Direct: 416.865.3401
E-mail: MBassani@airdberlis.com

November 10, 2025

Via E-Mail telgie@seguin.ca

Our File No.: 121804

Seguin Township
Seguin Municipal Building
5 Humphrey Drive
Seguin, ON P2A 2W8

Attn: Taylor Elgie, MCIP, RPP, Director of Planning, Seguin Township

Dear Ms. Elgie:

Re: Request for Certificate of Cancellation
Part of PIN 52193-0760 (LT)
128 Grays Road

We act for Heather Schwartz ("Schwartz"), who is the registered owner of 128 Grays Road.

On October 6, 2025, Township Council considered Consent Application B-2025-0013-H and Rezoning Application R-2025-0010-H (the "Applications") respecting the severance of PIN 52193-1024, owned by Schwartz and known as 128 Grays Road into two parts of which 4.71 hectares to be retained by Schwartz and 2.64 hectares to be added to PIN 52193-0761 owned by Gary Hurvitz and municipally known as 134B Grays Road. Staff Report No. PL-2025-101 recommended various conditions should Council approve the consent application, including Condition 6 as noted below:

> Condition 6 *That the Retained Parcel, comprised of Teranet Pins 521931024 and 521930760, are a single conveyable lot per the Planning Act.*

The Applications were deferred at our request.



The image to the right shows the PINs owned by Schwartz. PIN 52193-1024 is shaded in dark purple and PIN 52193-0760 is shaded in pink. The intent of the Applications is that a portion of the land shaded pink is proposed to be severed and added to the Hervitz property.

PIN 52193-0760, again shown in dark purple, is the subject of a historical Certificate of Official that results in it being an independently conveyable parcel. A copy of Instrument RO194949, being the Certificate of Official is attached. In the same Certificate of Official, a series of easements were established to facilitate access.

In order to satisfy Condition #6, our client is seeking a certificate of cancellation pursuant to Section 53(45) of Planning Act in order to allow PIN 52193-1024 and PIN 52193-0760 to become a single conveyable parcel.

In support of our client's request for a Certificate of Cancellation we include the following documents:

- Copy of PIN 52193-0760 (LT);
- Copy of Instrument RO194949;
- Completed Consent Application Form – Certificate of Official; and
- Draft Certificate of Official.

We will contact the appropriate Township Planning staff to pay the application fee of $544.

Should you have any questions about this application or the supporting materials, please contact the undersigned or our in-house planner Sandra Marki at smarki@airdberlis.com.

Yours truly,

Aird & Berlis LLP



Maggie Bassani

MB/sm

66186633.1
CM:66374502.1

Prepared for: Mayor and Members of Council

Subject: Zoning By-law Amendment R-2025-0015-C and Consent B-2025-0017-C (Boyle, Buzanis, Manchee)

From: Taylor Elgie, MCIP, RPP, Director of Planning, Planning Department

Agenda Date: February 2, 2026 Report No: PL-2026-016

Executive Summary:

The applicants have applied for a Zoning By-law Amendment to rezone an Environmental Protection Zone to an Environmental Protection exception zone to permit a private road to be constructed. An Environmental Impact Study will also be implemented.

The proposed Consent is to sever a 680-metre-long right-of-way (ROW) over the newly constructed private road in favour of seven existing waterfront access-only lots, and will partially cross over a wetland. The proposed ROW will connect to Crown Land (and will require a Land Use Permit), then to Marshall Road (a private road), and finally to North Sandy Plains Road (a municipal road).

Staff do not recommend that the right-of-way and zoning applications be approved.

Prepared for: Mayor and Members of Council

Subject: Zoning By-law Amendment R-2025-0015-C and Consent B-2025-0017-C (Boyle, Buzanis, Manchee)

From: Taylor Elgie, MCIP, RPP, Director of Planning, Planning Department

Agenda Date: February 2, 2026 Report No: PL-2026-016

Recommendation:

That Consent Application B-2025-0017-C be refused; and,

That Zoning By-law Amendment By-law 2026-010 be refused.

Background & Analysis:

Consent Application:	B-2025-0017-C
Rezoning Application:	R-2025-0015-C
Owners:	Candace Manchee
Agent:	Plan Muskoka and Michael Boyle
Civic Addresses:	225 Marshall Road
Roll No(s).:	4903-040-004-02901

Proposal

The request would allow for the filling of a wetland/EP zone to permit a 330 metre driveway. The properties that would benefit from this driveway are presently water access only, and it is staff's understanding that the request is to facilitate easier/more convenient access to the parcels. The benefiting parcels are shown below:

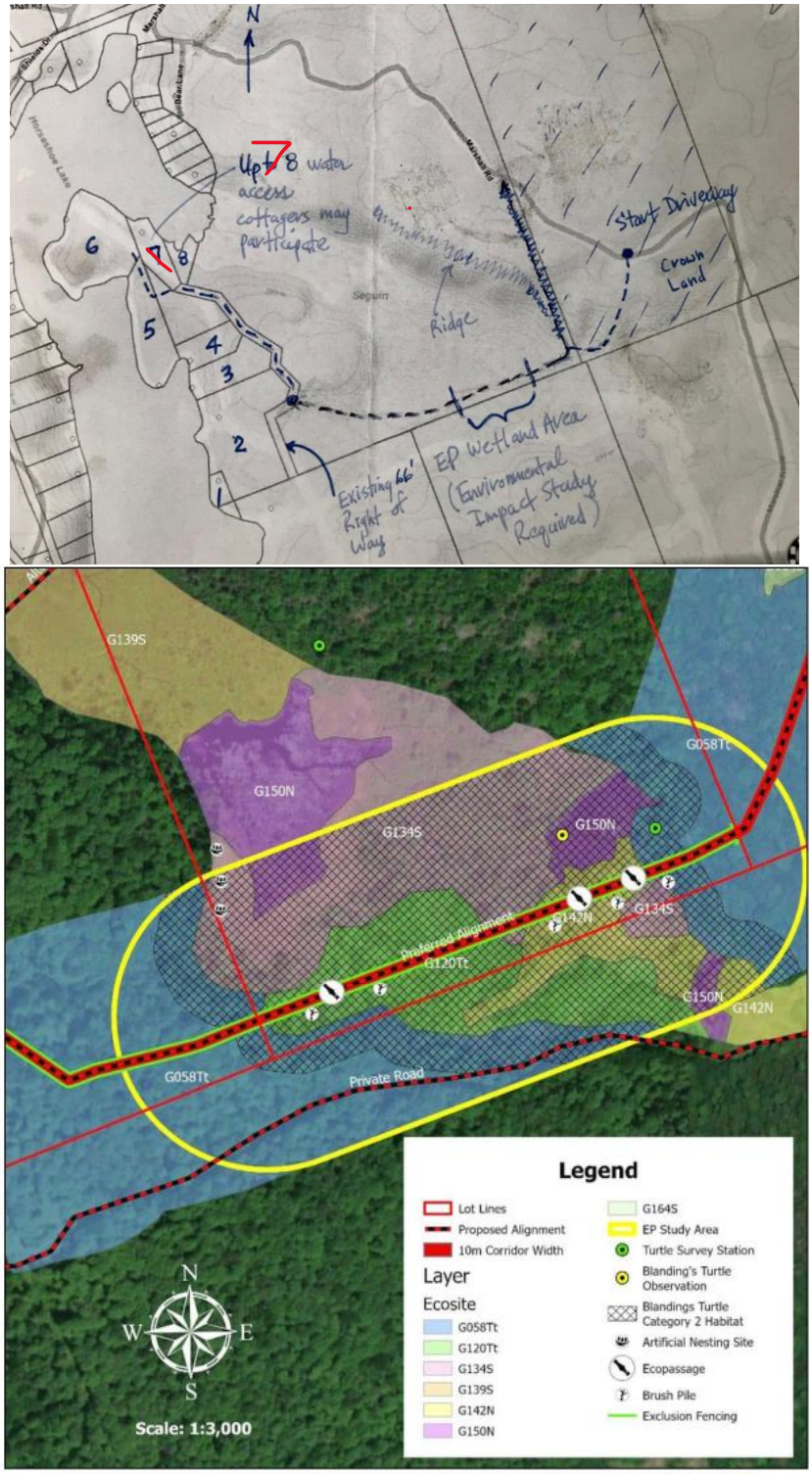


Figure 4: Mitigation and Overall Benefit Map of Study Area (FRi Ecological Services)

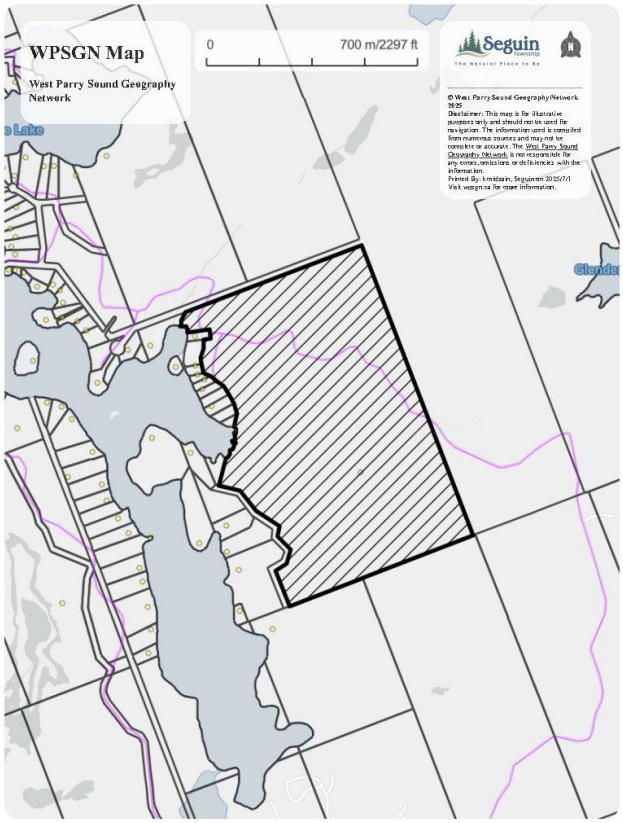
The private road/driveway would connect to the seven parcels, before crossing Crown Land (requiring a provincial permit), connecting to Marshall Road (private), before ultimately connecting to North Sandy Plains Road (public). Since the previous meeting and the circulation, property No. 8 has withdrawn.

In short, the application would permit mainland access to existing water-access-only lots by filling in a wetland.

The Zoning By-law amendment would amend the EP zone to permit a private road in the EP zone. Private roads or driveways are not permitted in EP zones.

The access would be 10 metres wide.

Figure 1: Key Map



Official Plan Designation: Shoreline Area, Rural and Resource Area and Environmental Protection
Zoning By-law 2006-125: Rural and Environmental Protection
Access: Marshall Road (Private) to Crown Lane
Lot Size and Frontage: 64 hectares, 125m of frontage on Horseshoe Lake

Comments:

Clerk: No objection
Building: No objection
Fire/By-law: Consider emergency vehicle access when developing the roadway.
Public Works: No comments
Treasury: No objection

Public Participation & Access

Notice of the application was circulated and posted in accordance with the Planning Act. Notice was also posted on the Township's website.

Public comments have been received per Schedule F in opposition to the proposal, which includes the applicant's response.

At the public meeting, the applicant and their biologist, Rod Bilz, spoke in favour of the proposal. John Stirk, a neighbouring property owner, spoke in opposition. Some of Mr. Stirk's concerns related to access and his lawyer's comments will be further addressed in this report.

Land Use Planning Policy

Provincial Planning Statement, 2024 (PPS) and Growth Plan for Northern Ontario (GPNO)

The Provincial Planning Statement is a province-wide document requiring consistency of all decisions with its policies.

The subject lands are classified as Rural Lands in the PPS. Section 2.6.1 envisions residential development, including lot creation and lot additions, within the Rural Lands if site conditions are suitable for appropriate sewage and water services. No changes in this regard are proposed.

Section 4.1 of the PPS notes that the long-term ecological function and biodiversity of natural heritage features should be maintained, restored, and if possible, improved. It also notes

that development and site alteration are not permitted in habitat for threatened and endangered species unless it is in accordance with federal/provincial requirements.

As will be further explored in this report, the applicant has submitted environmental reports and has obtained a permit from the Ministry of Environment, Conservation and Parks to harm, harass, capture, possess or transport Blandings Turtle and Eastern Hog-nosed Snake, and destroy habitat. Of question, does this satisfy Section 4.1.7 of the PPS? Or does this represent a minimum standard that the Township can go beyond, as the protection of wetlands is a matter of importance to the community? This report will further explore whether the filling and destruction of a wetland is consistent with 4.1.2

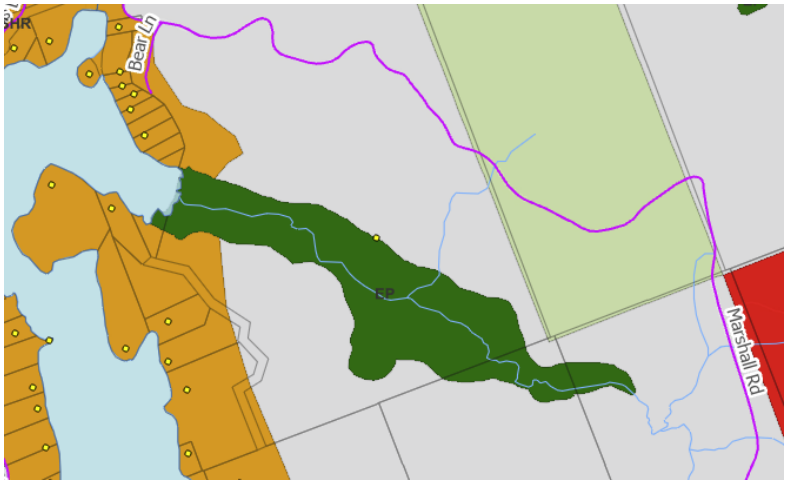
The applications pose consistency challenges with the PPS.

Township of Seguin Official Plan

The subject lands are designated Shoreline Area, Rural and Resource Area and Environmental Protection in the Official Plan. Both designations permit low-density residential uses.

The Township's plan notes that Environmental Protection Areas are part of the Natural System. The purpose of which is to maintain as a permanent landform an interconnected system of natural heritage areas

The application proposes to build a driveway/private road in a wetland zoned and designated accordingly. Although passive recreational trails and pedestrian trails are envisioned, new private roads are not. The main purpose of this designation is to preserve wetlands.





Section C.1.1.3 notes that any proposed alteration to an Environmental Protection (EP) designation must be supported by an Environmental Impact Study (EIS), and the exact

boundary of the EP shall be determined by the EIS. Schedules C and D include the EIS and associated peer reviews.

In reading the initial EIS submitted by FRI on behalf of the applicant, it does not appear that the EIS found the EP boundaries to be incorrect. In this regard, the boundary of the wetland in the Township planning documents is correct. Rather, FRI found that although there were values associated with the wetland feature, the driveway could be built with correct mitigation measures, and the Province has issued a permit for habitat alteration.

This document was peer reviewed by RiverStone Environmental Solutions Inc. A comment table with outstanding requirements was circulated back and forth. Most of the concerns were addressed, but there were a couple of areas of the environmental review which were partially addressed, largely related to the Fisheries Act and the Township's policies. Staff suggested that the peer review provide one last round of comments, as it became evident

that there was a policy gap that may not be closed, despite how many times the applicant's biologist and the peer reviewer exchanged comments.

The policy gap is Section C.1.1.3, which notes:

> "It is essential that *Environmental Protection Areas* be protected from future development to preserve the Township's natural environment. As such, an application for the redesignation of an area of private lands designated *Environmental Protection Area* may be given due consideration only if it is established to the satisfaction of Council through an Environmental Impact Study that the lands are not part of the environmental feature and that any development proposed will have no negative impact on the environmental feature or function of the area. Nothing in this Official Plan shall be construed to imply that *Environmental Protection Area* lands are free and open to the general public or that such areas will be purchased by the Township or any other public agency."

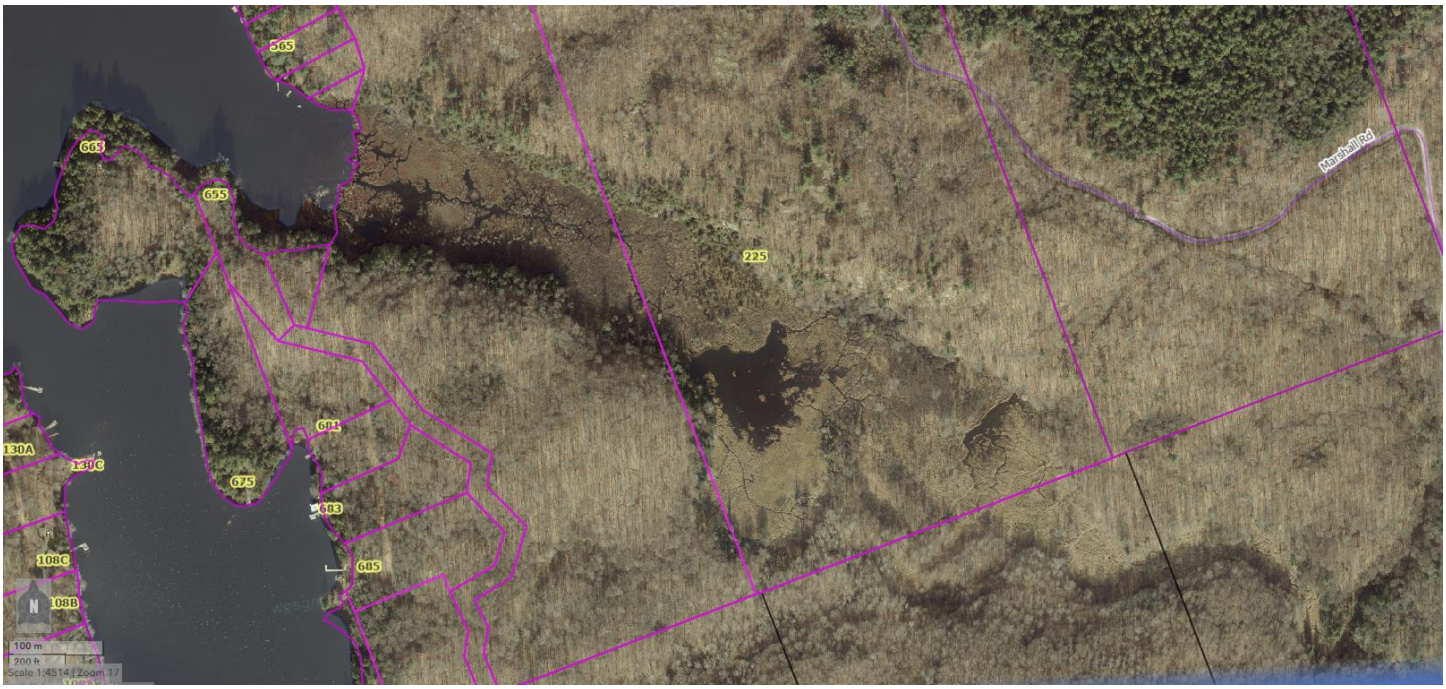
Reading the bolded portions of the policy, these lands are part of an environmental feature, and there will be negative impacts upon the environmental feature and functions of the area (hence the permit, which allows for the destruction of habitat despite the overall benefit. The Township's Official Plan sets a high standard for wetland protection, which sets an impasse for a successful peer review and therefore conformance to the Policy. Staff did not recommend or require an Official Plan Amendment, as this policy is appropriate and meets the environment-first theme. Staff are of the opinion that since the PPS represents the minimum standards, this policy goes beyond those standards as it is of importance to the community, and in this regard does not conflict with the PPS. The proposal does not conform.

Access to the property requires right-of-way over three other properties on Marshall Road. At the Public Meeting, one of these affected property owners and their lawyer advised that the proposal does not have the right to cross their lands, and a ROW is required. This opinion countered the opinion the applicant provided with their application. As a result, the Township solicitor was asked their opinion, and they agreed a ROW was required.

As a result, the applicants have a verbal agreement that, should the applications be approved, they'll obtain a ROW over the other three property owners' lands. Although this issue is not resolved at this juncture, it is a condition of approval should Council decide to approve the applications.

In summary, staff are not of the opinion that the application meets the intent of the Official Plan, as it'll allow for a fairly large wetland feature to be filled to create a driveway to water access only lots. Staff have asked the question, would we ever recommend approval of new waterfront lots that could only be accessed by filling a wetland? The answer is likely no. Therefore, why should a wetland be filled to change water-access-only lots to mainland access? Staff do not recommend that this occur, as it is not "environment-first", and does not meet the intent of the Official Plan.

Filling wetlands to construct a driveway not only undermines the integrity of the Township's planning principles but also contravenes ecological stewardship. The proposed alteration of these environments disrupts their ecological balance and disregards their inherent value. Furthermore, such development distorts the historical intent behind water access-only lots, which emphasize minimal environmental disturbance and the preservation of natural landscapes. This proposal represents an unsustainable approach that prioritizes short-term convenience over the long-term health and resilience of our community's natural heritage. Establishing a standard for such development risks eroding the Township's commitment to responsible planning and environmental protection.



Zoning By-law 2006-125

The lands are requested to be subject to an EP-27 zone to permit a private road. This private road would function as a driveway for multiple properties, and would be subject to the right-of-way in favour of the seven water-access-only properties.

A driveway or private road is not permitted in an EP zone. EP zones do not permit private roads as they intend to protect environmental features and their functions.

The proposed applications do not comply with the intent of the Zoning By-law.

Financial Impact:

There are no financial impacts.

Options/Alternatives:

Council has three options on how to proceed with this Report:

- Option 1: Council can approve the applications to permit the Consents and Zoning By-law Amendment, per Schedules A and B.

- Option 2: Council can defer the applications for the Consents and Zoning By-law Amendment to address concerns.

- Option 3: Council can deny the applications to permit the Consents and Zoning By-law Amendment.

Staff recommends Option 3.

Strategic Plan Alignment:

Foundation – Provide Service Excellence

Consistently aim to enhance the quality and efficiency of Township services, balancing person-to-person contact with modern service delivery.

Conclusion:

It is Staff's position that the applications do not conform to the Township's Official Plan, do not meet the intent of the Zoning By-law and do not represent good planning. It is recommended that Council deny the applications. The applications are not environment-first.

Prepared by:

T. Elgie

Taylor Elgie, MCIP, RPP
Director of Planning

Reviewed by:

Jason Inwood,
Chief Administrative Officer

Attachments:

Schedule A – Conditions of Approval
Schedule B – Draft By-law 2026-010
Schedule C – FRi report
Schedule D – Peer Review
Schedule E – Planning Justification Report
Schedule F – Public Comments and response

Schedule A to Staff Report PL-2026-016

THE CORPORATION OF THE
TOWNSHIP OF SEGUIN

COUNCIL DECISION re: CONSENT APPLICATION

TAKE NOTICE THAT the Council for The Corporation of the Township of Seguin considered the following Application for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13.

Subject:	Consent Application B-2025-0017-C
Owner:	Candace Manchee
Location:	*PCL 11763 SEC SS; BROKEN LT 29 CON 2 CHRISTIE EXCEPT LT39382, PSR218, PSR381 & 42R8866; S/T LT133706; T/W PT 2 42R15159 AS IN LT251224; S/T PT 2 & 4 42R15984 AS IN LT251225; T/W PT 3-6 42R15985 AS IN LT251226; T/W PT 1 42R15984 AS IN LT251227 (S/T LT201994); T/W PT 3 42R15984 AS IN LT251228; T/W PT 2 42R15163 AS IN LT262487; T/W PT 1 42R15159 AS IN LT262487;T/W PT 1 42R15163 AS IN LT262489; SEGUIN*
Civic Address:	225 Marschall Road
Assessment #:	4903-040-004-02901

THE PURPOSE and EFFECT of the consent is to sever a right-of-way over a portion of the subject lands (Property Roll 4903-040-004-01400) to benefit seven other parcels and one Pin.

Right-of-Way

LOCATION: CON 2 LOT 28 & PT LOT 29 PCLS 11765 & REM PCL 11763 SS

DECISION: PROVISIONAL APPROVAL
DATE: February 2, 2026

THE REASONS for Council's Decision are:

Given that the Minister of Municipal Affairs and Housing has delegated approval authority under Section 53 of the Planning Act to the Council, the Council is satisfied that the proposed Consent under Section 53 of the Planning Act is consistent with the 2024 Provincial Planning Statement, conforms to the Township's Official Plan, has regard to the regulations of the Zoning By-Law 2006-

125, will provide for the orderly development of the Township, and does not fall under the exclusive consideration of Section 51 of the Planning Act.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

The application has been reviewed per Section 2 of the Planning Act and is in accordance with the applicable provincial interests.

CONDITIONS:

The Township's Director of Planning shall not give Final Approval and shall not issue a Certificate regarding Consent B-2025-0017-C until the Owner satisfies the following conditions of Provisional Approval.

If the Owner fails to satisfy the condition(s) of Provisional Approval as set out herein on or before the of , 2028, then this Provisional Approval shall lapse per Subsection 53(41) of the Planning Act.

THAT Consent Application B-2025-0017-C be Provisionally Approved, subject to the Township's standard conditions of approval, including but not limited to the following conditions, and that this approval applies to the lands described below and as illustrated in Appendix I to these conditions of approval:

1. That this approval applies described as follows:

File B-2025-0017-C	Granting Parcel	Benefitting Parcels
Right-of-Way Width: +/- 10 metres	Roll Number: 490304000402901 - CON 2 LOT 28 & PT LOT 29 PCLS 11765 & REM PCL 11763 SS	1. 490304000403104, 695 Wa Horseshoe Lake, Township of Seguin 2. 49030400040300, 685 Wa Horseshoe Lake, Township of Seguin 3. 490304000403002, 683 Wa Horseshoe Lake, Township of Seguin 4. 490304000403003, 681 Wa Horseshoe Lake, Township of Seguin

		5. 490304000403102, 675 Wa Horseshoe Lake, Township of Seguin 6. 490304000403101, 665 Wa Horseshoe Lake, Township of Seguin 7. 490304000403004, 655 Wa Horseshoe Lake, Township of Seguin 8. PIN # 521770286

2. The owner shall have delivered to the Planning Official the following:

    a. A plan of survey prepared by an Ontario Land Surveyor indicating the right-of-way to be conveyed. All dimensions are to be provided in metric units.

    b. The document conveying the right-of-way so the final consent may be endorsed thereon by the Planning Official.

3. That the Deed Stamping and Review Fee of $166.00 per deed for this application shall have been paid for by the applicant.

4. That all Municipal taxes to date shall be paid in full.

5. That all Township fees and disbursements (legal, engineering, planning), if any, incurred by the Township for this application shall be paid for by the owner.

6. That the granting and benefitting parcels receive rights-of-way from the lands which Marshall Road (private) crosses, including Teranet Pins 521770271, 521770457, and 521920763.

7. That the granting and benefitting parcels receive permission from the Crown to cross and improve lands to the immediate east, being Lot 27, Concession 2.

8. That the lands are rezoned to permit a Private Road.

9. That the applicant enter into an agreement, pursuant to Section 51(26) of the Planning Act, to implement the following:

a. Scoped-site Environmental Impact Study, November 2024, prepared by FRI Corp, as amended.
b. Riverstone Peer Review.

The last date for filing a notice of appeal to the Ontario Land Tribunal of this Decision is the day of , 2026.

Take notice that an appeal to the Ontario Land Tribunal may be made by filing a notice of appeal with the Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at https://olt.gov.on.ca/e-file-service by selecting Seguin Township as the Approval Authority or by email to info@seguin.ca or by mail to 5 Humphrey Drive, Seguin ON, P2A 2W8 no later than 4:30 p.m. on the day of , 2026. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal. The fee can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario.

All written and oral public input was taken into consideration when the merits of this Planning Act application was determined, with appropriate measures being included as conditions of approval where required as part of the decision of the approval authority.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Mayor/ Clerk Initials	

CERTIFICATION

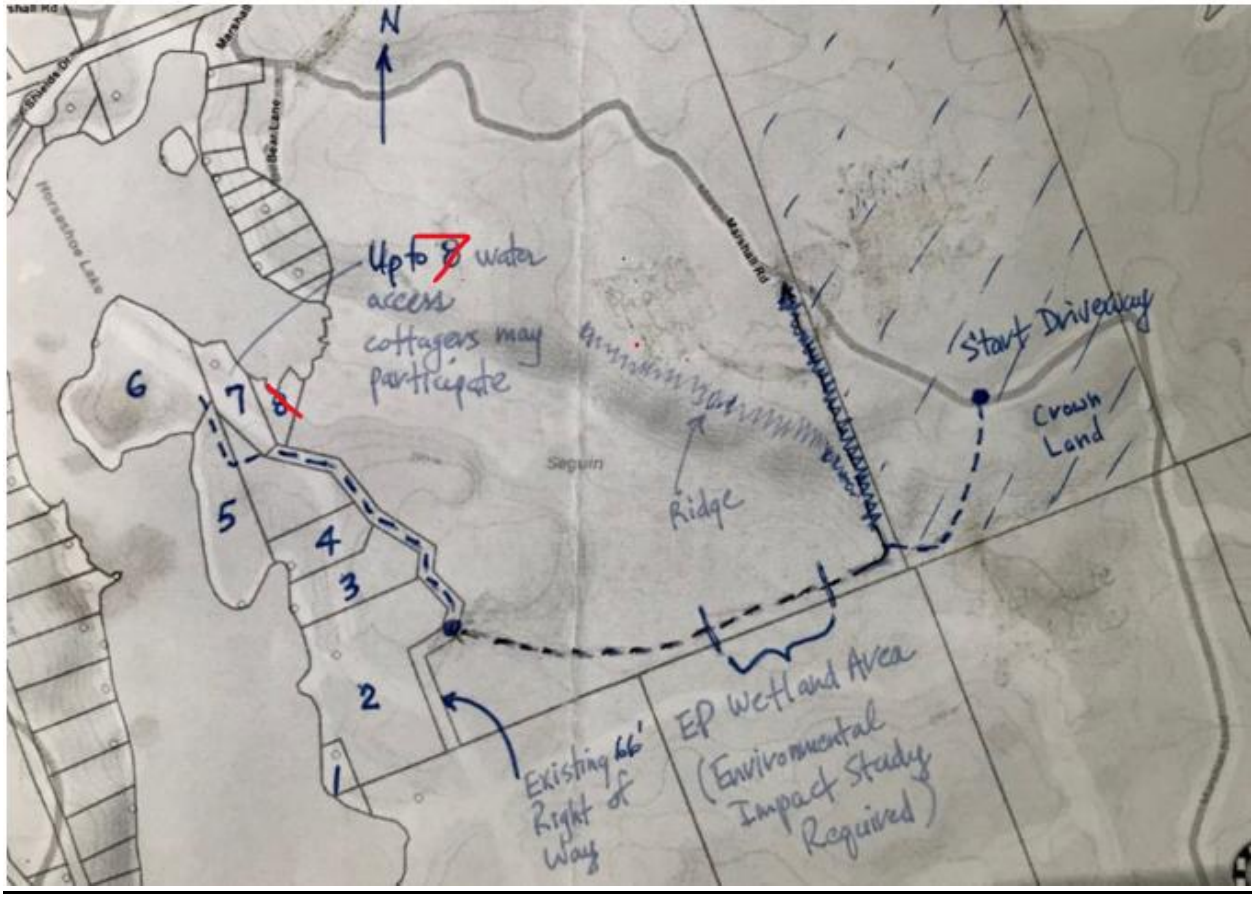
I, Taylor Elgie, Director of Planning for The Corporation of the Township of Seguin, do hereby certify that the foregoing is a correct copy of the Decision with respect to the above noted Application.

Dated this _____ day of _____, 2026.

_____
Taylor Elgie, MCIP, RPP
Director of Planning

Seguin Municipal Building
5 Humphrey Drive,
Seguin, ON. P2A 2W8

Appendix I


N
Up to 8 water access cottagers may participate
Start Driveway
Crown Land
Ridge
Segwun
6
7
8
5
4
3
2
1
Existing 66' Right of Way
EP Wetland Area (Environmental Impact Study Required)

Schedule B to Staff Report PL-2026-016

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
BY-LAW NO. 2026-010

"Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125"
4903-040-004-02901, 225 Marshall Road, R-2025-0015-C"

WHEREAS the Council of The Corporation of the Township of Seguin received and considered an application to amend the Township of Seguin Zoning By-law No. 2006-125 respecting lands described as "28 & PT LOT 29 PCLS 11765 & REM PCL 11763 SS"; and,

WHEREAS Council has the authority pursuant to Section 34 of the Planning Act R.S.O. 1990, Chapter P.13 as amended, to pass amendments to the Zoning By-law; and,

WHEREAS Council has approved the application to amend the By-law and deems it appropriate to pass this By-law;

AND WHEREAS the Council of the Corporation of the Township of Seguin has determined that no further notice of meeting is required in accordance with Section 34(17) of the Planning Act, R.S.O. 1990;

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

1. Map 19 to Schedule "A" to Zoning By-law No. 2006-125 is hereby amended by rezoning the lands described as "28 & PT LOT 29 PCLS 11765 & REM PCL 11763 SS" from EP Zone to the EP-27 Zone, in accordance with Schedule "A", forming part of this By-law.

2. Table 11.3 of Section 11.4, Environmental Protection Zones – Exceptions, is hereby amended by adding an EP-27 Zone, as set out on Schedule "B", forming part of this By-law.

3. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with the provisions of the Planning Act R.S.O. 1990, c. P.13 as amended, and the Municipal Act, 2001, S.O. 2001, c.25 as amended.

BY-LAW read a FIRST, SECOND and THIRD time and finally PASSED and ENACTED this 2nd day of February 2026.

_____
Ann MacDiarmid
Mayor

_____
Craig Jeffery
Clerk

By signing below, I Mayor MacDiarmid will not exercise the power to veto this by-law.

_____ _____
Date Signature

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
By-law No. 2026-010 Schedule “A”
28 & PT LOT 29 PCLS 11765 & REM PCL 11763 SS
Zoning By-law 2006-125 - Schedule A – Map 19



Lands rezoned from EP to EP-27

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
SCHEDULE “B”
TO BY-LAW NO. 2026-010

Table 11.3 of Section 11.4, Environmental Protection Zone - Exceptions

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Uses Permitted	Uses Prohibited	Special Zone Requirements	Other Special Provisions
EP-27	Private Road				

Scoped-site Environmental Impact Study

Proposed Horseshoe Lake Access Road, EP Zoning Wetlands

Part of Lot 28, Concession 2, Geographic Township of Christie

Municipality of Seguin, District of Parry Sound

November 2024

Revised March 10, 2025

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G120Tt Moist Fine Elm-Ash Hardwood 14
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Introduction

FRi Ecological Services was retained to complete a scoped-site environmental impact study for a proposed access road in the Municipality of Seguin. The purpose of the application is to create road access to seven waterfront properties fronting on Horseshoe Lake to the west. Road access would improve the safety and security of these currently water-access only properties. The proposed road would cross through lands currently zoned as Environmental Protection (EP) related to wetland values (Appendix 1). Initial discussions with Steve Stone (Director of Planning – Township of Seguin) in August of 2020 indicated that development within the EP zone was possible. Mr. Stone indicated that the approval under the Endangered Species Act (2007) would be a pre-requisite and given that these approvals often take considerable time to secure, he suggested to the proponent that we pursue this first.

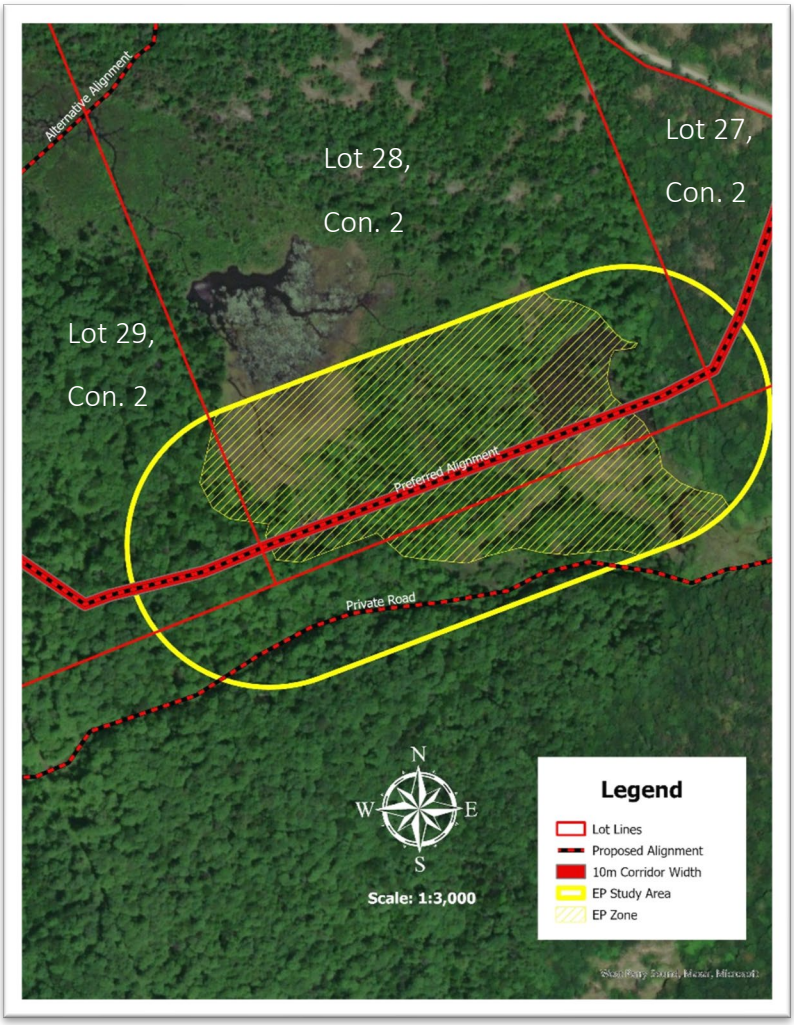


Figure 1: Location of the proposed access road and approximate EP zoned wetlands. The yellow outline represents the 120-metre adjacent lands area; together, the entire area is considered the 'study area'.

The selected preferred road corridor starts in the east leaving from Marshall Road on Lot 27, Concession 2 of the Geographic Township of Christie. The proposed road continues westward through patent lands on Lot 28, Concession 2 of the Geographic Township of Christie and finally joins to the seven properties in Lot 29, Concession 2 of the Geographic Township of Christie.

Table 1 Lot Ownership and Proportion of Road Corridor

Lot Identifier	Ownership	EP Corridor Distance	Total Road Corridor Distance
Lot 27, Concession 2, Christie Township	Crown	0m	220m
Lot 28, Concession 2, Christie Township	Patent	322m	400m
Lot 29, Concession 2, Christie Township	Patent	0m	268m

An authorized trail currently exists on the Crown land portion that is proposed to become the road corridor. An alternate proposed corridor was investigated to the north that had a shorter passage through the EP zoning. However, the wetland ecosite was a G139S (Poor Fen) which is a much more sensitive and significant ecosite and the approaches to the wetland would have required significant bedrock blasting. This alternate proposed corridor was rejected in favour of the preferred corridor.

Study Area Description

The road corridor area through the EP zone is 322m long and 6m wide for a total area of 1,932m^2. Since this is a very small and linear impact area, the adjacent lands that form the entire study area is quite large in comparison at 122,636m^2 or 12.2ha. The study area includes the road corridor and the surrounding 120 metres (Figure 1).

Proposed Development

The total proposed road corridor is about 888m in length stretching from Marshall Road in the east to the seven waterfront properties on Horseshoe Lake to the west. 322m of the entire road corridor is proposed to pass through the EP zoned area. The proposed road access will increase safety and convenience to the waterfront landowners. Two alternatives to the selected proposed corridor were also considered. One was the 'do nothing' alternative that would continue water-access only to the properties. This did not satisfy the safety, security and convenience required and was rejected. Multiple locations were considered to cross the wetland and a second alignment was considered at the narrowest part of the wetland to the north of the proposed corridor (Figure 2). It was rejected because the approach slopes were extremely steep and rocky and would require considerable rock blasting. Also the wetland ecosite is G139S, Poor Fen, which is much more

sensitive and much more difficult to construct a road over. For these reasons, this alignment was rejected.

Approach & Methodologies

The Municipality of Seguin provides direction on the requirements of an EIS in Section B.15 of it's Official Plan (OP[1]). The OP, Section B.15 *Environmental Impact Studies states that, "*An Environmental Impact Study (EIS) be prepared by a qualified professional, such an EIS shall be prepared in accordance with the requirements of this section." The structure of this report is intended to meet or exceed the requirements of the OP.

Policy and Legislation

The following policies and legislation have some application to this proposed land use application and will be addressed in the section titled Natural Heritage Features Impact Assessment Summary & Recommendations.

Table 2 Applicable Policy and Legislation

Policy or Legislation	Application to the Proposal
Township of Seguin Official Plan	• Section B.15 Environmental Impact Studies • Section C.1.1 Environmental Protection Areas
Provincial Planning Statement 2024[2]	• Section 4.1 Natural Heritage
Natural Heritage Reference Manual[3]	• Section 6.0 Significant Wetlands and Significant Coastal Wetlands
Public Lands Act	• Will require a Work Permit issued under the Public Lands Act for the portion that crosses crown lands
Endangered Species Act	• Will require an Overall Benefit Permit issued under the Endangered Species Act
Migratory Birds Convention Act	• Will require timing restrictions to avoid damage or destruction to nests
Fisheries Act	• Will require following Standard Codes of Practice

[1] Township of Seguin Official Plan. Consolidated Version, December 7, 2022, MMAH. 197pp.
[2] Provincial Planning Statement, 2024, King's Printer for Ontario, 2024. 60pp.
[3] Ontario Ministry of Natural Resources. March 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition. Toronto: Queen's Printer for Ontario. 248 pp

Background Information

FRi completed a search of all publicly available databases, and information was consolidated for the wetland natural heritage category in the Provincial Planning Statement (PPS, 2024).

Databases accessed include:

- NHIC Make a Natural Heritage Map
- I-Naturalist
- eBird
- Ontario Breeding Bird Atlas
- Parry Sound District Species at Risk List
- Fish On-line
- Ontario Reptile and Amphibian Atlas
- Township of Seguin Official Plan & Schedules
- Township of Seguin Zoning Map #19
- Land Information Ontario GIS database – all relevant layers including NHIC data, wetlands, ANSI's, Nesting, ARA and contours

Results included confirmed species and/or habitats in each of the following natural heritage categories:

Table 3: Summary of confirmed natural heritage features and areas based on desktop search of available background information.

Natural Heritage Category	Confirmed Species/Habitat; Source
Wetlands	• No Provincially Significant or Coastal Wetlands • Zoned EP based on local wetland values
Endangered and threated species & habitat	• Blanding's turtles and Eastern hog-nosed snakes confirmed as potentially present through the Preliminary Screening Form submitted to MECP

A Preliminary Screening Form was submitted to the Ministry of Environment, Conservation and Parks (MECP) on July 25, 2021. The table below documents the ESA process for this project and is the reason that this project has been significantly delayed.

Table 4 Chronology of ESA Permitting

Date	MECP Staff	Details
July 25, 2021	Aurora McAllister	Submitted Preliminary Screening Form (PSF)
November 9, 2021	Aurora McAllister	MECP confirmed that Blanding's turtle and Eastern hognose snake were of concern for the permit area
February 9, 2022	Aurora McAllister	Submitted Information Gathering Form (IGF) for review
April 1, 2022	Aurora McAllister	Aurora requested an Avoidance Alternatives Form (AAF)
April 10, 2022	Aurora McAllister	Submitted AAF
July 4, 2022	Dan Williams	New MECP staff assigned to the file
February 3, 2023	Dan Williams	Completed review of IGF and AAF and requested one minor mapping revision
March 3, 2023	Dan Williams	Applicant completed mapping revision and submitted C Permit Application Form (CPAF)
May 4, 2023	Dan Williams	Completed CPAF review
June 20, 2023	Dan Williams	Requested new revisions to the CPAF
September 19, 2023	Clairissa Myschowoda	Clairissa was assigned for permitting
October 11, 2023	Clairissa Myschowoda	Clairissa asked if proponent had done indigenous consultation
January 17, 2024	Clairissa Myschowoda	MECP preparing letters for indigenous consultation to fulfill the province's duty to consult
February 22, 2024	Clairissa Myschowoda	MECP requested responses from indigenous communities by March 22
March 27, 2024	Clairissa Myschowoda	MECP answering follow-up questions
June 14, 2024	Katy Hynes	Katy was assigned and announced indigenous consultation was complete and provided a draft copy of the permit for review
July 3, 2024	Katy Hynes	Applicant provided comments and revisions for the draft permit

Date	MECP Staff	Details
August 27, 2024	Katy Hynes	Permit is still within internal approvals
September 17, 2024	Katy Hynes	Permit issuance on hold until Work Permit secured and Municipal approval
January 20, 2025	Katy Hynes	Requested removal of exclusion fencing on Crown lands in the permit package
February 14, 2025	Katy Hynes	Katy provided a new draft of the permit for review
February 19, 2025	Katy Hynes	Estimates permit issuance by the end of April 2025

Engagement with the MECP has caused significant delays on the project. From the date of our submission of the first required form on July 25, 2021 until the expected issuance of the permit by April 30, 2025, a total of 1405 days have elapsed.

Field Investigations

The following summary of the existing conditions on the subject property is based on comprehensive field investigations occurred on May 12, 19, 26, June 3, 9, 12 and July 1, 2021. FRi field biologists assessed the ecosites on and adjacent the proposed corridor to inform a habitat-based approach.

This approach was coupled with in-person surveys including avian and species at risk surveys as well as the deployment of passive acoustic and ultrasonic recorders. The recorders were deployed to maximize detection of amphibians, birds, and bats in all the represented ecosites.

Table 5 Summary of Field Investigations

Date	Temperature (°C)	Precipitation	Details	Person Hours
May 12, 2021	13-16	Nil	• Turtle basking/snake survey • Field Check Alternate crossing location	11.5
May 19, 2021	14-26	Nil	• Turtle basking survey	4.5

Date	Temperature (°C)	Precipitation	Details	Person Hours
May 26, 2021	18-22	Nil	• Turtle basking/snake survey • Forest bird monitoring survey • Amphibian breeding survey	8.5
June 3, 2021	16-20	Nil	• Turtle basking/snake survey • Ecosite mapping	6.0
June 9, 2021	18-28	Nil	• Turtle basking/snake survey • Ecosite mapping • Fish habitat surveys	7.5
June 12, 2021	12-24	Nil	• Install bat/bird recorder* • Ecosite mapping • Fish habitat surveys • Amphibian breeding surveys	6.5
July 1, 2021	16-22	Moderate	• Remove bat/bird recorder. • Forest bird monitoring survey	4.5

*The recorder provided information on breeding birds, bats and amphibian breeding

List of Survey Protocols

1. Ontario Ministry of Natural Resources and Forestry (OMNRF). 2015. Survey Protocol for Blanding's Turtle (*Emydoidea blandingii*) in Ontario. Species Conservation Policy Branch. Peterborough, Ontario. ii + 16 pp.
2. Forest Bird Monitoring Program (FBMP) protocol (Konze and McLaren 1997).
3. Marsh Monitoring Program Participant's Handbook for Surveying Amphibians. 2009 Edition. 13 pages. Published by Bird Studies Canada in cooperation with Environment Canada and the U.S. Environmental Protection Agency. February 2009.
4. Bats And Bat Habitats, Guidelines for Wind Power Projects, Ontario Ministry of Natural Resources, Second Edition, July 2011.

Ecological Setting

The subject property is within the Ontario Shield Zone, Georgian Bay Ecoregion (5E). This ecozone occupies more than half of Ontario and contains both boreal forest and non-boreal Great Lakes – St. Lawrence Forest regions. It experiences long cold winters and short warm summers. There are a wide range of temperatures, precipitation and diverse surficial geology and substrates, as well as complex drainage patterns.[4]

Ecological Land Classification

The ecosites on and within 120 metres of the proposed corridor were determined and are described in detail below. The represented ecosites include wetland units within the EP zoned lands and upland units within the 120m adjacent lands. Additional ecosites were also identified and delineated early in the study to accommodate the alternative alignment that was eventually rejected. The five ecosites described in this report fall within the EP-zoned Study Area (Figure 2). Casual observations also occurred beyond these boundaries in an attempt to detect potential snake habitat in the vicinity of the road corridor (e.g. G164S ecosite).

Ecosites

Ecological land classification or 'ecosites' are determined by assessing the soil and vegetation characteristics of a site utilizing the Ecosites of Ontario (2009) manual. An ecosite is a contiguous area that shares soil, moisture and vegetation characteristics, and is at least 0.5 hectares in size. Areas smaller than 0.5 ha are typically not considered standalone ecosites and are included as part of the larger landscape ecosite. However, where small, unique areas are present on the landscape, they are assessed and delineated as eco-elements. A full list of encountered vegetation species is contained in Appendix 3.

There are five representative natural ecosites represented in tall-treed (Tt), shrub (S) and open (N) composition. The vegetation species composition is largely dependent on the depth to groundwater or coverage by surfacewater.

The ecosites are:

- G058Tt Dry to Fresh, Coarse Maple Hardwood
- G120Tt Moist Fine Elm-Ash Hardwood
- G134S Mineral Thicket Swamp
- G142N Mineral Meadow Marsh
- G150N Open Water Marsh: Floating-Leaved

The EP-zoned wetlands and their boundaries were assessed and mapped by Ontario Wetland Evaluation System (OWES) evaluator for Northern Ontario. The EP-zoned wetlands are unevaluated

4 Crins, William J., Paul A. Gray, Peter W. C. Uhlig, and Monique C. Wester. 2009. The Ecosystems of Ontario, Part 1: Ecozones and Ecoregions. Ontario Ministry of Natural Resources, Peterborough Ontario. Inventory, Monitoring and Assessment, SIV TER IMA TR-01, 71pp.

wetlands. It was not the intention of this Scoped-site Environmental Impact Study to conduct a full wetland evaluation utilizing the OWES methodology. Evaluation cannot be conducted on distinct portions of a wetland but rather the entire wetland or wetland complex must be evaluated in order to follow the OWES methodology. In Northern Ontario, it is not uncommon for wetlands to be extremely large spanning both patent and Crown lands and extending along the shorelines of lakes and rivers. This is the case for this EP-zoned wetland. It spans multiple properties and property owners and includes large portions of the shoreline of Horseshoe Lake. It was neither practical nor required to conduct a wetland evaluation to complete this Scoped-site Environmental Impact Study. The very nature of the title indicates that the study area is scoped to target the EP-zoned wetlands that are expected to be impacted.

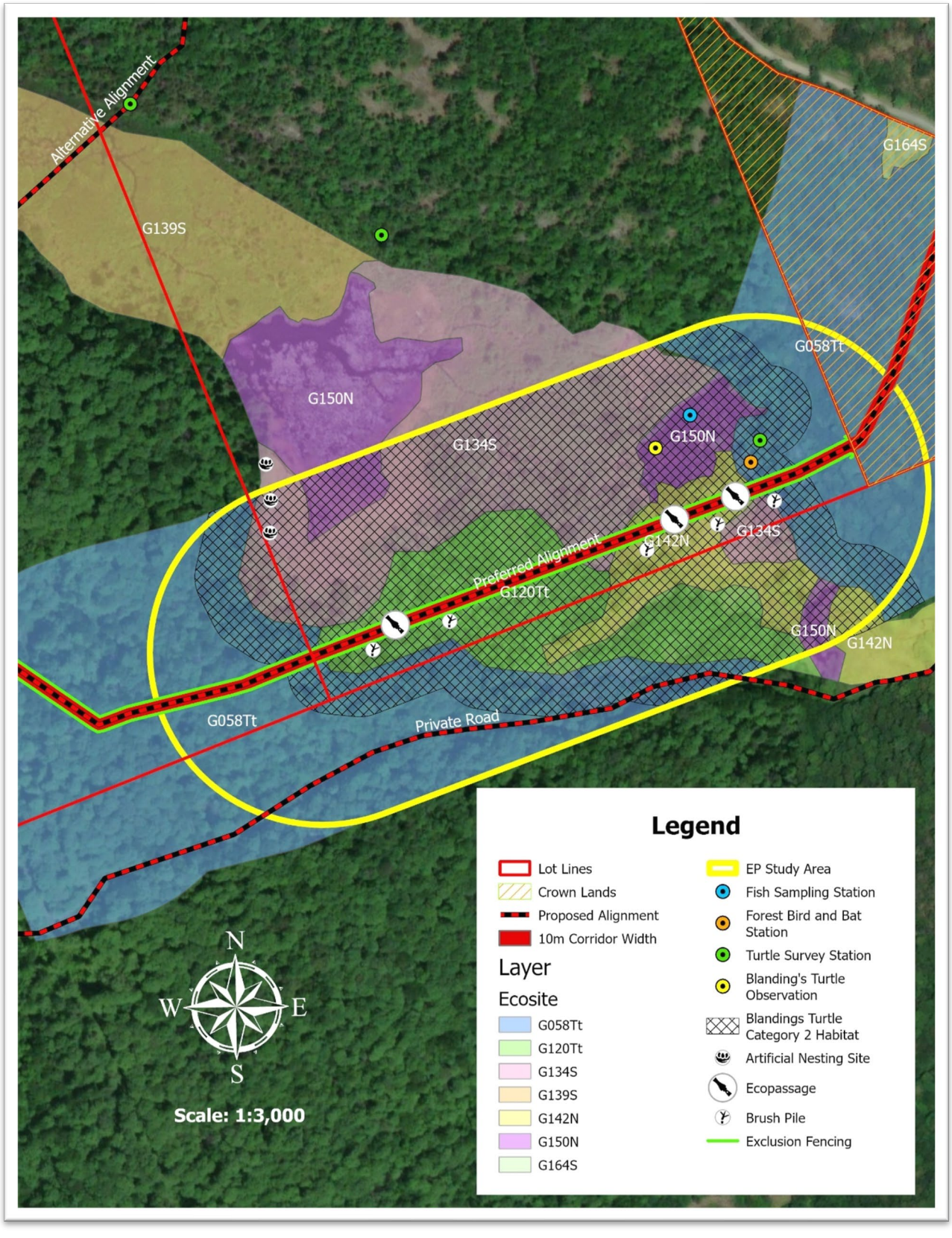


Figure 2: Ecosites and Survey Station Locations

G058Tt Very Shallow, Dry to Fresh, Coarse Maple Hardwood

This ecosite is represented in the upland areas east and west of the central wetland area. It is a maple dominated ecosite, the canopy also contains red maple, yellow birch, Eastern hemlock, Eastern white pine and white birch.

The soils are mineral and quite shallow, in some areas exposed bedrock is at the surface or just below the leaf litter layer.



Figure 3 Representative photo of G058Tt ecosite and existing trail corridor.

G120Tt Moist Fine Elm-Ash Hardwood

The G120 ecosite is represented in the western edge of the EP zone wetland. It is dominated by black ash throughout. The substrate is nutrient rich with good moisture holding capacity. It is shrub and herb poor under a closed canopy.



Figure 4 Representative photo of G120Tt ecosite and existing trail corridor

G134S Mineral Thicket Swamp

The G134S mineral thicket swamp ecosite is represented in 2 distinct locations: one occupying the majority of the northern part of the study area and a smaller eco-element adjacent to the eastern side of the EP zone wetland.

The thicket swamp ecosites have mineral soils that are moderately deep to deep and very moist. They are dominated by a tall shrub community and have poor tree coverage. The shrub layer is rich and contains speckled alder, various willow species, mountain holly, red osier dogwood, narrow-leaved meadowsweet, and sweet gale. Although sparse, trees include black ash and red maple,



Figure 5 Representative photo of the G134S ecosite mainly dominated by speckled alder.

G142N Mineral Meadow Marsh

The G142N ecosite occupies about 30 percent of the eastern end proposed road corridor. The meadow marsh is a transition ecosite; one that is often associated with beaver activity. For example, when an open water marsh is maintained by a beaver dam, floating, emergent and submergent aquatic vegetation may be present. If the beaver dam breaks or the water is otherwise mostly drained, the site reverts to a meadow-like community, usually a mineral meadow marsh.

They are always associated with other wetland types, often the G134 which is drier, and supports the growth of shrubs and some components of upland sites. The G142 ecosite has deep, moist or saturated mineral substrates. They are dominated by sedges and grasses, with few shrubs and no tree species.



Figure 6 Representative photo of G142n ecosite which is a remnant of an older beaver pond.

G150N Open Water Marsh: Floating-Leaved

There are three G150 wetland ecosites within the study area. All are associated with beaver dam activity that pools water from the small creek tributary. This ecosite is characterised by water which is normally above the substrate surface e.g. a pond, with depths less than 2 metres. The vegetation community is composed of floating-leaved aquatic vegetation including white water lily, water shield.



Figure 7 Representative photo of the G150N ecosite showing open water and beaver dam



Figure 8 Summer aerial photograph showing the approximate location of the road corridor in red.



Figure 9 Winter aerial photograph showing the approximate location of the road corridor in red.

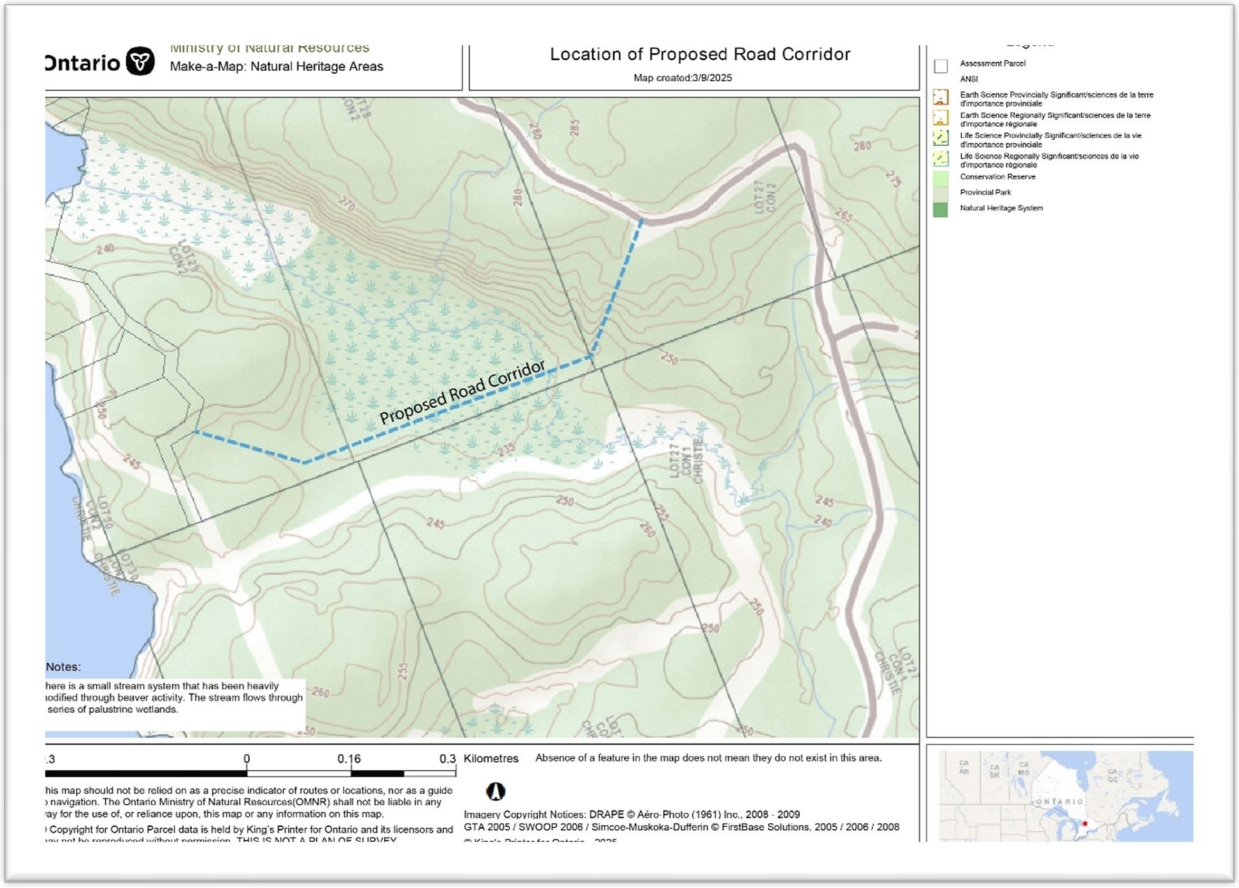


Figure 10 Location of Road Corridor in Relation to Stream

EP Zoned Wetlands

The Township of Seguin Official Plan requires that an Environmental Impact Study (EIS) be prepared and submitted in support of planning applications. This report and the associated field work and impact assessment are focused on supporting the proposed road corridor to provide safe and convenient access of up to seven waterfront residences on Horseshoe Lake. This EIS is scoped to focus directly on the impacts to the EP zoned wetlands.

Wetlands

For planning purposes in Ontario, wetlands are either classified as 'evaluated – significant,' 'evaluated – not significant,' or 'unevaluated.' The Ministry of Natural Resources (MNR) is responsible for assigning provincial designations to wetlands. The MNR does not typically undertake wetland evaluations, rather they review assessments completed by others for official designation as described below.

There is a provincial evaluation system, Ontario Wetland Evaluation System (OWES)[5], which provides a framework for assessing the biological, hydrological, social, and special features

[5] Ontario Wetland Evaluation System (OWES). Northern Manual. 2nd edition. 2022.

components of wetlands against a set of established criteria to generate the overall 'wetland score.' An overall score of 600 points or more or a score of 250 points in any one of the four categories results in the designation of a wetland as 'significant' or what is commonly referred to as a provincially significant wetland (PSW).

Provincially Significant and Coastal Wetlands

There are no provincially significant wetlands or coastal wetlands within the study according to MNR's online mapping application, Make-a-Natural Heritage Map as well as the Municipality's Official Plan. There are wetland ecosites within the EP zoning designation in our study area which are considered 'other wetlands'.

Regardless of the classification of these wetland units within the EP zoning, it is prudent to assess impacts through the main categories assessed in the OWES to determine if this road corridor could proceed without significant negative impact to the wetland's inherent values. Table 6 documents that assessment and evaluation of potential impacts.

Wetland Features Impact Assessment Summary & Recommendations

The following table summarizes the wetland features assessment and evaluation of potential impacts. The wetland features evaluated are as per the OWES. If impacts were possible, recommendations to avoid or mitigate (minimize) the impacts are provided. Additional considerations include relevant legislation, policy, and legislative requirements. The Township of Seguin Official Plan requires that an Environmental Impact Study (EIS) be prepared and submitted in support of planning applications. This project began in 2021 with a discussion with Steve Stone (Former Director of Planning and Development – Township of Seguin). Mr. Stone indicated that EP zoning was applied through a desktop exercise and if an EIS could demonstrate that some forms of development could occur while still protecting the inherent values of the feature, there was an opportunity for this proposed road to proceed. Mr. Stone indicated that approval to proceed through the Ministry of Environment, Conservation and Parks under the Endangered Species Act may be a significant hurdle and that should likely be approached first.

Table 6: Wetland features impact assessment summary and recommendations

Wetland Category/Policy or Legislation	Species or Feature Considered	Feature Present?	Potential Habitat	Confirmed Habitat / Significant?	Assessed Impact to Species	Assessed Impact to Habitat	Recommended Avoidance / Mitigation	Additional Considerations
Endangered Species Act (2007)	Blanding's Turtles	Yes, confirmed in G150N ecosite	Yes	Category 2 & 3 habitat present within study area.	None anticipated	Minor loss of Category 2 habitat as per General Habitat Description	Engaged with MECP since 2021 and secured a draft Overall Benefit Permit (Appendix 2). The permit includes mitigation and overall benefit that is anticipated to leave the species in a better state than prior to proposed work. MECP received a Preliminary Screening Form, Information Gathering Form, Avoidance Alternatives Form as well as a C Permit Application Form along with supporting documentation (Figure 11).	• Timing restrictions • Permanent Exclusion fencing • Ecopassages • Created nesting areas • Long-term monitoring
	Eastern Hog-nosed Snake	Not observed but MECP indicated the study area is within range of a known observation	Yes	General habitat assumed present based on species occurrence.	None anticipated	None anticipated	Engaged with MECP since 2021 and secured a draft Overall Benefit Permit (Appendix 2). The permit includes mitigation and overall benefit that is anticipated to leave the species in a better state than prior to proposed work. MECP received a Preliminary Screening Form, Information Gathering Form, Avoidance Alternatives Form as well as a C Permit Application Form along with supporting documentation (Figure 11).	• Timing restrictions • Permanent Exclusion fencing • Ecopassages • Created brush pile cover areas • Long-term monitoring
Public Lands Act (1990)	Work on crown lands	Lot 27, Con. 2 Non-wetland area in G058Tt ecosite	Not part of EP Zoning	Assessed by MNR under their own Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects	NA	NA	MNR issued Work Permit under the Public Lands Act (Appendix 4). Mitigation and Overall Benefit will be coordinated with the Endangered Species Act approval.	• Timing restrictions • Temporary exclusion fencing • Long-term monitoring
Natural Heritage Reference Manual (Roads-water crossings)	realignment of stream channels; changes in water velocity	Yes	Small stream runs through the EP zoned wetland (Figure 10)	Not direct fish habitat	NA	Potential barriers to fish movement; downstream erosion or sediment deposition; separation of stream from floodplain	This portion of the stream is not direct fish habitat, and connectivity will be maintained through over-sized culverts. Culverts will be installed in the dry to reduce or eliminate erosion or sediment transport. The stream system was sampled using three baited minnow traps in the G150 open water ecosite just downstream of the proposed road corridor. The traps were set on late on June 9 and retrieved early on June 12, 2021. No fish were caught or observed.The three culverts will be situated at the location of the small stream and centred on the two moats at the edges of the wetland.	• Timing restrictions • Adequate culvert sizing • Standard erosion controls

Wetland Category/Policy or Legislation	Species or Feature Considered	Feature Present?	Potential Habitat	Confirmed Habitat / Significant?	Assessed Impact to Species	Assessed Impact to Habitat	Recommended Avoidance / Mitigation	Additional Considerations
Natural Heritage Reference Manual (Roads-water crossings)	increased erosion, sedimentation and turbidity	Yes	Road crosses through EP zoned wetland	Not direct fish habitat	NA	decreased photosynthesis, changes in productivity, loss of fish habitat, loss of food organisms, and avoidance of areas by fish; changes in fish species composition and abundance; changes in wetland vegetation	This portion of the stream is not direct fish habitat, and connectivity will be maintained through over-sized culverts. Culverts will be installed in the dry to reduce or eliminate erosion or sediment transport. There is an existing culvert of this stream system on Marshall Road. The three culverts that will be installed to maintain hydrologic flow will be a minimum of 1.2m in diameter. This far exceeds the required opening for hydrologic considerations. They are oversized to function as ecopassages.	• Timing restrictions • Adequate culvert sizing • Standard erosion controls
	loss of riparian vegetation	Yes	Road disturbs riparian vegetation at either end of the wetland crossing	The length of the riparian vegetation zone along the EP zoned wetlands is approximately 2400 linear meters. The road corridor at either end will impact less than 20m. This is not significant.	NA	loss of habitat for certain wildlife species (e.g., loons, ducks, reptiles and amphibians); increased water temperatures exceeding the tolerance of coldwater and coolwater fish species	This portion of the stream is not direct fish habitat. There is no open water immediately adjacent to the road corridor intersect with riparian vegetation so no warming will occur. The road corridor mainly traverses the G142N meadow marsh and the G120Tt black ash lowlands.	• Removal of riparian vegetation will be minimized where possible • The addition of brush piles along the corridor in the meadow marsh and black ash lowland will provide additional wildlife cover that does not presently exist
	obstruction of lateral flows in wetlands	Yes	Road bisects EP zoned wetland	Hydrological function would be negatively impacted if lateral flows were not accommodated	None expected	significant alterations in wetland vegetation communities; potential change of wetland type; changes in wildlife populations	Natural water level fluctuations within this wetland are already the norm based on the amount of beaver damming activity. However, 3 over-sized culverts will be installed with the key function of permitting lateral flow and a secondary function to pass wildlife species safely under the road.	• Maintenance of the installed culverts will ensure lateral water flow and hydrologic conditions will remain the same
	interruption of linkage along a watercourse	Yes	Road bisects EP zoned wetland	increased roadkill as animals cross roads to follow a watercourse	Potential roadkill	identify wildlife use of linkage and size passage under road accordingly (information on cryptic species that use linkage will probably not be obtainable, so knowledge of wildlife most likely to be present must be used)	Firstly, this road is to serve a maximum of seven residences, most of which are seasonal. Traffic will be comparable to a driveway. Secondly, three ecopassages have been designed to pass small wildlife under the roadway. Lastly, road speeds will be in the range of 20kmh, and the travelled portion of the road is about 3.5m wide. There is a very low probability of wildlife roadkill.	• 3 ecopassages under the road • Installation of permanent exclusion fencing • Long-term monitoring of effectiveness
	attraction of nesting turtles and other wildlife to roadsides and roads	Yes	There are at least three species of turtles within the study area	Mortality can occur for species that seek out roadsides for nesting.	Potential mortality	build roadside wings to keep turtles off roads; build underpasses with funnel fencing to direct turtles and other wildlife; develop alternative egg-laying sites	As described previously, ecopassages and exclusion fencing will prevent wildlife from nesting on the road	• In addition to the mitigation measures, 3 suitable nesting structures will be constructed away from this road and may serve to deter species from using existing roads like Marshall for nesting in this area.

Wetland Category/Policy or Legislation	Species or Feature Considered	Feature Present?	Potential Habitat	Confirmed Habitat / Significant?	Assessed Impact to Species	Assessed Impact to Habitat	Recommended Avoidance / Mitigation	• Additional Considerations
Natural Heritage Reference Manual (Roads-water crossings)	pollutants from roads	Yes	Road bisects EP zoned wetland	Pollutants from road may enter	Potential pollutant	It should be noted that the seven waterfront lots are currently water access. The automobile creates far less pollution than an outboard motor. The outboard motor introduces fuels, gases, oils and pollutants directly into the water column. Automobiles are also much quieter than outboard motors and create no wake that often impacts waterfowl nests.	• Road access significantly increases the safety and convenience for the users • Road access has significantly less pollution potential than water access	• Roadside ditching will improve water quality before directly entering any waterway
Provincial Planning Statement, 2024	Provincially Significant and Coastal Wetlands	No	The EP zoned wetlands are neither Provincially significant nor coastal	NA	NA	NA	NA	NA
OWES	Biological Component	Yes	Road bisects a small palustrine wetland with relatively low open water percentage at the site of the impact	The road corridor represents about 0.3ha of the total approximate area of18.3ha or less than 2%	This would not have any impact on the scoring of the biological component	Minor loss of wetland area	Several different alignments and options were considered as well as avoidance alternatives to reduce any potential impacts. Then two final alignments alternatives were considered with the selected alignment being most preferred from an environmental perspective.	• Actual travelled portion of the road will be reduced in width through the wetland to further reduce impacts
	Social Component	Yes	This wetland would have a very low social value given that it does not receive any significant use presently	Indigenous consultation conducted by MECP also confirmed that there were no significant indigenous social values associated with the site	The road may actually increase the social value by providing better access to the site and promote wildlife conservation	There are no expected negative social component impacts to the wetland. The EP-zoned wetland occurs on privately owned lands and would have limited public social value as a result.	NA	NA

Wetland Category/Policy or Legislation	Species or Feature Considered	Feature Present?	Potential Habitat	Confirmed Habitat / Significant?	Assessed Impact to Species	Assessed Impact to Habitat	Recommended Avoidance / Mitigation	Additional Considerations
OWES	Hydrological Component	Yes	Palustrine wetlands provide good groundwater recharge and good water quality improvement capabilities and potential for groundwater discharge as well.	This palustrine wetland is relatively short but has groundwater recharge characteristics and water quality improvement characteristics	Groundwater discharges often provide drinking water sources for wildlife. None were found along the proposed road corridor.	There is no anticipated change in hydrologic function given that the installed culverts will maintain the current state. The gravel road is porous and would have minimal impact on groundwater recharge	Ensure lateral drainage continues to function as it does currently. Ensure that the road remains a porous gravel surface to maintain groundwater recharge functions.	• There would be a minor loss in floodwater storage but there are no structures that would be threatened by a 1.6% loss of storage volume given that this is a fairly steep sided valley on either side of the wetland.
	Special Features Component	Yes	The EP zoned wetland includes 3 different wetland types and provincially significant wildlife including the Blanding's turtle and potentially Eastern hog-nosed snake	Confirmed Blanding's turtle habitat	None anticipated	Minor loss of Category 2 habitat as per General Habitat Description	Engaged with MECP since 2021 and secured a draft Overall Benefit Permit. The permit includes mitigation and overall benefit that is anticipated to leave the species in a better state than prior to proposed work. MECP received a Preliminary Screening Form, Information Gathering Form, Avoidance Alternatives Form as well as a C Permit Application Form along with supporting documentation.	• Timing restrictions • Exclusion fencing • Ecopassages • Created nesting areas • Long-term monitoring

Legislation and Policy Compliance

Township of Seguin Official Plan and Zoning By-Law

Section A.2.1.2 requires that changes are minimized to the water quality and hydrological and hydrogeological characteristics of watercourses, lakes, aquifers and wetlands resulting from human activity. Table 6 documents the steps taken to minimize changes. It also prohibits new development that will result in a negative impact to the critical functions and processes of watercourses, lakes, aquifers and wetlands. Again Table 6 documents that there is no expected negative impacts to critical functions.

Section B.15 outlines the components of an Environmental Impact Study. Our EIS meets the requirements of this section and upon the advice of the previous planner, Steve Stone, we proceeded with a Scoped-site EIS to specifically address wetland issues.

Section C.1.1 indicates that *Environmental Protection Area* designation is land and water areas containing natural features or ecological functions of Provincial and local significance as identified by the Province or Township.

It is important to note that there are no parameters or definitions that identify what is considered locally significant unlike very clear definitions for provincially significant. Therefore, it is impossible to demonstrate that this particular EP-zoned wetland is not locally significant since there are no parameters set out in the Official Plan. In our initial discussions with Steve Stone, this is where he indicated that there was some latitude for interpretation.

Section 11.1 of the Zoning By-law (ZBL) provides the general prohibitions that, “No person shall, within any Environmental Protection Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions. The definitions of building or structure do not expressly apply to a road or driveway. There are separate definitions for these terms in the ZBL.

Provincial Planning Statement 2024

Section 4.1 addresses natural heritage. The EP-zoned wetland is not a provincially significant wetland and therefore Section 4.1 (5)(a) does not apply. Section 4.1(7) applies but an Overall Benefit Permit under the Endangered Species Act is being issued for the work, so it is in compliance with this provision.

Natural Heritage Reference Manual

Section 6.0 of this manual does not apply because the wetlands are not provincially significant wetlands nor significant coastal wetlands. However, the wetland functions were analysed in Table 6 as per the main categories considered in a wetland evaluation.

Public Lands Act

A work permit has been issued under the Public Lands Act coordinated with the Overall Benefit Permit from MECP and any municipal approval that may be issued as well (Appendix 4).

Endangered Species Act

As discussed previously, an Overall Benefit Permit (Appendix 2) will be issued in conjunction with the Work Permit and any necessary municipal approvals. No species at risk were detected during the Forest Bird Monitoring Surveys or recorded on the Wildlife Acoustics SM2 recorder. No species at risk were detected in the fish habitat surveys, snake surveys, vegetation surveys or casual mammal surveys. Only three species of bats were detected using the Wildlife Acoustics SM2 recorder and none of them were species at risk.

Migratory Birds Convention Act

The vegetation clearing timing restrictions will ensure compliance with this legislation and eliminate the negative impacts of damage or disturbance with any migratory bird nests within the construction area.

Fisheries Act

Consultation with the Fish Habitat Protection Program staff at Fisheries and Oceans Canada indicated that because the proposed corridor does not impact direct fish habitat, employing the Interim Standard for In-water Site Isolation is sufficient to protect direct fish habitat downstream at Horseshoe Lake.

Conclusions

There are values associated with the EP-zoned wetlands impacted by the proposed road corridor. FRi has identified these, applied appropriate mitigation measures and avoidance measures to significantly reduce any anticipated impacts or eliminate them.

The Work Permit issued by the MNR and the Overall Benefit Permit issued by the MECP have very specific timing restrictions and other mitigation measures that are designed to reduce or eliminate impacts. The very principle of an Overall Benefit Permit is to leave a species in a better position than prior to the planned activity.

Based on the assessment and evaluation of impacts, the proposed access road can be constructed and meet the legislative requirements of the Public Lands Act and the Endangered Species Act, the policy requirements of the Provincial Planning Statement, 2024, the guidelines of the Natural Heritage Reference Manual and the Ontario Wetland Evaluation System criteria as well as the Township of Seguin Official Plan and the stated requirements by the former Director of Planning and Development, Steve Stone.

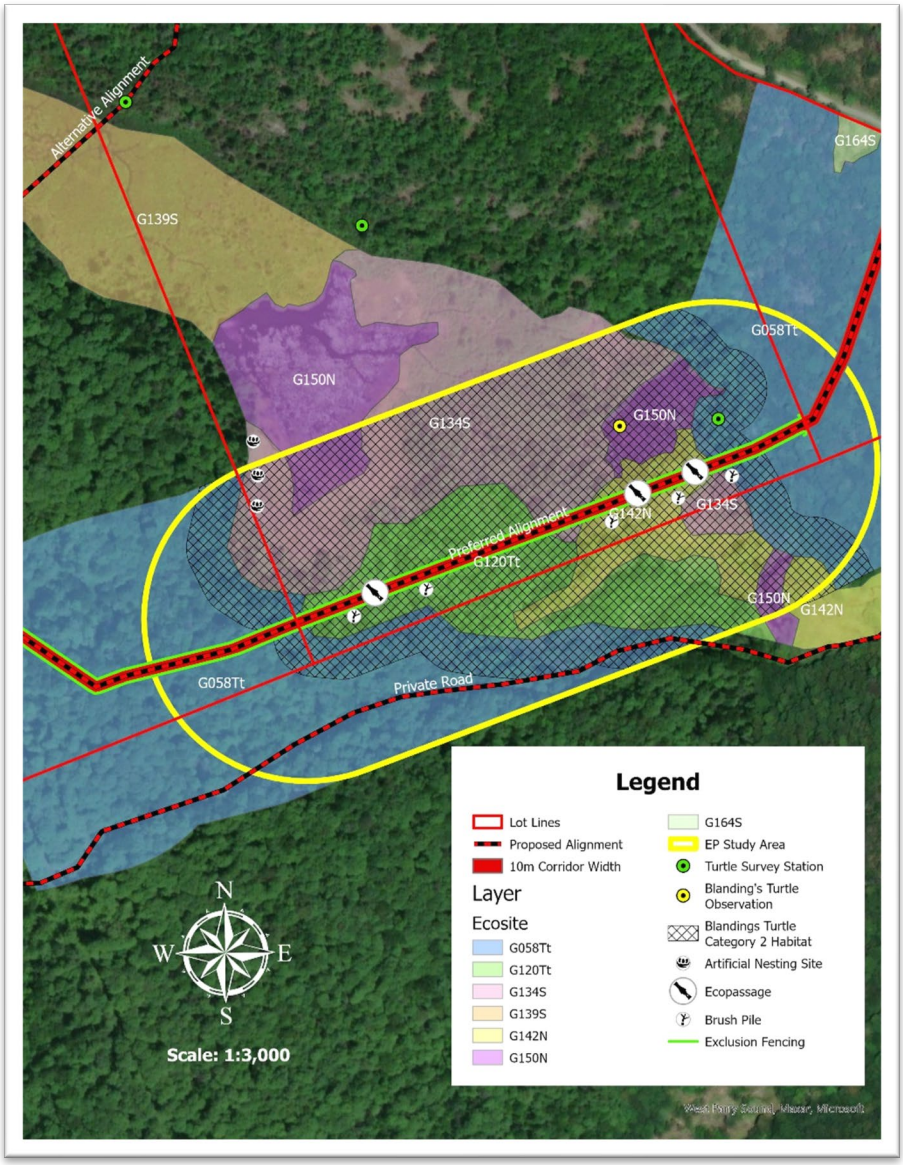


Figure 11 Mitigation and overall benefit map of study area

The key mitigation measures and overall benefit actions that warrant this are:

- No vegetation clearing and construction can occur within the wetland areas except when protected by temporary exclusion fencing between April 15 and October 15;
- Vegetation clearing and construction can occur in the upland areas outside of the active season October 16 to April 14;;
- Reduced road corridor width from 10m to 6m through the EP-zoned wetland;
- Awareness and training for all individuals that are working at the site;
- Mandatory reporting of observations and encounters with species at risk;

- Temporary exclusion fencing isolating the work area during the active season of Aoril 15 to October 15;
- Permanent exclusion fencing along the road corridor over the patent land parcels;
- Installation of a reptile crossing sign at either end of the road corridor
- Installation of 3 oversized culverts to serve a hydrologic function as well as a wildlife ecopassage function;
- Construction of 3 turtle nesting sites;
- Construction of 5 cover brush piles for reptiles and small mammals; and
- Long-term monitoring of effectiveness of these measures.

Respectfully submitted,



Rod Bilz

Environmental Specialist

FRi Ecological Services

Appendix 1

Township of Sequin Zoning Map #19

Rest of Report Pages 31-186 available upon request

Ministry of Natural Resources **Ministère des ressources naturelles**

Ontario

Thursday, December 12, 2024

MPSB-2024-PLA-04445-WP-001

Michael Buzanis
77 Wanless Crescent
Toronto, ON M4N3C2
CA

Dear Permittee,

RE: Work Permit MPSB-2024-PLA-04445-WP-001

Enclosed is the subject work permit which authorizes you to **construct a road over Crown, with 4 culverts,** at the location specified on the permit. Please familiarize yourself with the conditions of the work permit prior to undertaking the work. The contractor and the equipment operator must be provided with a copy of this work permit and be familiar with the conditions prior to proceeding with any work. A copy of the work permit must be available on site while the work is being conducted.

No in-water work is permitted between April 1st and September 30th. All work is to be completed between October 1st and March 31st, during the non-active season for reptiles and amphibians. Work should temporarily cease if SAR or other reptiles are encountered during the work. This authorization does not release you of the responsibility for obtaining any other permits that may be required under federal, provincial or municipal legislation. This includes any requirements under the *Endangered Species Act* which is now administered by the Ministry of Environment, Conservation, and Parks.

The *Ontario Heritage Act* regulates archaeological resources in Ontario. During the course of your project work, should you accidently discover archaeological artefacts, please stop all work, secure the site and contact the Ministry of Tourism, Culture and Sport, Archaeology Programs Unit, by email at Archaeology@ontario.ca, or by phone at 416-212-8886. Also, please notify the MNRF.

In accordance with the *Cemeteries Act*, R.S.O. 1990 c. C.4, should you accidently discover human remains during the course of your project work, you are required to stop all work, secure the site and notify the Ontario Provincial Police along with the MNRF.

You may contact **Steffi Krause**, by phone at **705-346-0173** or by email to Steffi.krause@ontario.ca, if you have any further questions regarding this matter.

Sincerely,

Steffi Krause

Steffi Krause
IRM Technical Specialist

Ministry of Natural Resources- /encl

Ontario

Ministry of Natural Resources
Ministère des ressources naturelles

Work Permit / Permis de travail

Permit No./Permis No.
MPSB-2024-PLA-04445-WP-001

This permit is issued under the authority and provisions of the following indicated Provincial Acts and their regulations, and is subject to the limitations and provisions thereof and is also subject to the terms and conditions herein.
Ce permis est émis conformément aux dispositions des lois provinciales ci-après et des règlements y afférents et est sujet aux restrictions et dispositions de ce lois et règlements ainsi qu'aux conditions ci-énoncées.

[X] Section 2(1), Regulation 975, as amended, Public Lands Act/Loi sur les terres publiques, Règlement 975 tel que modifié, article 2(1)

Note: The issuance of this permit does not relieve the applicant from the responsibility of acquiring any other agency, board, government, etc. approval as may be required nor does it relieve the permittee from the requirements of any other legislation.
Remarque : La délivrance d'un permis n'exonère pas le demandeur de l'obligation d'obtenir l'autorisation de tout autre organisme, commission, gouvernement, etc. qui pourrait être exigée, non plus qu'elle exempte le détenteur des dispositions des lois.

The Permit is issued to: Ce Permis est délivré à:

Name of Permittee/Nom du detenteur: Michael Buzanis

Post Office Address/Adresse postale: 77 Wanless Crescent, Toronto ON, M4N3C2, CA

To conduct an operation from December 13, 2024 to and including the December 12, 2025

Pour effectuer des travaux du December 13, 2024 jusqu'au December 12, 2025

at location/à l'emplacement: Con. 2 Lots 28 & 29 Township of Humphrey

17T 593579, 5018107

As per your application dated/conformément à la / Demande de permis en date du:

2024-07-30

For the purpose of / Aux fins de: Road and Water Crossings Over Crown

Subject to the following conditions:/Et sous les conditions suivantes:

1. The Permittee shall keep this permit or a true copy thereof on the work permit area./ Le détenteur conservera ce permis ou une copie conforme sur les lieux des travaux.

2. The person in charge of the operation conducted under this permit shall produce and show this permit or the true copy kept on the work permit area to any officer whenever requested by the officer. /
Le responsable des travaux couverts par ce permis doit produire le permis ou sa copie conforme si un agent lui demande.

3. Other conditions as listed on the reverse side of this permit as well as those contained in Schedule(s) D attached.
Autres conditions énoncées au verso de ce permis ainsi que celles apparaissant aux annexes suivantes .

Place of Issue/Emis à: Parry Sound	
Date/Date de déliverance: **December 12, 2024**	Signature of Issuing Officer/Signature du délivreur: Steffi Krause

Personal Information on this form is collected under the authority of Section 13 of the Public Lands Act, R.S.O. 1990, the Lakes and Rivers Improvement Act, R.S.O. 1990, and Regulation 975 as amended, and the information will be used for the purposes of the Act and Regulations. Questions about this information should be directed to the local NDMNRF office.
Les renseignements personnels exigés dans les présentes sont recueilles en vertu de la Loi sur l'aménagement des lacs et des rivières et du règlement 975 de l'Ontario tel que modifié. Ils seront utilisés selon les termes de la Loi et des règlements. Veuillez adresser toute question à ce sujet au bureau du DNMRNF. Une liste des bureaux du DNMRNF avec adresses et numéros de téléphone en français est disponible.

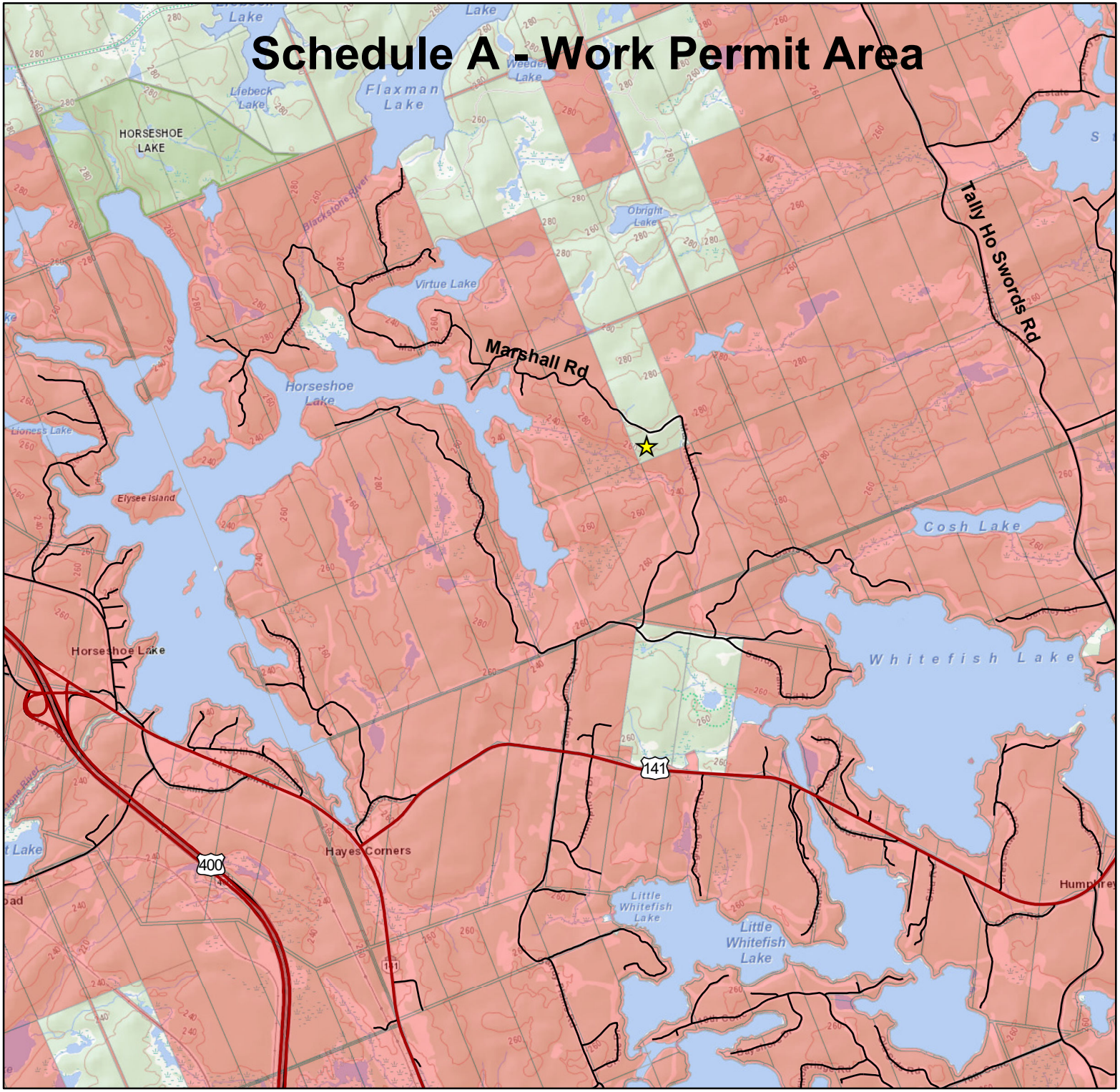
Conditions

It is agreed by the parties hereto that:
1) This Work Permit gives the permittee only the right to carry out work on the described site for the purpose specified in this permit and does not convey any right, title or interest in the land.
2) The permittee covenants to indemnify and forever save and keep harmless the Crown, its officers, servants and agents from and against any and all claims, demands, suits, actions, damages, loss, cost or expenses arising out of any injury to persons, including death, or loss or damage to property of others which may be or be alleged to be caused by or suffered as a result of or in any manner associated with the exercise of any right or privilege granted to the permittee by this Work Permit.
3) a) A permittee is an occupier under the Trespass to Property Act and the Occupier's Liability Act and shall take such care as in all circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by these persons, are reasonably safe while on the premises. b) Any posting of signs or notices pursuant to the Trespass to Property Act and the Occupier's Liability Act, on the work permit area, shall be subject to prior approval of the issuing officer. The location and format of all signs and notices must be approved by an officer. c) The permittee agrees to remove all signs or notices on termination of the permit, or at the direction of the issuing officer. d) The permittee agrees to post any signs or notices as required or directed by an officer.
4) This Work Permit shall not be assigned or transferred.
5) The permittee may, with the approval of the District Manager, or will, at the District Manager's request, remove the improvements , property or other assets from the public lands and leave the site in a clean and safe condition, restored as much as possible to its original state except where the requirement to restore is waived in writing by the District Manager.
6) a) Upon termination of this permit, the permittee has no right to, or reasonable expectation of, the issuance of a new permit based on prior work on the land. b) The successive issuance of any permit or permits for work on the land described herein will not create any future rights or interests whatsoever in the land.
7) Violations of any of the conditions constitutes an offence.

Conditions

Les parties conviennent que:
1) Ce permis de travail autorise le détenteur à effectuer les travaux sur le terrain décrit aux fins énoncées dans ce permis. Il ne confère aucun droit, titre ou intérêt sur le terrain.
2) Le détenteur indemnisera et protègera la Couronne, ses agents, fonctionnaires et représentants de toute poursuite, demande, procès, dommages, perte ou coûts découlant de blessures, décès ou dommages matériels â autrui qui pourrait être causés ou infligés, ou présumer être causés ou infligés de quelque façon que ce soit, par l'exercice des droits ou privilèges accordés par ce permis à son détenteur.
3) a) Le détenteur est considéré comme un occupant aux termes de la Loi sur l'entrée sans autorisation et de la Loi sur la responsabilité des occupants et il doit prendre toute mesure qui, dans la situation, est considérée raisonnable afin que les personnes entrant sur les lieux, et les biens apportés par ces personnes, soient raisonnablement sécuritaires lorsqu'ils sont sur les lieux. b) Les avis ou panneaux exigés par la Loi sur l'entrée sans autorisation et la Loi sur la responsabilité des occupants et installés sur les lieux de travail couverts par le permis doivent être préalablement approuvés par le délivreur. L'emplacement et le format des affiches ou des avis doivent être approuvés par le délivreur. c) Le détenteur convient d'enlever ces avis ou panneaux conformément à la Loi sur l'entrée sans autorisation à l'expiration du permis ou sur l'ordre du délivreur. d) Le détenteur accepte de poser des affiches ou des avis à la demande du délivreur.
4) Ce permis ne peut être ni cédé ni transféré.
5) Le détenteur peut, sous réserve de l'approbation du chef de district, ou doit à sa demande, enlever les aménagements, les biens ou autres avoirs des terres publiques et laisser le site propre et sûr, restauré dans toute la mesure du possible à sa condition originale sauf s'il en est dispensé par écrite par le chef de district.
6) a) À l'expiration de ce permis, il sera décidé de délivrer un nouveau permis conformément aux règlements afférents à la Loi sur les terres publiques et le détenteur n'a aucun droit, ni ne peut raisonnablement s'attendre, à ce qu'un nouveau permis lui soit accordé uniquement parce que des travaux ont été effectués sur le site. b) La délivrance successive de permis d'effectuer des travaux sur le terrain décrit ici ne confère aucun droit ou intérêt futur sur ce terrain.
7) Les infractions à ces conditions sont punies par la Loi.

Schedule A - Work Permit Area



MPSB-2024-PLA-04445
(Buzanis)

Lot 27 Con 2
Geographic Township of Christie

General Location Map

N

Legend

- Proposed Work Permit Location
- Road
- Highway
- Crown Land
- Private Land

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

Data Source: GDDS LIO Data
Projection: UTM Zone 17N
Datum: North American Datum 83

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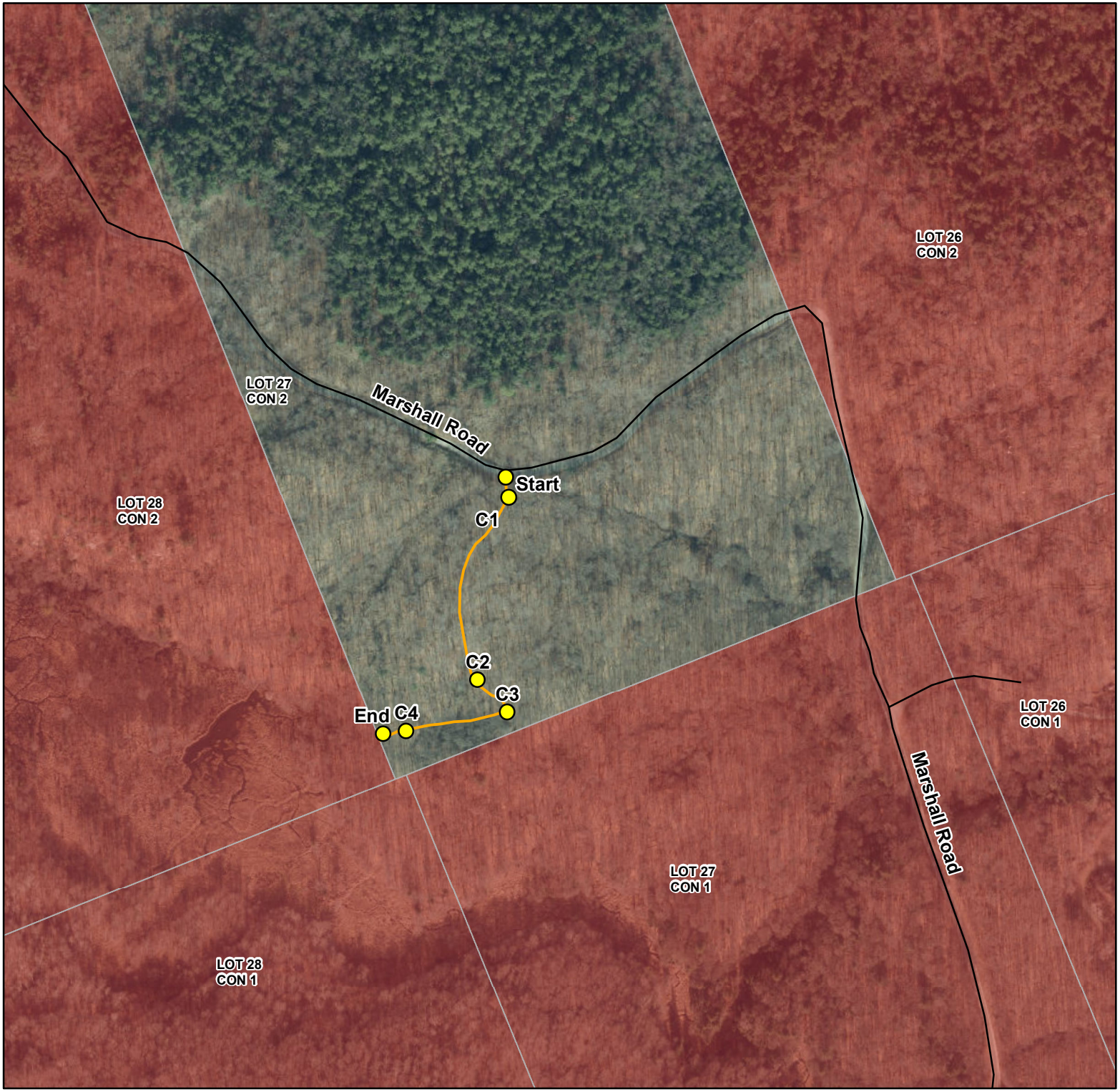
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Ontario

Map created for: BMPS MNRF District
Map created by: Southern Region RIAU, MNR
Map Created on: Nov 26, 2024



MPSB-2024-PLA-04445 (Buzanis)

Lot 27 Con 2 Geographic Township of Christie

Proposed Culvert/ Road Map

N

Legend

- Proposed Road
- Proposed Culvert/ Road Waypoints
- Road
- Crown Land
- Private Land

UTM Co-ordinates: Proposed Road

START	17	593579 E	5018107 N
C1	17	593581 E	5018092 N
C2	17	593558 E	5017957 N
C3	17	593580 E	5017933 N
C4	17	593505 E	5017919 N
END	17	593488 E	5017917 N

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

Data Source: GDDS LIO Data
Projection: UTM Zone 17N
Datum: North American Datum 83

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MetaData for map data available at: https://geohub.lio.gov.on.ca/

1:4,000

60 30 0 60 Meters

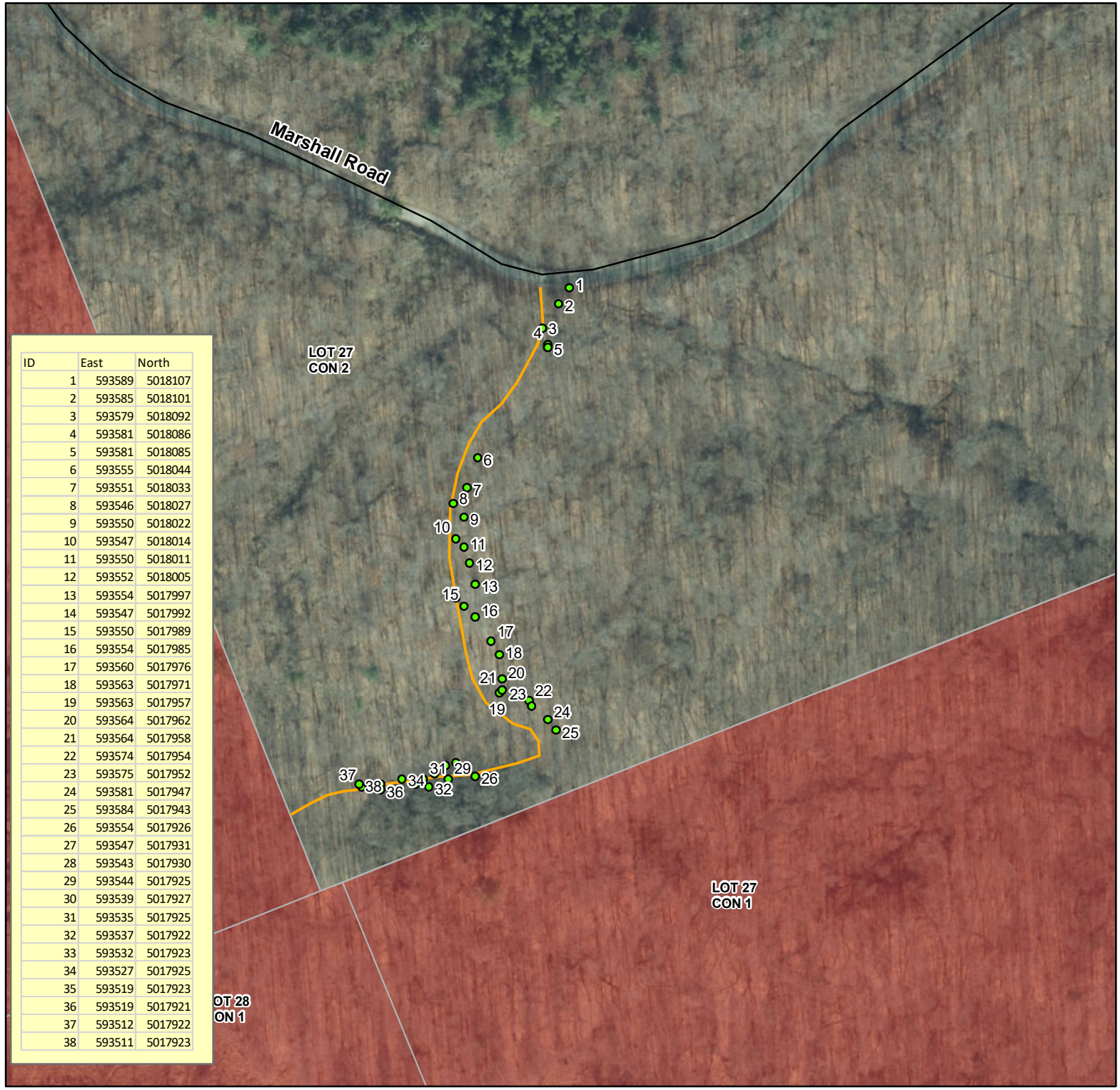
Ontario

Map created for: BMPS MNRF District
Map created by: Southern Region RIAU, MNR
Map Created on: Nov 25, 2024

MPSB-2024-PLA-04445 (Buzanis)

Lot 27 Con 2 Geographic Township of Christie

Tree Location Map



ID	East	North
1	593589	5018107
2	593585	5018101
3	593579	5018092
4	593581	5018086
5	593581	5018085
6	593555	5018044
7	593551	5018033
8	593546	5018027
9	593550	5018022
10	593547	5018014
11	593550	5018011
12	593552	5018005
13	593554	5017997
14	593547	5017992
15	593550	5017989
16	593554	5017985
17	593560	5017976
18	593563	5017971
19	593563	5017957
20	593564	5017962
21	593564	5017958
22	593574	5017954
23	593575	5017952
24	593581	5017947
25	593584	5017943
26	593554	5017926
27	593547	5017931
28	593543	5017930
29	593544	5017925
30	593539	5017927
31	593535	5017925
32	593537	5017922
33	593532	5017923
34	593527	5017925
35	593519	5017923
36	593519	5017921
37	593512	5017922
38	593511	5017923

N

Legend

- Proposed Road
- Tree Waypoints
- Road
- Crown Land
- Private Land

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

Data Source: GDDS LIO Data
Projection: UTM Zone 17N
Datum: North American Datum 83

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MetaData for map data available at: https://geohub.lio.gov.on.ca/

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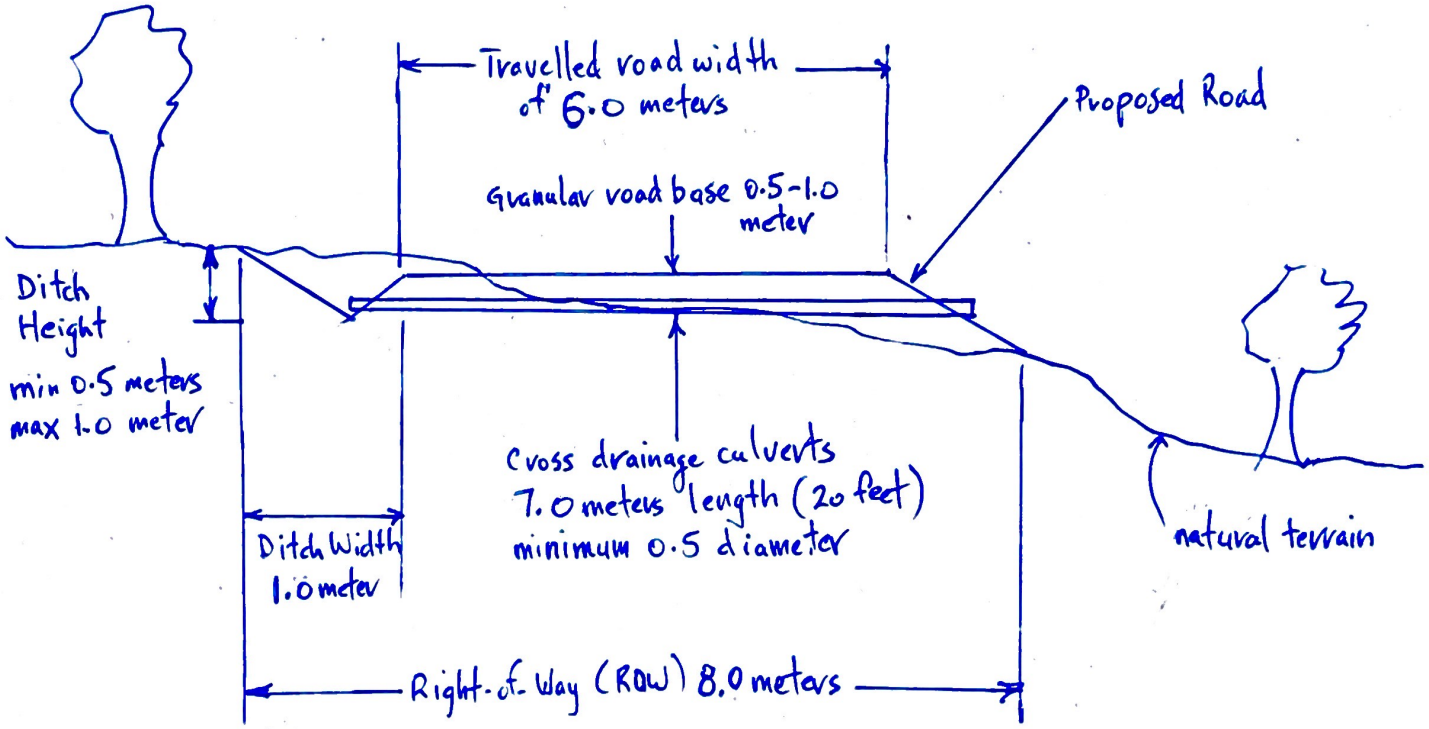
30 15 0 30 Meters

Ontario

Map created for: BMPS MNRF District
Map created by: Southern Region RIAU, MNR
Map Created on: Nov 25, 2024

REVISED

Appendix B: CROSS SECTION DRAWING



Notes:

REVISED

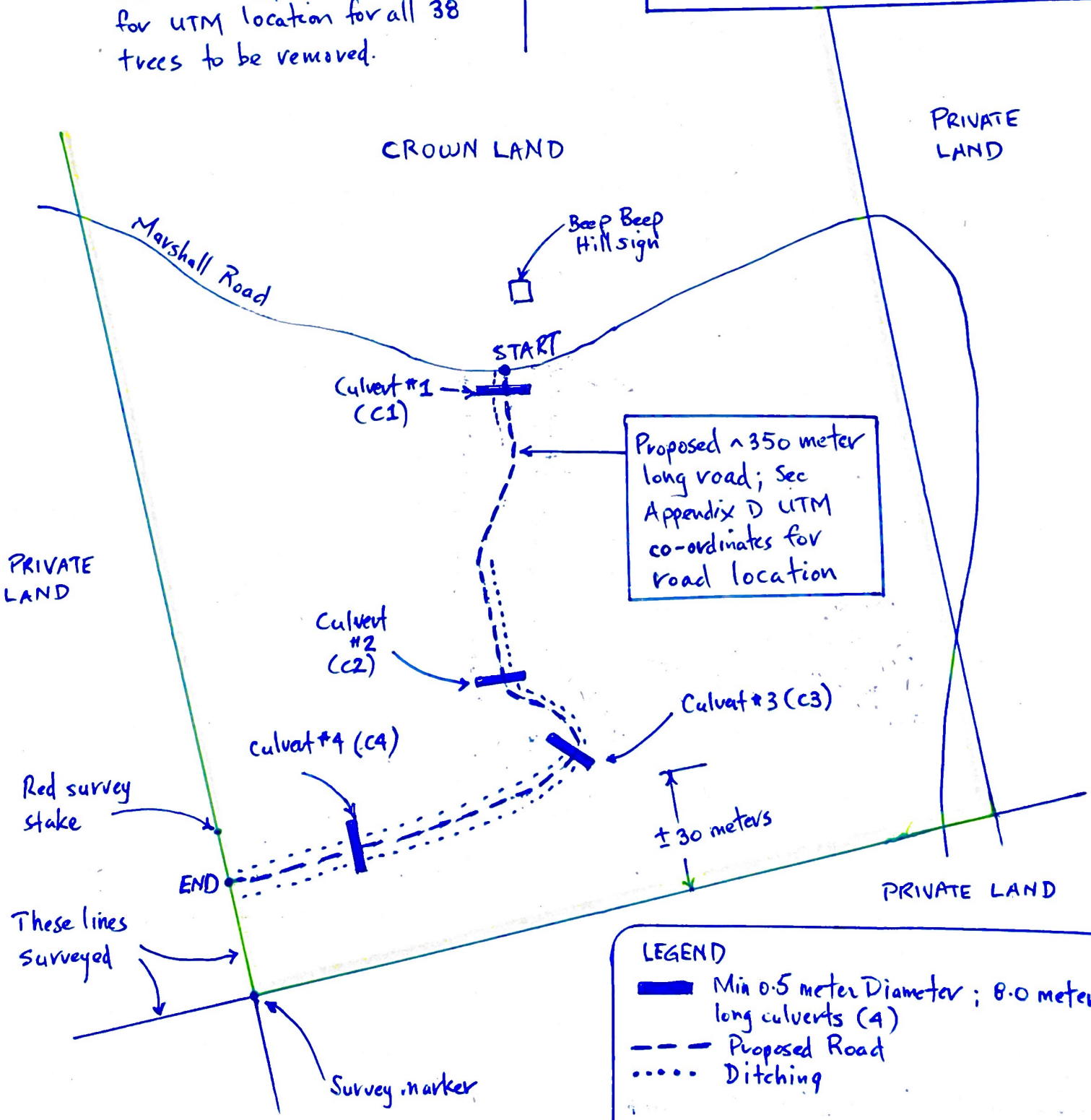
Appendix C: PLAN VIEW DRAWING

Note 1: No blasting required

Note 2: Trees larger than 10 cm diameter to be removed too numerous to show here. See Appendix E for UTM location for all 38 trees to be removed.

UTM Co-ordinates: Proposed Road

START	17	593579 E	5018107 N
C1	17	593581 E	5018092 N
C2	17	593558 E	5017957 N
C3	17	593580 E	5017933 N
C4	17	593505 E	5017919 N
END	17	593488 E	5017917 N



LEGEND

- Min 0.5 meter Diameter; 8.0 meter long culverts (4)
- – – – Proposed Road
- ····· Ditching

Note: No blasting required

REVISED APPENDIX E:

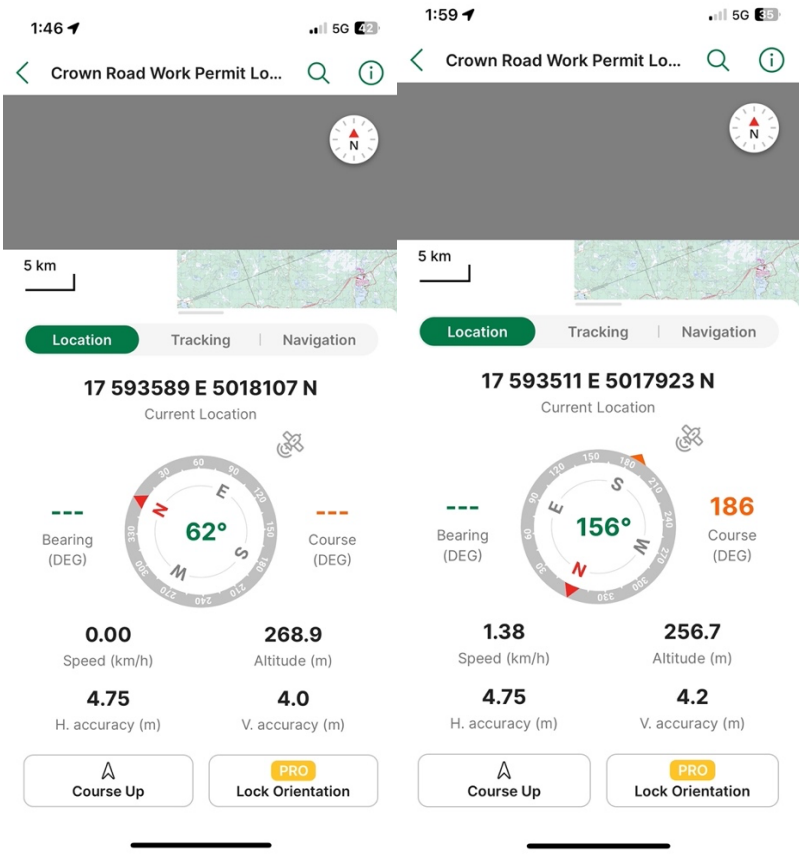
Proposed Road Location: UTM co-ordinates of 38 trees over 10 cm in diameter proposed to be removed.

UTM application Avenza Maps snapshots for the first and last tree location also provided at the end of UTM list.

Trees are mostly Maple, Ash and Beech.

1. 17 593589 E 5018107 N
2. 17 593585 E 5018101 N
3. 17 593579 E 5018092 N
4. 17 593581 E 5018086 N
5. 17 593581 E 5018085 N
6. 17 593555 E 5018044 N
7. 17 593551 E 5018033 N
8. 17 593546 E 5018027 N
9. 17 593550 E 5018022 N
10. 17 593547 E 5018014 N
11. 17 593550 E 5018011 N
12. 17 593552 E 5018005 N
13. 17 593554 E 5017997 N
14. 17 593547 E 5017992 N
15. 17 593550 E 5017989 N
16. 17 593554 E 5017985 N
17. 17 593560 E 5017976 N
18. 17 593563 E 5017971 N
19. 17 593563 E 5017957 N
20. 17 593564 E 5017962 N
21. 17 593564 E 5017958 N
22. 17 593574 E 5017954 N
23. 17 593575 E 5017952 N
24. 17 593581 E 5017947 N
25. 17 593584 E 5017943 N
26. 17 593554 E 5017926 N
27. 17 593547 E 5017931 N
28. 17 593543 E 5017930 N
29. 17 593544 E 5017925 N

30. 17 593539 E 5017927 N
31. 17 593535 E 5017925 N
32. 17 593537 E 5017922 N
33. 17 593532 E 5017923 N
34. 17 593527 E 5017925 N
35. 17 593519 E 5017923 N
36. 17 593519 E 5017921 N
37. 17 593512 E 5017922 N
38. 19 593511 E 5017923 N



Photos Submitted by Mike Buzanis. 08/20/20 Road Over Crown.

















Ministry of Natural Resources
Ministère des ressources naturelles

Ontario

Schedule "D" Work Permit Conditions Report

Submission ID: MPSB-2024-PLA-04445

Approval Number: MPSB-2024-PLA-04445-WP-001

Proponent: Michael Buzanis

- The extent of the project must front lands owned by the permit holder and in no way encroach upon neighbouring properties
- All work shall be carried out within the approved Work Permit Area (WPA) only. Any work outside the approved WPA will require separate approval or an amendment to this Work Permit.
- Wheeled or tracked machinery or equipment used in connection with the activity must be operated from dry land, on ice surface or operated from a barge or vessel, and must be stored on dry land or stored on a barge or vessel.
- The Permit Holder shall not undertake any work in the water between the following dates April 1 - September 30
- All water discharges from pumps, etc., are to be directed through appropriate sedimentation control to prevent material from entering any water.
- Sediment controls containing the work area must be installed before the work begins, must be maintained for the duration of the work, and must not be removed until after the area has stabilized.
- The Permit Holder shall ensure all debris removed during construction (e.g. brush, slash, topsoil etc.) is not deposited in the ditches, on the shoulders of the road or below the high water mark of water courses.
- The Permit Holder shall ensure no ground vegetation is to be disturbed within 10 metres of any water course.
- The Permit Holder shall ensure that the trail/road constructed on public land will be open to use by the public. Any restrictions on the use of the trail/road must be authorized by the Ministry of Natural Resources & Forestry.
- The Permit Holder shall utilize the Ministry of Natural Resources and Forestry “Environmental Guidelines for Access Roads and Water Crossings” for mandatory and suggested methods of construction and mitigation techniques.
- The Permit Holder shall ensure no materials such as rocks, aquatic vegetation and logs are disturbed or removed below the high water mark of any watercourse, except with the prior authorization of the Ministry of Natural Resources and Forestry.
- The Permit Holder shall ensure no fording or temporary crossing of the water course occurs.
- All work shall be carried out from one side of the water course only as per the permit and the Permit Holder shall not disturb any natural vegetation on the opposite side.

- The Permit Holder shall ensure all water is pumped out of the enclosed area (ex. Coffer dam), prior to the start of any excavation. Any fish trapped in the enclosure shall be relocated to the water course immediately.
- The Permit Holder shall ensure all machinery fording the watercourse to bring equipment required for construction to the opposite side is limited to a one-time event (over and back) and should occur only if an existing crossing at another location is not available or practical to use.
- The Permit Holder shall ensure machinery arrives on the work permit area site in a clean condition and is to be maintained throughout all work activities free of fluid leaks.
- The Permit Holder shall wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent entry into the water.
- The Permit Holder shall keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
- The Permit Holder shall restore banks to original condition if any disturbance occurs.
- Work is to occur between October 1st and March 31st, during the non-active season for reptiles and amphibians. Work should temporarily cease if Species at Risk or other reptiles are encountered during the work
- The issuance of this permit does not relieve the applicant from the responsibility of acquiring any other agency, board, government, etc. approval as may be required. Applicants are responsible for ensuring compliance with any other applicable legislation, including requirements under the Fisheries Act (Canada).
- The attached application is provided for your convenience; works are to be completed as set out in this application, unless contrary to any terms or conditions of this permit. In the event of conflict between the application and any terms or conditions of this permit, the terms and conditions set out in this permit shall prevail.
- If archaeological remains or human burials or other Cultural Heritage Resources are discovered on site at any time stop work immediately, secure the site from further alternation and public access and contact the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSPI). In the event that human remains are encountered during project implementation contact your local enforcement services and MHSPI staff.

Ministry of the Environment, Conservation and Parks | **Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Ontario

PERMIT UNDER subsection 17(1) in accordance with criteria in clause 17(2)(c) of the *ENDANGERED SPECIES ACT, 2007*

Permit #: NR-C-002-23

Issued to:	Michael Buzanis 77 Wanless Crescent Toronto, Ontario M4N 3C2
Term:	This permit comes into force on the date it is issued and expires after the submission of a final report that meets the requirements of condition 35.
Project Location:	The corridor identified as "Preferred Alignment" and inclusive of the area identified as "10m Corridor Width" in Schedule B, generally located near Lot 28, Concession 2, in the Township of Seguin, within the District of Parry Sound, Ontario (the "**Site**").
Project Description:	The construction of a roadway that is approximately 888 metres long, to provide land access to seven private cottage properties on Horseshoe Lake (the "**Project**").

1. **Authority**. This permit is issued to Michael Buzanis (the "**Permit Holder**") under subsection 17(1) of the *Endangered Species Act, 2007* ("**ESA"**) in accordance with the criteria in clause 17(2)(c) of the ESA.

2. **Application to Species.** This permit applies to the following species listed as endangered in Ontario Regulation 230/08 and their respective habitats, which are protected under the ESA:

   - Blanding's Turtle *(Emydoidea blandingii)*
   - Eastern Hog-nosed Snake *(Heterodon platirhinos)*

3. **Authorization.** This permit authorizes the Permit Holder to engage in the following activities at the Site that would otherwise be prohibited by subsections 9(1) and 10(1) of the ESA for the purpose of carrying out the Project or fulfilling the conditions of this permit:

   (a) harm, harass, capture, possess, or transport Blanding's Turtle individuals;

(b) harm, harass, capture, possess, or transport Eastern Hog-nosed Snake individuals; and

(c) damage or destroy up to 0.90 ha of collective habitat for Blanding's Turtle and Eastern Hog-nosed Snake, including 0.39 ha of Category 2 Blanding's Turtle habitat and 0.51 ha of Category 3 Blanding's Turtle habitat.

4. **Conditions.** Pursuant to subsection 17(6) of the ESA, the authorizations in section 3 of this permit do not apply unless the Permit Holder complies with the requirements imposed by this permit.

5. **Compliance.** Section 36 of the ESA provides that non-compliance with the prohibitions in subsections 9(1) and 10(1) of that Act and any provision of this permit constitutes an offence.

6. **Schedules:** The following schedules form part of this permit:

- Schedule A: Conditions
- Schedule B: Project Location (The Site)

Pursuant to subsection 17(1) of the ESA and in accordance with clause 17(2)(c) of the ESA, I hereby issue this permit authorizing the activities described above, subject to the conditions set out herein.



April 17, 2025

_____ Date of Issuance: _____

Hon. Todd McCarthy (dd/mm/yy)

Minister of the Environment, Conservation and Parks

SCHEDULE A: CONDITIONS

Definitions

1. For the purposes of this permit, the following definitions apply:

“Active Season” means either or both of the following, as the context indicates:

a) the period when Blanding’s Turtles are most likely to be outside of their overwintering site (normally between April 15 and October 15); or

b) the period when Eastern Hog-nosed Snakes are most likely to be outside of their winter hibernaculum (normally between April 15 and October 15);

"Artificial Nest” means a nest constructed for use by Blanding’s Turtles as required under condition 28;

“Brush Pile” means a heaped mound of woody debris, consisting of branches, stumps, and rocks, which provides suitable habitat for thermoregulation or foraging for Eastern Hog-nosed Snake;

"Category 2” and **“Category 3”** have the same meanings as set out in the document published by the MECP entitled “General Habitat Description for the Blanding’s Turtle (*Emydoidea blandingii*)”;

“Development Area” means the areas of the Site, identified as “Proposed Alignment” and “10m Corridor Width” in Schedule B, where construction will occur;

“Ecopassage” means a large culvert that functions as a passage for Protected Species individuals to utilize for crossing safely beneath a roadway, designed and installed under condition 24, in consultation with a Qualified Professional and in accordance with the document titled “*Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario*”, dated April 2016, published by the Ontario Ministry of Natural Resources and Forestry;

“Incidental Encounter” means any encounter at the Site with a species that is listed on the SARO List;

“MECP” means the Ministry of the Environment, Conservation and Parks;

“Mitigation Measures” means the activities required under conditions 21 through 27, which are intended to minimize adverse effects on the Protected Species;

“NHIC” means the Ministry of Natural Resources and Forestry’s Natural Heritage

Information Centre;

“Overall Benefit Activities” means the activities identified in condition 28 and condition 29;

“Overall Benefit Locations” means the locations at which Overall Benefit Activities are carried out;

“Permanent Exclusion Fencing” means fencing located on private land intended to exclude the Protected Species from accessing the Development Area after the completion of Project Activities, designed and installed under condition 25, in consultation with a Qualified Professional and in accordance with the document titled “*Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.0. Species at Risk Branch Technical Note*”, dated July 2013, published by the Ontario Ministry of Natural Resources and Forestry;

“Project Activities” means activities associated with undertaking the Project which may negatively impact the Protected Species or their habitat at the Site or associated with fulfilling the conditions of this permit other than the Overall Benefit Activities, including but not limited to site preparation, vegetation removal, and construction of a roadway;

“Protected Species” means Blanding’s Turtle and Eastern Hog-nosed Snake;

“Qualified Professional” means a person who has the education, training, experience, and expertise in conservation and protection of the relevant Protected Species, including the capture and handling of the Protected Species, to undertake the requirements of this permit that are to be undertaken or overseen by that person;

“SARO List” means the species lists in Ontario Regulation 230/80 – Species at Risk in Ontario List;

“Temporary Exclusion Fencing” means fencing located on private land intended to exclude the Protected Species from the Development Area during construction, designed and installed under condition 21, in consultation with a Qualified Professional and in accordance with the document titled “*Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.0. Species at Risk Branch Technical Note*”, dated July 2013, published by the Ontario Ministry of Natural Resources and Forestry;

“Turtle Nesting Season” means the period when Blanding’s Turtle are most likely to be searching for the appropriate locations for nesting, establishing nest sites, and nesting, generally between May 15 and July 15; and

“Wildlife Custodian” means a person who holds a valid authorization issued

under clause 44(2)(a) of the *Fish and Wildlife Conservation Act, 1997.*

General

2. The Permit Holder shall retain one or more Qualified Professional(s) to:

(a) undertake the activities that this permit requires to be performed by a Qualified Professional; and

(b) supervise and assist with other activities required by this permit that are within the purview of a Qualified Professional.

3. The Permit Holder shall keep a copy of this permit on the Site at all times during the Project and at the Overall Benefit Locations when Overall Benefit Activities are taking place and make it available for review by any person(s) working on the Project or Overall Benefit Activities.

4. The Permit Holder shall:

(a) give a copy of this permit to every Qualified Professional working on the Project or Overall Benefit Activities; and

(b) ensure that a copy of this permit is carried by any person who possesses or transports a Protected Species individual under the authority of this permit.

5. The Permit Holder shall act with due diligence to avoid killing, harming, and/or harassing any Protected Species individuals while carrying out the Project and while fulfilling the conditions of this permit.

6. The first time any Project Activities are commenced, the Permit Holder shall notify the MECP within 24 hours by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23).

7. At the request of MECP staff and on reasonable notice, the Permit Holder shall provide MECP staff and others accompanying them with access to the Site and any other areas for the purposes of observing the Site, Overall Benefit Locations, and any activities undertaken in relation to this permit. If access is requested to an area not on the Site and not owned or controlled by the Permit Holder, the Permit Holder shall make reasonable efforts to obtain the requested access. For greater certainty, this condition does not affect the powers of an enforcement officer under the ESA.

8. The Permit Holder shall notify the MECP immediately by email to SAROntario@ontario.ca, referencing the number of this permit, if the Permit Holder's name or address changes or if the Permit Holder:

(a) becomes bankrupt, becomes insolvent, or makes an assignment for the benefit of creditors;

(b) has a receiver appointed over them;

(c) takes or is subject to any other thing which adversely affects the Permit Holder's ability to satisfy this permit; or

(d) is unable to satisfy any of the conditions of this permit.

Ministry Review/Approval Role for Minor Changes:

9. If it is not possible to complete the Project Activities in accordance with permit conditions, the Manager of Permissions Section in the MECP Species at Risk Branch may approve changes to the permit details, including maps provided in the Schedules, without an amendment to this permit if the following conditions are met:

(a) the proposed changes to Project Activities would not result in additional impacts to Protected Species individuals or impact another species listed as extirpated, endangered, or threatened on the SARO List;

(b) the proposed changes to Project Activities would not result in an increase to the amount of habitat that is authorized to be damaged or destroyed in section 3 of this permit;

(c) the proposed changes will not result in a reduction of overall benefit to be achieved for any of the Protected Species, or otherwise affect the intended outcomes of the Overall Benefit Activities;

(d) all Mitigation Measures are being completed in accordance with conditions 21 through 27 and will not be affected in their intended outcomes;

(e) any extension to an amount of time required to complete an action under this permit is not greater than 1 year; and

(f) a management biologist in the Species at Risk Branch has reviewed the changes and determined that conditions 9(a) through 9(e) will be met.

10. If the Permit Holder wishes to request a change under condition 9, the Permit Holder shall make a written request with reasons to support the request and documentation to clearly demonstrate that conditions 9(a) through 9(e) will be met to the Species at Risk Branch by email to SAROntario@ontario.ca, with the subject line referencing the number of this permit (NR-C-002-23), at least 30 days before the change is requested to be implemented.

11. If any changes have been made to the permit and approved under condition 9, these changes shall be clearly documented and a copy of the approval and supporting documentation shall be kept by the Permit Holder with the permit at all times.

Awareness and Training

12. Before any person engages in an activity authorized or required by this permit, the Permit Holder shall ensure that a Qualified Professional provides education and awareness training to that person that addresses:

(a) the existence and identification of the Protected Species and their habitats at the Site and Overall Benefit Locations;

(b) appropriate action(s) to take if an Incidental Encounter occurs;

(c) how to report sightings of the Protected Species or Incidental Encounters to the NHIC and the MECP; and

(d) all requirements of this permit, including an explanation of Mitigation Measures that are required to be taken to avoid impacts to the Protected Species and their respective habitats.

13. The Permit Holder shall keep a record of any training conducted under condition 12 for five (5) years following the completion of the Overall Benefit Activities and provide a copy immediately upon request by the MECP. This record shall include:

(a) the name of each Qualified Professional who conducted the training;

(b) the names of all persons trained, and a declaration signed by each trainee certifying that they have been trained in accordance with the requirements under condition 12;

(c) the date(s) of the training;

(d) a description of the manner in which training was provided; and

(e) a copy of all the training materials.

Species at Risk Reporting

14. If a member of a species on the SARO List that is not identified in section 2 of this permit is encountered while carrying out any activity related to this project at the Site or Overall Benefit Locations, the Permit Holder shall report the encounter within 48 hours to the MECP by email to SAROntario@ontario.ca, with a carbon copy to the Natural Heritage Information Centre (NHIC) at NHICrequests@ontario.ca, in accordance with Ontario's guidance on how to report rare species, which is currently found at: https://www.ontario.ca/page/report-rare-species-animals-and-plants. The Permit Holder shall take photographs of the individuals when possible and include them in the report.

Protected Species Encounters

15. If a live Protected Species individual is encountered at the Site, the Permit Holder shall:

(a) cease all activity within 30 metres of the individual that may result in adverse impacts to the individual until the individual leaves or is removed from the Site;

(b) contact a Qualified Professional immediately to report the encounter and ensure the Qualified Professional arrives within two (2) hours of the encounter;

(c) monitor the location of the individual at all times until the arrival of the Qualified Professional;

(d) if the individual has not left the Site on its own, ensure that the Qualified Professional has safely relocated the individual before resuming any activity within 30 metres of the location of the encounter; and

(e) record the following information, which is to be included in the annual reports required to be submitted under condition 34:

(i) name of the observer;

(ii) date and time of the encounter;

(iii) location of the encounter (UTM coordinate or detailed description);

(iv) description of the circumstances of the encounter;

(v) digital photograph(s) of the individual, if possible; and

(vi) summary of actions taken in relation to the individual.

16. If a Protected Species individual that is nesting is encountered, or if a Protected Species nest is discovered, the Permit Holder shall:

(a) immediately cease all activity and create a minimum 30 metre setback around the nest and/or nesting individuals within which no activity shall occur until the end of the Turtle Nesting Season and dispersal of any Protected Species individuals from the nest;

(b) ensure that the nest and nesting individual are protected from all disturbances for the duration of the Turtle Nesting Season, including by maintaining a 30 metre setback from the nest;

(c) ensure weekly monitoring of the nest site is completed by a Qualified Professional;

(d) allow the Protected Species individuals sufficient time to disperse from the nest site under their own ability before any activities continue within the 30 metre setback; and

(e) if a situation arises where it is not possible to protect a nest where it has been laid:

(i) contact an authorized Wildlife Custodian to request their assistance; and

(ii) if the Wildlife Custodian determines that artificial incubation is feasible, coordinate with the Wildlife Custodian to facilitate the transport of the eggs, their artificial incubation, and the release of the hatchlings back into the wild.

17. If an injured Protected Species individual is encountered at the Site, the Permit Holder shall:

(a) cease all Project Activities within 30 metres of the injured individual;

(b) ensure that the individual is protected from further harm until such a time as it can be collected by a Qualified Professional;

(c) follow the protocols outlined in the document titled "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", published by the Ministry of Natural Resources and Forestry, available online

at: https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf;

(d) document the location where the injury occurred, if known (UTM coordinate or detailed description);

(e) document the circumstances of the injury;

(f) obtain any necessary veterinary advice and care from a member of the College of Veterinarians of Ontario with appropriate experience relevant to the Protected Species and pay for said care;

(g) ensure a Qualified Professional transfers the individual to a Wildlife Custodian experienced in handling the relevant Protected Species, after any necessary veterinary advice or care has been administered; and

(h) report the incident to the MECP at SAROntario@ontario.ca, referencing the permit number (NR-C-002-23) and including the information required to be documented under conditions 17(d) and 17(e), before the end of the next business day.

18. If a Protected Species individual is killed or found dead at the Site, the Permit Holder shall:

(a) collect the individual and store it in a safe and refrigerated place;

(b) document the location and circumstances under which the individual was killed or found dead;

(c) report the incident to the MECP by email to SAROntario@ontario.ca, referencing the permit number (NR-C-002-23) and including the information required to be documented under condition 18(b), before the end of the next business day;

(d) comply with any instructions provided by the MECP regarding the handling and/or transfer of the dead individual;

(e) if handling or transfer of the dead individual is not required by the MECP, dispose of the dead individual in an appropriate manner; and

(f) report the encounter to the NHIC within three months of the encounter in accordance with Ontario's guidance on how to report rare species, which is currently found at: https://www.ontario.ca/page/report-rare-species-animals-and-plants.

Species Handling and Relocation

19. The Permit Holder shall ensure that any Protected Species individual required to be handled under this permit is handled by a Qualified Professional or a designated staff member who has been trained by a Qualified Professional in accordance with the protocols outlined in the document titled "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", published by the Ministry of Natural Resources and Forestry, available online at:

https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf.

20. The Permit Holder shall ensure that any Protected Species individual captured or otherwise required to be relocated under this permit is released by a Qualified Professional or a designated staff member who has been trained by a Qualified Professional, into an area suitable for relocation as identified in accordance with the protocols outlined in the document titled "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", published by the Ministry of Natural Resources and Forestry, available online at: https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf.

Mitigation Measures

21. **Temporary Exclusion Fencing:** Prior to the commencement of any Project Activities that occur within the Active Season, the Permit Holder shall install Temporary Exclusion Fencing at the locations identified as "Exclusion Fencing" in Schedule B, to prevent the movement of any Protected Species into the Development Area, in accordance with the following:

(a) the fencing shall be installed in accordance with the direction provided in the Ontario publication "*Reptile and Amphibian Exclusion Fencing*", available at: www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing;

(b) the fencing shall be a minimum of 0.6 metres in height above grade at all installed locations, buried a minimum of 0.2 metres below grade at all installed locations, and secure so Protected Species individuals will not be able to pass under or over the barrier or between any openings;

(c) the final design and location of the Temporary Exclusion Fencing, including entry and access areas, shall be approved by a Qualified Professional;

(d) the Temporary Exclusion Fencing shall be installed prior to start of the Active Season in each year in which Project Activities occur;

(e) the Temporary Exclusion Fencing shall be inspected daily during the Active Season while construction is ongoing;

(f) any damage to the Temporary Exclusion Fencing shall be repaired by the end of the business day when the damage is observed; and

(g) the Temporary Exclusion Fencing shall be maintained and remain in place throughout each Active Season until all Project Activities within the Development Area have been completed or Permanent Exclusion Fencing is in place.

22. **Species Inspections:** The Permit Holder shall ensure that the Development Area is inspected by a Qualified Professional or a designated staff member who has been trained by a Qualified Professional, each morning prior to the commencement of any Project Activities, for the presence of the Protected Species. If any Protected Species individuals are found during the inspection, the requirements under conditions 15 through 18 shall be followed, as applicable.

23. **Vegetation Removal:** The Permit Holder shall ensure that any tree clearing, vegetation removal, or site preparation occurring within the Development Area is completed in accordance with the following:

    (a) vegetation removal shall only occur after Temporary Exclusion Fencing has been installed;

    (b) vegetation clearing shall occur outside of the Active Season in any upland forested areas;

    (c) clearing of low-lying vegetation shall only occur during the Active Season for Blanding's Turtle to allow the ability for turtles to disperse from the area;

    (d) prior to the commencement of any vegetation clearing, the Development Area and any associated Temporary Exclusion Fencing shall be inspected by a Qualified Professional to confirm the absence of individuals of the Protected Species within the area to be cleared; and

    (e) prior to any vegetation removal activities each day, a Qualified Professional or a designated staff member who has been trained by a Qualified Professional shall complete a thorough inspection of the vegetation removal area to ensure that there are no Protected Species individuals present. If any Protected Species individual is found, the Permit Holder shall follow conditions 15 through 18, as applicable.

24. **Ecopassages:** The Permit Holder shall install a minimum of three (3) culverts large enough to function as Ecopassages beneath the roadway corridor, in the locations identified as "Ecopassage" in Schedule B, to maintain habitat continuity and provide safe crossing locations under the road corridor, in accordance with the following:

    (a) the culverts shall be installed in accordance with the direction provided in "*Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario*", available at: https://files.ontario.ca/bmp_herp_2016_final_final_resized.pdf;

    (b) the culverts shall be installed during the first year in which Project Activities commence, after the Temporary Exclusion Fencing required under condition 21 has been installed;

    (c) the final design and location of the culverts shall be approved by a Qualified Professional; and

    (d) the culverts shall be maintained for the lifetime of this permit.

25. **Permanent Exclusion Fencing:** The Permit Holder shall install and maintain Permanent Exclusion Fencing at the locations identified as "Exclusion Fencing" in Schedule B, to prevent the Protected Species from entering the constructed roadway to avoid road mortality, in accordance with the following:

    (a) the Permanent Exclusion Fencing shall be installed in accordance with the direction provided in the Ontario publication "*Reptile and Amphibian*

Exclusion Fencing", available at: www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing;

(b) the Permanent Exclusion Fencing shall be installed immediately after all Project Activities have been completed within the Development Area;

(c) the final design and location of the Permanent Exclusion Fencing shall be approved by a Qualified Professional;

(d) the Permanent Exclusion Fencing shall include the same specifications described in condition 21(b); and

(e) the Permanent Exclusion Fencing shall be maintained for the lifetime of this permit.

26. Protection from Invasive Species: The Permit Holder shall ensure that all machinery is cleaned in accordance with the "Clean Equipment for Industry Protocol", available at: http://www.ontarioinvasiveplants.ca/wp-content/uploads/2016/07/Clean-Equipment-Protocol_June2016_D3_WEB-1.pdf, prior to entering the Site.

27. Reptile Crossing Signage: The Permit Holder shall install a minimum of one (1) reptile crossing sign along the road corridor on each side of the roadway upon completion of the construction of the roadway and maintain the signage in good repair for the lifetime of the permit.

Overall Benefit Activities

28. Artificial Nesting Sites: The Permit Holder shall install a minimum of three (3) Artificial Nests for Blanding's Turtles, at the approximate locations identified as "Artificial Nesting Site" in Schedule B, in accordance with the following:

(a) the Artificial Nests shall be installed during the first year in which Project Activities are to commence, prior to beginning Project Activities, to provide a high-quality alternative to roadside nesting;

(b) the Artificial Nests shall be installed outside of Turtle Nesting Season;

(c) the Artificial Nests shall be approximately four (4) metres in diameter and structured to be exposed to the south for maximum solar exposure;

(d) the final designs and locations of the Artificial Nests shall be approved by a Qualified Professional; and

(e) each of the Artificial Nests shall be connected to each other by continuous Blanding's Turtle habitat.

29. Brush Piles: The Permit Holder shall construct a minimum of five (5) Brush Piles for Eastern Hog-nosed Snakes to use adjacent to the roadway, at the approximate locations identified as "Brush Pile" in Schedule B, in accordance with the following:

(a) the Brush Piles shall be installed in the first year in which Project Activities are to commence, prior to beginning road construction;

(b) the Brush Piles shall be constructed in accordance with the guidelines provided in the document titled *"Best Management Practices for Identifying, Managing and Creating Habitat for Ontario's Species at Risk Snakes",* available at: https://canadianherpetology.ca/conservation/doc/MNRF%20Snake%20Habitat%20BMP_final-1.pdf;

(c) the Brush Piles shall be constructed using a combination of stumps, branches, and rocks to create suitable cover features;

(d) the Brush Piles shall be a minimum of three (3) metres in diameter and one (1) metre in depth;

(e) the Brush Piles shall be constructed under the supervision of a Qualified Professional; and

(f) the final locations of the Brush Piles shall be approved by a Qualified Professional.

Monitoring

30. Effectiveness Monitoring of Permanent Exclusion Fencing and Ecopassages: The Permit Holder shall ensure that the Permanent Exclusion Fencing installed under condition 25 and the Ecopassages installed under condition 24 are monitored for effectiveness by a Qualified Professional in accordance with the following:

(a) the Permanent Exclusion Fencing and Ecopassages shall be monitored for five (5) years after the installations have all been completed;

(b) the monitoring shall begin at the start of the Active Season that immediately follows the installation of both the Permanent Exclusion Fencing and Ecopassages being completed;

(c) the monitoring shall consist of road mortality surveys that shall be completed on foot and include:

(i) the entire road surface that lies adjacent to the Permanent Exclusion Fencing installed under condition 25; and

(ii) visible adjacent areas within 50 metres of each side of the road right-of-way;

(d) the monitoring in year 1 shall include one (1) road mortality survey per week from May 15 to July 15 and from August 25 to October 15;

(e) the monitoring in years 2 through 5 shall each include:

(i) five (5) road mortality surveys between April 15 and June 15; and

(ii) one (1) road mortality survey per month in July, August, September, and October;

(f) during each road mortality survey, any signs of wildlife road mortality shall be recorded; and

(g) during each road mortality survey, the Permanent Exclusion Fencing installed under condition 25 shall be inspected to ensure no defects exist in the fencing and any deficiencies shall be recorded and immediately repaired.

31. Effectiveness Monitoring of the Artificial Nests: The Permit Holder shall ensure that a Qualified Professional monitors the Artificial Nests installed under condition 28 in accordance with the following:

(a) basking surveys to determine the presence of Blanding's Turtles and use of the Artificial Nests shall be conducted each year for the first five (5) years following completion of condition 28, in accordance with the following:

(i) survey methodology shall adhere to the Ontario publication "*Survey Protocol for Blanding's Turtle (Emydoidea blandingii) in Ontario"*, available at: https://www.ontario.ca/page/survey-protocol-blandings-turtle-ontario; and

(ii) five (5) surveys shall be conducted between the start of Turtle Nesting Season and July 15 during each year in which surveys are required;

(b) photographs of the Artificial Nests installed under condition 28 shall be taken during each monitoring event required under condition 31(a); and

(c) if monitoring finds that any Artificial Nest(s) require maintenance or improvements, the Permit Holder shall immediately take all necessary or recommended actions to correct or improve the Artificial Nest(s) requiring maintenance or improvement.

32. Effectiveness Monitoring of the Brush Piles: The Permit Holder shall ensure that a Qualified Professional monitors the Brush Piles installed under condition 29 in accordance with the following:

(a) monitoring of the Brush Piles shall be conducted for five (5) years following the completion of condition 29;

(b) during each monitoring year, five (5) surveys of each Brush Pile shall be conducted during the Active Season to monitor for evidence of use by Eastern Hog-nosed Snake;

(c) photographs of each Brush Pile installed under condition 29 shall be taken during each monitoring event required under condition 32(b); and

(d) if monitoring finds that any Brush Pile(s) require maintenance or improvements, the Permit Holder shall immediately take all necessary or recommended actions to correct or improve the Brush Pile(s).

Corrective Actions

33. In the event that it is determined by a Qualified Professional that additional or corrective measures are necessary to ensure the intended outcome of the Overall Benefit Activities are achieved, the Permit Holder shall immediately implement those measures and notify the MECP within 24 hours of the measures that have been, or will be, taken by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23).

Reporting

34. Annual Reporting: Following each year in which monitoring is required under conditions 30 through 32, or corrective action is taken under condition 33, the Permit Holder shall submit an annual report by January 31st to the MECP by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23), that includes the following information from that year:

(a) a detailed summary of all education and awareness training completed in accordance with condition 12;

(b) digital photographs of the Temporary Exclusion Fencing and Permanent Exclusion Fencing, dates of installation, and records of repairs in accordance with conditions 21, 25, and 30(g);

(c) an assessment of the installation and effectiveness monitoring of the Permanent Exclusion Fencing in accordance with conditions 25 and 30, including:

  (i) dates of installation;

  (ii) photographic records that depict an accurate representation of the perimeter of the fencing; and

  (iii) a detailed summary of monitoring conducted in accordance with condition 30;

(d) an assessment of the installation and effectiveness monitoring of the Ecopassages in accordance with conditions 24 and 30, including:

  (i) dates of installation;

  (ii) location (UTM coordinates) and representative photographs of each Ecopassage; and

  (iii) a detailed summary of monitoring conducted in accordance with condition 30;

(e) a description of vegetation removal conducted in accordance with condition 23, including dates and locations of vegetation removal;

(f) a detailed summary of the installation of the reptile crossing signage, including;

  (i) locations (UTM coordinates) of the installations on each side of the roadway;

  (ii) digital photographs of the signage; and

  (iii) a record of any maintenance or repairs conducted in accordance with condition 27;

(g) an assessment of the installation and monitoring of Artificial Nests in accordance with conditions 28 and 31, including:

  (i) dates of installation;

(ii) location (UTM coordinates) and representative photographs of each Artificial Nest; and

(iii) a summary of the effectiveness monitoring conducted in accordance with condition 31, including:

A. description of survey dates, times, weather conditions, search effort and methodology;

B. a summary of each sighting of a Protected Species individual or other species on the SARO List, including:

i. date and time of observation;

ii. location of observation; and

iii. digital photograph, if possible; and

C. a record of any maintenance conducted under condition 31(c);

(h) an assessment of the installation and monitoring of Brush Piles in accordance with conditions 29 and 32, including:

(i) dates of installation;

(ii) location (UTM coordinates) and representative photographs of each Artificial Nest; and

(iii) a summary of the effectiveness monitoring conducted in accordance with condition 32, including:

A. description of survey dates, times, weather conditions, search effort and methodology;

B. a summary of each sighting of a Protected Species individual or other species on the SARO List, including:

i. date and time of observation;

ii. location of observation; and

iii. digital photograph, if possible;

(i) a detailed description, map, and photographs of all observations of the Protected Species and any Incidental Encounters within the Site; and

(j) a summary of all inspections conducted under condition 22, including;

(i) dates when such inspections began and ended;

(ii) summaries of search efforts and methodology including weather conditions; and

(iii) details on any Protected Species individuals observed during the inspections, including;

A. date and time of observation;

B. location of observation; and

C. digital photographs, if possible.

35. Final Reporting: No later than one (1) year following the completion of all Project Activities, Overall Benefit Activities, and monitoring required under conditions 30 through 32, the Permit Holder shall submit a final report to the MECP by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23), that includes the following:

(a) a final report on the Overall Benefit Activities, including:

(i) a final summary of the activities carried out under condition 28 and condition 29;

(ii) a summary of the results of the monitoring conducted under conditions 30 through 32;

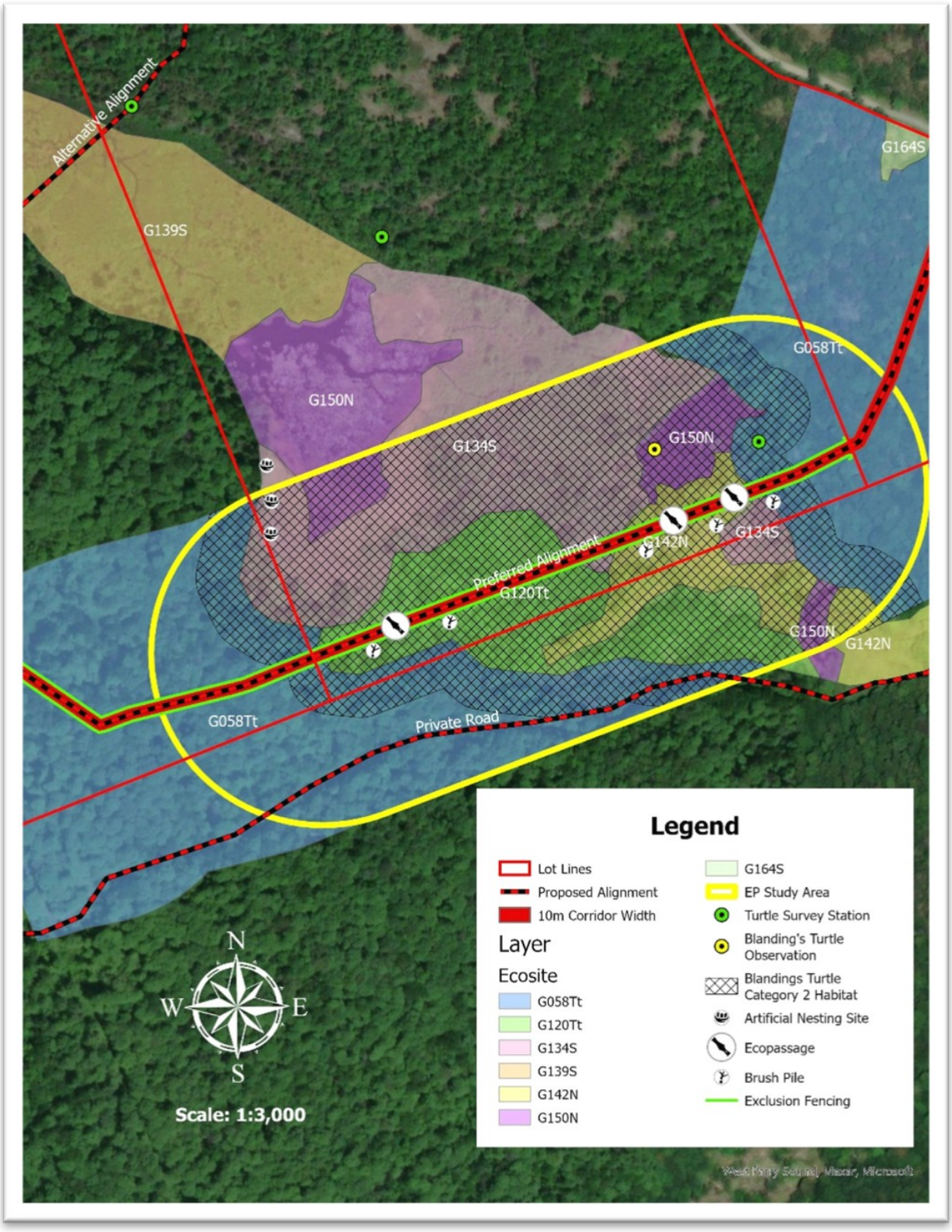
(iii) a detailed analysis of the use of the Artificial Nests and Brush Piles installed under conditions 28 and 29 by the Protected Species; and

(iv) recommendations for methodologies and techniques designed to increase the suitability of future created habitat for the Protected Species;

(b) an analysis of the overall effectiveness of the Permanent Exclusion Fencing and Ecopassages and any recommendations for future improvements; and

(c) a summary of any corrective actions undertaken in accordance with condition 33.

SCHEDULE B: Project Location (The Site)



RIVERSTONE
ENVIRONMENTAL SOLUTIONS INC.

January 20, 2025
RS# 224-337

Taylor Elgie
Planning Department
Township of Seguin

By email: telgie@seguin.ca

SUBJECT: Peer Review of 'Scoped–site Environmental Impact Study, Proposed Horseshoe Lake Access Road, EP Zoning Wetlands, Part of Lot 28, Concession 2, Geographic Township of Christie, Municipality of Seguin, District of Parry Sound" dated November 2024, prepared by FRICorp Ecological Services

Taylor:

As requested by the Township of Seguin, RiverStone Environmental Solutions Inc. (RiverStone) has reviewed the following document:

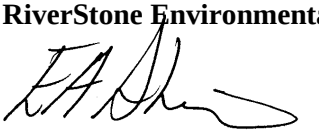
- Scoped – site Environmental Impact Study, Proposed Horseshoe Lake Access Road, EP Zoning Wetlands, Part of Lot 28, Concession 2, Geographic Township of Christie, Municipality of Seguin, District of Parry Sound, prepared by FRICorp, dated November 2024

It is our understanding that the applicant is proposing to construct an access road through privately owned, municipally zoned EP wetlands, to provide private road access to approximately seven (7) waterfront lots that are currently water-access only. The study area contains wetland habitat, a watercourse, and habitat for endangered and threatened species. It is also possible the study area contains fish habitat and significant wildlife habitat. The EIS is the standard tool required by the Township per various policies of the Official Plan.

Please see attached a table of technical comments for the Township's consideration in review of the zoning application. The comments outline concerns related to technical content within the report, and recommendations for improvement to further assess the application. It is our opinion that the application cannot occur in conformity with applicable local and provincial planning policies or be in compliance with applicable environmental regulations. The report does not include sufficient content/information to provide a recommendation in this regard.

Should you require clarification or additional information please do not hesitate to contact us directly.

RiverStone Environmental Solutions Inc.



Al Shaw, M. Sc.
Senior Ecologist / Principal

REVIEW OF FIRST SUBMISSION: Part of Lot 28, Concession 2, Geographic Township of Christie, Township of Seguin **APPLICATIONS: 2nd Draft Submission**
PROJECT: 224-337
APPROVAL AUTHORITIES: Township of Seguin
DATE: June 16, 2025

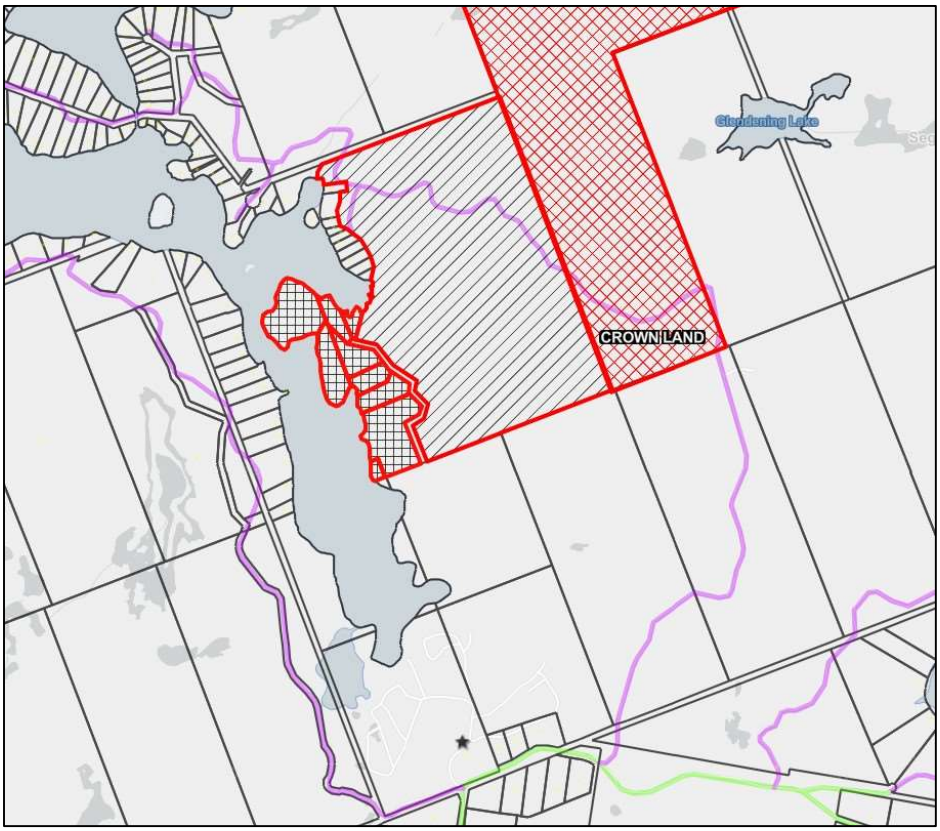
COMMENTS		COMMENT	APPLICANT RESPONSE	RIVERSTONE 2nd REPLY	APPLICANT RESPONSE
Agency: Township of Seguin **Representative:** RiverStone	**1**	*Introduction* The report is missing a thorough introduction that discusses the scope of the study and the proposed development. It is stated there is a preferred access route for the road, and alternatives are mentioned, but no further details are provided that discusses how this route was chosen. It is unclear what triggered the study and if the study was scoped or if any agency consultation was complete.	Expanded introduction to address comments on Pages 4-6.	Addressed sufficiently, no additional material required.	
Reports/Document: FRICorp, November 2024	**2**	*Approach and Methods* This section does not provide details about what surveys were undertaken and what survey protocols were followed, times of site investigations, environmental conditions, field effort etc. to confirm that the assessment was completed appropriately using industry standard protocols. Please provide a full description of field efforts, methodologies and work undertaken. Were breeding bird and anuran surveys completed? Please provide details on anurans, vegetation inventories, when wetland limits were mapped, incidental wildlife, turtle surveys/nesting surveys, snake emergence, etc. Survey stations and assessment locations should be identified on a figure. Studies conducted should follow industry accepted protocols; however, none are included, please provide clarification.	This section was expanded from Pages 6-10 including Tables 2-5	Partially Addressed: Additional policies or legislation that were deemed to be applicable to the proposal were included in the updated EIS. This included the Fisheries Act. It was noted that the application would need to follow standard codes of practice to be compliant. In our review of the codes of practice, there are none that address construction of new private roads. Where there are no standard codes of practice to protect against causing the death of fish or harmful alteration, disruption or destruction of fish habitat, a request for project review should be submitted to DFO. We would suggest that a request for project review should be submitted.	
	3	*Ecological Land Classification* Detailed vegetation inventory lists are absent from this section and from the appendices. Please include in revised report. It is unclear which ELC manual was referenced for this report. The subject property is located in Ecoregion 5E and reference to the Central Provincial ELC guide should be made.	Vegetation Inventories are not a required component of an EIS. If indded there was potential for a species at risk plant, targeted studies would have occurred. That being said, to satisfy this comment, a vegetation list has been added to Appendix 3. Expanded section on Ecosites f	Addressed sufficiently, no additional material required	

		There are 5 ecosites listed in the report; however, more than 5 are outlined on Figure 2. Please provide clarification and if field studies were conducted to determine these boundaries or if they were delineated using aerial photography – the scope of the project is not defined, and it appears ELC mapping was completed outside of the study area.	rom pages 11-19 and including Figure 2. Yes of course the ecosite boundaries were obtained in the field as per the photos that were provided in the report		
	4	EP Zoned Wetlands Were wetland boundaries assessed by an OWES certified ecologist? Do the wetlands on the subject property meet the outlined criteria to be considered “provincially significant”? Please provide field data and detailed descriptions of the habitat present.	yes the wetland boundaries were determined by a certified Ontario wetland evaluator. Details regarding Provincial Significance has been added to the text on pages 11-12 and 20-21 as well as Table 6.	Addressed sufficiently, no additional material required	
	5	*Habitat of Endangered and Threatened Species* SAR review for endangered and threatened species is incomplete. Based on our review, there are several species that should have been considered. Please provide a full screening for endangered and threatened species based on background review and habitat present. The report does not include appropriate recommendations to ensure compliance with the ESA. It is noted that obtaining a permit from MECP does not necessarily result in the project meeting local planning policies.	A Draft Permit has been issued by MECP and is contained in Appendix 2. Details to address comments can be found on Pages 7-9, Table 4 and Table 6.	Addressed sufficiently, no additional material required	
	6	*Wetland Features Impact Assessment Summary and Recommendations* Clarity should be provided on the ownership of the subject property. It is not clear in the report if it is privately owned or a Crown Land parcel. A watercourse is mentioned; however, no details or mapping is provided for this feature. Please provide complete assessment. Without a complete assessment of the features (wetlands/watercourses), it is not possible to	Figure 1,2, 10 along with Tables 1, 2 and 6 and text on page 27 addresses this comments.	Addressed sufficiently, no additional material required. The municipality may consider asking for the results of the monitoring and reporting work that is being carried out as part of the conditions of the MECP permit.	

		determine the potential to function as fish habitat. Please review and update. Culverts are mentioned as a recommended mitigation; however, details on the location and sizing of these features and how they will function as ecopassages, are absent from the report. What were the other road alignments that were considered? What other avoidance alternatives were considered?	Please reference Figure 10, Pages 5-6, 11, Table 6 and Appendix 4		
	7	*Conclusions* The report lists “multiple timing restrictions”; however, these are not outlined. Please provide details and what they relate to. What is a “reduced road corridor footprint”? Can that be quantified? Please provide more information. How was the number of culverts determined? Please provide more information. How were the number, size, and location of habitat creation areas such as turtle nesting sites and brush piles determined? Please provide more information or references for the creation of these features. “Long-term monitoring of effectiveness of these measures” is listed; however, no detailed monitoring plan is provided. Please provide.	Refer to pages 26 to 29	Addressed sufficiently, no additional material required	
	8	*Additional Comments* A section for the report detailing compliance with applicable planning policies from the Township is absent from the report, particularly the Official Plan and Zoning By-law. It is unclear whether or not the proposed development is in compliance with the Fisheries Act, the MBCA, the ESA, the PPS, the and the Township of Seguin OP and ZBL.	Refer to pages 26 to 29	Partially Addressed: It was noted in the revised EIS (pg8,9) that through the MECP consultation for ESA permitting, that the permit is on hold until additional permissions/permits are secured, including municipal and MNRF for a work permit. The municipality may wish to see the work permit from the MNRF before offering their approval or make it a condition. Given the	

		For example, the Township of Seguin OP Section A.2.1.2 discusses prohibiting new development that will result in negative impacts to wetlands and prohibits the loss and fragmentation of wetlands. Section D.4.3 discusses protection of wetlands. The Township of Seguin ZBL does not permit road development within an EP zone. How does this proposal comply with these policies? If permitting has been secured from MECP, this information should be included as an appendix to the report.		MECP permit has been issued, was the MNRF permit issued? It is noted in the updated EIS section on Legislation and Policy Compliance, Township of Seguin Official Plan, Policy C.1.1, that it is not possible to identify locally significant natural features as there is no definition in the OP as to the features of a locally significant feature/wetland. I believe the Township interpretation of the policy is that where features have been included in the EP designation, they are of either Provincial or Local significance and they have been identified by the Township because of their ability to meet one of the five functions (a through e). C.1.1.1 a) notes the intent to protect these features for values as wetlands and to preserve and protect associated habitat. We would agree that these definitions are general in nature but given the size of the wetland on the landscape, diversity of habitats, connectivity to Horseshoe Lake, presence of SAR (Blanding's), and inclusion in the EP zone, the wetland would seem to meet this definition to be considered locally significant. Policy C.1.1.2 does not include roads as a permitted use, only going as far as a recreational trail. It is correct that the zoning bylaw does prohibit structures and buildings in EP zones, except in accordance with the policies that follow in the bylaw, which do not specifically mention roads not being allowed. We suggest that it would be a legal interpretation regarding roads in EP zones that is not suited to a biological argument.	

HORSESHOE LAKE ACCESS ROAD



7/2/2025

PLANNING JUSTIFICATION REPORT

PREPARED BY:

Plan Muskoka
www.planmuskoka.com

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APPENDICES

Appendix 'A' – Work Permit from the Ministry of Natural Resources

Appendix 'B' - Overall Benefit Permit from the Ministry of Environment, Conservation and Parks

VERSION	DESCRIPTION	DD/MM/YYYY
1	Issued for Client Review	02/07/2025
2	Issued for Submission	03/07/2025

1.0 INTRODUCTION

Plan Muskoka has been retained by Michael Buzanis and Michael Boyle to review proposed Consent and Zoning By-law Amendment applications to permit the construction of a private road to provide access to existing water access properties located on Horseshoe Lake. The purpose of this report is to provide planning justification for staff and Council's consideration regarding the applications, which will be filed with the Township Planning Department under separate cover.

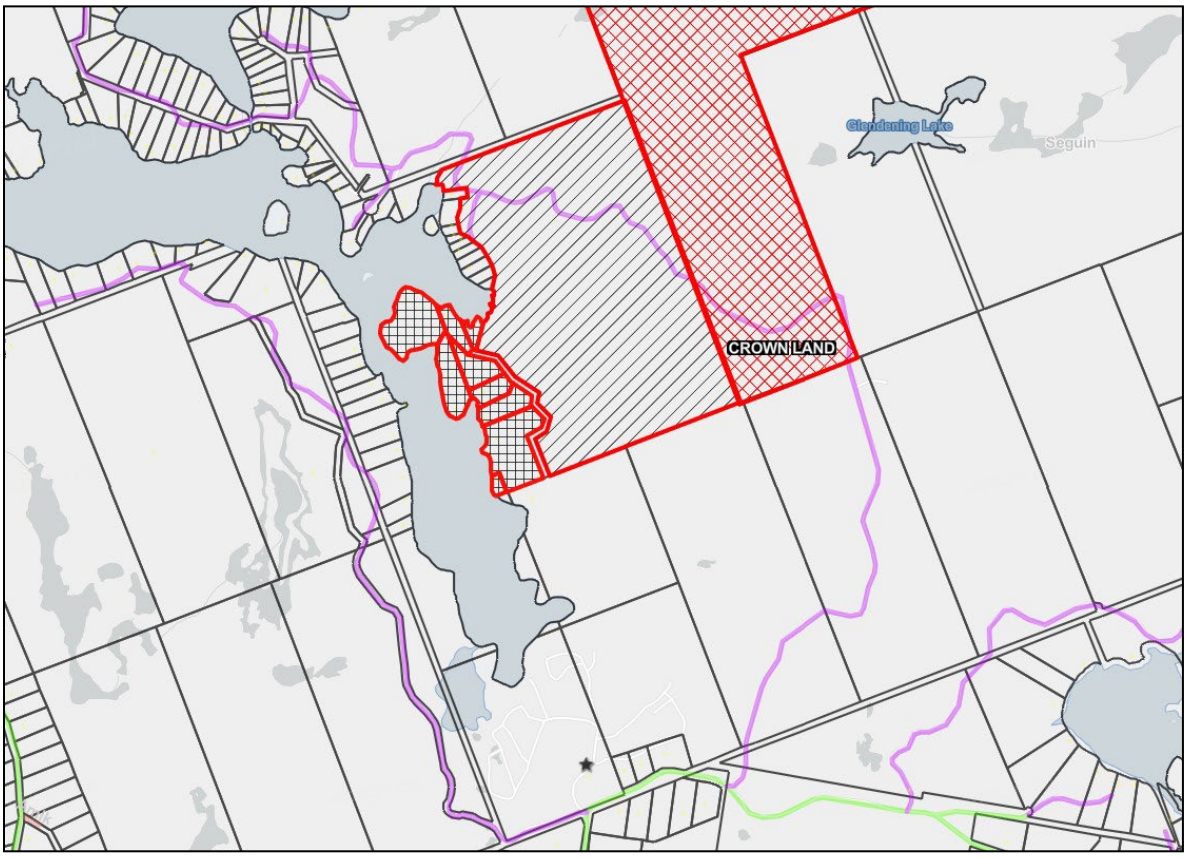


Figure 1: Key Map Showing Location of Subject Lands (West Parry Sound Geography Network)

2.0 SITE CHARACTERISTICS

The lands over which the access road is proposed are comprised of two parcels. The easternmost lot (shown in red crosshatch in Figure 1 above) has no municipal address assigned but is generally described as Part of Lot 27, Concession 2, Geographic Township of Christie, now in the Township of Seguin. As this property is Crown Land, construction of this section of the roadway is not subject to a Consent application, but the required approvals will be referenced throughout this report.

The remainder of the subject lands over which the access road is proposed are in private ownership and have no municipal address assigned but are generally described as Part of Lots 28 and 29, Concession 2, Geographic Township of Christie, now in the Township of Seguin. These lands are approximately 64 hectares in lot area with 125 metres of shoreline frontage on Horseshoe Lake and are presently vacant. Both parcels are traversed by Marshall Road, which is a private road not maintained by the Township of Seguin.

The subject lands are within the Crown Lands, Environmental Protection, Rural and Resource Area and Shoreline Area land use designations according to Schedule 'A' of the Township of Seguin Official Plan. The area in which the road is proposed to be constructed is presently zoned Rural (RU) and Environmental Protection (EP) by the Township of Seguin Zoning By-law 2006-25.

3.0 PROPOSAL

The applicants propose to construct a new road that would connect from Marshall Road to up to eight (8) existing water access properties with frontage on Horseshoe Lake, as illustrated in Figure 2 below.

The road corridor is proposed to be approximately 888 metres in length, starting at Marshall Road to the east and crossing over Crown Land for approximately 275 metres, as illustrated in Figure 3 below. In support of the proposed development, the applicants have received a Work Permit from the Ministry of Natural Resources (attached as Appendix 'A') to construct the portion of road over Crown Land. The road would then continue over private lands and connect to the unopened road allowance to the rear of the benefitting properties. Approximately 322 metres of the road corridor is proposed to pass through EP-zoned lands and the applicants have obtained an Overall Benefit Permit from the Ministry of Environment, Conservation and Parks (attached as Appendix 'B') to permit work within this area.

To permit the proposed development of the road over private lands, Consent applications will be filed with the Township to grant a right-of-way in favour of the benefitting cottage properties on Horseshoe Lake. A Zoning By-law Amendment application will also be filed to permit the construction of a road within EP zoned lands.

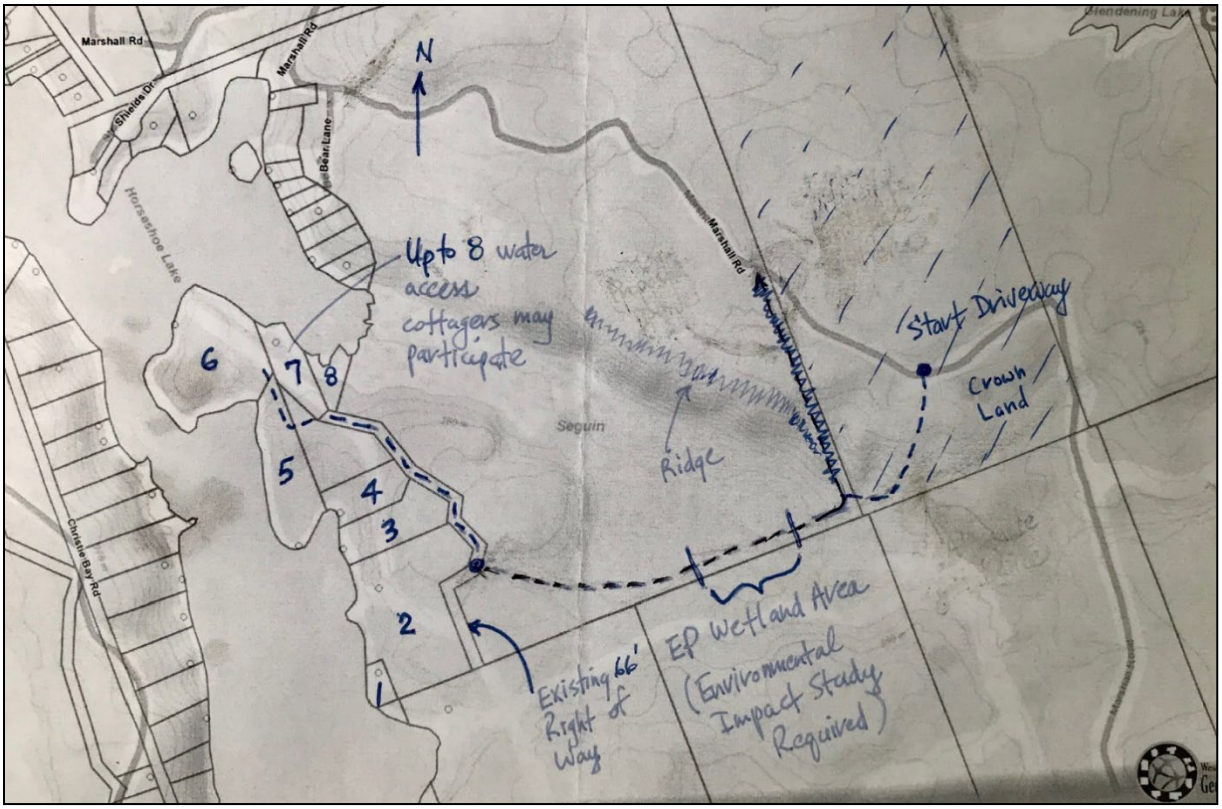


Figure 2: Sketch Illustrating Proposed Road Corridor (Applicants)

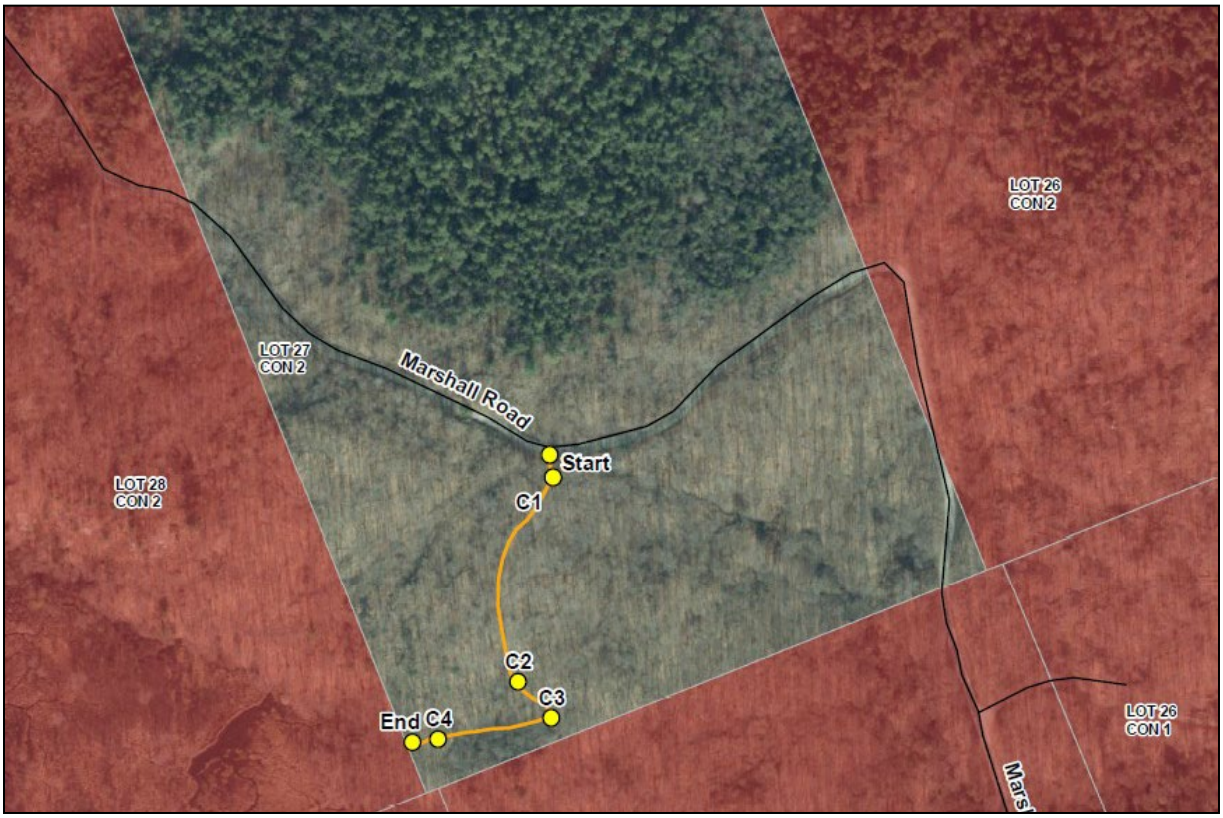


Figure 3: Approved Road Location over Crown Lands (MNR Work Permit)

4.0 PLANNING FRAMEWORK

To come to a professional opinion regarding the consistency and conformity of the proposed development and if the proposal represents good planning, a review of all relevant planning documents is required. These documents consist of the Provincial Planning Statement (2024), the Township of Seguin Official Plan, and the Township of Seguin Comprehensive Zoning By-law 2006-125.

Therefore, the purpose of this report is to examine the proposal and determine if the proposal is consistent with, conforms to, and/or complies with all the above-mentioned documents.

4.1 PROVINCIAL PLANS

Section 3 (5) of the *Planning Act* states:

"A decision of a council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be."

As such, the determination must be made that the proposed development is consistent with the Provincial Planning Statement (2024) and conforms to the Growth Plan of Northern Ontario (2011) in order for the Township of Seguin Committee of Adjustment and Council to make the decision to approve the proposed applications. Below is a review of the relevant sections of both plans against the proposed development.

4.1.1 PROVINCIAL PLANNING STATEMENT (2024)

The subject property, being outside any Settlement Area of the Township of Seguin, is considered to be within the *Rural Area* of Ontario, as defined in the Provincial Planning Statement (2024) (the 'PPS'). Furthermore, being located outside any Prime Agricultural Area of Ontario, the subject lands are deemed to be *'Rural Lands'* within the policy framework of the PPS.

Section 2.5.1 of the PPS states that *"healthy, integrated and viable rural areas should be supported by:*

a) building upon rural character, and leveraging rural amenities and assets; …
d) using rural infrastructure and public service facilities efficiently; …
f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
g) conserving biodiversity and considering the ecological benefits provided by nature; and …"

Although the scope of the proposed development is relatively minor in nature, it is consistent with the above policies. The proposed road will provide improved access to existing developed waterfront recreational properties, making better use of existing infrastructure and structures that support the tourist economy, while the lands have been assessed, through the issuance of the Work Permit from the Ministry of Natural Resources ('MNR') and the Overall Benefit Permit from the Ministry of Environment, Conservation and Parks ('MECP'), to ensure the protection of the natural environment.

Section 2.6.1 b) of the PPS permits *"resource-based recreational uses (including recreational dwellings not intended as permanent residences)"* on Rural lands, which matches the description of the existing use of the benefitting cottage properties. Section 2.6.2 of the PPS states that *"development that can be sustained by rural service levels should be promoted."* Section 2.6.3 states that *"development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure."* Private roads are a common method of access for recreational waterfront properties with limited services, and no expansion of municipal infrastructure is required to implement the proposal as road maintenance will be the responsibility of the benefitting landowners.

Section 4.1 of the PPS contains policies to protect natural heritage features and areas as well as water quality. Section 4.1.1 states that *"natural features and areas shall be protected for the long term"* with Section 4.1.2 stating that *"the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features."*

As noted, the proposed access road crosses through Environmental Protection (EP) zoned lands that are protected due to the presence of wetland values. In support of the

application, a Scoped Environmental Impact Study (the 'EIS'), dated November 2024 and revised March 10, 2025, was prepared by FRi Ecological Services to review the wetland areas and adjacent lands, determine any potential impacts to these areas as a result of the proposed private road construction, and provide appropriate mitigation and avoidance measures. The original EIS and revisions were also peer reviewed by RiverStone Environmental Solutions.

Section 4.1.4 of the PPS states that *"development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E …"* The EIS explains that the EP-zoned wetlands and their boundaries were assessed and mapped by an Ontario Wetland Evaluation System (OWES) evaluator for Northern Ontario, identifying three wetland ecosites within the study area. As Seguin falls within Ecoregion 5E, no development is permitted within significant wetlands. However, the EIS confirms that the wetlands are not provincially significant.

Section 4.1.6 of the PPS states that *"development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements."* Fish habitat surveys were completed as part of the EIS on the EP-zoned wetlands, including a small stream that runs through the wetland. The EIS states that no fish were caught or observed in bait traps and the study area is not considered direct fish habitat. To maintain connectivity for fish passage, the EIS recommends that three over-sized culverts be installed under the road to maintain hydrologic flow and function as ecopassages, as illustrated in Figure 4 below.

The RiverStone peer review of the EIS recommends that a request for project review be submitted to Department of Fisheries and Oceans ("DFO") to address the impacts on fish habitat. The EIS does note that *"consultation with the Fish Habitat Protection Program staff at Fisheries and Oceans Canada indicated that because the proposed corridor does not impact direct fish habitat, employing the Interim Standard for In-water Site Isolation is sufficient to protect direct fish habitat downstream at Horseshoe Lake."*

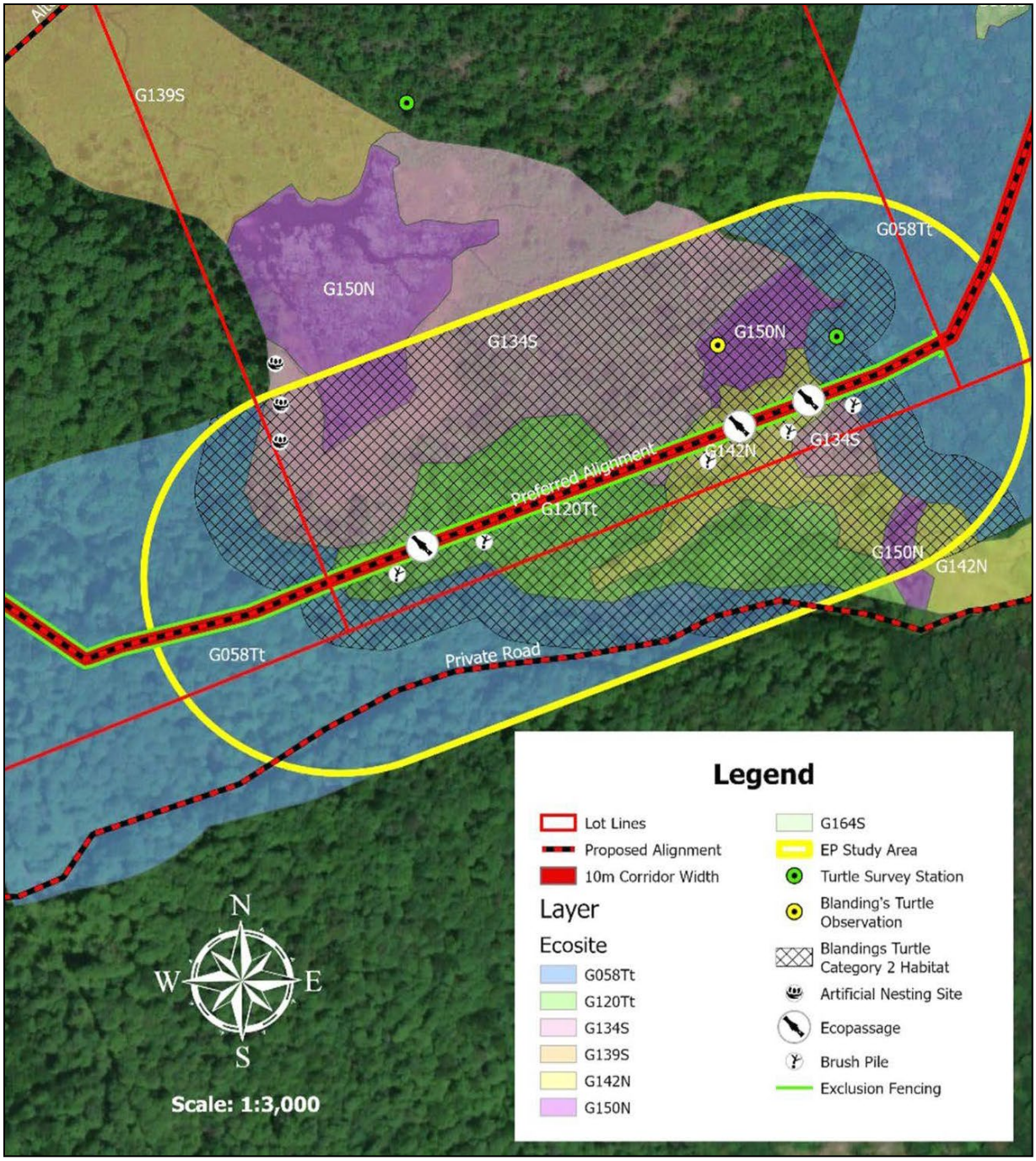


Figure 4: Mitigation and Overall Benefit Map of Study Area (FRi Ecological Services)

Section 4.1.7 of the PPS states that *"development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements."* The EIS used a preliminary screening of background information to identify potential endangered and threatened species and habitat with potential to be present on the subject property, confirming through preliminary

screening with MECP the potential presence of Blanding's turtles and Eastern Hog-nosed snakes. Several field investigations were also completed to assess ecosites, coupled with avian and species at risk surveys as well as the use of recorders to detect amphibians, birds and bats in all the represented ecosites. The EIS explains that *"no species at risk were detected during the Forest Bird Monitoring Surveys or recorded on the Wildlife Acoustics SM2 recorder. No species at risk were detected in the fish habitat surveys, snake surveys, vegetation surveys or casual mammal surveys. Only three species of bats were detected using the Wildlife Acoustics SM2 recorder and none of them were species at risk."*

To address any potential impacts of the road construction on Eastern Hog-nosed snakes and Blanding's turtles and their respective habitat, an Overall Benefit Permit was issued by MECP, which includes mitigation and overall benefits that are anticipated to leave the species in a better state than prior to proposed work. These measures include timing windows for vegetation clearing and construction; a reduced road corridor width through the EP-zoned wetland; the use of permanent exclusion fencing; installation of culverts as a wildlife ecopassage; construction of turtle nesting sites and cover brush piles; and annual monitoring for five years.

The EIS concludes that *"based on the assessment and evaluation of impacts, the proposed access road can be constructed and meet the legislative requirements of the Public Lands Act and the Endangered Species Act, the policy requirements of the Provincial Planning Statement, 2024, the guidelines of the Natural Heritage Reference Manual and the Ontario Wetland Evaluation System criteria."*

In light of the analysis above, it is my professional opinion that the proposed development is consistent with the policies of the Provincial Planning Statement (2024).

4.1.2 GROWTH PLAN FOR NORTHERN ONTARIO (2011)

The Growth Plan for Northern Ontario (2011) (the **'Growth Plan'**) is described as, in part, an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan.

Section 1.4 of the Growth Plan states several guiding principles for growth in northern Ontario, the most relevant being *"1. Creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents"* and *"5. Demonstrating leadership in sustainable growth and environmental management."* This

application, which seeks to continue to grow Seguin's tourism economy sustainably while ensuring environmental protection, is consistent with the above-noted guiding principles.

Tourism in Ontario is further promoted by Section 2.2.2 of the Growth Plan, which states that *"the Province will focus economic development strategies on the following existing and emerging priority economic sectors and the distinct competitive advantages that Northern Ontario can offer within these sectors: … i) tourism …"* with Section 2.3.10.1 stating that *"efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the tourism sector should include: … c) encouraging regional co-operation to expand and diversify Northern Ontario's tourism offerings and increase tourism visitation and receipts …"* As can be seen, the promotion of tourism in northern Ontario is vital to the future of the area and plays an important role in its success. It is stated in the Growth Plan that all municipalities should prepare long-term strategies that are designed to achieve economic, social and environmental sustainability, a high quality of place, and a vibrant, welcoming and inclusive community that builds on unique local features (Section 4.2.1). Furthermore, Section 4.2.2 states that *"municipalities and planning boards are encouraged to: … b) employ the use of available tools to support and facilitate land-use planning that implements their long-term community strategies."* Applications such as these are investments into the sustainable tourism sector and should be promoted wherever appropriate and possible.

Considering the above analysis, it is my professional opinion that the proposed development conforms with the policies of the Growth Plan for Northern Ontario (2011).

4.2 TOWNSHIP OF SEGUIN OFFICIAL PLAN

The lands over which the private road is proposed to be constructed are primarily within the Rural and Resource Area and Environmental Protection land use designations according to Schedule 'A' of the Township of Seguin Official Plan (the **'Official Plan'**). The portion of the road to be constructed over public lands is within the Crown Lands designation, and a small portion of the westernmost portion of the property as well as the benefiting cottage properties are within the Shoreline Area land use designation.

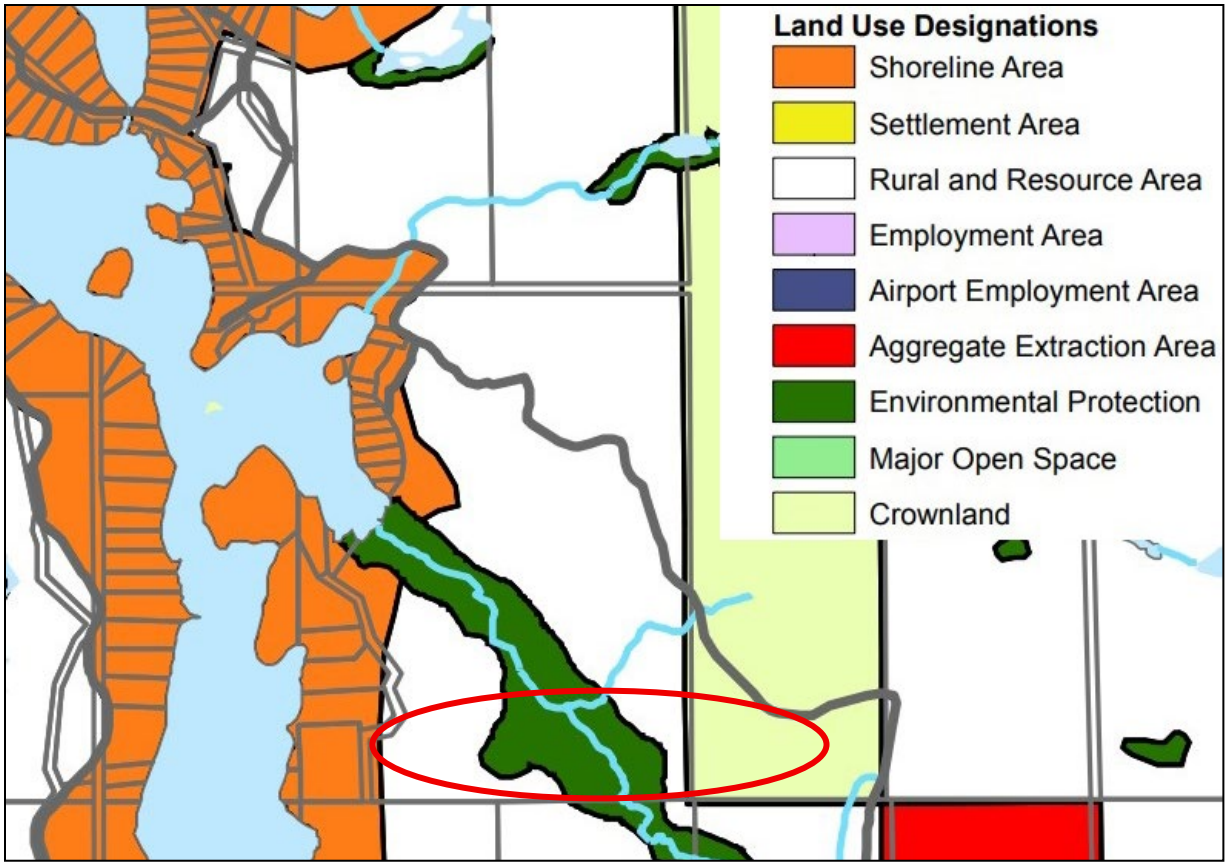


Figure 5: Excerpt of Schedule 'A' Illustrating Land Use Designations and Approximate Location of Access Road (Township of Seguin Official Plan)

Section A.2 outlines the general goals and objectives of the Official Plan, establishing an 'Environment-First' philosophy in the Township. Section A.2.1.1 states that *"it is the goal of this Plan to protect and enhance natural heritage features and ecological functions in the Township through the adoption of an "Environment-First" principle."*

Section A2.5.2 of the Official Plan directs that objectives for the Rural/Resource Areas include:

a) *To restrict development that has a negative impact on the open and natural character of the rural area.*

b) *To restrict development that requires the introduction of urban services into the rural area.*

c) *To discourage the intrusion of land uses that are incompatible with the rural character and/or resource activities of the area.*

d) To encourage the maintenance and development of passive low-intensity recreational uses such as four season trails in the Rural/Resource Areas of the Township, provided the use has a minimal impact on the character of the rural area and is properly sited. …

With particular relevance to the proposed development, Section A2.8.2 directs that objectives include *"to ensure that all necessary services required to serve and support development are available to meet the demands of present and future inhabitants and that reflects the financial ability of the Municipality to provide services"* and *"to establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including automobiles, trucks, cycling and walking, snowmobiles, recreational vehicles, and boats."* These objectives are implemented through detailed policies, as reviewed below.

As noted, the access road is proposed to cross over Crown Lands, connecting to Marshall Road to the east. Section C.1.2.2 of the Official Plan states that *"permitted uses within the Crown Lands designation shall include all those uses approved by the Province of Ontario and should generally include uses that are compatible with nature resource management including: a) mineral aggregate operations; b) mineral exploration and development; c) forestry management; d) linear recreational trails, e) water and resource management activities, f) wildlife management including trapper cabins and hunt camps; and g) existing waste management facilities."* As noted, a Work Permit has been issued by the MNR to permit the construction of the road, and it is therefore a permitted use as it has been authorized by the Province of Ontario.

Where the access road crosses into private lands, it falls within the Rural and Resource Area land use designation. Section C.1.3.1 explains that *"the Rural and Resource Area designation includes all of those private lands within the corporate limits of the Township outside the Settlement Areas and not within any of the other major land use designations. The Rural and Resource Area designation accommodates a range of uses including agriculture, forestry, linear open space, rural residential, small-scale commercial and industrial operations, aggregate extraction, and mining. Over the lifetime of this Plan, the rural area will experience limited development and is intended to maintain its rural and resource character and preserve the natural environment. It is the objective of the Rural and Resource Area designation to:*

a) encourage the preservation of lands for agricultural uses;
b) To minimize the impacts of development on existing agricultural operations.

c) To integrate agriculture, forestry, open space, and aggregate and mining uses in a satisfactory manner and to protect areas of mineral and aggregate resource potential from incompatible development.

d) To encourage the preservation of present and future linear trail systems for the benefit of the residents and visitors to the Town.

e) To recognize existing aggregate extraction uses and permit new or expansions to existing sand and gravel aggregate operations subject to a rezoning application and new or expansions to existing quarry operations through an Amendment to this Plan and the Zoning By-law, and to protect existing operations from incompatible uses.

f) To recognize existing waste management facilities and require new facilities to amend the Official Plan and Zoning By-law.

g) To recognize existing rural residential uses and permit limited new rural residential development in accordance with the policies of this Plan.

h) To recognize existing small-scale commercial, industrial, and institutional uses, and to permit limited new development that must be located in the Rural Resource Area and is compatible with the rural environment.

i) To buffer adjacent lands and uses from the potential negative impact of the uses permitted within the Rural and Resource designation."

Section C.1.3.2 of the Official Plan states that *"permitted uses in the Rural and Resource Area include:*

a) agriculture uses;

b) forestry;

c) linear open space trails;

d) single detached residential dwellings;

e) bed and breakfast operations;

f) small-scale commercial and industrial operations including recreational camps;

g) minor institutional uses;

h) sand and gravel extraction operations;

i) mineral exploration and development;

j) water or resource management activities; and

k) home occupations and home Industries are also permitted subject to the policies of this Plan."

Although not included explicitly as a permitted use (which is common and comparable to how utility lines are not listed as well), private roadways are commonly used to provide access in support of the above uses in remote locations and therefore are permitted as a logical extension of the permitted residential land use, in this case.

The wetland areas and streams on the subject lands are included within the Environmental Protection Area designation. Section C.1.1.1 explains that *"the Environmental Protection Area designation is land and water areas containing natural features or ecological functions of Provincial and local significance as identified by the Province or Township. Environmental Protection Area lands have been identified by the Township to:*

a) *preserve and protect identified wetlands both for the values as wetlands and to preserve and protect associated habitat;*
b) *preserve the locally significant watercourses and other locally significant environmental features;*
c) *preserve areas that contain hazardous lands such as steep slopes and lands prone to flooding;*
d) *preserve and enhance the quality and quantity of ground and surface water; and,*
e) *preserve and enhance areas of significant fish habitat."*

Section C.1.1.2 states that within the Environmental Protection designation, *"the following uses may be permitted, in accordance with the other policies of this Plan:*

a) *passive recreational uses, such as nature viewing and pedestrian trail activities;*
b) *forestry and resource management uses where undertaken in a manner that minimizes any potential impact on the natural features and functions of the area;*
c) *watershed management and flood and erosion control projects carried out or supervised by a public agency;*
d) *archaeological conservation."*

While private roadways are not listed above specifically, they are often considered to be by-products of providing access to uses of land. For example, the forestry and resource management use listed above refers to land uses or activities specifically aimed at managing, cultivating, harvesting, or conserving natural resources, primarily forests and associated resources, for economic, environmental, or recreational purposes. Timber harvesting operations, such as selective or clear-cut logging and

timber production can be considered part of such land use. Specifically, a roadway is needed for operational access, resource transportation, and safety and emergency response. Therefore, indirectly, roadways can be considered permitted in the Environmental Protection land use designation as long as they are "undertaken in a manner that minimizes any potential impact on the natural features and functions of the area." Given the recommendations of the EIS, its peer review, the MNR Work Permit, and the Overall Benefit Permit, I would conclude that the construction of the proposed roadway is being undertaken in a manner that minimizes any potential impact on the natural features and functions of the wetland it crosses.

Section C.1.1.3 a) states that *"it is the policy of this Plan to restrict the alteration of the physical and/or biological features of lands designated Environmental Protection Area. Any proposed alteration to an Environmental Protection Area shall be supported by appropriate justification in the form of an Environmental Impact Study as described in Section C.1.1.3 (c) (Environmental Impact Studies) of this Plan. The precise boundary of any Environmental Protection Area shall be determined as a component of the required Environmental Impact Study."* Section C1.1.3 c) states that *"it is essential that Environmental Protection Areas be protected from future development to preserve the Township's natural environment. As such, an application for the redesignation of an area of private lands designated Environmental Protection Area, may be given due consideration only if it is established to the satisfaction of Council through an Environmental Impact Study that the lands are not part of the environmental feature and that any development proposed will have no negative impact on the environmental feature or function of the area."* While the applications do not propose to redesignate the lands, a scoped EIS was prepared by FRi Ecological Services to review the proposed road construction within the boundaries of the Environmental Protection designation.

Further to the above, Section D.4 of the Official Plan contains policies to address natural heritage features. Section D4.3 explains that *"in general, the wetlands are located within the Environmental Protection designation on Schedule "A" to the Official Plan. Wetlands are also identified on Schedule "C" to the Official Plan. It is the policy of this Plan to protect wetlands and limit development in proximity to these natural heritage features."*

The EIS explains that the EP-zoned wetlands and their boundaries were assessed and mapped by an Ontario Wetland Evaluation System (OWES) evaluator for Northern Ontario, identifying three wetland ecosites within the study area. These wetlands were confirmed to not be provincially significant or coastal wetlands and therefore protected based on local significance. However, the EIS explains that *"it is important to note that*

there are no parameters or definitions that identify what is considered locally significant unlike very clear definitions for provincially significant. Therefore, it is impossible to demonstrate that this particular EP-zoned wetland is not locally significant since there are no parameters set out in the Official Plan. In our initial discussions with Steve Stone, this is where he indicated that there was some latitude for interpretation."

Table 6 of the EIS summarizes the wetland features assessment and evaluation of potential impacts (attached as Appendix 'C'). Generally, the EIS provides a number of recommendations for construction of the road to protect the values associated with the wetland, including a reduced road corridor width from 10 metres to 6 metres through the EP-zoned wetland and the installation of oversized culverts to serve a hydrologic function as well as a wildlife ecopassage function.

Section D.4.6 explains that *"the Township recognizes the importance and value of protecting the significant habitat of endangered species or threatened species. Some areas of significant habitat of endangered or threatened species is identified as a Natural Heritage Feature on Schedule "C" to this Plan. The Endangered Species Act requires that the habitat of species listed on the Species at Risk in Ontario List as an endangered or threatened species, shall not be damaged or destroyed."*

Through preliminary MECP screening, Blanding's turtles and Eastern Hog-nosed snakes habitat was identified as potentially present within the study area. Several field investigations were also completed to assess ecosites, coupled with avian and species at risk surveys as well as the use of recorders to detect amphibians, birds and bats in all the represented ecosites. The EIS explains that *"no species at risk were detected during the Forest Bird Monitoring Surveys or recorded on the Wildlife Acoustics SM2 recorder. No species at risk were detected in the fish habitat surveys, snake surveys, vegetation surveys or casual mammal surveys. Only three species of bats were detected using the Wildlife Acoustics SM2 recorder and none of them were species at risk."*

Section D4.6 further states that *"all development must ensure that the habitat of threatened, endangered, species, is protected. No development or site alteration shall be permitted in the significant habitat of endangered or threatened species. … Where development is proposed in areas that have the potential to contain significant habitat of endangered or threatened species, an EIS shall be required. Where an EIS has been prepared, prior to approving any development the Township shall ensure, through land use planning controls, that the*

appropriate measures are in place to mitigate potential negative impacts to the significant habitat of endangered and threatened species."

To address any potential impacts of the road construction on Eastern Hog-nosed snakes and Blanding's turtles and their respective habitat, an Overall Benefit Permit was issued by MECP, which includes mitigation and overall benefits that are anticipated to leave the species in a better state than prior to proposed work. These measures include timing windows for vegetation clearing and construction; the use of permanent exclusion fencing; installation of culverts as a wildlife ecopassage; construction of turtle nesting sites and cover brush piles; and annual monitoring for five years. These recommendations can also be implemented as conditions of approval by the Township prior to the commencement of road construction.

Section D.4.8 of the Official Plan states that *"fish habitat should be protected from incompatible development."* The EIS explains that the study area includes only indirect fish habitat, but provides several recommendations to avoid negative impacts, including timing restrictions on in-water works; the use of erosion control measures; and the provision of three culverts to maintain hydrologic flow and connectivity for fish passage.

Lastly, Section D.4.9 of the Official Plan states that *"adjacent lands are the lands relevant to which impacts of a development must be considered. The affect of a development proposal on features must be considered when the proposed development is within: • 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 0.8 ha … "* FRi explains that the study area assessed in the EIS includes the road corridor and the surrounding 120 metres in accordance with this policy.

The EIS concludes that *"there are values associated with the EP-zoned wetlands impacted by the proposed road corridor. FRi has identified these, applied appropriate mitigation measures and avoidance measures to significantly reduce any anticipated impacts or eliminate them. The Work Permit issued by the MNR and the Overall Benefit Permit issued by the MECP have very specific timing restrictions and other mitigation measures that are designed to reduce or eliminate impacts. The very principle of an Overall Benefit Permit is to leave a species in a better position than prior to the planned activity. Based on the assessment and evaluation of impacts, the proposed access road can be constructed and meet the legislative requirements of the Public Lands Act and the Endangered Species Act, the policy requirements of the Provincial Planning Statement, 2024, the guidelines of the Natural Heritage Reference Manual and the*

Ontario Wetland Evaluation System criteria as well as the Township of Seguin Official Plan and the stated requirements by the former Director of Planning and Development, Steve Stone."

Section E of the Official Plan contains policies regarding transportation and servicing. Section E1.1 outlines criteria for the development of new roads, including to:

d) ensure that new roads are constructed safely and designed to help distribute car and truck traffic evenly and provide access for the future operation of an efficient roads system;

e) ensure that new roads protect significant natural heritage features and their ecological function;

f) ensure that appropriate right-of-way widths for all existing and proposed roads are provided in accordance with the Planning Act;

g) encourage the use of alternative development standards for roads, where appropriate;

h) restrict development on private roads;

i) ensure that the financial implications of decisions relating to road construction and maintenance are thoroughly considered.

Table E.1.2 states that private roads function as lands that are not owned by the Township or public agency and no maintenance or services are provided; that private roads may be subject of a legal right-of-way; and that private roads provide direct access to land uses. Table E1.2 also provides guidelines for private roads, stating:

- *Township shall not set standards with respect to private roads.*
- *New development on private roads shall be limited to infill development in accordance with the policies of this Plan.*
- *Condominium development on private roads may be permitted provided the private roads are a common element in the plan of condominium.*
- *Minimum requirements for emergency access will be encouraged*

Section E.1.3 of the Official Plan states that *"private roads are lanes, roads or right-of-ways providing access to two or more lots maintained by private individuals or Condominium Corporations. New Private Roads are only permitted to be developed as a Plan of Condominium."* In this case, the only option would be the approval of a Common Elements Condominium Corporation, which is a more burdensome approval than a

consent approval. The intent behind requiring new private roads to be developed through a Plan of Condominium appears to be to ensure property owners collectively share ownership or usage rights of the road, with mutual obligations for maintenance, insurance, repairs, snow removal, and improvements. Despite the requirement for a condominium approval, this can be achieved through the creation of a Road Association for the proposed private road, which can similarly be used to achieve the above. Road associations are common in rural/waterfront areas in Ontario and both systems offer structured, collective management ensuring that roads remain safe, maintained, financially stable, and that individual property owners equally share responsibilities. Therefore, the usage of a road association meets the intent of this section by providing legal access to the waterfront lots and operational structure without the need for specifically requiring condominium approval.

Section E1.3 further states that *"development on private roads shall be subject to a Private Road Agreement. The Private Road Agreement shall contain wording that indicates that:*

i) the owner acknowledges and agrees that the lot in question does not front on an improved public road maintained by the Township or other road authority;

ii) the owner acknowledges and agrees that the Township does not, or is not, required to maintain or snowplow the said private road, and will not provide certain line services including, garbage collection or school busing;

iii) the owner acknowledges that the Township provides no assurances that the private road is at a standard or is maintained to a standard that will permit the provision of emergency services;

iv) the owner acknowledges and agrees that the Township will not take over or assume a private road as a Township public road or street unless it has been built according to an appropriate road standard; and,

v) the owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit."

While this situation is somewhat reversed, as the existing cottage properties are already developed, the requirement to enter into an agreement to absolve the municipality of liability can be implemented through a consent agreement required through the conditions of approval prior to construction of the roadway.

Based on the above analysis, it is my professional opinion that the proposed development conforms with the Township of Seguin Official Plan.

4.3 TOWNSHIP OF SEGUIN ZONING BY-LAW 2006-125

The Township of Seguin Zoning By-law 2006-125 (the 'Zoning By-law') implements the Official Plan with provisions and regulations that control development form and function. The lands over which the access road is proposed are presently zoned Rural (RU) and Environmental Protection (EP), while the benefitting cottage lots are primarily zoned Limited Service Residential (LSR) with areas of EP zoning along portions of the shoreline.

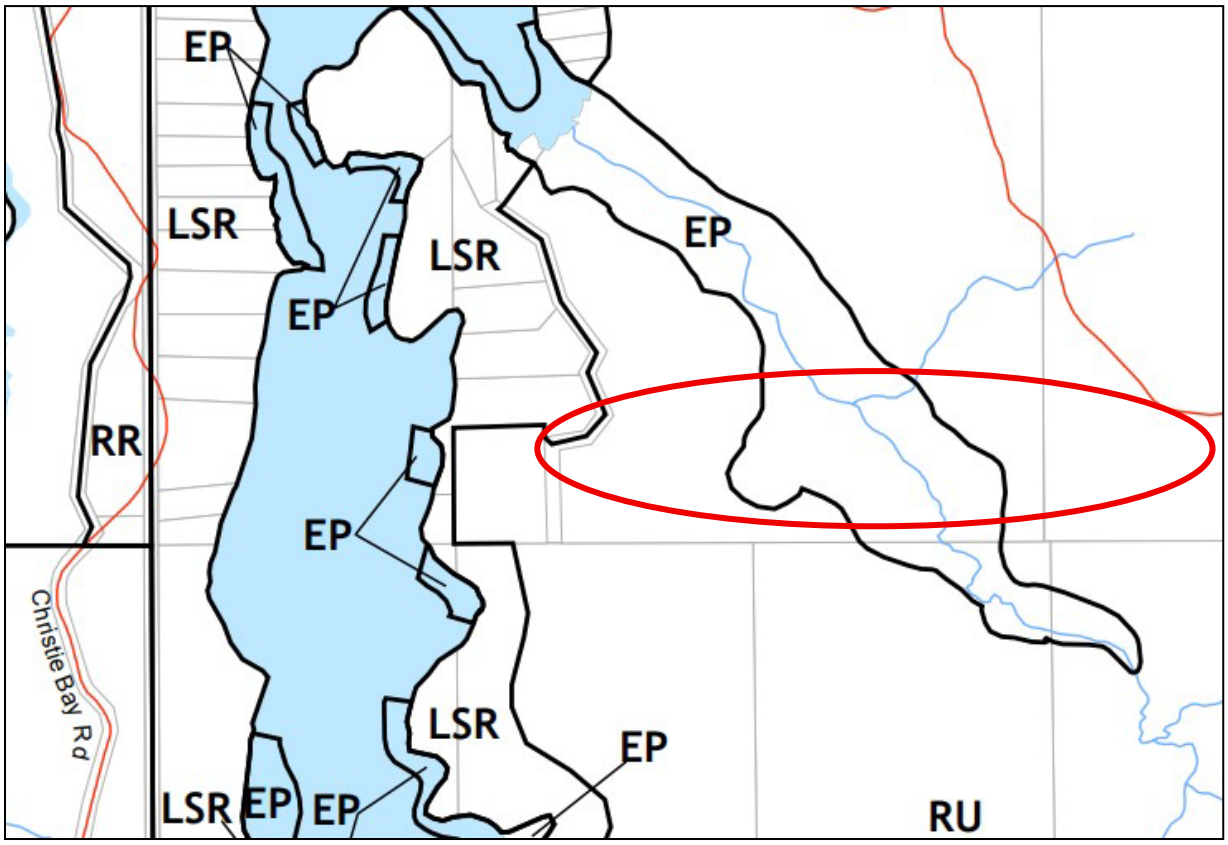


Figure 6: Excerpt of Map 19 Illustrating Zones and Approximate Location of Access Road (Township of Seguin Zoning By-law)

Table 10.1 of the Zoning By-law outlines the permitted uses of the RU zone. As a "private road" is not expressly permitted, a Zoning By-law Amendment application is required to permit the construction of the road over private lands.

It is noted that a "Recreational Trail" is a permitted use in the RU zone. Likewise, Table 11.1 of the Zoning By-law states that "Recreational Trail" is a permitted use within the EP zone. Section 13 of the Zoning By-law states that *"Recreational Trail means a strip of land used for passive recreational uses, seasonal recreational uses, or snowmobiling which connects to different areas in the Township."*

As noted, the benefiting lots are primarily zoned Limited Service Residential (LSR). While lots within the LSR zone that are only accessible by a navigable waterway may be developed without requiring road frontage, the provision of a roadway will nevertheless improve the provision of safe access to these existing cottage properties and provide improved emergency access to the existing properties as well.

5.0 SUMMARY AND CONCLUSIONS

The applicants propose to construct a new road that would connect Marshall Road to up to eight (8) existing water access properties with frontage on Horseshoe Lake.

The lands over which the access road is proposed are comprised of two parcels. The easternmost lot has no municipal address assigned but is generally described as Part of Lot 27, Concession 2, Geographic Township of Christie, now in the Township of Seguin. The remainder of the subject lands over which the access road is proposed are in private ownership and have no municipal address assigned but are generally described as Part of Lots 28 and 29, Concession 2, Geographic Township of Christie, now in the Township of Seguin. These lands are approximately 64 hectares in lot area with 125 metres of shoreline frontage on Horseshoe Lake and are presently vacant. Both parcels are traversed by Marshall Road, which is a private road not maintained by the Township of Seguin.

The road corridor is proposed to be approximately 888 metres in length, starting at Marshall Road to the east and crossing over Crown Land for approximately 275 metres. In support of the proposed development, the applicants have received a Work Permit from the Ministry of Natural Resources (attached as Appendix 'A') to construct the portion of road over Crown Land. The road would then continue over private lands and connect to the unopened road allowance to the rear of the benefitting properties. Approximately 322 metres of the road corridor is proposed to pass through EP-zoned lands, and the applicants have obtained an Overall Benefit Permit from the Ministry of

Environment, Conservation and Parks (attached as **Appendix 'B'**) to permit work within this area.

To permit the proposed development of the road over private lands, Consent applications will be filed with the Township to grant a right-of-way in favour of the benefitting cottage properties on Horseshoe Lake. A Zoning By-law Amendment application will also be filed to permit the construction of a road within EP zoned lands.

While private roads are generally restricted within EP zones, exceptions can be reasonably considered where it can be demonstrated, through appropriate environmental assessment and mitigation measures, that the ecological integrity and natural functions of these sensitive areas can be effectively maintained. Such exceptions would align with the broader intent of EP zoning, which prioritizes environmental preservation and protection. Therefore, where careful design, stringent environmental controls, and ongoing management (such as through a Road Association and a consent agreement) can adequately protect the ecological values underpinning the EP designation, permitting a private road may be consistent with the principles and policy objectives established in the Township's Official Plan.

Based on the analysis provided in this report, it is my professional planning opinion that the proposed development:

i. is consistent with the Provincial Planning Statement (2024),

ii. is consistent with the Growth Plan for Northern Ontario (2011), and,

iii. conforms to the Township of Seguin Official Plan.

Further to the above, it is my professional opinion that with the implementation of all recommendations for the protection of the environment, the proposal represents good planning.

PLAN MUSKOKA



Savas Varadas, MCIP, RPP
Principal

CURRICULUM VITAE OF

SAVAS VARADAS

ACADEMIC BACKGROUND

SEPTEMBER 1999 – MAY 2003	**UNIVERSITY OF WATERLOO** Bachelor of Environmental Studies Honours Planning – Geography Minor

PROFESSIONAL EXPERIENCE

SEPTEMBER 2015 – PRESENT *(~9 YEARS)*	**PLAN MUSKOKA** **Planning and Development Consulting** Huntsville, Ontario *Principal* Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Site Plan Approvals, Consents, and Development Permits. Also, consulting services have been provided for Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Land Tribunal (previously LPAT/OMB), and Zoning Analysis Reporting
APRIL 2004 – AUGUST 2015 *(11 YEARS, 5 MONTHS)*	**WAYNE SIMPSON AND ASSOCIATES** **Planning and Development Consultants** Huntsville, Ontario *Planner – Senior Planner* Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Consents, Development Permits, Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Municipal Board, and Zoning Analysis Reporting

PROFESSIONAL MEMBERSHIP

CANADIAN INSTITUTE OF PLANNERS	Full Member Since October 13, 2006
ONTARIO PROFESSIONAL PLANNERS INSTITUTE	Full Member Since October 20, 2006

Appendix 'A'

Ministry of Natural Resources | **Ministère des ressources naturelles**

Ontario

Thursday, December 12, 2024

MPSB-2024-PLA-04445-WP-001

Michael Buzanis
77 Wanless Crescent
Toronto, ON M4N3C2
CA

Dear Permittee,

RE: Work Permit MPSB-2024-PLA-04445-WP-001

Enclosed is the subject work permit which authorizes you to **construct a road over Crown, with 4 culverts,** at the location specified on the permit. Please familiarize yourself with the conditions of the work permit prior to undertaking the work. The contractor and the equipment operator must be provided with a copy of this work permit and be familiar with the conditions prior to proceeding with any work. A copy of the work permit must be available on site while the work is being conducted.

No in-water work is permitted between April 1st and September 30th. All work is to be completed between October 1st and March 31st, during the non-active season for reptiles and amphibians. Work should temporarily cease if SAR or other reptiles are encountered during the work. This authorization does not release you of the responsibility for obtaining any other permits that may be required under federal, provincial or municipal legislation. This includes any requirements under the *Endangered Species Act* which is now administered by the Ministry of Environment, Conservation, and Parks.

The *Ontario Heritage Act* regulates archaeological resources in Ontario. During the course of your project work, should you accidently discover archaeological artefacts, please stop all work, secure the site and contact the Ministry of Tourism, Culture and Sport, Archaeology Programs Unit, by email at Archaeology@ontario.ca, or by phone at 416-212-8886. Also, please notify the MNRF.

In accordance with the *Cemeteries Act*, R.S.O. 1990 c. C.4, should you accidently discover human remains during the course of your project work, you are required to stop all work, secure the site and notify the Ontario Provincial Police along with the MNRF.

You may contact **Steffi Krause**, by phone at **705-346-0173** or by email to Steffi.krause@ontario.ca, if you have any further questions regarding this matter.

Sincerely,

Steffi Krause

Steffi Krause
IRM Technical Specialist

Ministry of Natural Resources- /encl

Ontario

Ministry of Natural Resources
Ministère des ressources naturelles

Work Permit / Permis de travail

Permit No./Permis No. MPSB-2024-PLA-04445-WP-001

This permit is issued under the authority and provisions of the following indicated Provincial Acts and their regulations, and is subject to the limitations and provisions thereof and is also subject to the terms and conditions herein.
Ce permis est émis conformément aux dispositions des lois provinciales ci-après et des règlements y afférents et est sujet aux restrictions et dispositions de ce lois et règlements ainsi qu'aux conditions ci-énoncées.

[X] Section 2(1), Regulation 975, as amended, Public Lands Act/Loi sur les terres publiques, Règlement 975 tel que modifié, article 2(1)

Note: The issuance of this permit does not relieve the applicant from the responsibility of acquiring any other agency, board, government, etc. approval as may be required nor does it relieve the permittee from the requirements of any other legislation.
Remarque : La délivrance d'un permis n'exonère pas le demandeur de l'obligation d'obtenir l'autorisation de tout autre organisme, commission, gouvernement, etc. qui pourrait être exigée, non plus qu'elle exempte le détenteur des dispositions des lois.

The Permit is issued to: Ce Permis est délivré à:

Name of Permittee/Nom du detenteur: Michael Buzanis

Post Office Address/Adresse postale: 77 Wanless Crescent, Toronto ON, M4N3C2, CA

To conduct an operation from December 13, 2024 to and including the December 12, 2025

Pour effectuer des travaux du December 13, 2024 jusqu'au December 12, 2025

at location/à l'emplacement: Con. 2 Lots 28 & 29 Township of Humphrey

17T 593579, 5018107

As per your application dated/conformément à la / Demande de permis en date du:

2024-07-30

For the purpose of / Aux fins de: Road and Water Crossings Over Crown

Subject to the following conditions:/Et sous les conditions suivantes:

1. The Permittee shall keep this permit or a true copy thereof on the work permit area./ Le détenteur conservera ce permis ou une copie conforme sur les lieux des travaux.

2. The person in charge of the operation conducted under this permit shall produce and show this permit or the true copy kept on the work permit area to any officer whenever requested by the officer. /
Le responsable des travaux couverts par ce permis doit produire le permis ou sa copie conforme si un agent lui demande.

3. Other conditions as listed on the reverse side of this permit as well as those contained in Schedule(s) D attached.
Autres conditions énoncées au verso de ce permis ainsi que celles apparaissant aux annexes suivantes .

Place of Issue/Emis à: Parry Sound	
Date/Date de déliverance: **December 12, 2024**	Signature of Issuing Officer/Signature du délivreur: Steffi Krause

Personal Information on this form is collected under the authority of Section 13 of the Public Lands Act, R.S.O. 1990, the Lakes and Rivers Improvement Act, R.S.O. 1990, and Regulation 975 as amended, and the information will be used for the purposes of the Act and Regulations. Questions about this information should be directed to the local NDMNRF office.
Les renseignements personnels exigés dans les présentes sont recueilles en vertu de la Loi sur l'aménagement des lacs et des rivières et du règlement 975 de l'Ontario tel que modifié. Ils seront utilisés selon les termes de la Loi et des règlements. Veuillez adresser toute question à ce sujet au bureau du DNMRNF. Une liste des bureaux du DNMRNF avec adresses et numéros de téléphone en français est disponible.

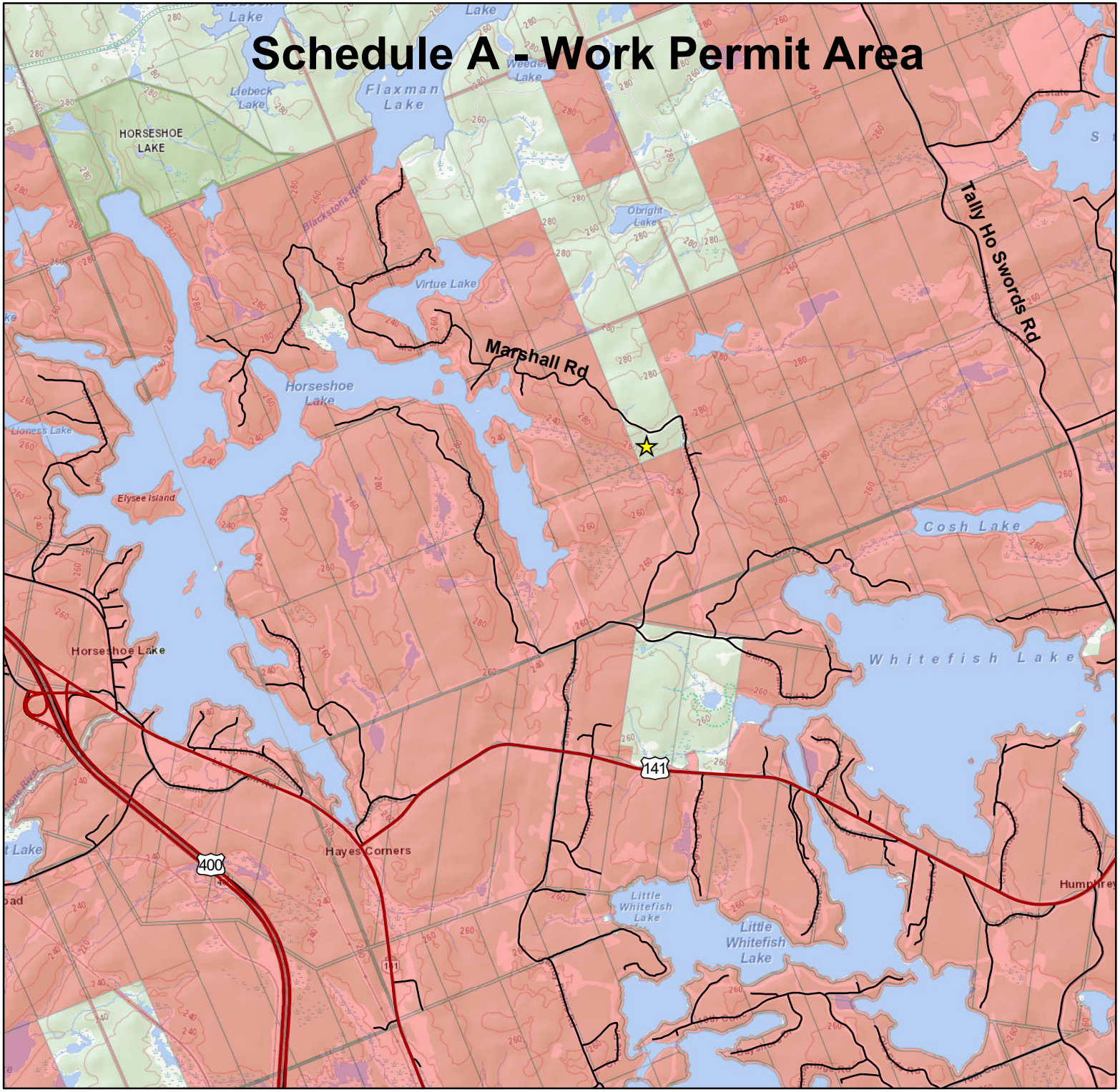
Conditions

It is agreed by the parties hereto that:
1) This Work Permit gives the permittee only the right to carry out work on the described site for the purpose specified in this permit and does not convey any right, title or interest in the land.
2) The permittee covenants to indemnify and forever save and keep harmless the Crown, its officers, servants and agents from and against any and all claims, demands, suits, actions, damages, loss, cost or expenses arising out of any injury to persons, including death, or loss or damage to property of others which may be or be alleged to be caused by or suffered as a result of or in any manner associated with the exercise of any right or privilege granted to the permittee by this Work Permit.
3) a) A permittee is an occupier under the Trespass to Property Act and the Occupier's Liability Act and shall take such care as in all circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by these persons, are reasonably safe while on the premises. b) Any posting of signs or notices pursuant to the Trespass to Property Act and the Occupier's Liability Act, on the work permit area, shall be subject to prior approval of the issuing officer. The location and format of all signs and notices must be approved by an officer. c) The permittee agrees to remove all signs or notices on termination of the permit, or at the direction of the issuing officer. d) The permittee agrees to post any signs or notices as required or directed by an officer.
4) This Work Permit shall not be assigned or transferred.
5) The permittee may, with the approval of the District Manager, or will, at the District Manager's request, remove the improvements , property or other assets from the public lands and leave the site in a clean and safe condition, restored as much as possible to its original state except where the requirement to restore is waived in writing by the District Manager.
6) a) Upon termination of this permit, the permittee has no right to, or reasonable expectation of, the issuance of a new permit based on prior work on the land. b) The successive issuance of any permit or permits for work on the land described herein will not create any future rights or interests whatsoever in the land.
7) Violations of any of the conditions constitutes an offence.

Conditions

Les parties conviennent que:
1) Ce permis de travail autorise le détenteur à effectuer les travaux sur le terrain décrit aux fins énoncées dans ce permis. Il ne confère aucun droit, titre ou intérêt sur le terrain.
2) Le détenteur indemnisera et protègera la Couronne, ses agents, fonctionnaires et représentants de toute poursuite, demande, procès, dommages, perte ou coûts découlant de blessures, décès ou dommages matériels â autrui qui pourrait être causés ou infligés, ou présumer être causés ou infligés de quelque façon que ce soit, par l'exercice des droits ou privilèges accordés par ce permis à son détenteur.
3) a) Le détenteur est considéré comme un occupant aux termes de la Loi sur l'entrée sans autorisation et de la Loi sur la responsabilité des occupants et il doit prendre toute mesure qui, dans la situation, est considérée raisonnable afin que les personnes entrant sur les lieux, et les biens apportés par ces personnes, soient raisonnablement sécuritaires lorsqu'ils sont sur les lieux. b) Les avis ou panneaux exigés par la Loi sur l'entrée sans autorisation et la Loi sur la responsabilité des occupants et installés sur les lieux de travail couverts par le permis doivent être préalablement approuvés par le délivreur. L'emplacement et le format des affiches ou des avis doivent être approuvés par le délivreur. c) Le détenteur convient d'enlever ces avis ou panneaux conformément à la Loi sur l'entrée sans autorisation à l'expiration du permis ou sur l'ordre du délivreur. d) Le détenteur accepte de poser des affiches ou des avis à la demande du délivreur.
4) Ce permis ne peut être ni cédé ni transféré.
5) Le détenteur peut, sous réserve de l'approbation du chef de district, ou doit à sa demande, enlever les aménagements, les biens ou autres avoirs des terres publiques et laisser le site propre et sûr, restauré dans toute la mesure du possible à sa condition originale sauf s'il en est dispensé par écrite par le chef de district.
6) a) À l'expiration de ce permis, il sera décidé de délivrer un nouveau permis conformément aux règlements afférents à la Loi sur les terres publiques et le détenteur n'a aucun droit, ni ne peut raisonnablement s'attendre, à ce qu'un nouveau permis lui soit accordé uniquement parce que des travaux ont été effectués sur le site. b) La délivrance successive de permis d'effectuer des travaux sur le terrain décrit ici ne confère aucun droit ou intérêt futur sur ce terrain.
7) Les infractions à ces conditions sont punies par la Loi.

Schedule A - Work Permit Area



MPSB-2024-PLA-04445
(Buzanis)

Lot 27 Con 2
Geographic Township of Christie

General Location Map

N

Legend

- Proposed Work Permit Location
- Road
- Highway
- Crown Land
- Private Land

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

Data Source: GDDS LIO Data
Projection: UTM Zone 17N
Datum: North American Datum 83

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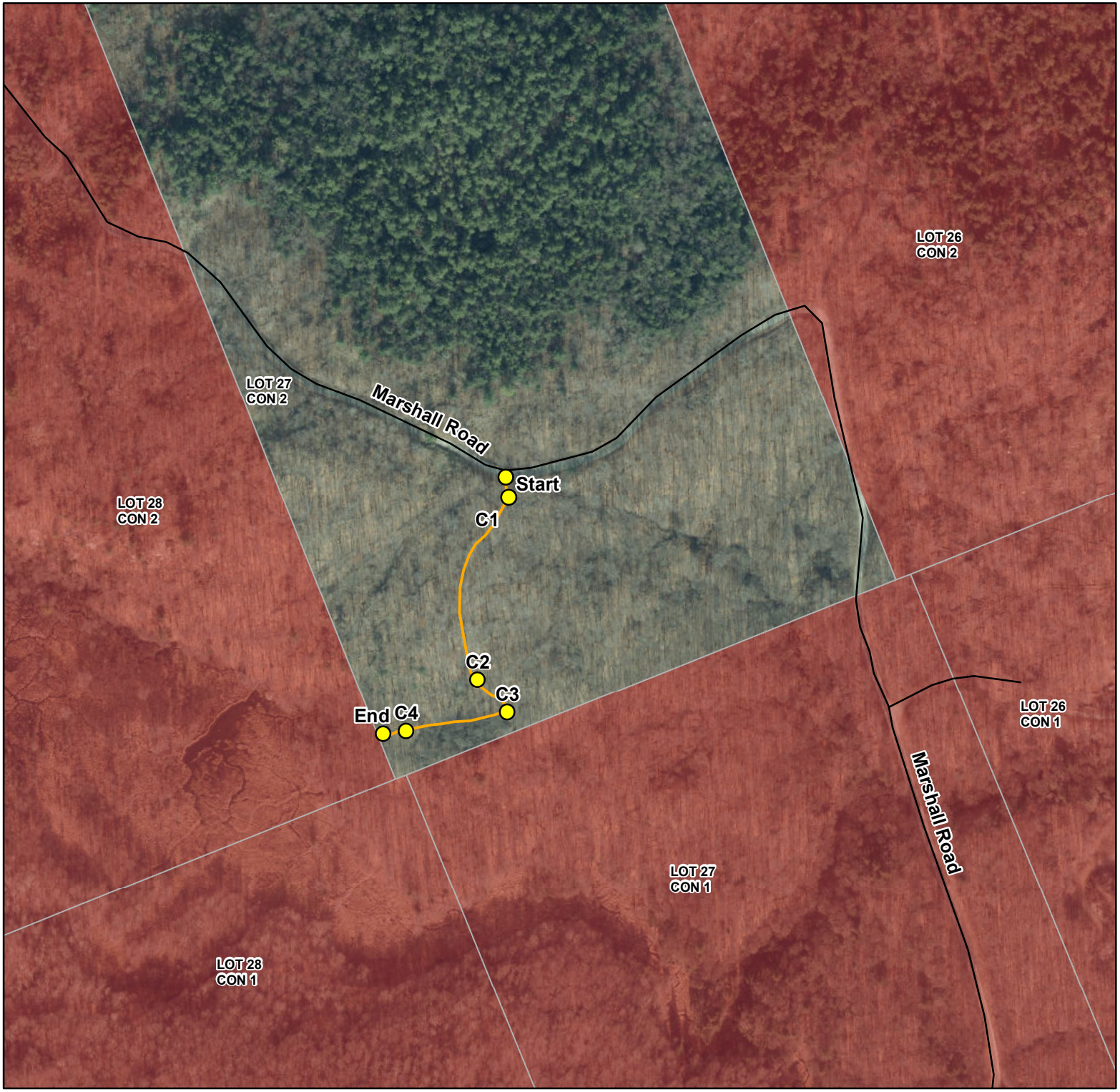
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https://geohub.lio.gov.on.ca/

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610 305 0 610 Meters

Ontario

Map created for: BMPS MNRF District
Map created by: Southern Region RIAU, MNR
Map Created on: Nov 26, 2024



MPSB-2024-PLA-04445 (Buzanis)

Lot 27 Con 2 Geographic Township of Christie

Proposed Culvert/ Road Map

N

Legend

- Proposed Road
- Proposed Culvert/ Road Waypoints
- Road
- Crown Land
- Private Land

UTM Co-ordinates: Proposed Road

START	17	593579 E	5018107 N
C1	17	593581 E	5018092 N
C2	17	593558 E	5017957 N
C3	17	593580 E	5017933 N
C4	17	593505 E	5017919 N
END	17	593488 E	5017917 N

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

Data Source: GDDS LIO Data
Projection: UTM Zone 17N
Datum: North American Datum 83

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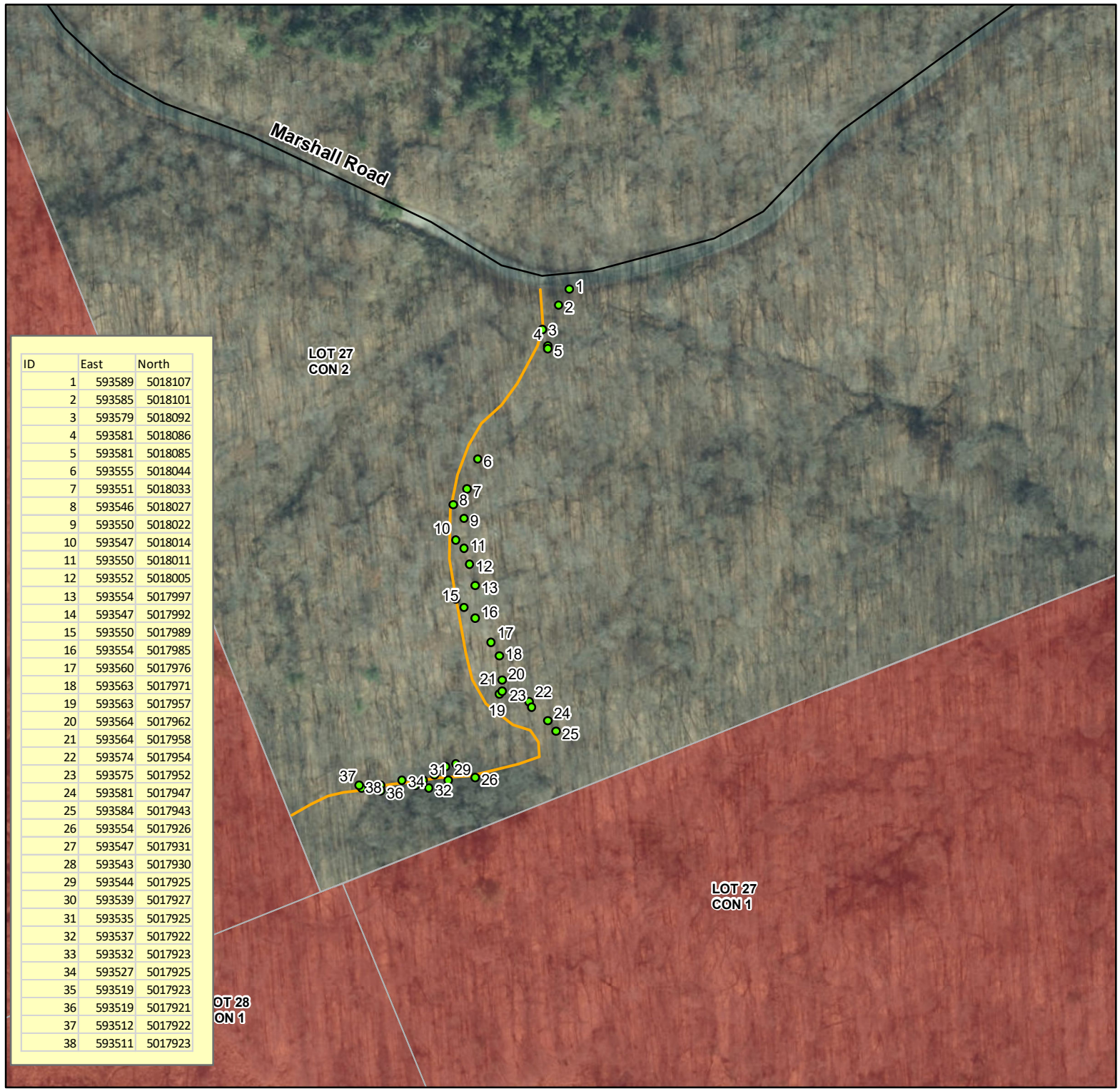
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https://geohub.lio.gov.on.ca/

1:4,000

60 30 0 60 Meters

Ontario

Map created for: BMPS MNRF District
Map created by: Southern Region RIAU, MNR
Map Created on: Nov 25, 2024



ID	East	North
1	593589	5018107
2	593585	5018101
3	593579	5018092
4	593581	5018086
5	593581	5018085
6	593555	5018044
7	593551	5018033
8	593546	5018027
9	593550	5018022
10	593547	5018014
11	593550	5018011
12	593552	5018005
13	593554	5017997
14	593547	5017992
15	593550	5017989
16	593554	5017985
17	593560	5017976
18	593563	5017971
19	593563	5017957
20	593564	5017962
21	593564	5017958
22	593574	5017954
23	593575	5017952
24	593581	5017947
25	593584	5017943
26	593554	5017926
27	593547	5017931
28	593543	5017930
29	593544	5017925
30	593539	5017927
31	593535	5017925
32	593537	5017922
33	593532	5017923
34	593527	5017925
35	593519	5017923
36	593519	5017921
37	593512	5017922
38	593511	5017923

MPSB-2024-PLA-04445 (Buzanis)

Lot 27 Con 2 Geographic Township of Christie

Tree Location Map

N

Legend

- Proposed Road
- Tree Waypoints
- Road
- Crown Land
- Private Land

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

Data Source: GDDS LIO Data
Projection: UTM Zone 17N
Datum: North American Datum 83

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MetaData for map data available at: https://geohub.lio.gov.on.ca/

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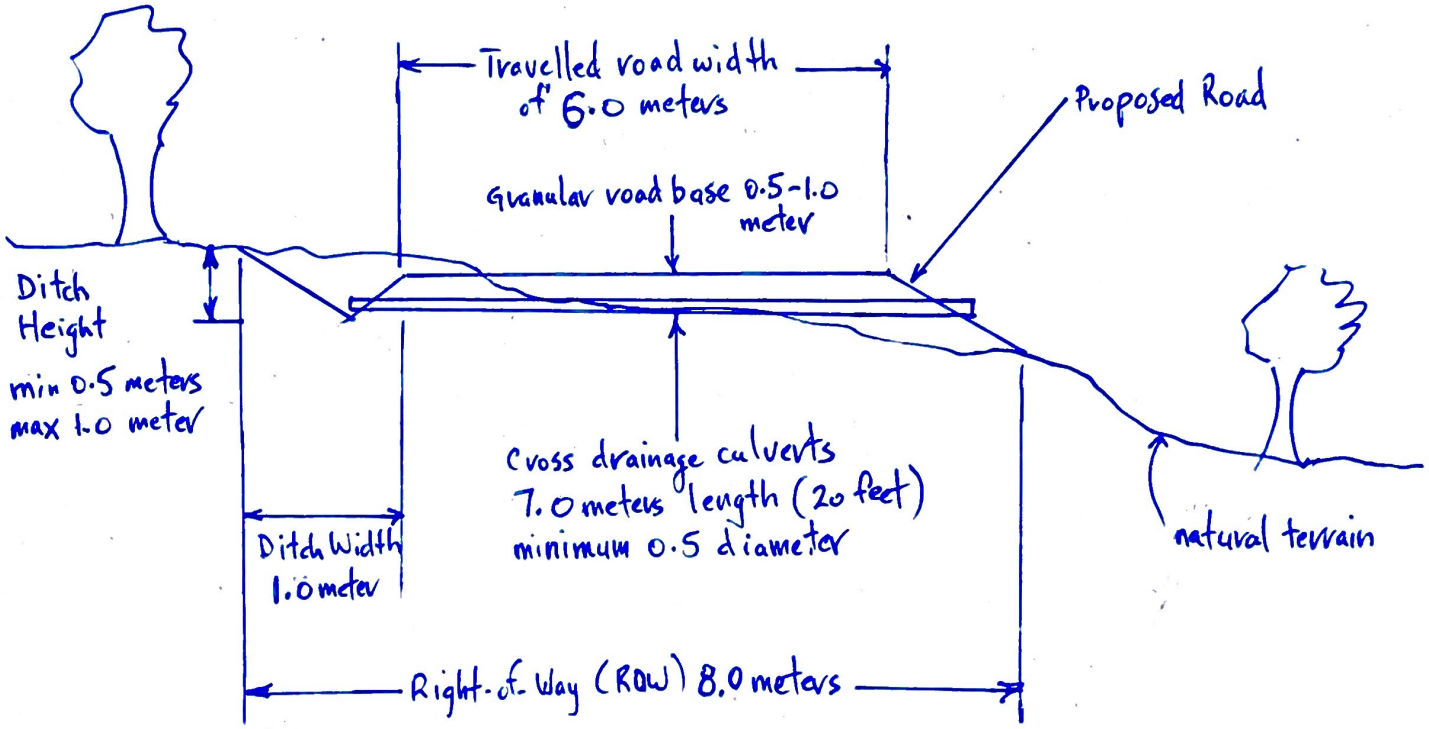
30 15 0 30 Meters

Ontario

Map created for: BMPS MNRF District
Map created by: Southern Region RIAU, MNR
Map Created on: Nov 25, 2024

REVISED

Appendix B: CROSS SECTION DRAWING



Notes:

REVISED

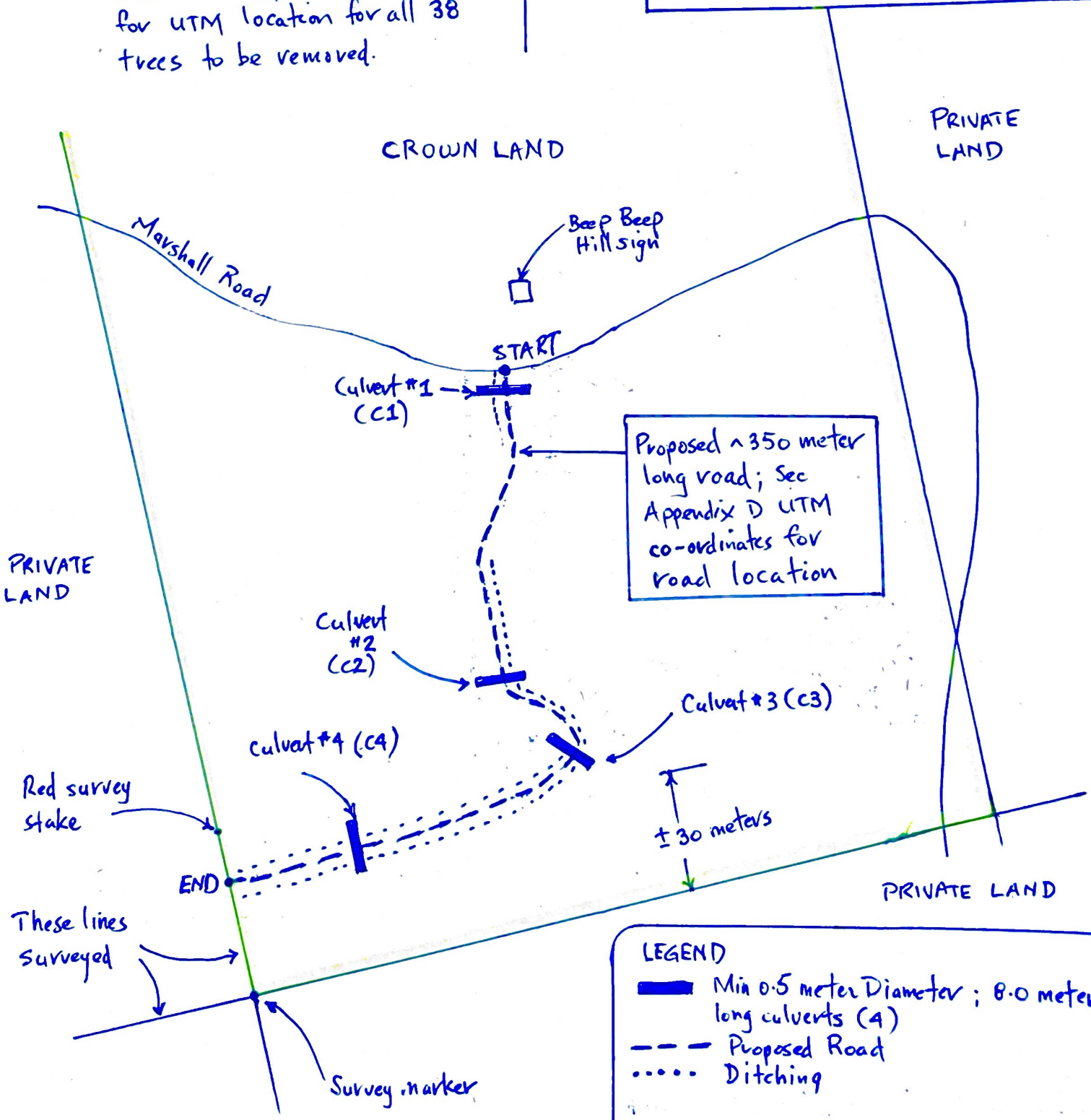
Appendix C: PLAN VIEW DRAWING

Note 1: No blasting required

Note 2: Trees larger than 10 cm diameter to be removed too numerous to show here. See Appendix E for UTM location for all 38 trees to be removed.

UTM Co-ordinates: Proposed Road

START	17	593579 E	5018107 N
C1	17	593581 E	5018092 N
C2	17	593558 E	5017957 N
C3	17	593580 E	5017933 N
C4	17	593505 E	5017919 N
END	17	593488 E	5017917 N



LEGEND

- Min 0.5 meter Diameter; 8.0 meter long culverts (4)
- – – – Proposed Road
- ····· Ditching

Note: No blasting required

REVISED APPENDIX E:

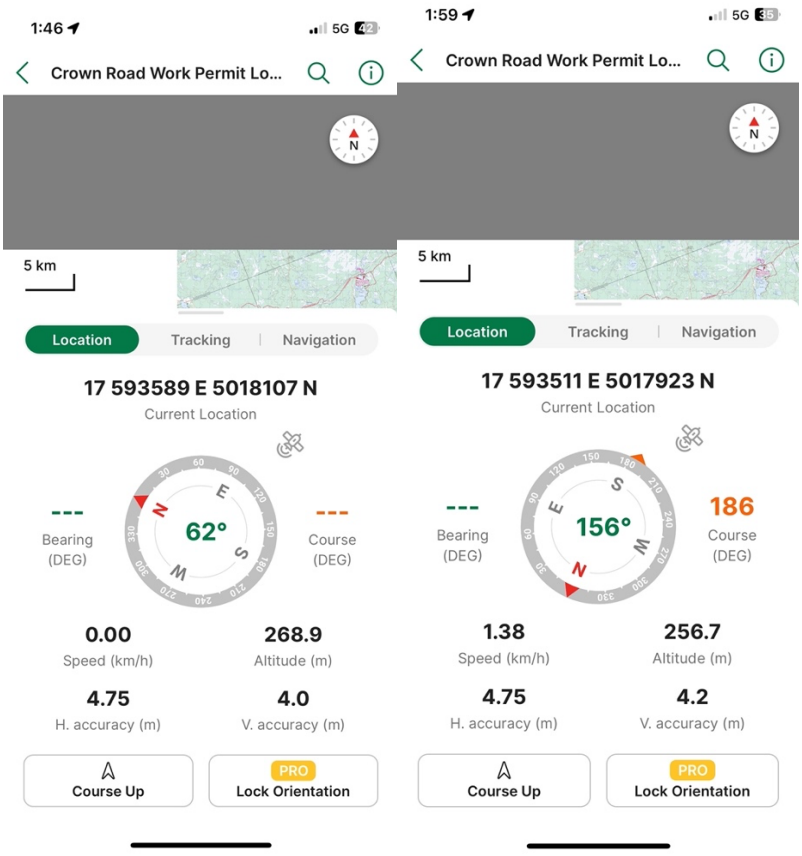
Proposed Road Location: UTM co-ordinates of 38 trees over 10 cm in diameter proposed to be removed.

UTM application Avenza Maps snapshots for the first and last tree location also provided at the end of UTM list.

Trees are mostly Maple, Ash and Beech.

1. 17 593589 E 5018107 N
2. 17 593585 E 5018101 N
3. 17 593579 E 5018092 N
4. 17 593581 E 5018086 N
5. 17 593581 E 5018085 N
6. 17 593555 E 5018044 N
7. 17 593551 E 5018033 N
8. 17 593546 E 5018027 N
9. 17 593550 E 5018022 N
10. 17 593547 E 5018014 N
11. 17 593550 E 5018011 N
12. 17 593552 E 5018005 N
13. 17 593554 E 5017997 N
14. 17 593547 E 5017992 N
15. 17 593550 E 5017989 N
16. 17 593554 E 5017985 N
17. 17 593560 E 5017976 N
18. 17 593563 E 5017971 N
19. 17 593563 E 5017957 N
20. 17 593564 E 5017962 N
21. 17 593564 E 5017958 N
22. 17 593574 E 5017954 N
23. 17 593575 E 5017952 N
24. 17 593581 E 5017947 N
25. 17 593584 E 5017943 N
26. 17 593554 E 5017926 N
27. 17 593547 E 5017931 N
28. 17 593543 E 5017930 N
29. 17 593544 E 5017925 N

30. 17 593539 E 5017927 N
31. 17 593535 E 5017925 N
32. 17 593537 E 5017922 N
33. 17 593532 E 5017923 N
34. 17 593527 E 5017925 N
35. 17 593519 E 5017923 N
36. 17 593519 E 5017921 N
37. 17 593512 E 5017922 N
38. 19 593511 E 5017923 N



Photos Submitted by Mike Buzanis. 08/20/20 Road Over Crown.

















Ministry of Natural Resources
Ministère des ressources naturelles

Ontario

Schedule "D" Work Permit Conditions Report

Submission ID: MPSB-2024-PLA-04445

Approval Number: MPSB-2024-PLA-04445-WP-001

Proponent: Michael Buzanis

- The extent of the project must front lands owned by the permit holder and in no way encroach upon neighbouring properties
- All work shall be carried out within the approved Work Permit Area (WPA) only. Any work outside the approved WPA will require separate approval or an amendment to this Work Permit.
- Wheeled or tracked machinery or equipment used in connection with the activity must be operated from dry land, on ice surface or operated from a barge or vessel, and must be stored on dry land or stored on a barge or vessel.
- The Permit Holder shall not undertake any work in the water between the following dates April 1 - September 30
- All water discharges from pumps, etc., are to be directed through appropriate sedimentation control to prevent material from entering any water.
- Sediment controls containing the work area must be installed before the work begins, must be maintained for the duration of the work, and must not be removed until after the area has stabilized.
- The Permit Holder shall ensure all debris removed during construction (e.g. brush, slash, topsoil etc.) is not deposited in the ditches, on the shoulders of the road or below the high water mark of water courses.
- The Permit Holder shall ensure no ground vegetation is to be disturbed within 10 metres of any water course.
- The Permit Holder shall ensure that the trail/road constructed on public land will be open to use by the public. Any restrictions on the use of the trail/road must be authorized by the Ministry of Natural Resources & Forestry.
- The Permit Holder shall utilize the Ministry of Natural Resources and Forestry “Environmental Guidelines for Access Roads and Water Crossings” for mandatory and suggested methods of construction and mitigation techniques.
- The Permit Holder shall ensure no materials such as rocks, aquatic vegetation and logs are disturbed or removed below the high water mark of any watercourse, except with the prior authorization of the Ministry of Natural Resources and Forestry.
- The Permit Holder shall ensure no fording or temporary crossing of the water course occurs.
- All work shall be carried out from one side of the water course only as per the permit and the Permit Holder shall not disturb any natural vegetation on the opposite side.

- The Permit Holder shall ensure all water is pumped out of the enclosed area (ex. Coffer dam), prior to the start of any excavation. Any fish trapped in the enclosure shall be relocated to the water course immediately.
- The Permit Holder shall ensure all machinery fording the watercourse to bring equipment required for construction to the opposite side is limited to a one-time event (over and back) and should occur only if an existing crossing at another location is not available or practical to use.
- The Permit Holder shall ensure machinery arrives on the work permit area site in a clean condition and is to be maintained throughout all work activities free of fluid leaks.
- The Permit Holder shall wash, refuel and service machinery and store fuel and other materials for the machinery away from the water to prevent entry into the water.
- The Permit Holder shall keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
- The Permit Holder shall restore banks to original condition if any disturbance occurs.
- Work is to occur between October 1st and March 31st, during the non-active season for reptiles and amphibians. Work should temporarily cease if Species at Risk or other reptiles are encountered during the work
- The issuance of this permit does not relieve the applicant from the responsibility of acquiring any other agency, board, government, etc. approval as may be required. Applicants are responsible for ensuring compliance with any other applicable legislation, including requirements under the Fisheries Act (Canada).
- The attached application is provided for your convenience; works are to be completed as set out in this application, unless contrary to any terms or conditions of this permit. In the event of conflict between the application and any terms or conditions of this permit, the terms and conditions set out in this permit shall prevail.
- If archaeological remains or human burials or other Cultural Heritage Resources are discovered on site at any time stop work immediately, secure the site from further alternation and public access and contact the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSPI). In the event that human remains are encountered during project implementation contact your local enforcement services and MHSPI staff.

Appendix 'B'

Ministry of the Environment, Conservation and Parks

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Ontario

PERMIT UNDER subsection 17(1) in accordance with criteria in clause 17(2)(c) of the *ENDANGERED SPECIES ACT, 2007*

Permit #: NR-C-002-23

Issued to:	Michael Buzanis 77 Wanless Crescent Toronto, Ontario M4N 3C2
Term:	This permit comes into force on the date it is issued and expires after the submission of a final report that meets the requirements of condition 35.
Project Location:	The corridor identified as "Preferred Alignment" and inclusive of the area identified as "10m Corridor Width" in Schedule B, generally located near Lot 28, Concession 2, in the Township of Seguin, within the District of Parry Sound, Ontario (the "**Site**").
Project Description:	The construction of a roadway that is approximately 888 metres long, to provide land access to seven private cottage properties on Horseshoe Lake (the "**Project**").

1. **Authority**. This permit is issued to Michael Buzanis (the "**Permit Holder**") under subsection 17(1) of the *Endangered Species Act, 2007* ("**ESA"**) in accordance with the criteria in clause 17(2)(c) of the ESA.

2. **Application to Species.** This permit applies to the following species listed as endangered in Ontario Regulation 230/08 and their respective habitats, which are protected under the ESA:

   - Blanding's Turtle *(Emydoidea blandingii)*
   - Eastern Hog-nosed Snake *(Heterodon platirhinos)*

3. **Authorization.** This permit authorizes the Permit Holder to engage in the following activities at the Site that would otherwise be prohibited by subsections 9(1) and 10(1) of the ESA for the purpose of carrying out the Project or fulfilling the conditions of this permit:

   (a) harm, harass, capture, possess, or transport Blanding's Turtle individuals;

(b) harm, harass, capture, possess, or transport Eastern Hog-nosed Snake individuals; and

(c) damage or destroy up to 0.90 ha of collective habitat for Blanding's Turtle and Eastern Hog-nosed Snake, including 0.39 ha of Category 2 Blanding's Turtle habitat and 0.51 ha of Category 3 Blanding's Turtle habitat.

4. **Conditions.** Pursuant to subsection 17(6) of the ESA, the authorizations in section 3 of this permit do not apply unless the Permit Holder complies with the requirements imposed by this permit.

5. **Compliance.** Section 36 of the ESA provides that non-compliance with the prohibitions in subsections 9(1) and 10(1) of that Act and any provision of this permit constitutes an offence.

6. **Schedules:** The following schedules form part of this permit:

- Schedule A: Conditions
- Schedule B: Project Location (The Site)

Pursuant to subsection 17(1) of the ESA and in accordance with clause 17(2)(c) of the ESA, I hereby issue this permit authorizing the activities described above, subject to the conditions set out herein.



April 17, 2025

_____ Date of Issuance: _____

Hon. Todd McCarthy (dd/mm/yy)

Minister of the Environment, Conservation and Parks

SCHEDULE A: CONDITIONS

Definitions

1. For the purposes of this permit, the following definitions apply:

"Active Season" means either or both of the following, as the context indicates:

a) the period when Blanding's Turtles are most likely to be outside of their overwintering site (normally between April 15 and October 15); or

b) the period when Eastern Hog-nosed Snakes are most likely to be outside of their winter hibernaculum (normally between April 15 and October 15);

"Artificial Nest" means a nest constructed for use by Blanding's Turtles as required under condition 28;

"Brush Pile" means a heaped mound of woody debris, consisting of branches, stumps, and rocks, which provides suitable habitat for thermoregulation or foraging for Eastern Hog-nosed Snake;

"Category 2" and **"Category 3"** have the same meanings as set out in the document published by the MECP entitled "General Habitat Description for the Blanding's Turtle (*Emydoidea blandingii*)";

"Development Area" means the areas of the Site, identified as "Proposed Alignment" and "10m Corridor Width" in Schedule B, where construction will occur;

"Ecopassage" means a large culvert that functions as a passage for Protected Species individuals to utilize for crossing safely beneath a roadway, designed and installed under condition 24, in consultation with a Qualified Professional and in accordance with the document titled "*Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario*", dated April 2016, published by the Ontario Ministry of Natural Resources and Forestry;

"Incidental Encounter" means any encounter at the Site with a species that is listed on the SARO List;

"MECP" means the Ministry of the Environment, Conservation and Parks;

"Mitigation Measures" means the activities required under conditions 21 through 27, which are intended to minimize adverse effects on the Protected Species;

"NHIC" means the Ministry of Natural Resources and Forestry's Natural Heritage

Information Centre;

“Overall Benefit Activities” means the activities identified in condition 28 and condition 29;

“Overall Benefit Locations” means the locations at which Overall Benefit Activities are carried out;

“Permanent Exclusion Fencing” means fencing located on private land intended to exclude the Protected Species from accessing the Development Area after the completion of Project Activities, designed and installed under condition 25, in consultation with a Qualified Professional and in accordance with the document titled “*Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.0. Species at Risk Branch Technical Note*”, dated July 2013, published by the Ontario Ministry of Natural Resources and Forestry;

“Project Activities” means activities associated with undertaking the Project which may negatively impact the Protected Species or their habitat at the Site or associated with fulfilling the conditions of this permit other than the Overall Benefit Activities, including but not limited to site preparation, vegetation removal, and construction of a roadway;

“Protected Species” means Blanding’s Turtle and Eastern Hog-nosed Snake;

“Qualified Professional” means a person who has the education, training, experience, and expertise in conservation and protection of the relevant Protected Species, including the capture and handling of the Protected Species, to undertake the requirements of this permit that are to be undertaken or overseen by that person;

“SARO List” means the species lists in Ontario Regulation 230/80 – Species at Risk in Ontario List;

“Temporary Exclusion Fencing” means fencing located on private land intended to exclude the Protected Species from the Development Area during construction, designed and installed under condition 21, in consultation with a Qualified Professional and in accordance with the document titled “*Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.0. Species at Risk Branch Technical Note*”, dated July 2013, published by the Ontario Ministry of Natural Resources and Forestry;

“Turtle Nesting Season” means the period when Blanding’s Turtle are most likely to be searching for the appropriate locations for nesting, establishing nest sites, and nesting, generally between May 15 and July 15; and

“Wildlife Custodian” means a person who holds a valid authorization issued

under clause 44(2)(a) of the *Fish and Wildlife Conservation Act, 1997.*

General

2. The Permit Holder shall retain one or more Qualified Professional(s) to:

(a) undertake the activities that this permit requires to be performed by a Qualified Professional; and

(b) supervise and assist with other activities required by this permit that are within the purview of a Qualified Professional.

3. The Permit Holder shall keep a copy of this permit on the Site at all times during the Project and at the Overall Benefit Locations when Overall Benefit Activities are taking place and make it available for review by any person(s) working on the Project or Overall Benefit Activities.

4. The Permit Holder shall:

(a) give a copy of this permit to every Qualified Professional working on the Project or Overall Benefit Activities; and

(b) ensure that a copy of this permit is carried by any person who possesses or transports a Protected Species individual under the authority of this permit.

5. The Permit Holder shall act with due diligence to avoid killing, harming, and/or harassing any Protected Species individuals while carrying out the Project and while fulfilling the conditions of this permit.

6. The first time any Project Activities are commenced, the Permit Holder shall notify the MECP within 24 hours by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23).

7. At the request of MECP staff and on reasonable notice, the Permit Holder shall provide MECP staff and others accompanying them with access to the Site and any other areas for the purposes of observing the Site, Overall Benefit Locations, and any activities undertaken in relation to this permit. If access is requested to an area not on the Site and not owned or controlled by the Permit Holder, the Permit Holder shall make reasonable efforts to obtain the requested access. For greater certainty, this condition does not affect the powers of an enforcement officer under the ESA.

8. The Permit Holder shall notify the MECP immediately by email to SAROntario@ontario.ca, referencing the number of this permit, if the Permit Holder's name or address changes or if the Permit Holder:

(a) becomes bankrupt, becomes insolvent, or makes an assignment for the benefit of creditors;

(b) has a receiver appointed over them;

(c) takes or is subject to any other thing which adversely affects the Permit Holder's ability to satisfy this permit; or

(d) is unable to satisfy any of the conditions of this permit.

Ministry Review/Approval Role for Minor Changes:

9. If it is not possible to complete the Project Activities in accordance with permit conditions, the Manager of Permissions Section in the MECP Species at Risk Branch may approve changes to the permit details, including maps provided in the Schedules, without an amendment to this permit if the following conditions are met:

(a) the proposed changes to Project Activities would not result in additional impacts to Protected Species individuals or impact another species listed as extirpated, endangered, or threatened on the SARO List;

(b) the proposed changes to Project Activities would not result in an increase to the amount of habitat that is authorized to be damaged or destroyed in section 3 of this permit;

(c) the proposed changes will not result in a reduction of overall benefit to be achieved for any of the Protected Species, or otherwise affect the intended outcomes of the Overall Benefit Activities;

(d) all Mitigation Measures are being completed in accordance with conditions 21 through 27 and will not be affected in their intended outcomes;

(e) any extension to an amount of time required to complete an action under this permit is not greater than 1 year; and

(f) a management biologist in the Species at Risk Branch has reviewed the changes and determined that conditions 9(a) through 9(e) will be met.

10. If the Permit Holder wishes to request a change under condition 9, the Permit Holder shall make a written request with reasons to support the request and documentation to clearly demonstrate that conditions 9(a) through 9(e) will be met to the Species at Risk Branch by email to SAROntario@ontario.ca, with the subject line referencing the number of this permit (NR-C-002-23), at least 30 days before the change is requested to be implemented.

11. If any changes have been made to the permit and approved under condition 9, these changes shall be clearly documented and a copy of the approval and supporting documentation shall be kept by the Permit Holder with the permit at all times.

Awareness and Training

12. Before any person engages in an activity authorized or required by this permit, the Permit Holder shall ensure that a Qualified Professional provides education and awareness training to that person that addresses:

(a) the existence and identification of the Protected Species and their habitats at the Site and Overall Benefit Locations;

(b) appropriate action(s) to take if an Incidental Encounter occurs;

(c) how to report sightings of the Protected Species or Incidental Encounters to the NHIC and the MECP; and

(d) all requirements of this permit, including an explanation of Mitigation Measures that are required to be taken to avoid impacts to the Protected Species and their respective habitats.

13. The Permit Holder shall keep a record of any training conducted under condition 12 for five (5) years following the completion of the Overall Benefit Activities and provide a copy immediately upon request by the MECP. This record shall include:

(a) the name of each Qualified Professional who conducted the training;

(b) the names of all persons trained, and a declaration signed by each trainee certifying that they have been trained in accordance with the requirements under condition 12;

(c) the date(s) of the training;

(d) a description of the manner in which training was provided; and

(e) a copy of all the training materials.

Species at Risk Reporting

14. If a member of a species on the SARO List that is not identified in section 2 of this permit is encountered while carrying out any activity related to this project at the Site or Overall Benefit Locations, the Permit Holder shall report the encounter within 48 hours to the MECP by email to SAROntario@ontario.ca, with a carbon copy to the Natural Heritage Information Centre (NHIC) at NHICrequests@ontario.ca, in accordance with Ontario's guidance on how to report rare species, which is currently found at: https://www.ontario.ca/page/report-rare-species-animals-and-plants. The Permit Holder shall take photographs of the individuals when possible and include them in the report.

Protected Species Encounters

15. If a live Protected Species individual is encountered at the Site, the Permit Holder shall:

(a) cease all activity within 30 metres of the individual that may result in adverse impacts to the individual until the individual leaves or is removed from the Site;

(b) contact a Qualified Professional immediately to report the encounter and ensure the Qualified Professional arrives within two (2) hours of the encounter;

(c) monitor the location of the individual at all times until the arrival of the Qualified Professional;

(d) if the individual has not left the Site on its own, ensure that the Qualified Professional has safely relocated the individual before resuming any activity within 30 metres of the location of the encounter; and

(e) record the following information, which is to be included in the annual reports required to be submitted under condition 34:

(i) name of the observer;

(ii) date and time of the encounter;

(iii) location of the encounter (UTM coordinate or detailed description);

(iv) description of the circumstances of the encounter;

(v) digital photograph(s) of the individual, if possible; and

(vi) summary of actions taken in relation to the individual.

16. If a Protected Species individual that is nesting is encountered, or if a Protected Species nest is discovered, the Permit Holder shall:

(a) immediately cease all activity and create a minimum 30 metre setback around the nest and/or nesting individuals within which no activity shall occur until the end of the Turtle Nesting Season and dispersal of any Protected Species individuals from the nest;

(b) ensure that the nest and nesting individual are protected from all disturbances for the duration of the Turtle Nesting Season, including by maintaining a 30 metre setback from the nest;

(c) ensure weekly monitoring of the nest site is completed by a Qualified Professional;

(d) allow the Protected Species individuals sufficient time to disperse from the nest site under their own ability before any activities continue within the 30 metre setback; and

(e) if a situation arises where it is not possible to protect a nest where it has been laid:

(i) contact an authorized Wildlife Custodian to request their assistance; and

(ii) if the Wildlife Custodian determines that artificial incubation is feasible, coordinate with the Wildlife Custodian to facilitate the transport of the eggs, their artificial incubation, and the release of the hatchlings back into the wild.

17. If an injured Protected Species individual is encountered at the Site, the Permit Holder shall:

(a) cease all Project Activities within 30 metres of the injured individual;

(b) ensure that the individual is protected from further harm until such a time as it can be collected by a Qualified Professional;

(c) follow the protocols outlined in the document titled "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", published by the Ministry of Natural Resources and Forestry, available online

at: https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf;

(d) document the location where the injury occurred, if known (UTM coordinate or detailed description);

(e) document the circumstances of the injury;

(f) obtain any necessary veterinary advice and care from a member of the College of Veterinarians of Ontario with appropriate experience relevant to the Protected Species and pay for said care;

(g) ensure a Qualified Professional transfers the individual to a Wildlife Custodian experienced in handling the relevant Protected Species, after any necessary veterinary advice or care has been administered; and

(h) report the incident to the MECP at SAROntario@ontario.ca, referencing the permit number (NR-C-002-23) and including the information required to be documented under conditions 17(d) and 17(e), before the end of the next business day.

18. If a Protected Species individual is killed or found dead at the Site, the Permit Holder shall:

(a) collect the individual and store it in a safe and refrigerated place;

(b) document the location and circumstances under which the individual was killed or found dead;

(c) report the incident to the MECP by email to SAROntario@ontario.ca, referencing the permit number (NR-C-002-23) and including the information required to be documented under condition 18(b), before the end of the next business day;

(d) comply with any instructions provided by the MECP regarding the handling and/or transfer of the dead individual;

(e) if handling or transfer of the dead individual is not required by the MECP, dispose of the dead individual in an appropriate manner; and

(f) report the encounter to the NHIC within three months of the encounter in accordance with Ontario's guidance on how to report rare species, which is currently found at: https://www.ontario.ca/page/report-rare-species-animals-and-plants.

Species Handling and Relocation

19. The Permit Holder shall ensure that any Protected Species individual required to be handled under this permit is handled by a Qualified Professional or a designated staff member who has been trained by a Qualified Professional in accordance with the protocols outlined in the document titled "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", published by the Ministry of Natural Resources and Forestry, available online at:

https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf.

20. The Permit Holder shall ensure that any Protected Species individual captured or otherwise required to be relocated under this permit is released by a Qualified Professional or a designated staff member who has been trained by a Qualified Professional, into an area suitable for relocation as identified in accordance with the protocols outlined in the document titled "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", published by the Ministry of Natural Resources and Forestry, available online at: https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf.

Mitigation Measures

21. **Temporary Exclusion Fencing:** Prior to the commencement of any Project Activities that occur within the Active Season, the Permit Holder shall install Temporary Exclusion Fencing at the locations identified as "Exclusion Fencing" in Schedule B, to prevent the movement of any Protected Species into the Development Area, in accordance with the following:

(a) the fencing shall be installed in accordance with the direction provided in the Ontario publication "*Reptile and Amphibian Exclusion Fencing*", available at: www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing;

(b) the fencing shall be a minimum of 0.6 metres in height above grade at all installed locations, buried a minimum of 0.2 metres below grade at all installed locations, and secure so Protected Species individuals will not be able to pass under or over the barrier or between any openings;

(c) the final design and location of the Temporary Exclusion Fencing, including entry and access areas, shall be approved by a Qualified Professional;

(d) the Temporary Exclusion Fencing shall be installed prior to start of the Active Season in each year in which Project Activities occur;

(e) the Temporary Exclusion Fencing shall be inspected daily during the Active Season while construction is ongoing;

(f) any damage to the Temporary Exclusion Fencing shall be repaired by the end of the business day when the damage is observed; and

(g) the Temporary Exclusion Fencing shall be maintained and remain in place throughout each Active Season until all Project Activities within the Development Area have been completed or Permanent Exclusion Fencing is in place.

22. **Species Inspections:** The Permit Holder shall ensure that the Development Area is inspected by a Qualified Professional or a designated staff member who has been trained by a Qualified Professional, each morning prior to the commencement of any Project Activities, for the presence of the Protected Species. If any Protected Species individuals are found during the inspection, the requirements under conditions 15 through 18 shall be followed, as applicable.

23. **Vegetation Removal:** The Permit Holder shall ensure that any tree clearing, vegetation removal, or site preparation occurring within the Development Area is completed in accordance with the following:

    (a) vegetation removal shall only occur after Temporary Exclusion Fencing has been installed;

    (b) vegetation clearing shall occur outside of the Active Season in any upland forested areas;

    (c) clearing of low-lying vegetation shall only occur during the Active Season for Blanding's Turtle to allow the ability for turtles to disperse from the area;

    (d) prior to the commencement of any vegetation clearing, the Development Area and any associated Temporary Exclusion Fencing shall be inspected by a Qualified Professional to confirm the absence of individuals of the Protected Species within the area to be cleared; and

    (e) prior to any vegetation removal activities each day, a Qualified Professional or a designated staff member who has been trained by a Qualified Professional shall complete a thorough inspection of the vegetation removal area to ensure that there are no Protected Species individuals present. If any Protected Species individual is found, the Permit Holder shall follow conditions 15 through 18, as applicable.

24. **Ecopassages:** The Permit Holder shall install a minimum of three (3) culverts large enough to function as Ecopassages beneath the roadway corridor, in the locations identified as "Ecopassage" in Schedule B, to maintain habitat continuity and provide safe crossing locations under the road corridor, in accordance with the following:

    (a) the culverts shall be installed in accordance with the direction provided in "*Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario*", available at: https://files.ontario.ca/bmp_herp_2016_final_final_resized.pdf;

    (b) the culverts shall be installed during the first year in which Project Activities commence, after the Temporary Exclusion Fencing required under condition 21 has been installed;

    (c) the final design and location of the culverts shall be approved by a Qualified Professional; and

    (d) the culverts shall be maintained for the lifetime of this permit.

25. **Permanent Exclusion Fencing:** The Permit Holder shall install and maintain Permanent Exclusion Fencing at the locations identified as "Exclusion Fencing" in Schedule B, to prevent the Protected Species from entering the constructed roadway to avoid road mortality, in accordance with the following:

    (a) the Permanent Exclusion Fencing shall be installed in accordance with the direction provided in the Ontario publication "*Reptile and Amphibian*

Exclusion Fencing", available at: www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing;

(b) the Permanent Exclusion Fencing shall be installed immediately after all Project Activities have been completed within the Development Area;

(c) the final design and location of the Permanent Exclusion Fencing shall be approved by a Qualified Professional;

(d) the Permanent Exclusion Fencing shall include the same specifications described in condition 21(b); and

(e) the Permanent Exclusion Fencing shall be maintained for the lifetime of this permit.

26. **Protection from Invasive Species:** The Permit Holder shall ensure that all machinery is cleaned in accordance with the "Clean Equipment for Industry Protocol", available at: http://www.ontarioinvasiveplants.ca/wp-content/uploads/2016/07/Clean-Equipment-Protocol_June2016_D3_WEB-1.pdf, prior to entering the Site.

27. **Reptile Crossing Signage:** The Permit Holder shall install a minimum of one (1) reptile crossing sign along the road corridor on each side of the roadway upon completion of the construction of the roadway and maintain the signage in good repair for the lifetime of the permit.

Overall Benefit Activities

28. **Artificial Nesting Sites:** The Permit Holder shall install a minimum of three (3) Artificial Nests for Blanding's Turtles, at the approximate locations identified as "Artificial Nesting Site" in Schedule B, in accordance with the following:

(a) the Artificial Nests shall be installed during the first year in which Project Activities are to commence, prior to beginning Project Activities, to provide a high-quality alternative to roadside nesting;

(b) the Artificial Nests shall be installed outside of Turtle Nesting Season;

(c) the Artificial Nests shall be approximately four (4) metres in diameter and structured to be exposed to the south for maximum solar exposure;

(d) the final designs and locations of the Artificial Nests shall be approved by a Qualified Professional; and

(e) each of the Artificial Nests shall be connected to each other by continuous Blanding's Turtle habitat.

29. **Brush Piles:** The Permit Holder shall construct a minimum of five (5) Brush Piles for Eastern Hog-nosed Snakes to use adjacent to the roadway, at the approximate locations identified as "Brush Pile" in Schedule B, in accordance with the following:

(a) the Brush Piles shall be installed in the first year in which Project Activities are to commence, prior to beginning road construction;

(b) the Brush Piles shall be constructed in accordance with the guidelines provided in the document titled *"Best Management Practices for Identifying, Managing and Creating Habitat for Ontario's Species at Risk Snakes",* available at: https://canadianherpetology.ca/conservation/doc/MNRF%20Snake%20Habitat%20BMP_final-1.pdf;

(c) the Brush Piles shall be constructed using a combination of stumps, branches, and rocks to create suitable cover features;

(d) the Brush Piles shall be a minimum of three (3) metres in diameter and one (1) metre in depth;

(e) the Brush Piles shall be constructed under the supervision of a Qualified Professional; and

(f) the final locations of the Brush Piles shall be approved by a Qualified Professional.

Monitoring

30. Effectiveness Monitoring of Permanent Exclusion Fencing and Ecopassages: The Permit Holder shall ensure that the Permanent Exclusion Fencing installed under condition 25 and the Ecopassages installed under condition 24 are monitored for effectiveness by a Qualified Professional in accordance with the following:

(a) the Permanent Exclusion Fencing and Ecopassages shall be monitored for five (5) years after the installations have all been completed;

(b) the monitoring shall begin at the start of the Active Season that immediately follows the installation of both the Permanent Exclusion Fencing and Ecopassages being completed;

(c) the monitoring shall consist of road mortality surveys that shall be completed on foot and include:

(i) the entire road surface that lies adjacent to the Permanent Exclusion Fencing installed under condition 25; and

(ii) visible adjacent areas within 50 metres of each side of the road right-of-way;

(d) the monitoring in year 1 shall include one (1) road mortality survey per week from May 15 to July 15 and from August 25 to October 15;

(e) the monitoring in years 2 through 5 shall each include:

(i) five (5) road mortality surveys between April 15 and June 15; and

(ii) one (1) road mortality survey per month in July, August, September, and October;

(f) during each road mortality survey, any signs of wildlife road mortality shall be recorded; and

(g) during each road mortality survey, the Permanent Exclusion Fencing installed under condition 25 shall be inspected to ensure no defects exist in the fencing and any deficiencies shall be recorded and immediately repaired.

31. Effectiveness Monitoring of the Artificial Nests: The Permit Holder shall ensure that a Qualified Professional monitors the Artificial Nests installed under condition 28 in accordance with the following:

(a) basking surveys to determine the presence of Blanding's Turtles and use of the Artificial Nests shall be conducted each year for the first five (5) years following completion of condition 28, in accordance with the following:

(i) survey methodology shall adhere to the Ontario publication "*Survey Protocol for Blanding's Turtle (Emydoidea blandingii) in Ontario"*, available at: https://www.ontario.ca/page/survey-protocol-blandings-turtle-ontario; and

(ii) five (5) surveys shall be conducted between the start of Turtle Nesting Season and July 15 during each year in which surveys are required;

(b) photographs of the Artificial Nests installed under condition 28 shall be taken during each monitoring event required under condition 31(a); and

(c) if monitoring finds that any Artificial Nest(s) require maintenance or improvements, the Permit Holder shall immediately take all necessary or recommended actions to correct or improve the Artificial Nest(s) requiring maintenance or improvement.

32. Effectiveness Monitoring of the Brush Piles: The Permit Holder shall ensure that a Qualified Professional monitors the Brush Piles installed under condition 29 in accordance with the following:

(a) monitoring of the Brush Piles shall be conducted for five (5) years following the completion of condition 29;

(b) during each monitoring year, five (5) surveys of each Brush Pile shall be conducted during the Active Season to monitor for evidence of use by Eastern Hog-nosed Snake;

(c) photographs of each Brush Pile installed under condition 29 shall be taken during each monitoring event required under condition 32(b); and

(d) if monitoring finds that any Brush Pile(s) require maintenance or improvements, the Permit Holder shall immediately take all necessary or recommended actions to correct or improve the Brush Pile(s).

Corrective Actions

33. In the event that it is determined by a Qualified Professional that additional or corrective measures are necessary to ensure the intended outcome of the Overall Benefit Activities are achieved, the Permit Holder shall immediately implement those measures and notify the MECP within 24 hours of the measures that have been, or will be, taken by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23).

Reporting

34. Annual Reporting: Following each year in which monitoring is required under conditions 30 through 32, or corrective action is taken under condition 33, the Permit Holder shall submit an annual report by January 31st to the MECP by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23), that includes the following information from that year:

(a) a detailed summary of all education and awareness training completed in accordance with condition 12;

(b) digital photographs of the Temporary Exclusion Fencing and Permanent Exclusion Fencing, dates of installation, and records of repairs in accordance with conditions 21, 25, and 30(g);

(c) an assessment of the installation and effectiveness monitoring of the Permanent Exclusion Fencing in accordance with conditions 25 and 30, including:

  (i) dates of installation;

  (ii) photographic records that depict an accurate representation of the perimeter of the fencing; and

  (iii) a detailed summary of monitoring conducted in accordance with condition 30;

(d) an assessment of the installation and effectiveness monitoring of the Ecopassages in accordance with conditions 24 and 30, including:

  (i) dates of installation;

  (ii) location (UTM coordinates) and representative photographs of each Ecopassage; and

  (iii) a detailed summary of monitoring conducted in accordance with condition 30;

(e) a description of vegetation removal conducted in accordance with condition 23, including dates and locations of vegetation removal;

(f) a detailed summary of the installation of the reptile crossing signage, including;

  (i) locations (UTM coordinates) of the installations on each side of the roadway;

  (ii) digital photographs of the signage; and

  (iii) a record of any maintenance or repairs conducted in accordance with condition 27;

(g) an assessment of the installation and monitoring of Artificial Nests in accordance with conditions 28 and 31, including:

  (i) dates of installation;

(ii) location (UTM coordinates) and representative photographs of each Artificial Nest; and

(iii) a summary of the effectiveness monitoring conducted in accordance with condition 31, including:

A. description of survey dates, times, weather conditions, search effort and methodology;

B. a summary of each sighting of a Protected Species individual or other species on the SARO List, including:

i. date and time of observation;

ii. location of observation; and

iii. digital photograph, if possible; and

C. a record of any maintenance conducted under condition 31(c);

(h) an assessment of the installation and monitoring of Brush Piles in accordance with conditions 29 and 32, including:

(i) dates of installation;

(ii) location (UTM coordinates) and representative photographs of each Artificial Nest; and

(iii) a summary of the effectiveness monitoring conducted in accordance with condition 32, including:

A. description of survey dates, times, weather conditions, search effort and methodology;

B. a summary of each sighting of a Protected Species individual or other species on the SARO List, including:

i. date and time of observation;

ii. location of observation; and

iii. digital photograph, if possible;

(i) a detailed description, map, and photographs of all observations of the Protected Species and any Incidental Encounters within the Site; and

(j) a summary of all inspections conducted under condition 22, including;

(i) dates when such inspections began and ended;

(ii) summaries of search efforts and methodology including weather conditions; and

(iii) details on any Protected Species individuals observed during the inspections, including;

A. date and time of observation;

B. location of observation; and

C. digital photographs, if possible.

35. **Final Reporting:** No later than one (1) year following the completion of all Project Activities, Overall Benefit Activities, and monitoring required under conditions 30 through 32, the Permit Holder shall submit a final report to the MECP by email to SAROntario@ontario.ca, referencing the number of this permit (NR-C-002-23), that includes the following:

(a) a final report on the Overall Benefit Activities, including:

(i) a final summary of the activities carried out under condition 28 and condition 29;

(ii) a summary of the results of the monitoring conducted under conditions 30 through 32;

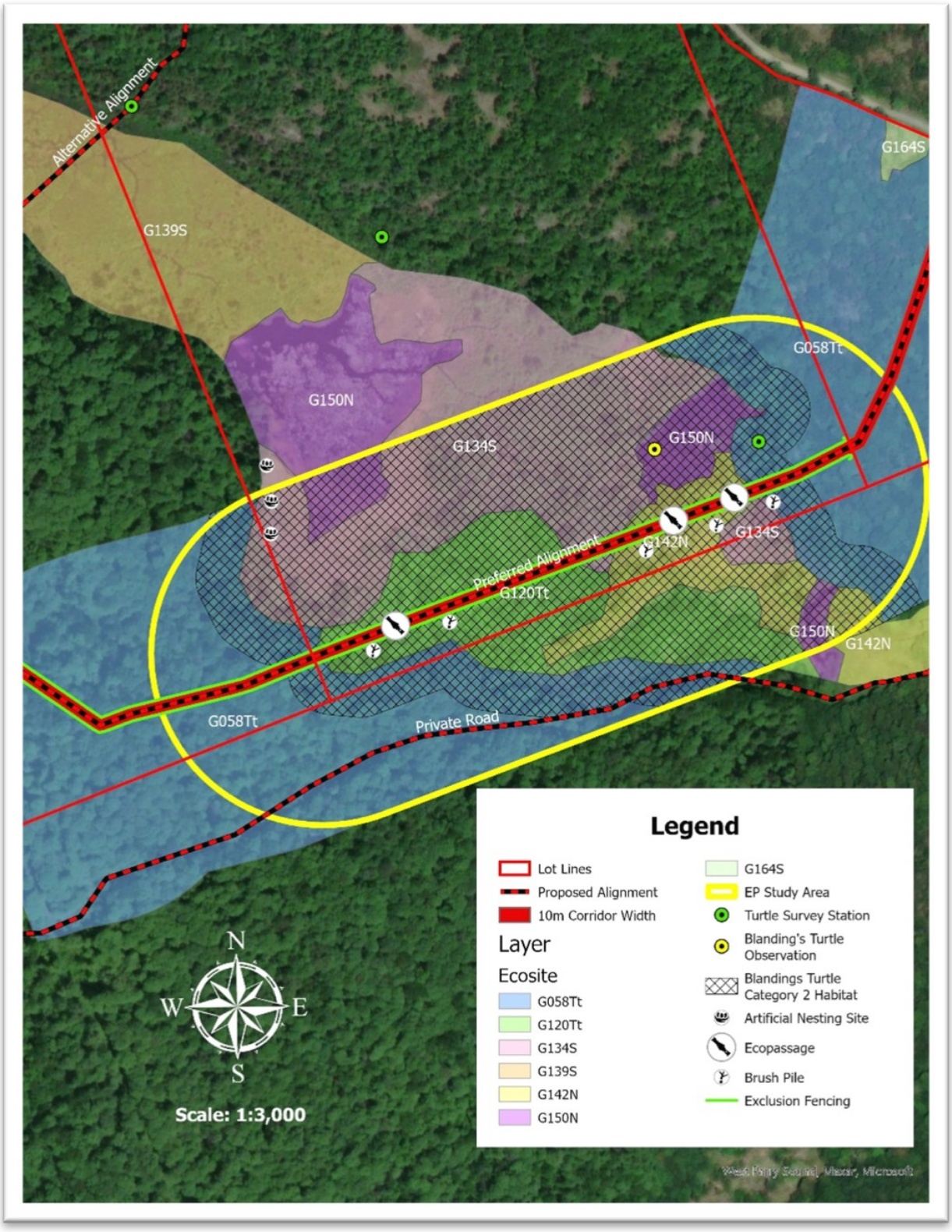
(iii) a detailed analysis of the use of the Artificial Nests and Brush Piles installed under conditions 28 and 29 by the Protected Species; and

(iv) recommendations for methodologies and techniques designed to increase the suitability of future created habitat for the Protected Species;

(b) an analysis of the overall effectiveness of the Permanent Exclusion Fencing and Ecopassages and any recommendations for future improvements; and

(c) a summary of any corrective actions undertaken in accordance with condition 33.

SCHEDULE B: Project Location (The Site)



Outlook

Schedule F to PL-2026-016

Fw: 225 Marshall Rd -zoning Roll No. 4903-040-0040-2901

From info <info@seguin.ca>
Date Tue 9/9/2025 11:54 AM
To Planning <planning@seguin.ca>

Township of Seguin
(705) 732-4300

From: kim macmillan <kimmiemac52@gmail.com>
Sent: September 9, 2025 10:51 AM
To: info <info@seguin.ca>
Subject: 225 Marshall Rd -zoning Roll No. 4903-040-0040-2901

[You don't often get email from kimmiemac52@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

I wish to be notified of the decision of Council in respect to the proposed consent and zoning by-law.

With respect to the proposed Consent to sever a 680 meter-long right of way over the private road and over /thru Crown Land .This land is zoned an Environmental Protection Zone and should not be rezoned nor built upon.I need the Town of Seguin to hear my thoughts and NOT rezone it.
This land is Ecologically Sensitive.There are wetlands and or woodlands there and if disturbed habit for species are at risk.salts,oil,pollution, and erosion will all be introduced and impact this natural zone.It also opens up the EP zone and may invite similar applications to further weaken the area.
This rezoning or any change will have long term implications.Please DO NOT allow this to go through

Thank you
Kim MacMillan
13 Bear Lane
Seguin
8043017686

To: Taylor Elgie, Director of Planning, Planning Department, Seguin Township

From: Mike Buzanis and Mike Boyle

Subject: Applicants response to objections raised during September 15, 2025, public meeting of Council RE: Zoning By-law Amendment R-2025-0015-C and Consent B-2025-0017-C (Boyle, Manchee)

Date: September 30, 2025

---

1. Kim McMillan Objection

Before the public council meeting on September 15, 2025, Mike Buzanis reached out to Kim MacMillan and discussed our road proposal in detail. Interestingly, we are neighbours, sharing the bay where the wetland meets Horseshoe Lake. Although we have not met in person—her family purchased their property during the pandemic in 2021 and, coming from West Virginia, spend only June and July at the lake—we have had constructive communication.

Throughout the past six years of planning, environmental protection has remained our guiding principle.

In discussions with the MNR and MECP, our primary focus has been creating an overall benefit for species at risk. These Ministries, along with Seguin Township, serve as stewards of the environment, and we have worked collaboratively to address every concern raised. The Overall Benefit permit granted by the MECP, and the Work and Forestry permits from the MNR, fully support the project while embedding numerous safeguards for wildlife. The environmental review is backed by an Environmental Impact Study, independently peer reviewed and reported to Seguin to guarantee objectivity. Furthermore, the Planning Justification Report affirms that this initiative represents sound planning.

It is important to clarify that the EP zone is roughly 320 meters wide at the proposed road site—not 680 meters, as suggested. The remainder consists of forested land. While our MECP permit allows for a 10-meter width, we are proposing a single-lane, 6-meter road through the EP area to minimize impact.

Regarding concerns about salts, oils, and pollution: we will not use salt. This is a seasonal road, and it is not cost-effective to plow such a long stretch for only a few families. Even if plowing were done, our 34 years of experience with winter cottage roads shows that sand, not salt, is always used for traction on gravel roads—salt is reserved for paved surfaces.

No oil will be used in our construction, and we are sourcing local natural stone of varied sizes for the roadway. The road will accommodate up to six families, all of whom drive fuel-efficient vehicles. This change is expected to reduce pollution compared to the higher emissions from small boat engines.

Addressing erosion concerns, we will not disrupt natural water flows. The plan calls for at least three large 4-foot diameter culverts, plus several 15-inch culverts as needed—ensuring that current hydrology remains unchanged, even during heavy water events.

Some have raised the issue of precedent. There is only one other water-access lot that could potentially be served by the Manchee property and our proposed road, so further road requests are not anticipated.

2: John Stirk Objections

A: Flood Risk of Mr. Stirk's Driveway

We have spoken with Mr. Stirk and are aware of his concerns.

The culverts installed for our road will serve as eco-passages for small wildlife, as well as function as storm drains to handle even extreme water flow. For context, Marshall Road's culverts, which feed water into the wetland, number 17—mostly 12- and 15-inch in diameter—collectively providing 17.1 square feet of cross-sectional flow. Our three 48-inch culverts, supplemented by at least five 15-inch culverts, offer a total capacity of 43.8 square feet. If all Marshall Road culverts were fully engaged and flooding, our infrastructure would operate at less than half its full capacity, ensuring a safety margin of 2.6 times and effectively mitigating flood risk, provided culverts are monitored and beaver activity is managed. Please see attached Schedule A for these calculations.

The primary risk for backup and flooding of Mr. Stirk's driveway is likely beavers, regardless of our project. With six families using the new road, we will collectively monitor and clear culverts if beavers intervene.

We recognize that portions of Mr. Stirk's driveway have experienced minor flooding previously and understand his concerns. Factors may include its elevation relative to the wetland or the size of his culverts, both outside our scope to address. Should beavers construct a dam between the roads, it would be beyond our control. Our responsibility is to ensure our construction maintains existing flows and drainage, even under extreme conditions. If flooding occurs along his road in the future, it will not be the result of our project.

We have offered to have our surveyors establish our roads' elevation relative to Mr. Stirk's road at the time we conduct a survey in advance of construction. As his road is approximately 150 meters

upstream of our proposed road, we believe it will demonstrate his road base will be on higher ground, mitigating flood risk from our road.

B: Dispute of Access

When discussing Marshall Road access with Taylor Elgie, we consulted the Virt-Shoe Lake Cottager's Association Inc. ("The Association). The Association confirmed that joining and paying membership fees secures legal access, as is the case for our members. However, no physical documents were available from them. Our lawyer, Ben Prichard, researched and reviewed titles and surveys, confirming The Association's statements and confirming that The Association has enjoyed a deeded right of way since 2002. We have shared these findings with Mr. Stirk to help clarify the situation.

If Mr. Stirk disputes the granting of access to our group, it extends to every individual and property who has received access since the right-of-way was created in 2002—about twenty properties. It also extends to numerous other properties who declined the opportunity of a property-specific right of way in 2002 in favor of access via The Association. Mr. Stirk purchased his property in 2019, knowing or having the opportunity to know about these easements granted by the previous owner of his property.

It seems clear this question is between Mr. Stirk and The Association if he is disputing their long-established (23-year) use of the right of way. Should Mr. Stirk be of the opinion that these many properties who were members of The Association prior to 2002 or were added to The Association after the right of way was created in 2002 are illegally crossing his property, the onus should be on Mr. Stirk to present his case to challenge The Association directly and not involve the Township of Seguin.

Schedule A:

Water Flow into the Wetlands - Horseshoe Lake Proposed Road

A: All Marshall Road Culverts (#1-#17) Up to Where Road Begins

Number	Diameter Inches	Radius Feet	Pi	Cross Sectional Area (ft^2)	Cross Sectional Area all Culverts (ft^2)	Numbered Culverts included
1	8	0.333	3.1416	0.3491	0.35	#5
12	12	0.500	3.1416	0.7854	9.42	#1, #2, #3, #4, #7, #8, #9, #10,#13, #15, #16, #17
2	15	0.625	3.1416	1.2272	2.45	#14, #11
1	18	0.750	3.1416	1.7671	1.77	#12
1	24	1.000	3.1416	3.1416	3.14	#6
17					17.14	

B: Proposed Wetland Culverts

Number	Diameter Inches	Radius Feet	Pi	Cross Sectional Area (ft^2)	Cross Sectional Area all Culverts	Numbered Culverts included
3	48	2.00	3.1416	12.56637062	37.70	The 3 large 4 foot diameter culverts
5	15	0.625	3.1416	1.22718463	6.14	3 of these are on the crown land hill to direct water north and prior to reaching wetland
8					43.84	
RESULTS				B divided by A ----->	2.6	WETLAND CULVERT COVERAGE MULTIPLE OF ALL 17 MARSHALL ROAD CULVERTS

Seguin Township
Report to Council

Prepared for: Mayor and Members of Council

Subject: 2026 Donations

From: Michele C. Fraser, CFO/Treasurer

Agenda Date: February 2, 2026 **Report No:** TR-2026-001

Executive Summary:

The Township of Seguin Donation program annually awards a total of $30,000 to local organizations that benefit Seguin ratepayers. This report outlines the applications received under this program for 2026 and provides recommendations.

Seguin Township
Report to Council

Prepared for: Mayor and Members of Council

Subject: 2026 Donations

From: Michele C. Fraser, CFO/Treasurer

Agenda Date: February 2, 2026 **Report No:** TR-2026-001

Recommendation:

That Council approve the Donation Request as outlined.

Background & Analysis:

The Township of Seguin Donation program has an annual budget of $30,000. Organizations receiving automatic funding based on existing policies are as follows:

Humphrey School Graduation	$150
Humphrey School Mayfest	$100
Parry Sound High School – prizes for top Seguin students	$500
Maple Lake Club (annual property taxes)	$574 (2025)
Seguin Mail Run	$3,000
Humphrey & District Figure Skating Club (ice time credits)	$3,000
Muskoka Rock Minor Hockey (ice time credits)	$3,000
Total	**$10,324**

Donation applications were reviewed by staff for adherence to criteria to the Policy. Note that, according to the policy, the maximum donation per organization is $3,000. Based on that review and awards by Council in previous years, the following donations are recommended:

	Request	*Recommended*	*2025*
295 Macpherson Cadets	$1,100	**$1,100**	$1,000
Rosseau Horticultural Society	$3,000	**$3,000**	$3,000
Whispering River Music	$5,000	**$3,000**	$3,000
Safe Quiet Lakes	$2,000	**$2,000**	$2,000
Sunday Night Hockey	$3,500	**$3,000**	$3,000
Festival of the Sound	$3,500	**$3,000**	$3,000
Rotary 3 Pitch Tournament	$1,750	**$1,750**	$1,750
PSHS/PSI Food Program	$1,000	**$500**	$500 (2024)
Humphrey Soccer League	$1,500	**$1,000**	$1,000
Total Recommended		**$18,350**	

New Request in 2026 and Recommendation:

Bimaajitoon Search and Rescue is requesting a **$500** donation from Seguin as a proportional share of a $9,045 budget for the entire District of Parry Sound. This is a volunteer search and rescue team serving the entire District, and operations are funded through fundraisers and donations. Fire Chief Carroll has advised that there some Seguin firefighters are part of this group. Based on the application and criteria, staff are recommending a **$500** donation to this group for 2026.

Financial Impacts:

The total of all the above recommendations is $29,174, which leaves approximately $826 for requests that may come in during the year.

Options/Alternatives:

Council may wish to change any of the donation amounts recommended or deny any of the applications.

Strategic Plan Alignment:

Foundation – Practice Fiscal Responsibility

Trusted with the taxpayer dollar, make decisions and plan for a healthy financial future, investing responsibly and utilizing funding resources when possible.

Goal 1.4

Support the well-being of Seguin residents of all ages.

Conclusion:

Staff recommend approval of the Donation Requests as outlined above.

Prepared by:



Michele C. Fraser, CFO/Treasurer

Reviewed by:



Jason Inwood, CAO

Business

Statement of Treasurer for 2025
Section 284 (1) and (2), of the *Municipal Act, 2001,* S.O. 2001, c.25
Remuneration of Elected Members
as approved in By Law number 2024-117

	Remuneration	Expenses	Total
MAYOR			
MACDIARMID, Ann	$ 46,371.12	$ 8,008.70	$ 54,379.82
COUNCIL			
ADAMS, Ken	$ 34,853.00	$ 405.96	$ 35,258.96
BUSZYNSKI, Mario	$ 34,853.00	$ 955.34	$ 35,808.34
COLLINS, Edward	$ 34,853.00	$ 72.21	$ 34,925.21
DSSAB	$ 1,380.00	$ 27.84	$ 1,407.84
FELLNER, Terry	$ 34,853.00	$ -	$ 34,853.00
FINNSON, Gail	$ 34,853.00	$ 336.11	$ 35,189.11
DSSAB	$ 1,380.00	$ -	$ 1,380.00
GETTY, Gregory	$ 34,853.00	$ 582.80	$ 35,435.80
	$ 258,249.12	$ 10,388.96	$ 268,638.08

Michele C. Fraser,
Chief Financial Officer and Treasurer
January 21, 2026

Statement of Treasurer for 2025
Section 284 (1) and (2), of the *Municipal Act, 2001,* S.O. 2001, c.25
Remuneration of Appointed Members

NAME		AIRPORT	BUSINESS ASSOCIATION	FINANCE	RECREATION AND CULTURE	COMMITTEE OF ADJUSTMENT	TOTAL
BEATTY	**James**	$ -	$ -	$ 240	$ -	$ -	**$ 240**
BERRY	**Michelle**	$ -	$ 540	$ -	$ -	$ -	**$ 540**
BETHUNE	**Wilbert**	$ -	$ -	$ -	$ -	$ 720	**$ 720**
BORNEMAN	**Janet**	$ -	$ -	$ -	$ 660	$ -	**$ 660**
CAMERON	**Kristine**	$ -	$ -	$ -	$ 180	$ -	**$ 180**
COXHEAD	**Sue**	$ -	$ -	$ -	$ 660	$ -	**$ 660**
FRASER	**Sam**	$ -	$ -	$ -	$ 600	$ -	**$ 600**
HATHERLEY	**Bruce**	$ 360	$ -	$ -	$ -	$ -	**$ 360**
HESS	**Les**	$ -	$ 180	$ -	$ -	$ -	**$ 180**
HILDEBRANDT	**Daniel**	$ -	$ -	$ 240	$ -	$ -	**$ 240**
IVANOV	**Chris**	$ -	$ 420	$ -	$ -	$ -	**$ 420**
KROPF	**Peter**	$ 420	$ -	$ -	$ -	$ -	**$ 420**
LESPERANCE	**Lee**	$ -	$ -	$ -	$ -	$ 720	**$ 720**
LUCAS	**Cathy**	$ -	$ -	$ -	$ 660	$ -	**$ 660**
MACMILLAN	**Mike**	$ -	$ 300	$ -	$ -	$ -	**$ 300**
MCcCORMICK	**Walter**	$ -	$ -	$ 240	$ -	$ -	**$ 240**
McDONALD	**Laurie**	$ -	$ 540	$ -	$ 360	$ -	**$ 900**
MERSCH	**Wolfgang**	$ -	$ -	$ 240	$ -	$ -	**$ 240**
MULLER	**Ingrid**	$ 480	$ -	$ -	$ -	$ -	**$ 480**
O'BRIEN	**Darrin**	$ -	$ 180	$ -	$ -	$ -	**$ 180**
POWELL	**Susanne**	$ -	$ 540	$ -	$ -	$ -	**$ 540**
REITH	**Craig**	$ -	$ -	$ 240	$ -	$ -	**$ 240**
RETZLER	**Terri**	$ -	$ -	$ -	$ 360	$ -	**$ 360**
RYELAND	**Andrew**	$ -	$ 600	$ -	$ -	$ -	**$ 600**
SANDERSON	**Donald**	$ -	$ -	$ -	$ 360	$ -	**$ 360**
STEARNS	**James**	$ -	$ -	$ -	$ -	$ 60	**$ 60**
WARNER	**John**	$ -	$ -	$ -	$ -	$ 720	**$ 720**
YAUK	**Len**	$ -	$ -	$ -	$ -	$ 360	**$ 360**
TOTAL		**$ 1,260**	**$ 3,300**	**$ 1,200**	**$ 3,840**	**$ 2,580**	**$ 12,180**

Michele C. Fraser,
Chief Financial Officer and Treasurer
January 21, 2026

Outlook

[Draft] Fw: Resignation from SRCC

From

From: Kristine Cameron <kristine.cameron@icloud.com>
Sent: January 12, 2026 9:07 AM
To: jborneman@vianet.ca
Subject: Resignation from SRCC

Dear Janet,
Please accept this letter as formal notice of my resignation from my position on the Seguin Recreation and Culture Committee, effective immediately.
I am grateful for the opportunities I've had to grow professionally during my time with the SRCC, and I appreciate the support and experience I've gained.
I wish you and the committee continued success.

Sincerely,

Kristine Cameron

Outlook

[Draft] **Fw: 2026 FONOM Conference hosted by the City of Timmins**

From
Draft saved Fri 1/23/2026 9:24 AM

From: FONOM Office/ Bureau de FONOM <fonom.info@gmail.com>
Sent: January 22, 2026 9:37 AM
Subject: 2026 FONOM Conference hosted by the City of Timmins

Good morning Please share this email with our Council and Management teams.

The 2026 FONOM Conference will take place in the City of Timmins from May 11th to May 13th, 2025. Please find the Delegate Registration portal link below for those interested in attending. FONOM's Annual General Meeting (AGM) will be held at the McIntyre Community Centre on Monday, May 11th, at 10:30 a.m. After lunch at noon, the opening ceremonies will begin at 1:00 p.m.

FONOM Conference Registration, Tue, May 12, 2026 at 8:00 AM | Eventbrite

The Conference is being held at the McIntyre Community Centre, and the City has arranged special accommodation rates with several hotels. The city has a conference link with the locations below;

2026 – FONOM I The Federation of Northern Ontario Municipalities

I would be happy to answer any questions you may have.

Hope to see you in Timmins

Talk soon, Mac.

Mac Bain
Executive Director
The Federation of Northern Ontario Municipalities
665 Oak Street East, Unit 306

North Bay, ON, P1B 9E5
Ph. 705-498-9510



2026 FONOM Conference

Hosted by the **City of Timmins**
May 11, 12, and 13, 2026, at the
McIntyre Community Centre
85 McIntyre Road, Timmins, Ontario

Helen Keller once said, ***"Alone we can do so little; together we can do so much".***

By-laws

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2026-009

Being a By-law to appoint a Building Official/By-law Enforcement Officer (Laura Adams) for The Corporation of the Township of Seguin.

WHEREAS, pursuant to the Building Code Act, S.O. 1992, Chapter 23, Section 3, and amendments thereto, the Council of each municipality is responsible for the enforcement of the Building Code Act and shall appoint a Chief Building Official and such inspectors as are necessary for the purposes of enforcement of the Act in the areas in which the municipality has jurisdiction;

AND WHEREAS, pursuant to the Community Safety and Policing Act, 2019, S.O. 2019, Section 55 a municipal council may appoint persons to enforce the By-laws of the municipality;

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

1. **THAT** effective February 2nd, 2026 Laura Adams is hereby appointed as a Building Official/By-law Enforcement Officer for The Corporation of the Township of Seguin.

2. **THAT** this By-law shall come into full force and effect upon passage thereof.

READ a FIRST, SECOND and THIRD TIME, PASSED and ENACTED this 2nd day of February, 2026.

_____

Gail Finnson,
Acting Mayor

_____

Craig Jeffery,
Clerk

DRAFT

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2026-011

Being a By-law to stop up temporarily parts of the highways municipally known as Victoria Street West and Oak Street in the Village of Rosseau, now the Township of Seguin, District of Parry Sound for the Seguin Sled Dog Mail Run.

WHEREAS, pursuant to the Municipal Act 2001, S.O. 2001, Chapter 25, Section 27(1), a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS, pursuant to the Municipal Act 2001, S.O. 2001, Chapter 25, Section 28, the Council of The Corporation of the Township of Seguin has jurisdiction over the highways known as Victoria Street West and Oak Street in the Village of Rosseau;

AND WHEREAS, notice of this By-law was been posted in accordance with the Township of Seguin's Provision of Notice Policy;

AND WHEREAS, the Township of Seguin is holding festivities which temporarily requires the use of portions of the above municipal highways for that purpose, namely the Seguin Sled Dog Mail Run.

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

1. THAT part of the highway municipally known as Victoria Street West from the westerly limit of the Rosseau District Fire Hall to the intersection of Victoria Street West and Oak Street, former Village of Rosseau, now in the Township of Seguin, District of Parry Sound, be stopped up from the hour of 9:00 a.m. Saturday, February 21st, 2026, to the hour of 3:00 p.m. Saturday, February 21st, 2026.

2. THAT part of the highway municipally known as Oak Street from the intersection of Victoria Street West and Oak Street to the intersection of Oak Street and Highway #632, former Village of Rosseau, now in the Township of Seguin, District of Parry Sound, be stopped up from the hour

DRAFT

of 9:00 a.m. Saturday, February 21st, 2026, to the hour of 3:00 p.m. Saturday, February 21st, 2026.

3. THAT a fence be maintained as a temporary barricade at all ends of the said sections of the said highways during the times set out in paragraphs 1. and 2. herein for this purpose.

4. THAT the event organizers ensure emergency vehicles have access to the area.

READ a FIRST, SECOND and THIRD TIME, PASSED and ENACTED this 2nd day of February, 2026.

_____

Gail Finnson,
Acting Mayor

_____

Craig Jeffery,
Clerk

DRAFT

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2026-012

Being a By-law to Authorize the Execution of a Memorandum of Understanding (MOU) Prescribed Snowmobile Trail Land Use Permission Between the Six Star Snow Riders Snowmobile Club and The Corporation of the Township of Seguin.

WHEREAS, the Six Star Snow Riders Snowmobile Club have indicated their desire to utilize portions of lands owned by The Corporation of the Township of Seguin for snowmobile trail purposes;

AND WHEREAS the Council of The Corporation of the Township of Seguin deems it in the best interest of the municipality to enter into a Memorandum of Understanding (MOU) Prescribed Snowmobile Trail Land Use Permission with the Six Star Snow Riders Snowmobile Club to authorize the use of portions of municipally owned lands for snowmobile trail purposes.

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

1. THAT the Mayor and Clerk are hereby authorized and directed to execute and affix the Corporate Seal to the Memorandum of Understanding (MOU) Prescribed Snowmobile Trail Land Use Permission Between the Six Star Snow Riders Snowmobile Club and The Corporation of the Township of Seguin for the use of portions of municipally owned lands for snowmobile trail purposes.

2. THAT the Memorandum of Understanding (MOU) Prescribed Snowmobile Trail Land Use Permission Between the Six Star Snow Riders Snowmobile Club and The Corporation of the Township of Seguin attached hereto as Schedule "A" shall hereby become and form part of this By-law.

READ a FIRST, SECOND and THIRD TIME, PASSED and ENACTED this 2nd day of February, 2026.

_____ _____

Gail Finnson,
Acting Mayor

Craig Jeffery,
Clerk

DRAFT

December 31, 2025

Seguin Township
5 Humphrey Drive
Seguin, Ontario, P2A 2W8

To: Seguin Township

Re: Township Insurance coverage on township property utilized by the Six Star Snow Riders

The Ontario Federation of Snowmobile Clubs (OFSC) has requested that all snowmobile clubs in Ontario review their Land Use Permissions (LUP's) or Memorandum of Understanding (MOU's) to ensure that every landowner in our network is afforded the $15 Million Liability Insurance offered to landowners through the OFSC policy.

With the last Teranet update we received from the OFSC we have identified 3 new township easements or road allowances that we do not have an MOU assigned from Seguin Township.

Rather than create one MOU for each parcel of property we have taken the liberty of creating one MOU with an attached Schedule A Pt 2 that identifies the PIN # for each parcel of land with no MOU as well as an attached Schedule B Pt 2 Map showing the locations of each PIN # referenced by the red outlines.

With the execution of the MOU, we will ensure that a Certificate of Insurance showing Seguin Township as an additional insured on the policy is sent to you.

We have attached the proposed MOU and Schedule(s). It should be noted that the expiry date has been purposely omitted so that you are not required to execute a new MOU every year. Please also note that either party has the right to cancel the MOU with a 60-day written notice.

Please advise if there is any further information you require from us or if you require our presence in front of Council.

On behalf of all of our volunteers in the Six Star Snow Riders we thank you for all your continued support and for the support of tourism within the region.

Sincerely,

Steve Schell
President,
Six Star Snow Riders

Cc. Rob MacRae, Vice President

MEMORANDUM OF UNDERSTANDING (MOU)
PRESCRIBED SNOWMOBILE TRAIL LAND USE PERMISSION

I, Township of Seguin, being the owner and/or occupier (hereinafter the "Landowner") of the legally described lands below, hereinafter the "Lands",

Address including lot #, concession # and/or other legal description.	*Township, County, District, Region, Municipality. Include all that apply.*
As per attached Schedule A & B & C	Township of Seguin in the District of Parry Sound

hereby gives the Six Star Snow Riders, hereinafter the "Local Snowmobile Club" and/or "LSC", a license to enter onto, and access, the Lands on the following terms and conditions:

1. The term of this MOU is from February 2, 2026 to October 31 2034.
2. The LSC shall remain a member in good standing with the Ontario Federation of Snowmobile Clubs (OFSC) during the term of this MOU. At the Landowner's request, the LSC will provide its current OFSC Certificate of Insurance (COI).
3. The Landowner grants a license to the LSC so the LSC can enter the Lands to establish, groom, maintain, sign and use the Lands for snowmobiling by legally permitted snowmobiles and their riders.
4. The LSC will provide liability insurance of $15,000,000.00 through an OFSC-held insurance policy (the "OFSC Insurance Policy" or "OFSCIP") for liability arising from the grooming, operation, use and maintenance of the snowmobile trail but only with respect to the negligence of the LSC for those operations usual to a snowmobile trail. The Landowner's signature on this MOU confirms its coverage provided that the Landowner charges no fee to use the Lands.
5. The Landowner will be added as an additional insured under the OSFCIP but only with respect to liability arising from the operations of the named LSC. Coverage will be extended to the Lands through an insurance policy held by the OFSC and its member organization snowmobile club. The OFSCIP does not cover the Landowner's willful misconduct and/or negligence.
6. The Landowner and LSC have each initialed a sketch or map of the Lands attached as "Schedule 'A'" to this MOU.
7. Before or after the winter months when there is no snow cover, the LSC may access the Lands to open, close, upgrade and maintain the snowmobile trail.
8. During the winter months the LSC shall maintain that portion of the Lands used as a snowmobile trail in reasonably good condition for snowmobiling and the LSC may also perform other upgrades and/or trail maintenance or other similar works or projects.
9. The LSC shall post snowmobiling signage on the snowmobile trail and annually remove litter from the snowmobile trail.
10. If valid permitted and exempted snowmobiles and their riders damage property on the Lands used for snowmobiling, the LSC will repair or replace the damaged property.
11. The Landowner authorizes the LSC's or OFSC District's representative(s) to be its agent(s) to cooperate with local law enforcement agencies' efforts to supervise and enforce the uses of the Lands permitted by this MOU under the *Trespass to Property Act*, R.S.O., 1990 C. T.21, the *Motorized Snow Vehicles Act*, R.S.O. 1990 c. M.44 and the *Occupiers Liability Act*, R.S.O. 1990 c. O.2, all as amended.
12. Either party may terminate this MOU by providing at least 60 days' prior written notice to the other party as listed below.
13. Additional Conditions:

See Attached Schedule C

LANDOWNER/OCCUPIER

Name	*Email*	
Seguin Township	cjeffery@seguin.ca	
Address		*Phone*
5 Humphrey Drive, Seguin, Ontairo, P2A 2W8		705-732-4300

LOCAL SNOWMOBILE CLUB

Name - Club Contact	*Phone*	*Email*
Steve Schell	705-774-3497	s.schell@sixstarsnowriders.ca

Landowner Signature: _____ **Date:** _____

Club Signature: _____ **Date:** _____

Schedule A Attachments:
- ❒ sketch and/or
- ■ map

Privacy Policy: Personal information provided on this form will only be used for purposes related to this agreement.

Seguin Township Schedule 'A' Pt 2 for Six Star Snow Riders
3 Parcels on Trail 26 at South End of Salmon Lake

Seguin Township Road Allowances Pt2 SSSR LANDOWNER NAME: THE CORPORATION OF THE TOWNSHIP OF SEGUIN ADDRESS : 0 PIN: 521810705 DESCRIPTION: BLOCK 29, PLAN 42M679 TOWNSHIP OF SEGUIN
Seguin Township Road Allowances Pt2 SSSR LANDOWNER NAME: THE CORPORATION OF THE TOWNSHIP OF SEGUIN ADDRESS : 0 PIN: 521810706 DESCRIPTION: BLOCK 30, PLAN 42M679 TOWNSHIP OF SEGUIN
Seguin Township Road Allowances Pt2 SSSR LANDOWNER NAME: THE CORPORATION OF THE TOWNSHIP OF SEGUIN ADDRESS : 0 PIN: 521810710 DESCRIPTION: ZHAAWASHKWAA MIIKAN ROAD (DEEP BLUE ROAD), PLAN 42M679 TOWNSHIP OF SEGUIN

Seguin Township Schedule B Pt 2 Six Star Snow Riders



SCHEDULE ‘C’ WITH SIX STAR SNOW RIDERS

Clause 13 Note for MOU between Six Star Snow Riders & Seguin Township

It is the responsibility of the LSC is to ensure any trails and works the LSC constructs and/or maintains under this MOU are located on lands the Landowner has ownership of or to which the Landowner is the public jurisdiction having authority of.

Board & Committee Agendas & Minutes

The Corporation of the Township of Seguin

Business Committee

Minutes of Thursday, December 4th, 2025

A meeting of the Township of Seguin Business Committee was held December 4th, 2025 at the Township of Seguin Council Chambers and by Electronic Participation.

The following Members were present:

- Andrew Ryeland, Chair (Council Chambers)
- Michelle Berry (Council Chambers)
- Chris Ivanov (videoconference)
- Laurie McDonald (videoconference)
- Darrin O'Brien (Council Chambers)
- Mayor Ann MacDiarmid (Council Chambers)

Staff Present:

- Valerie Iancovich (Council Chambers)
- Donna McLeod (Council Chambers)

Absent Members:

- Les Hess
- Ted Collins

Resolution No. 2025-050
Moved by: Ann MacDiarmid
Seconded by: Michelle Berry
"THAT we do now convene this Regular Meeting of the Township of Seguin Business Committee at 9:33 am..".

CARRIED

Approval of Agenda.
After the meeting was called to order, Donna McLeod requested approval of the Agenda with the addition of Appointing a Chair. The Agenda was approved as amended.

Disclosure of Pecuniary Interest.
Donna McLeod requested the disclosure of any possible pecuniary interests. None were declared.

Resolution No. 2025-051
Moved by: Ann MacDiarmid
Seconded by: Michelle Berry
"THAT the Township of Seguin Business Committee does hereby appoint Andrew Ryeland as Chair for the rest of the term.".

CARRIED

Andrew Ryeland assumed the position of Chair for the rest of the term.

Resolution No. 2025-052
Moved by: Michelle Berry
Seconded by: Ann MacDiarmid
"THAT the Township of Seguin Business Committee does hereby approve the Minutes of the Committee Meeting of November 6th, 2025.".

CARRIED

Business Directory
Laurie McDonald has an updated list. Valerie Iancovich created a survey form which she will shared with the Committee

Action Items:

- Laurie McDonald will distribute the updated list to members.
- Valerie Iancovich will send link for members to review.

Staff Involvement
Valerie Iancovich created a form.

Action Item:

- Valerie Iancovich will share the link with members to review.

Mayor's Lunch & Golf
This event was a success again. The Committee discussed changing ideas for 2026.

Action Item:

- Laurie, McDonald, Michelle Berry and Darrin O'Brien will coordinate a working group meeting to discuss recommendations and directions for this event for next year. This item will be brought back to the next meeting.

Recognizing Years of Service
The information still needs to be gathered. Laurie McDonald is wondering if information can be gathered from the survey.

Actin Item:
Laurie McDonald will ask Valerie Iancovich to add how many years of service to the survey.

Workforce Housing
This item was discussed by the Committee. Wait until the survey is completed. Ann MacDiarmid gave an update on the Nest and MZO projects.

2025 Workplan
This item was discussed with no changes.

Parry Sound Area Chamber of Commerce (PSACC)
Chris Ivanov has been approved by Council to be a member of the Parry Sound Area Chamber of Commerce (PSACC).

Action Item:

- Chris Ivanov will bring an update to the next meeting.

Frequency of Meetings
The frequency of meetings was discussed with members with the meeting being held on the first Thursday of each month.

New Member
Ann MacDiarmid will speak to Kropf regarding joining the Seguin Business Committee.

Resolution No. 2025-053
Moved by: Ann MacDiarmid
Seconded by: Michelle Berry
"THAT the Township of Seguin Business Committee does hereby adjourn at 10:38 am to meet again on January 8th, 2026 at 9:30 am or at the call of the Chair.".
CARRIED

Andrew Ryeland,
Chair

Donna McLeod,
Clerk's Department

MUSKOKA WATERSHED COUNCIL
70 Pine Street, Bracebridge, ON P1L 1N3 T: (705) 204-7277
E: info@muskokawatershed.org W: www.muskokawatershed.org

Agenda

Date: **Wednesday, January 21, 2025**
Time: **4:00 – 6:00 pm**
In-person: **Castle Peak Retirement Residence Multipurpose Room,** Bracebridge Library (34 Salmon Ave, Bracebridge)
Online: **Zoom**
https://us02web.zoom.us/j/83089712446?pwd=vCz7A1sNEDbpMgx2ZRdgLy9RVaCQf8.1

1. **Welcome and Opening Remarks** – *MWC Acting Chair, Kevin Trimble (10 min)*
   - 1.1. Land Acknowledgement – *Maggie Dechert, MWC Member*
   - 1.2. Approval of Minutes

     THAT the Minutes of the Muskoka Watershed Council meeting dated November 19, 2025 be approved.
   - 1.3. Business Arising from the Minutes

2. **Presentation** *(30 min)*
   - 2.1. **The Power of Long-term Study: Fascinating Discoveries Over 82 Years of Research in Algonquin Park** – *Drayke Evans, Manager, Algonquin Wildlife Research Station (AWRS)*

     Since 1944, The Algonquin Wildlife Research Station (AWRS) has been serving as an outdoor laboratory for ecological research, later incorporating as a not-for-profit organization in 2010. Driven by a passion for the natural world and wildlife, Drayke Evans is entering his fourth season at the AWRS, where he is currently studying snakes.

     Drayke will discuss two of the longest running studies being conducted at AWRS: the small mammal project, and the Painted & Snapping Turtle project. These projects have been able to generate valuable decades-spanning datasets, improving our understanding of Canadian wildlife and the evolving threats they face.

3. **Strategic Planning for 2026** – *Kevin Trimble*
   - 3.1. Outcomes from the November 28, 2025 Strategic Planning meeting and discussion
4. **Committee Updates** *(10 min each)*
   - 4.1. Fundraising – *Peter Sale*
   - 4.2. Integrated Watershed Management – *Kevin Trimble*
   - 4.3. Membership – *Michael Peppard*
5. **Partner Updates** *(5 min each)*
   - 5.1. Government Updates – *Open to elected municipal representatives and staff*
   - 5.2. Partner Updates (e.g., Province, Health Unit, Lake Associations, Community Organizations) – *Open to All*
     - 5.2.1. Huntsville Art Society Art Show at Partner's Hall, Algonquin Theater – *Penny Thomas*
6. **New Business**
   - 6.1. Open positions for new MWC Board of Directors members – *Kevin Trimble*

7. **Group photo of attendees**

8. **Adjournment**

NEXT MWC MEETING: Wednesday, February 18, 2026 from 4-6 pm, Bracebridge Library Castle Peak Retirement Residence Multipurpose Room.

Outlook

Fw: Agendas - Finance and Property Committee and Board of Health Meetings, January 28, 2026

From Craig Jeffery <cjeffery@seguin.ca>
Date Tue 1/20/2026 2:12 PM
To Donna McLeod <dmcleod@seguin.ca>

From: Ashley Lecappelain <ashley.lecappelain@healthunit.ca>
Sent: Tuesday, January 20, 2026 10:19 AM
To: Armour <clerk@armourtownship.ca>; Bonfield <cao.clerk@bonfieldtownship.com>; Burk's Falls <clerk@burksfalls.ca>; Callander <cpigeau@callander.ca>; Calvin <cao@calvintownship.ca>; Carling <clerksoffice@carling.ca>; Chisholm <l.marshall@chisholm.ca>; East Ferris <kari.hanselman@eastferris.ca>; Joly <office@townshipofjoly.com>; Kearney <nicole.gourlay@townofkearney.ca>; Machar <aloneymachar@vianet.ca>; Magnetawan <clerk@magnetawan.com>; Mattawa <amy.honen@mattawa.ca>; Mattawan <admin@mattawan.ca>; McDougall <lwest@mcdougall.ca>; McKellar <clerk@mckellar.ca>; McMurrich-Monteith <clerk@mcmurrichmonteith.com>; Nipissing <admin@nipissingtownship.com>; North Bay <Karen.McIsaac@cityofnorthbay.ca>; Papineau Cameron <clerk@papineaucameron.ca>; Parry Sound <rjohnson@parrysound.ca>; Perry <beth.morton@townshipofperry.ca>; Powassan <brobinson@powassan.net>; Ryerson <clerk@ryersontownship.ca>; Craig Jeffery <cjeffery@seguin.ca>; South River <clerk@southriver.ca>; Strong <clerk@strongtownship.com>; Sundridge <naustin@sundridge.ca>; The Archipelago <mmartin@thearchipelago.ca>; West Nipissing <mducharme@westnipissing.ca>; Whitestone <nigel.black@whitestone.ca>
Subject: Agendas - Finance and Property Committee and Board of Health Meetings, January 28, 2026

Please forward this correspondence with your municipal councillors:

Hello,
The North Bay Parry Sound District Health Unit's upcoming Finance and Property Committee and Board of Health meeting will take place on Wednesday, January 28, 2026**.**
The meeting agendas are now available on the Health Unit's website, and you can access it via the following links: Board of Health Meeting Agenda & Finance and Property Committee Agenda**.**
Thank you,

Ashley Lecappelain | Executive Assistant | Office of the Medical Officer of Health/Executive Officer | Pronouns: She/Her

North Bay Parry Sound District Health Unit | 345 Oak Street West | North Bay, Ontario P1B 2T2 | Canada

705-474-1400 ext. 5272 | 1-800-563-2808

ashley.lecappelain@healthunit.ca | myhealthunit.ca
Facebook | *Instagram* | *LinkedIn* | *YouTube*

My place of work is on the lands of the Anishinaabe people; the traditional territory of Nipissing First Nation; and land that is covered by the Robinson Huron Treaty of 1850.

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information subject to the provisions of the Municipal Freedom of Information & Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by telephone, fax or e-mail and permanently delete the original transmission, including any attachments, without making a copy. Thank you (v2)

Correspondence

Link to the Association of Municipalities of Ontario (AMO) - Communications

Link to the Municipal Property Assessment Corporation (MPAC) InTouch Newsletters

Link to the North Bay Parry Sound District Health Unit (NBPSDHU) - Communications

Link to the Good Roads - Communications

Link to the Ontario Heritage Trust - Communications

Link to the Labour Market Group – Communications

Link to the Federation of Ontario Cottagers' Associations (FOCA) - Communications

Link to the Federation of Canadian Municipalities (FCM)

Outlook

Fw: Township of Spotlight Jansz Interiors

From info <info@seguin.ca>
Date Wed 1/7/2026 11:14 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Parry Sound Area Chamber of Commerce <manager@psachamber.ca>
Sent: January 7, 2026 10:15 AM
To: info <info@seguin.ca>
Subject: Township of Spotlight Jansz Interiors

Spotlight: Jansz Interiors



This Week's Business Spotlight is Jansz Interiors!

Expanding Horizons: Partnership & Growth in Parry Sound

OUR FOUNDATION & THE PIVOT NORTH

Jansz Interiors is a trusted, family-owned small business with an over **20-year track record** of excellence in custom interior solutions, which started in **Milton, Ontario** and transitioned over to the area in 2021.

What began as a hobby and a dream for owner-operator **Stewart Jansz—** sparked by years of working alongside his own father, whether building furniture or working on cars—evolved into a thriving full-service business. This foundation of deep-rooted craftsmanship and Stewart & Alec's **"can-do" attitude** define every project we undertake.

We are now actively expanding our capacity in the North. Following our relocation to **McKellar,** several years ago, we are focused on establishing **strategic partnerships** with builders and developers on **large-scale residential and commercial projects** in the Parry Sound region.



EXPERTISE AND CREDIBILITY

The strength of Jansz Interiors lies in our blend of **hands-on experience and professional planning**.

This truly is a family business, and that dedication extends beyond our immediate kin. **Alec Eves**, a hardworking, dependable young man who has been a part of our family for 13 years, and now an **instrumental part of our team**. Alec made the North his home base in 2021, reinforcing our commitment to the area.

Alec is a **qualified Architectural Technologist**, and his expertise is crucial for project success. He prepares detailed **renderings, drawings, and floor plans** for all remodels, showing the most **effective and efficient use of space and flow** before construction begins. Clients consistently find this pre-construction visualization invaluable.

Award-Winning Reputation & Client Trust

Our commitment to quality is consistently validated by our clients

- **Industry Recognition:** Jansz Interiors has been nominated for and proudly won the Readers Choice Award in Milton on several occasions, earning Platinum, Gold, Silver, and Bronze awards. This history underscores the high standards we bring to every job.
- **Verified Satisfaction:** We believe client testimonials are the most powerful measure of success. Referrals by our value clients have fueled our growth and expansion.









Committed to the Community

We are proud to be a **Chamber Member** in the hopes of Networking and growing within the community. We believe it is important to be an active part of the Business Community, network, and recognize new developments.

Our Core Services

Jansz Interiors offers a wide range of interior services tailored for both custom homes and large-scale projects:

- **Home Additions**
- **Kitchen Remodel & Renovation**
- **Bathroom Redesign & Updating**
- **Basement Design/Refinishing**
- **Flooring:** Hardwood, Laminate, Ceramic, and Vinyl
- **Customization**: Cabinetry, Shelving, and Niches
- **Finishing:** Stairs, Crown Molding & Trim work
- **Lighting:** Pot Lights, Accent Lighting, and General Installation
- **General Handiwork:** Painting; Drywall

Our Trusted Partner Network

We partner exclusively with licensed and expert trade professionals to ensure every job is completed to the highest standard:

- **Cabinet Builders**
- **Window and Door Suppliers & Installers**
- **Countertop Suppliers** (offering Quartz, Granite, Marble, Stainless Steel)
- **Licensed Electricians, Plumbers, and HVAC professionals**
- **Engineers and Architects** in and around the area

We offer more than just interior services—we offer a dedicated, expert partner committed to helping you deliver exceptional quality and finish on your large and small projects in the Parry Sound region.

We believe that exceptional growth is achieved through strong partnerships. **If you are seeking a reliable, experienced, and dedicated interior solutions partner for your next large project in Parry Sound, we invite you to connect with us.** Let's discuss how the Jansz Interiors commitment to quality can elevate your build.



Jansz Interiors
Owner Stewart Jansz
stewjansz@outlook.com
647-404-5067

Visit Jansz Interiors

Join the Chamber: Chamber Benefits



Outlook

Fw: Township of The January Digital Newsletter is here

From info <info@seguin.ca>
Date Fri 1/9/2026 8:28 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Parry Sound Area Chamber of Commerce <manager@psachamber.ca>
Sent: January 9, 2026 7:01 AM
To: info <info@seguin.ca>
Subject: Township of The January Digital Newsletter is here

Parry Sound Area Chamber of Commerce January 2026 Newsletter

New Businesses, Free Training Courses, Events, News, Grants, and More

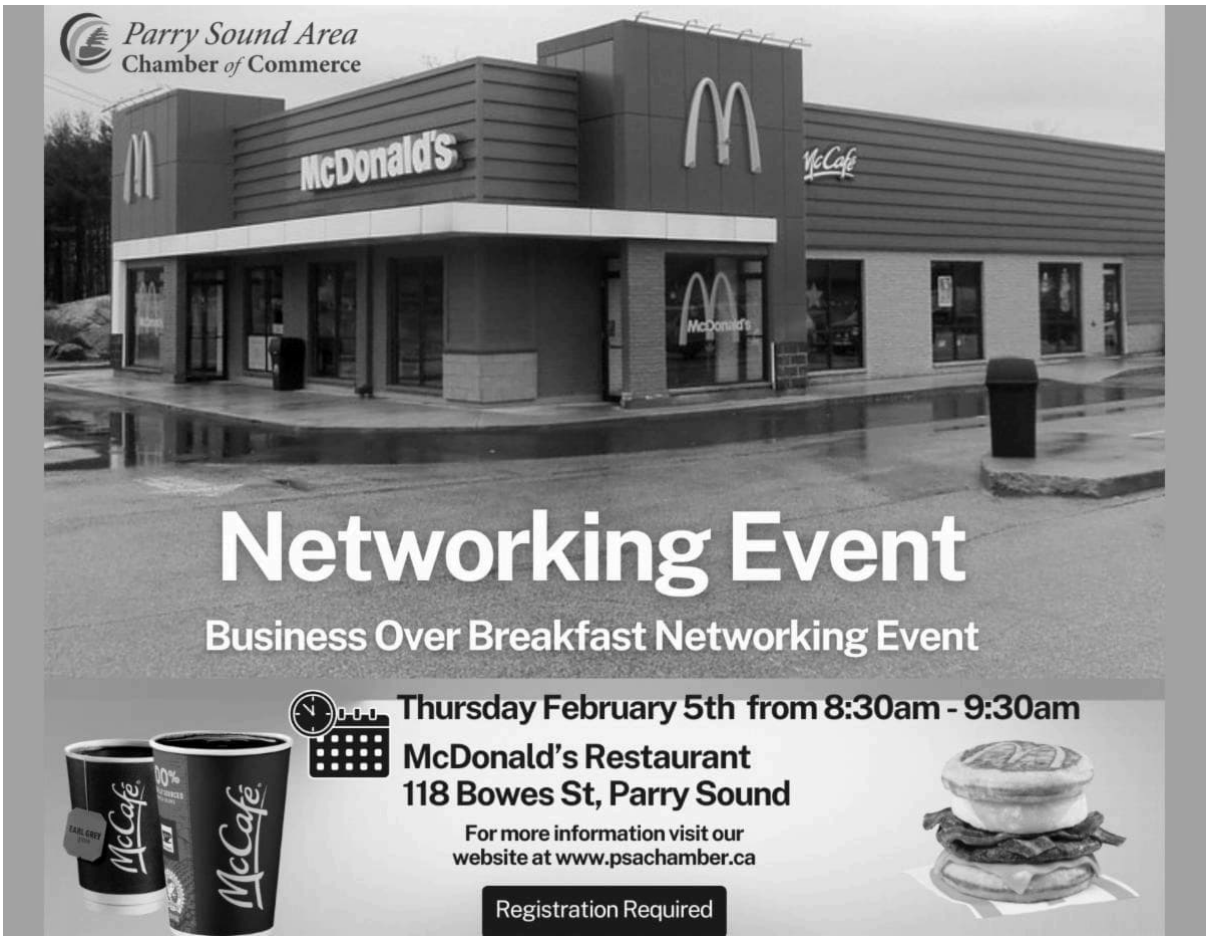


January Newsletter

Upcoming Events



Register Here



Register Here





Parry Sound Area Chamber of Commerce

PARRY SOUND AREA CHAMBER OF COMMERCE

HRCovered

We are a proud HR affinity provider. As a valued member, please click here to register for your complementary access to over 1000+ HR documents and other benefits.

"Please contact your Chamber for Membership PERKS information

G&T GRAND&TOY

PARK'N FLY

Parry Sound Area Chamber of Commerce Members Reserve and Save on Airport Parking Please contact your Chamber for details



Chambers Plan offers the best, most affordable and easiest way to care for you and your employees

Outlook

Fw: Township of Meet Smith Consulting

From info <info@seguin.ca>
Date Thu 1/15/2026 9:26 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Parry Sound Area Chamber of Commerce <manager@psachamber.ca>
Sent: January 15, 2026 8:10 AM
To: info <info@seguin.ca>
Subject: Township of Meet Smith Consulting

Meet Smith Consulting

SMITH CONSULTING

Human Resource Consulting

This week's Business Spotlight is Smith Consulting!

Smith Consulting is a people-focused HR consulting agency dedicated to helping small and mid-sized businesses build strong teams, healthy workplace cultures, and sustainable growth. Led by Courtney Smith, Smith Consulting works closely with business owners and leaders to provide strategic HR guidance, hands-on support, and customized solutions that meet the unique needs of each organization.

At Smith Consulting, HR is not one-size-fits-all. Courtney takes the time to truly understand her clients — their people, their challenges, and their goals — in order to deliver personalized, practical, and effective HR support that makes a real difference.



What They Offer

Smith Consulting partners with businesses to improve every stage of the employee experience, including:

- Strategic HR guidance and advisory support
- Hiring and onboarding support
- Employee retention strategies
- Workplace culture development
- Policy development and compliance support
- Customized HR plans tailored to your business needs

Whether you are navigating growth, addressing workplace challenges, or proactively strengthening your HR foundations, Smith Consulting helps organizations thrive while unlocking the full potential of their teams.

What Sets Smith Consulting Apart

Smith Consulting is built on trust, integrity, and a genuine commitment to helping businesses and their people succeed. Courtney brings a compassionate,

thoughtful approach to HR, recognizing that people are at the heart of every successful organization.

Clients value Smith Consulting's ability to:

- Provide personalized and approachable HR support
- Balance compliance with people-first solutions
- Act as a trusted partner, not just an external consultant
- Create workplaces where employees feel supported, engaged, and empowered

The mission of Smith Consulting is to help businesses create strong, healthy workplaces while staying compliant and positioned for long-term growth.

SMITH CONSULTING

Human Resource Consulting

Rooted in Community

Courtney joined the Parry Sound Area Chamber of Commerce because she believes in the power of community and collaboration. Smith Consulting is passionate about supporting local businesses and being actively involved in strengthening the Parry Sound business community.

Through Chamber involvement, Smith Consulting looks forward to building meaningful relationships, sharing resources, and contributing to the overall growth and success of the region.

If you're looking for HR support that is strategic, compassionate, and tailored to your business, Smith Consulting is ready to partner with you.

Visit Smith Consulting

SMITH CONSULTING
Human Resource Consulting

Contact
Smith Consulting

Courtney Smith
Owner/ Operator
Phone: (705) 346-0590
Email: smithconsulting.sc@gmail.com

Join the Chamber: Chamber Benefits

Outlook

Fw: Township of See Our Upcoming EVENTS

From info <info@seguin.ca>
Date Mon 1/19/2026 2:02 PM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Parry Sound Area Chamber of Commerce <manager@psachamber.ca>
Sent: January 19, 2026 10:43 AM
To: info <info@seguin.ca>
Subject: Township of See Our Upcoming EVENTS







Register Now

Parry Sound Area Chamber of Commerce 128th AGM, 2026

A Year in Review

Join us on Thursday January 22nd at Canadore College for the 2026 Parry Sound Area Chamber of Commerce AGM Annual General Meeting. The Chamber warmly welcomes all businesses, owners, and staff to attend and participate.
Coffee and light refreshments will be served starting at 9am, with the meeting beginning at 9:30 am.

128th ANNUAL GENERAL MEETING, JANUARY 22, 2026 - TIME 9:00am-11:30am
Location: Canadore College Lounge

1. Call to Order
2. Approval of the Agenda
3. Approval of the 127th Annual General Meeting minutes
4. Letter of Review
a. Report from Treasurer
b. Appointment of Terry Clarke for 2026
5. Year in Review by Chair & Executive Director
6. Report by Executive Director
7. Presentation by Member Services
8. Board of Directors, Acknowledgement
a. Nominations from the floor
b. Vote of slate of new directors
c. Oath of service - Mayor McGarvey
9. New Business
10. Adjournment

Registration required



Register Now

Business Over Breakfast at McDonald's!

Kick-start your morning with networking, coffee, and conversation at our Chamber Business Over Breakfast on Thursday, February 5th, from 8:30–9:30am, hosted at McDonald's Restaurant in Parry Sound.
This upbeat, casual gathering is open to Chamber Members, Board Members, and Advisory Board Members—a great chance to connect, catch up, and build relationships before the workday begins.

Come hungry for breakfast—and even hungrier for connection!

Food & drinks available for purchase

Registration required



Register Now

Contractors & Trade Business Owners Workshop

Contractors and Tradespeople - join us for a complimentary lunch and in-person half-day workshop at Di Salvo's Bella Cucina!

This workshop is your roadmap to:

- Price jobs for sustainable profit
- Simplify your estimating and billing process

- Reclaim your time and energy

Featuring Speaker Rick Harris
Rick is a former plumber turned business owner, now a trusted advisor to contractors and trades entrepreneurs across Canada and the USA. With decades in the trenches and no formal business education, Rick built and sold a multi-million dollar trades company before launching Work Boot Consulting and The Owner Shift—a peer group and coaching platform designed to help business owners grow companies that don't rely on them 24/7. He cuts through the noise and delivers tools, structure, and clarity so contractors can take back control and build a business worth owning.
This event is open to all local construction company and trade business owners in the Parry Sound District.

Lunch generously sponsored by Parry Sound Area CB&DC Community Futures
Capacity will be capped at 30 so don't delay as spots will fill fast.
All attendees must be registered ahead.
A $10 contribution to the Parry Sound High School Chamber of Commerce Bursary Award for "Future Business Leader" is required to secure your spot.

Registration required



Business Registration

Download Driftscape App

Parry Sound Hot Chocolate Challenge: Warm Up Your Family Day Weekend!

Get ready to cozy up with some delicious hot chocolate creations during our Snowfest weekend in beautiful Parry Sound!

Who Can Participate?

- **Local Businesses:** All businesses are invited to create a special hot chocolate recipe. Show off your creativity and stand a chance to win!
- **Public Taste Testers:** Visit participating businesses to sample their signature hot chocolates and cast your vote for the best one!

How to Participate

1. **For Businesses:**
    - **Register Your Business**
    - Come up with a unique hot chocolate recipe that will wow our taste testers.
    - Serve your hot chocolate at your establishment throughout the Family Day long weekend.
    - Get your customers to vote via the Driftscape App
1. **For Public Participants:**
    - Review the Hot Chocolate Challenge Tour outlining participating businesses on the Town of Parry Sound website or via the Driftscape App. The Tour will be available Friday, February 13, 2026.
    - Visit as many locations as you like, try their amazing hot chocolates, and enjoy the snowy festivities.
    - Vote for your favorite hot chocolate using the Driftscape app. Your votes will determine which business earns the title of Best Hot Chocolate!

Prizes

- **For Businesses:** The hot chocolate with the most votes will win a special coffee break for staff, valued up to $100.00—celebrate your team's hard work!
- **For Public Participants:** By voting, you will be entered into a random draw for a chance to win one of two $50.00 Downtown Dollars certificates. Perfect for spending at local businesses!

Event Details:

- **When: Family Day weekend, February 13 to February 16, 2026.**
- **Where: Throughout the Town of Parry Sound, see promotional materials for all participating locations.**

Check the Driftscape app and the Town of Parry Sound's website for more details, and stay tuned for participating business announcements!



Register Now

Business After Hours at Legend Spirits!

Join us for a Business After Hours Networking Event at Legend Spirits on Wednesday, March 4, 2026, from 6:00–8:00 PM.

This public event is a great opportunity to connect with local business owners, professionals, and community members in a relaxed setting. The evening is co-hosted by the Parry Sound Area Chamber of Commerce and Parry Sound Area CB&DC Community Futures, and will include a special send-off recognizing Ron Begin on his retirement from FedNor.

Enjoy networking, great conversation, and a chance to win a $25 gift card.

Registration required



Register Now

Business After Hours at the Festival of the Sound Office!

Join us on Wednesday, March 25th from 6–8 PM for a Business After Hours at the Festival of the Sound office.
This special evening of networking and connection will be co-hosted by RBC and is **open to Chamber Members, Board Members, Advisory Board Members, and invited guests only.**
Enjoy meaningful conversations, community connections, and refreshments generously sponsored by RBC, all in a relaxed and welcoming setting.

Bonus: RBC will be joined by guest speaker Malvin Seto, who will share practical insights on Wills and Estate Planning. Malvin is a Will and Estate Advisor with RBC

Registration required



Register Now

YMCA Job Fair

The Parry Sound Area Chamber of Commerce with the YMCA welcomes local Businesses and Organizations to Register for the Job Fair

Date: March 26, 2025
Time: 9:30 am to 12:30 pm
Location: Bobby Orr Community Centre, 7 Mary Street, Parry Sound

Business/Organization Booth Registrations $30.00 each



Join the Chamber: Chamber Benefits

9.5.6.

THE CORPORATION OF THE TOWN OF PARRY SOUND
RESOLUTION IN COUNCIL

NO. 2025 – 173.

DIVISION LIST	YES	NO
Councillor G. ASHFORD	____	____
Councillor J. BELESKEY	____	____
Councillor P. BORNEMAN	____	____
Councillor B. KEITH	____	____
Councillor D. McCANN	____	____
Councillor C. McDONALD	____	____
Mayor J. McGARVEY	____	____

DATE: December 16, 2025

MOVED BY: _____

SECONDED BY: _____

CARRIED: ✓ DEFEATED: _____ Postponed to: _____

WHEREAS Council for the Town of Parry Sound is a lead partner municipality of the Parry Sound Public Library; and

WHEREAS the Federal Government of Canada has introduced new legislation through Bill C-15 that threatens interlibrary loans by repealing Paragraphs 19(1)(d) to (g.1) of the Canada Post Corporations Act that provides for a reduced rate of postage for library materials lent by a library to a borrower, including by means of an interlibrary loan.; and

WHEREAS interlibrary loans are an essential part of how libraries in Canada operate and rely on the provisions of the Canada Post Corporation Act to provide access to materials for the millions of library users in Canada.; and

WHEREAS if Canada Post can increase rates without any oversight from Parliament or the Government of Canada – as C-15 would permit - libraries across Canada will be devastated, put a strain on already surging library budgets and threaten their ability to offer this essential service for access, equity and literacy for all.

NOW THEREFORE BE RESOLVED that the Council of the Town of Parry Sound hereby requests that the government withdraw this amendment to the Canada Post Corporations Act, to ensure that library products remain accessible for all of Canada through interlibrary loans.; and

FURTHERMORE that a copy of this resolution be sent to the Honourable Joël Lightbound, Minister of Government Transformation, Public Works and Procurement, Scott Aitchison MP for Parry Sound-Muskoka, the Parry Sound Public Library and all

...2

West Parry Sound District Municipalities to serve the best interests of patrons from the library's partner municipalities, Township of The Archipelago, The Municipality of McDougall and The Township of Carling, and all others in which non-member patrons reside.

Mayor Jamie McGarvey

The Corporation of The Township of The Archipelago
Council Meeting

Agenda Number:	15.1.
Resolution Number	2026-05
Title:	Opposition of Bill C-15, including the potential end of reduced postage rates for libraries
Date:	Friday, January 16, 2026

Moved by:	Councillor Lundy
Seconded by:	Councillor Emery

WHEREAS the Township of The Archipelago is a partner municipality of the Parry Sound Public Library; and

WHEREAS the Government of Canada has introduced new legislation through Bill C-15 that threatens interlibrary loans by repealing Paragraphs 19(1)(d) to (g.1) of the Canada Post Corporations Act that currently provides a reduced rate of postage rate for library materials, including those shared through interlibrary loans; and

WHEREAS interlibrary loans are a critical component of library services in Canada and rely on the reduced postage provisions of the Canada Post Corporation Act to ensure equitable access to materials for millions of library users; and

WHEREAS the proposed amendments would allow Canada Post to increase postage rates for library materials without parliamentary or governmental oversight, placing significant financial pressure on library systems and threatening the continued delivery of this essential service that supports access, equity, and literacy.

NOW THEREFORE BE IT RESOLVED that the Township of The Archipelago hereby requests that the Government of Canada withdraw the proposed amendments to the *Canada Post Corporation Act* contained in Bill C-15 that would eliminate reduced postage rates for library materials; and

FURTHER IT BE RESOLVED a copy of this resolution be forwarded to the Minister of Government Transformation, Public Works and Procurement, Honourable Joel Lightbound, Parry Sound-Muskoka

MP, Scott Aitchison, and the Parry Sound Public Library and its partner municipalities.

Carried

City of Peterborough

Office of the City Clerk, City Hall
500 George Street North
Peterborough, Ontario
K9H 3R9

December 3, 2025

Honourable Doug Ford, Premier for the Government of Ontario;
Honourable Michael S. Kerzner, Minister of the Solicitor General;
Honourable Rob Flack, Minister of Municipal Affairs and Housing;
Association of Municipalities of Ontario (AMO);
Mary ten Doeschate, Peterborough Police Services Board Chair; and
Councils of each of Ontario's municipalities.

Subject: Sustainable Funding for Police Services Request

The following resolution, adopted by City Council at its meeting held on November 3, 2025, is forwarded for your consideration.

Moved by Councillor Crowley
Seconded by Councillor Vassiliadis

Whereas municipalities across Ontario are required to maintain a police service; and

Whereas municipalities across Ontario are required to constitute a municipal board to have policing responsibility for the municipality, or enter into a written agreement for an alternate provision of policing services; and

Whereas the City of Peterborough has constituted a municipal board; and

Whereas municipalities, across Ontario, with a police service board, are required to "ensure adequate and effective policing is provided in the area for which they have policing responsibility in accordance with the needs of the population in the area and having regard for the diversity of the population in the area" and

Whereas police service boards within municipalities where court proceedings are conducted are required to ensure the security of judges, other judicial officials, members of the public participating in court proceedings, ensuing the secure

City of Peterborough

custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings; and

Whereas the provision of court security is not part of providing adequate and effective policing; and

Whereas the cost of providing court security is a cost of the municipality, regardless of whether all matters originate within that municipality; and

Whereas municipalities across Ontario are required to have and maintain critical infrastructure, including appropriate police facilities and equipment, to ensure adequate and effective policing is provided; and

Whereas municipalities across Ontario are experiencing increased police operating and capital costs directly related to new compliance and operational standards required under the Community Safety and Policing Act, 2019; and

Whereas these cost increases stem from provincially mandated requirements — including training, certification, technology, reporting, and staffing obligations — necessary to bring local police services into compliance with the Act; and

Whereas municipalities have no discretion in implementing these measures and limited ability to absorb the resulting financial pressures within existing budgets; and

Whereas policing is a provincially legislated responsibility, yet municipalities are bearing the brunt of the costs to implement provincial mandates;

Therefore, be it resolved that:

Council request that the Province of Ontario provide targeted financial assistance to municipalities to offset any additional costs that are directly and demonstrably incurred as a result of compliance with the Community Safety and Policing Act, 2019, and not general increases to police budgets; and

Therefore, be it further resolved that:

Council urge the Province of Ontario to review and reform its current police grant programs to ensure a more equitable distribution of funding to municipalities so that communities with growing populations and expanding service demands receive fair and sustainable provincial support; and

Therefore, be it further resolved that:

Council request that the Province of Ontario provide stable sustainable funding to offset costs associated with the provision of providing court security services; and

City of Peterborough

That this resolution be forwarded to the Premier of Ontario, the Minister of the Solicitor General, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario (AMO), the Peterborough Police Services Board Chair, and all Ontario municipalities for endorsement.

Sincerely,

John Kennedy
City Clerk

Mary ten Doeschate, Chair *Drew Merrett, Vice-Chair*
Mayor Jeff Leal *Councillor Gary Baldwin* *Steve Girardi*

December 18, 2025

City of Peterborough (Sent via email)
500 George St. N.
Peterborough, ON K9H 3R9

Attention: Members of Council
Jasbir Raina, Chief Administrative Officer
Richard Freymond, Commissioner of Finance and Corporate Support Services
John Kennedy, Clerk

Members of Council, Mr. Raina, Mr. Freymond and Mr. Kennedy:

Re: Council Resolution – Stable Funding for Police Service Boards

The Peterborough Police Service Board unanimously passed the following motion at their Board meeting held on December 16, 2025:

Moved by Drew Merrett
Seconded by Jeff Leal

That the Board receive for consideration and endorsement the Peterborough City Council resolution made November 3, 2025 regarding stable funding for Police Service Boards.

Accordingly, the Board sends this letter in support of Council's call for the Province of Ontario to review and reform its current police grant programs to ensure a more equitable distribution of funding to municipalities; the Board believes increased and sustainable funding support from the Province is necessary to ensure the Board can meet its legislated mandate of providing adequate and effective policing in the City of Peterborough.

Sincerely,

Mary ten Doeschate,
Chair

Peterborough Police Service Board
500 Water Street, P.O. Box 2050 Peterborough, Ontario K9J 7Y4
Telephone: 705-876-1122 ext. 220 Fax: 705-876-6005
www.peterboroughpolice.com

TOWNSHIP OF
BRUDENELL, LYNDOCH AND RAGLAN

42 Burnt Bridge Road, PO Box 40
Palmer Rapids, Ontario K0J 2E0
TEL: (613) 758-2061 · FAX: (613) 758-2235

January 7, 2026

The Honourable Doug Ford, Premier of Ontario
Premier's Office
Room 281, Legislative Building, Queen's Park
Toronto, ON M7A 1A1

RE: Solve the Crisis and Winter Homelessness Program Support

Dear Mr. Ford,

Please be advised that at the Regular Council Meeting on January 7th, 2026, Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan passed the following resolution, supporting the resolution from the Town of Ajax.

Resolution No: 2026-01-07-05
Moved by: Councillor Quade
Seconded by: Councillor Banks

"Be it resolved that the Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan support the Town of Ajax's resolution regarding Solve the Crisis and Winter Homelessness Program Support as attached.

And further that this resolution be forwarded to the Premier of Ontario, Renfrew Nipissing Pembroke MPP, and all municipalities in Ontario."

Carried.

Sincerely,

Tammy Thompson

Tammy Thompson
Deputy Clerk
Township of Brudenell, Lyndoch and Raglan

TOWN OF AJAX
65 Harwood Avenue South
Ajax ON L1S 3S9
www.ajax.ca

The Honorable Doug Ford
Premier of Ontario
Legislative Building Queen's Park
Toronto ON M7A 1A1
premier@ontario.ca

Sent by E-Mail

November 19, 2025

Re: Solve the Crisis and Winter Homelessness Program Support

The following resolution was passed by Ajax Town Council at its meeting held on November 17, 2025:

> Whereas, we are approaching the cold winter months and the number of people experiencing homelessness in Ajax and Durham Region continues to rise drastically, with more than 1,000 people on Durham Region's by-name list as of August, including specifically 200 people in Ajax seeking support to change their housing status[1]; and
>
> Whereas, in September 2024, Ajax Council passed a motion to support Ontario Big City Mayors (OBCM) SolvetheCrisis.ca[2] campaign requesting that the provincial and federal governments take immediate action to solve the homelessness and mental health crisis gripping our communities; and
>
> Whereas, while the provincial government has provided support for new programs such as Homeless and Addiction Recovery Treatment Hubs (HART Hubs), it does not adequately address the growing crisis and the financial and social impact on municipalities and regions; and
>
> Whereas, according to the Association of Municipalities of Ontario, municipalities are providing 51.5% of the total reported homelessness program funding across all three levels of government, making a significant financial impact on municipal budgets[3]; and

Whereas, OBCM recently passed a motion at their October Meeting re-iterating the need for provincial support in addressing this crisis by allocating more funding to programs that address chronic homelessness; and

Therefore, be it resolved:

1. That Ajax Council reconfirms their support of the Solve the Crisis Campaign and calls on Ajax residents to join us in appealing to the provincial and federal governments for support by visiting SolveTheCrisis.ca; and

2. That Ajax Council asks that the provincial government to take action on the requests of the Solve the Crisis Campaign that have not been fully addressed including:

    a. Appoint a responsible ministry and Minister with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports.

    b. This single Minister must strike a task force with sector representatives including municipalities, health care leaders, first responders, community services, the business community, and the tourism industry to develop an Ontario Action Plan.

    c. Provide municipalities with the tools and resources to transition those in encampments to more appropriate supports, when deemed necessary.

    d. Commit to funding the services our unhoused population needs, community by community, to fill in gaps in the system.

    e. Invest in 24/7 community hubs or crisis centres to relieve pressure on emergency departments and first responders; and

3. That Ajax Council asks that the provincial government prepares a 2025/2026 winter homelessness response plan to help municipalities ensure that we can keep our unsheltered residents who are sleeping outdoors with the services they need to keep them safe in colder weather; and

4. That a copy of this resolution be sent to Doug Ford, Premier of Ontario, Rob Cerjanec, MPP for Ajax, local MPPs across the Region of Durham, Durham Regional Council, all Ontario Municipalities, Ontario Big City Mayors (OBCM).

CARRIED

If you require further information please contact me at 365-885-6983 or Thomas.street@ajax.ca

Sincerely,



Thomas Street
Manager of Legislative Services/Deputy Clerk

Copy: Councillor L. Bower
Councillor R. Tyler Morin
Rob Cerjanec, Ajax MPP
Region of Durham Local MPPs
Durham Regional Council
All Ontario Municipalities
Ontario's Big City Mayors

TOWNSHIP OF
BRUDENELL, LYNDOCH AND RAGLAN

42 Burnt Bridge Road, PO Box 40
Palmer Rapids, Ontario K0J 2E0
TEL: (613) 758-2061 · FAX: (613) 758-2235

January 7, 2026

The Honourable Doug Ford, Premier of Ontario
Premier's Office
Room 281, Legislative Building, Queen's Park
Toronto, ON M7A 1A1

RE: Affordable Rental Housing

Dear Mr. Ford,

Please be advised that at the Regular Council Meeting on January 7th, 2026, Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan passed the following resolution, supporting the resolution from the Municipality of Wawa.

Resolution No: 2026-01-07-06
Moved by: Councillor Kauffeldt
Seconded by: Councillor Quade

"Be it resolved that the Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan support the Municipality of Wawa's resolution regarding Affordable Rental Housing as attached.

And further that this resolution be forwarded to the Premier of Ontario, Renfrew Nipissing Pembroke MPP and MP, and all municipalities in Ontario."

Carried.

Sincerely,

Tammy Thompson
Deputy Clerk
Township of Brudenell, Lyndoch and Raglan

The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, November 4, 2025

Resolution # RC25177	**Meeting Order: 5**
Moved by: M Hatfield	**Seconded by:**

WHEREAS this council understands that the need for affordable rental housing not only applies to new builds but also to the protection of existing affordable units; and

WHEREAS the removal of rent control in 2018 on any new residential rental unit opened the door to excessive year over year rent increases and the resulting anxiety and mental anguish that come with unpredictable rental costs and loss of housing security; and

WHEREAS the loss of rent control has caused a high number of people across Ontario to be forced out of their homes due to their inability to afford their rent increases; and

WHEREAS without protection from excessive and malicious rent increases, many Wawa renters will also be at risk of being priced out of their own homes; and

WHEREAS unlimited rent increases can be used as a tool by landlords acting in bad faith to remove existing tenants in order to replace them with new tenants at increased rates; and

WHEREAS providing housing stability, maintaining affordable housing stock, and protecting renters from unfair rent increases is of utmost importance to this council.

WHEREAS This council recognizes that landlords are essential to a flourishing and affordable housing system; and

WHEREAS maintaining Northern Ontario as a location that is attractive to landlords is of utmost importance.

Page 2.....

The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

NOW THEREFORE BE IT RESOLVED that Council of the Corporation of the Municipality of Wawa request the Province of Ontario provide adequate protection against excessive and malicious rent increases for all rental units occupied for residential purposes while maintaining the ability for landlords to operate a viable and sustainable business, and that the Clerk for the Municipality of Wawa send a letter to Honourable Doug Ford Premier of Ontario, MPP Bill Rosenberg, MP Terry Sheehan, and other municipalities throughout Ontario for their endorsement consideration.

RESOLUTION RESULT	RECORDED VOTE		
☑ CARRIED	MAYOR AND COUNCIL	YES	NO
☐ DEFEATED	Mitch Hatfield		
☐ TABLED	Cathy Cannon		
☐ RECORDED VOTE (SEE RIGHT)	Melanie Pilon		
☐ PECUNIARY INTEREST DECLARED	Jim Hoffmann		
☐ WITHDRAWN	Joseph Opato		

Disclosure of Pecuniary Interest and the general nature thereof.

☐ Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk:_____

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL
M. Pilon	Maury O'Neill

This document is available in alternate formats.

TOWNSHIP OF
BRUDENELL, LYNDOCH AND RAGLAN

42 Burnt Bridge Road, PO Box 40
Palmer Rapids, Ontario K0J 2E0
TEL: (613) 758-2061 · FAX: (613) 758-2235

January 7, 2026

The Right Honourable Mark Carney P.C., O.C., M.P.
Office of the Prime Minister of Canada
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable Doug Ford, Premier of Ontario
Premier's Office
Room 281, Legislative Building, Queen's Park
Toronto, ON M7A 1A1

RE: Removing HST/GST from New Homes to Support Housing Affordability

Dear Mr. Ford,

Please be advised that at the Regular Council Meeting on January 7th, 2026, Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan passed the following resolution, supporting the resolution from the Town of Bradford West Gwillimbury.

Resolution No: 2026-01-07-07
Moved by: Councillor Banks
Seconded by: Councillor Quade

"Be it resolved that the Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan support the Town of Bradford West Gwillimbury's resolution regarding Removing HST/GST from New Homes to Support Housing Affordability as attached.

And further that this resolution be forwarded to the Prime Minister of Canada, Minister of Finance and the Minister of Housing, Infrastructure and Communities; and to the Premier of Ontario, the Ontario Minister of Finance, the Ontario Minister of Municipal Affairs and Housing, our local MP and MPP, the Association of Municipalities of Ontario, and all municipalities in Ontario."

Carried.

Sincerely,

Tammy Thompson

Tammy Thompson
Deputy Clerk, Township of Brudenell, Lyndoch and Raglan

Bradford West Gwillimbury
A Growing Tradition

Town of Bradford West Gwillimbury
100 Dissette St., Unit 7&8
P.O. Box 100, Bradford, Ontario, L3Z 2A7
Telephone: 905-775-5366
Fax: 905-775-0153
www.townofbwg.com

October 27, 2025

VIA EMAIL

Re: Removing HST/GST from New Homes to Support Housing Affordability

At its Regular Meeting of Council held on Tuesday, October 21, 2025, the Town of Bradford West Gwillimbury Council approved the following resolution:

Resolution 2025-343
Moved by: Councillor Scott
Seconded by: Councillor Duhaney

WHEREAS housing affordability is one of the most pressing issues facing Ontario families;

WHEREAS the federal government recently announced GST relief for first-time homebuyers on new homes, and the Province of Ontario removed the provincial share of HST on new purpose-built rental housing; and

WHEREAS the current HST rate on new homes in Ontario is 13%, which adds tens of thousands of dollars to the cost of a typical home, e.g. about $117,000 on a $900,000 home in Bradford before any existing rebates;

THEREFORE, BE IT RESOLVED that the Council of the Town of Bradford West Gwillimbury calls on the Government of Canada to remove the GST/HST from all new homes purchased as primary residences, and to work in partnership with the Government of Ontario to ensure full elimination of the provincial portion as well; and

BE IT FURTHER RESOLVED that this resolution be circulated to the Prime Minister of Canada, Minister of Finance and the Minister of Housing, Infrastructure and Communities; and to the Premier of Ontario, the Ontario Minister of Finance, the Ontario Minister of Municipal Affairs and Housing, our local MP and MPP, the Association of Municipalities of Ontario, and to all municipalities in Ontario.

CARRIED

Please find enclosed a letter from Mayor James Leduc and Ward 2 Councillor Jonathan Scott.

Thank you for your consideration of this request.

Regards,



Tara Reynolds
Clerk, Town of Bradford West Gwillimbury
(905) 775-5366 Ext 1104
treynolds@townofbwg.com

CC: Hon. Mark Carney, Prime Minister of Canada
Hon. François-Philippe Champagne, Minister of Finance
Hon. Gregor Robertson, Minister of Housing, Infrastructure and Communities
Hon. Doug Ford, Premier of Ontario
Hon. Peter Bethenfalvy, Minister of Finance, Ontario
Hon. Rob Flack, Minister of Municipal Affairs and Housing, Ontario
Scot Davidson, MP New Tecumseth-Gwillimbury
Hon. Caroline Mulroney, MPP York-Simcoe
Federation of Canadian Municipalities (FCM)
Association of Municipalities of Ontario (AMO)
All Municipalities in Ontario

October 24, 2025

The Honorable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto ON M7A 1A1

Sent by Email

Dear: Honorable Doug Ford,

RE: Municipality of Tweed – Collaborative Action on Sustainable Waste Management in Ontario.

The Council of the Corporation of Tay Valley Township at its meeting held on October 21st, 2025 adopted the following resolution:

RESOLUTION #C-2025-10-22

MOVED BY: Fred Dobbie
SECONDED BY: Marilyn Thomas

"WHEREAS, the Council of the Corporation of Tay Valley Township Support the Municipality of Tweed's resolution regarding waste incineration and a more Robust Recycling Program;

AND WHEREAS, It is incumbent upon the members of council, MPP's and MPs to make the decisions that will result in the most positive outcomes for now and future generations;

AND WHEREAS, with large urban centres now looking in rural areas of our province and entire country for lands to bury their garbage waste;

AND WHEREAS, a large landfill site owned by a large urban centre which receives 50% of their garbage at the present time is expected to be full by 2029 creating more environmental impacts;

AND WHEREAS, continuing to bury garbage in the ground will result in our future generations having lost potable groundwater as a result of garbage leachate rendering it unusable;

AND WHEREAS, burying garbage, particularly organic waste in landfills, leads to the production of methane a greenhouse gas, which escapes into the atmosphere and contributes to climate change causing more environmental destruction;

AND WHEREAS, we continue to destroy our environment jeopardizing our future generations;

AND WHEREAS, we have worldwide technology that will allow us the use of clean incineration and also produce much needed electric energy;

AND WHEREAS, the incineration of household and other municipal waste has a long tradition in Germany, which currently has 156 municipal thermal waste incineration facilities with an aggregate annual capacity of around 25 million tons;

AND WHEREAS, with a strong focus on community involvement, innovative infrastructure, and sustainable practices, Germany has set a high bar for municipal recycling programs that the rest of the world can learn from and emulate;

AND WHEREAS, at the present time, Germany recycles 66.1%of its garbage waste at a municipal level. This places the country as the most effective and prominent country when it comes to recycling in the entire world. This highlights the citizen's strength and motivation to deal with environmental issues on a daily basis;

AND WHEREAS, German schools often integrate recycling education into their curriculum. This early exposure to the importance of recycling instills a sense of responsibility in the younger generation, creating a culture of sustainability that transcends generations;

BE IT RESOLVED THAT, the Council of Tay Valley Township support the Municipality of Tweed in investigating the possibility of working together with Ontario Municipalities, Provincial and Federal Governments and manufacturing partners to form a working group to ensure that waste disposal issues can be resolved quickly, efficiently and effectively with the use of incineration, more robust recycling programs and sustainable practices, so that future generations will not suffer from our environmental mismanagement;

AND THAT, this support be sent to Premier Ford, Marit Stiles, Leader of the Official Opposition Party, and all Ontario Municipalities."

ADOPTED

Tay Valley Township

If you require any further information, please do not hesitate to contact the undersigned at (613) 267-5353 ext. 130 or deputyclerk@tayvalleytwp.ca

Sincerely,



Aaron Watt, Deputy Clerk

cc: Marit Stiles, Leader of the Official Opposition Party,
All Municipalities in Ontario

CORPORATION OF THE MUNICIPALITY OF SOUTH HURON
322 Main Street South P.O. Box 759
Exeter Ontario
N0M 1S6
Phone: 519-235-0310 Fax: 519-235-3304
Toll Free: 1-877-204-0747
www.southhuron.ca

November 5, 2025

Via email: doug.fordco@pc.ola.org

Premier's Office
Room 281
Main Legislative Building, Queen's Park
Toronto, ON M7A 1A5

Dear Hon. Doug Ford,

Re: Collaborative Action on Sustainable Waste Management

Please be advised that South Huron Council passed the following resolution at their November 3, 2025, Regular Council Meeting:

445-2025
Moved By: Ted Oke
Seconded by: Aaron Neeb

That South Huron Council support the October 21, 2025 Resolution of Tay Valley Township regarding Collaborative Action on Sustainable Waste Management; and

That the supporting resolution and originating documentation be circulated to Premier Ford, AMO and all Ontario Municipalities.

Result: Carried

Please find attached the originating correspondence for your reference.

Respectfully,

Kendra Webster, Legislative & Licensing Coordinator
Municipality of South Huron
kwebster@southhuron.ca
519-235-0310 x. 232

Encl.

cc: AMO, resolutions@amo.on.ca; and all Ontario Municipalities

PRESCOTT
EST 1784
THE FORT TOWN

Regular Council
December 15, 2025
~~245~~-2025

Moved by:

Seconded by: Justin Kirkley

WHEREAS the Council of the Corporation of the Town of Prescott support the Municipality of Tweed's, the Tay Valley Township's, and the Municipality of South Huron's resolutions regarding waste incineration and a more Robust Recycling Program;

AND WHEREAS it is incumbent upon the members of council, MPPs and MPs to make the decisions that will result in the most positive outcomes for now and future generations;

AND WHEREAS continuing to bury garbage in the ground will result in our future generations having lost potable groundwater as a result of garbage leachate rendering is unsuitable;

AND WHEREAS burying garbage, particularly organic waste in landfills, leads to the production of methane a greenhouse gas, which escapes into the atmosphere and contributes to climate change causing more environmental destruction;

AND WHEREAS we continue to destroy our environmental jeopardizing our future generations;

AND WHEREAS we have worldwide technology that will allow us to use of clean incineration and also produce much needed electric energy;

PRESCOTT
EST 1784
THE FORT TOWN

BE IT RESOLVED THAT the Council of the Corporation of the Town of Prescott support the Municipality of Tweed in investigating the possibility of working together with Ontario Municipalities, Provincial and Federal Governments and manufacturing partners to form a working group to ensure that waste disposal issues can be resolved quickly, efficiently and effectively with the use of incineration, more robust recycling programs and sustainable practices, so that future generations will not suffer from our environmental mismanagement;

AND THAT this support be sent to Premier Ford, Marit Stiles, Leader of the Official Opposition Party, and all Ontario Municipalities.

		REQUESTED BY:		
		RECORDED VOTE	YES	NO
		Councillor Leanne Burton		
		Councillor Mary Campbell		
		Councillor Justin Kirkby		
CARRIED:	✓	Councillor Lee McConnell		
TABLED:		Mayor Gauri Shankar		
DEFEATED:		Councillor Ray Young		
RECORDED VOTE:		Councillor Tracey Young		

GAURI SHANKAR, MAYOR	CHLOE PRESTON, CLERK

Outlook

Fw: MPAC: Built for change, ready for what's next - MPAC's Municipal Partnerships Report

From Craig Jeffery <cjeffery@seguin.ca>
Date Mon 1/12/2026 11:36 AM
To Donna McLeod <dmcleod@seguin.ca>

From: Mary Dawson-Cole <Mary.Dawson-Cole@mpac.ca>
Sent: January 12, 2026 11:04 AM
To: Craig Jeffery <cjeffery@seguin.ca>
Subject: MPAC: Built for change, ready for what's next - MPAC's Municipal Partnerships Report

You don't often get email from mary.dawson-cole@mpac.ca. Learn why this is important

mpac Municipal Property Assessment Corporation™

Good morning Craig,

In December, we shared year-end assessment base information with municipal CAOs and finance staff along with MPAC's 2025 Municipal Partnerships Report, which is also available in PDF format.

"Built for change, ready for what's next," the theme of this year's report, reflects MPAC's continued commitment to supporting municipalities with the data, insights, and tools that help inform local decision making. It highlights our proactive approach and ongoing commitment to anticipating municipal needs, strengthening collaboration, and planning for the future. This report showcases the progress we've made together and outlines the opportunities ahead as we build even stronger communities.

The report is now being provided to you should you wish to share with Municipal Council.

Please contact your local Municipal and Stakeholder Relations team with any questions.

We look forward to working with you this year.

Mary Dawson-Cole
Director, Municipal and Stakeholder Relations
Public Affairs and Customer Experience

Office: 705-419-0935
Mobile: 705-698-3017
mary.dawson-cole@mpac.ca

mpac.ca

MUNICIPALITY OF
SHUNIAH

COUNCIL RESOLUTION

Resolution No.: 22-26

Date: Jan 13, 2026

Moved By: Ron Giardetti

Seconded By: Don Smith

THAT Council hereby receives and supports the resolution from the United Counties of Leeds and Grenville regarding Bill 9, Municipal Accountability Act, 2025;

AND THAT Council directs the Clerk to forward a copy of this resolution to the Honourable Doug Ford, Premier of Ontario, the Honourable Rob Flack, Minister of Municipal Affairs and Housing, The Honourable Lise Vaugeois, MPP Thunder Bay-Superior North, the Honourable Kevin Holland, MPP Thunder Bay-Atikokan, the Association of Municipalities of Ontario (AMO), and all Ontario Municipalities.

☑ Carried ☐ Defeated ☐ Amended ☐ Deferred

L D Blunt

Signature

Item# 9.4

The United Counties of Leeds and Grenville

Resolution No. CC- 179 **- 2025**
Date: December 18, 2025

Moved by Tory Deschamps

Seconded by Nancy Peckford

WHEREAS on May 1, 2025, Bill 9, Municipal Accountability Act, 2025, re-introduced legislation originally proposed under Bill 241; and

WHEREAS Bill 9, if passed, would enable the creation of a new, standardized municipal code of conduct, an integrity commissioner inquiry process that would be consistent throughout the province and mandatory code of conduct training for members of council and certain local boards; and

WHEREAS Bill 9, Municipal Accountability Act, 2025, was ordered for a third reading on October 20, 2025; and

WHEREAS the Council of the Corporation of the United Counties of Leeds and Grenville deems it advisable for Bill 9 to be passed promptly.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the United Counties of Leeds and Grenville calls for Bill 9 to proceed to its third reading forthwith; and

THAT a copy of this resolution be forwarded to The Honourable Doug Ford, Premier of Ontario, The Honourable Rob Flack, Minister of Municipal Affairs and Housing, The Honourable Steve Clark, MPP, the Association of Municipalities of Ontario (AMO), and all Ontario municipalities.

Carried ✓ Defeated ____ Deferred ____

Corinna Smith-Gatcke, Warden

City of Stratford, Corporate Services Department
Clerk's Office
City Hall, P. O. Box 818, Stratford, Ontario N5A 6W1
Tel: 519-271-0250, extension 5237
Email: clerks@stratford.ca
Website: www.stratford.ca

January 15, 2026

Sent by email: doug.fordco@pc.ola.org

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto ON M7A 1A1

Dear Honourable Doug Ford,

Re: Bill 68, Plan to Protect Ontario Act, and ERO Posting 025-1257

At the January 12, 2026, Regular meeting, Stratford City Council considered resolutions from the Upper Thames River Conservation Authority and the Long Point Region Conservation Authority regarding Bill 68 and ERO Posting 025-1257 relating to the proposed boundaries for the regional consolidation of Ontario's conservation authorities.

At the meeting, Stratford City Council adopted the following resolution:

R2026-21
THAT CA-2026-007, being resolutions regarding Bill 68: Plan to Protect Ontario Act, be endorsed.

A copy of the endorsed resolution has been provided below:

WHEREAS the Conservation Authorities Act (1946) enables municipalities to establish local conservation authorities, and when municipalities choose to form such authorities, they assume responsibility for governance and funding through the appointment of a Board of Directors and the provision of an annual levy to cover expenses;

AND WHEREAS the City of Stratford established the Upper Thames River Conservation Authority (initially formed in 1947);

AND WHEREAS local municipalities currently provide approximately 35% of total conservation authority funding, while the Province of Ontario provides approximately 2% (2026 budget);

AND WHEREAS municipalities have governed their respective conservation authorities for decades, tailoring programs and services to local watershed needs, maintaining accountable service standards, and ensuring fair and predictable costs for ratepayers;

AND WHEREAS conservation authorities collectively own and manage thousands of acres of land. Many of these properties were entrusted to the UTRCA for long-term protection, stewardship, and the public good, with the expectation that such lands would be cared for by locally governed conservation authorities;

AND WHEREAS Bill 68 (Schedule 3) proposes the creation of the Ontario Provincial Conservation Agency, a Crown corporation that would assume governance responsibilities and consolidate Ontario's 36 conservation authorities into seven regional authorities, with municipal cost apportionment yet to be defined;

AND WHEREAS the Province already possesses the authority to establish overarching legislation, regulations, and standards through the Conservation Authorities Act and the Ministry of the Environment, Conservation and Parks;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of Stratford calls on the Government of Ontario to maintain local, independent, municipally governed, watershed-based conservation authorities to ensure strong local representation in decisions related to municipal levies, community-focused service delivery, and the protection and management of conservation lands;

AND FURTHER THAT while the City of Stratford supports provincial goals for consistent permit approval processes, shared services, and digital modernization, imposing a new top-down agency structure without strong local accountability and governance risks creating unnecessary cost, red tape, and bureaucracy, thereby undermining efficiency and responsiveness to local community needs;

AND FURTHER THAT the City of Stratford supports efforts to balance expertise, capacity, and program delivery across the province, and requests that the Province work collaboratively with municipalities and local conservation authorities to determine the most effective level of strategic consolidation to achieve both provincial and local objectives;

AND FURTHER THAT a copy of this resolution be sent to:

- the Ontario Minister of Environment, Conservation, and Parks,
- local MPPs,
- Association of Municipalities of Ontario,
- Rural Ontario Municipal Association,
- area Indigenous communities,
- all municipalities,
- Conservation Authorities, and
- Conservation Ontario.

Sincerely,

T. Dafoe

Tatiana Dafoe, Clerk
tdafoe@stratford.ca
519-271-0250 extension 5329

Cc: The Honourable Todd J. McCarthy, Minister of Environment, Conservation, and Parks,
Matthew Rae, Member of Provincial Parliament for Perth – Wellington,
Association of Municipalities of Ontario,
Rural Ontario Municipal Association (ROMA)
All Ontario municipalities,
The Upper Thames River Conservation Authority,
Long Point Region Conservation Authority, and
Conservation Ontario.

Outlook

Fw: January News: State of the Bay Updates

From Craig Jeffery <cjeffery@seguin.ca>
Date Fri 1/16/2026 9:31 AM
To Donna McLeod <dmcleod@seguin.ca>

From: Georgian Bay Biosphere <info@gbbr.ca>
Sent: Friday, January 16, 2026 9:29 AM
To: Craig Jeffery <cjeffery@seguin.ca>
Subject: January News: State of the Bay Updates

View this email in your browser

unesco Biosphere Reserve | GEORGIAN BAY BIOSPHERE MNIDOO GAMII

Biosphere Updates

Thank You!

We are incredibly grateful to over 150 year-end donors whose generosity will make this year's activities possible!

You are making our 2026 dreams come true!

- *State of the Bay* workshops
- Species at risk education
- Community & pollinator gardens
- Dozens of events
- Indigenous youth land-based learning programs

Thank you!



♥ Kids Valentine's Day Cards ♥

Introducing our very own Valentine's cards featuring species of the biosphere! Each pack has 32 cards featuring 4 unique designs—one for every kid in the classroom!

Show your love for species this Valentine's Day and purchase your pack for **only $10**! Limited stock. Pick-up at our Parry Sound office.



Buy GBB Valentine's Day Cards

State of the Bay News

Work on the next State of the Bay Has Begun!

Every 5 years we release a State of the Bay scientific report and a public magazine to communicate environmental changes in eastern Georgian Bay, **with the next one scheduled for release in 2028!**

While we continue to share the findings of our current magazine with students, cottagers, and residents, we are excited to announce we have begun work on the next edition! Staff are busy reviewing the framework of indicators with technical and cultural advisors, analyzing the latest reports, and meeting with researchers on emerging studies.



Learn About Water Quality, Fish Communities, and More!

We love connecting people with different opportunities to explore the State of the Bay!

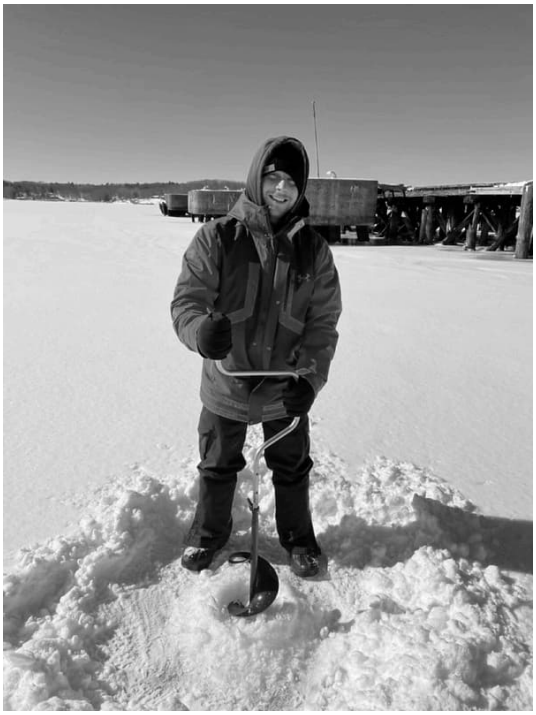
- If your organization would like a State of the Bay presentation, email us.
- Watch three short State of the Bay videos here
- Read the technical report, magazine, and blogs at stateofthebay.ca



Great Lakes Winter Research

Winter is an understudied season in the Great Lakes, largely due to the challenges of collecting data in colder temperatures. While many researchers get out on the water in warmer months, collecting data in the winter has more barriers. Without sufficient data from the winter, a large piece of the puzzle is missing in understanding the ecology of the Great Lakes.

There has been a long-running misconception that winter is a time of stagnation; that not much happens in lakes in the winter. This assumption is far from the truth...



Read More

FREE Biosphere Events

Growing Healthy Eaters

An informative event designed for parents, caregivers, and anyone supporting children's health! Three expert guest presentations followed by a Q&A panel.

Saturday, January 24
10 am to 12:30 pm
Parry Sound

Kids' activities will be offered concurrently. **Registration is required for kids activities** – space is limited.



More Information

Kids Event: If Teeth Could Talk

Join us on the PD Day for a FREE and fun afternoon learning about animal skulls! We will become wildlife detectives and discover who these bones belonged to!

Friday, January 30
1 pm to 3 pm
Dunchurch

Recommended for ages 8-12 but everyone is welcome.



More Information

Never miss an event or how we are making a difference! Follow us:

Georgian Bay Biosphere is recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as one of 19 World Biospheres in Canada. GBB promotes community projects which advance conservation of biodiversity, sustainable development, and research and monitoring.

WE ARE A REGISTERED CANADIAN CHARITY: # 87100 1335 RR 001

Donate Today!

Outlook

Fw: Submission to Seguin Council Re: Seguin Township Transfer Stations Public Information Session Thursday August 14 2025

From Craig Jeffery <cjeffery@seguin.ca>
Date Fri 1/16/2026 9:14 AM
To Donna McLeod <dmcleod@seguin.ca>
Cc Tom MacLeod <tmacleod@seguin.ca>; Forrest Pengra <fpengra@seguin.ca>; Preston Nielsen <pnielsen@seguin.ca>

1 attachment (118 KB)
A Valid and Reliable Path Forward for Council Decision-Making.pdf;

From: John McCash <johnmccash01@gmail.com>
Sent: Thursday, January 15, 2026 5:52 PM
To: annmacdiarmid1@gmail.com <annmacdiarmid1@gmail.com>; Mario Buszynski <mario.buszynski@gmail.com>; Greg Getty <greggettyseguin@gmail.com>; Craig Jeffery <cjeffery@seguin.ca>; Terry Fellner <tfellner@hotmail.com>; Ken Adams <adamsken038@gmail.com>; Gail Finnson <gailfinnson@hotmail.com>; Councillor Ted Collins <ted@customboatworks.ca>; Tom MacLeod <tmacleod@seguin.ca>; Jason Inwood <jinwood@seguin.ca>
Cc: Bruce Mills <bruce.mills@lexmark.com>; Bryant Holinaty <btgh2012@gmail.com>; Claudette Holinaty <cholinaty@gmail.com>; Catharine Byers <cbyers1@cogeco.ca>; Gary Punfield <jgp2@sympatico.ca>; Kathryn McCash <kathrynmccash@gmail.com>; John Hennigar <johnhennigar@gmail.com>
Subject: Re: Submission to Seguin Council Re: Seguin Township Transfer Stations Public Information Session Thursday August 14 2025

Subject: Submission – Waste Management Review: A Valid and Reliable Path Forward

Date: January 15, 2026

Dear Mayor and Councillors,

I attended today's Special Council Meeting to review Seguin Township's recently released Waste Management Review. As noted in my prior submission, the four scenarios presented at the August 2025 Public Information Session were premature. Without a comprehensive, objective audit of current operations, Council risks adopting measures that may fail to address root inefficiencies, increase costs, or result in the closure of existing transfer stations.

Waste management is a core municipal responsibility with direct environmental, financial, and community impacts. Decisions must be based on accurate, verified data. I urge Council to authorize a **two-year audited operational study** before implementing any structural changes. Such a study will provide verified cost, volume, staffing, and seasonal data, ensuring decisions are based on fact rather than modelling assumptions.

While today's meeting provided useful discussion, it became clear that critical questions—such as those raised by Councillor Adams—could not be answered because neither the January 2026 Waste Management Review nor staff have the necessary operational data. In fact, the common questions and concerns expressed by Councillors Fellner, Buszinski, Getty, and Adams similarly cannot be addressed with the current information, as the underlying data simply does not exist. To close these gaps, I have attached a submission outlining a Valid and Reliable Path Forward, which includes maintaining all sites open, securing and staffing them, and monitoring access to ensure that only Seguin residents use the facilities, while restricting illegal industrial, commercial, and institutional use of waste transfer sites as well as non-resident use during the study period.

"The January 2026 Waste Management Review identifies high costs and data gaps and recommends improved monitoring, but it does not call for a fully audited, multi-year operational study. The two-year, on-site study I am proposing is a governance step to complete the Review's work, ensuring any permanent decisions on closures, consolidation, or contracting are based on verified facts rather than assumptions."

If any Councillor or staff member has questions, I am available to provide clarification or further information as needed.

Respectfully,
John McCash
28 Todd's Road, P2A 2W8
Cell: 519-651-9222

On Fri, Aug 15, 2025 at 6:47 PM John McCash <johnmccash01@gmail.com> wrote:

> **Re: Waste Management Review – Request for Deferral Pending Formal Audit**
> Date: August 15, 2025
>
> ---
>
> **Executive Summary**
> I attended the above captioned Public Information Session, reviewed the Seguin Township 2025 Waste Management Review, The Corporation of The Township of Seguin Waste Strategy November 2023 (Dillon) and Hemson Study (2024) . While acknowledging the importance of ensuring long-term environmental sustainability and fiscal responsibility, I am concerned that the four scenarios/proposals revealed to be under consideration at yesterday's Public Information Session are premature. Without a comprehensive and transparent audit of the current system (objectively obtained primary research data), Seguin risks adopting measures that fail to address root inefficiencies or that inadvertently increase costs and service issues or specifically result in the unacceptable closure of existing facilities/transfer stations, a major concern clearly expressed by those in attendance.
>
> I therefore recommend that the four scenarios be rejected or deferred until a comprehensive formal audit of fundamental primary data has been completed, providing the necessary factual basis for informed decision-making.
>
> **Key Concerns**
>
> 1. **Lack of Root-Cause Analysis**
>   The Review does not adequately explain *why* Seguin's current waste management system

appears to have the **highest aggregate costs per capita or per household** compared to similar municipalities. Without this understanding, targeted solutions cannot be developed.

2. **Illegal Dumping – Insufficient Data**
   There is no documented breakdown of the **estimated 30% of waste that is illegally dumped**. We need data on:
   - The sources of illegal dumping (residential, commercial, construction).
   - The proportion attributable to **local versus non-local sources**.
   - The cost impact of enforcement gaps and uncollected fees.
3. **Comparisons with Adjacent Municipalities**
   Several neighbouring municipalities operate waste management systems that appear **more efficient** and cost-effective. The Review does not fully explore:
   - What operational or policy differences explain these efficiencies.
   - Whether Seguin could adopt similar best practices.
4. **Structural Options Not Evaluated**
   Before adopting major policy changes, the Township should explore whether the system could be improved through:
   - **Privatization** of waste management operations.
   - **Shared services** with adjacent municipalities such as the Town of Parry Sound.
   - A **regional approach** by approaching the District Municipality of Muskoka to take over waste management for Seguin.

Recommendation

That Seguin Council **reject or defer** the adoption of certain Waste Management Review scenario/proposals **until a formal comprehensive audit is completed**. This audit should:

- Quantify why Seguin's costs are disproportionately high.
- Document sources and costs of illegal dumping.
- Compare operational models with neighbouring municipalities.
- Assess the viability of privatization, inter-municipal partnerships, or regional management through Muskoka and or Parry Sound.

Only with this data can the Township establish policies that are evidence-based, fiscally responsible, and publicly defensible.

Conclusion
Waste management is a core municipal responsibility with direct environmental, financial, and community impacts. Decisions must be based on accurate data and a clear understanding of alternatives. I urge Council to commit to a comprehensive audit before proceeding with measures that could lock Seguin into an inefficient and costly waste management model for years to come.

Respectfully submitted,
John McCash

28 Todd's Road P2A 2W8 519 651-9222 (cell)

Seguin Township Waste Management

A Valid and Reliable Path Forward for Council Decision-Making

---

1 – Purpose of This Presentation

Objective: To recommend the most defensible course of action that enables Council to make a **sound, evidence-based decision** on waste management — minimizing financial risk, preserving service quality, and maintaining public trust, and ensuring that all data needed for decision-making is captured accurately.

---

2 – What the January 2026 Review Tells Us (and What It Does Not)

What the Review Does Well:

- Confirms Seguin's waste management costs are **high relative to peers**.
- Correctly identifies key cost drivers (haulage, staffing inefficiencies, non-resident use, tipping fees).
- Presents reasonable strategic options used across Ontario municipalities.

What It Does Not Do:

- Does **not** provide fully audited operational data.
- Does **not** normalize costs for seasonality.
- Does **not** pilot-test any recommended changes.

Conclusion: Directionally useful, but **not sufficient for final system redesign**.

---

3 – The Core Risk Facing Council

The Risk: Making permanent structural decisions based on:

- modelled assumptions,
- incomplete usage data,

- and unaudited operating costs.

The Consequence:

- Risk of locking in higher long-term costs.
- Reduced negotiating power with contractors or partners.
- Difficulty reversing decisions once sites are closed or contracts signed.

---

4 – The Central Question Council Must Answer

Is Seguin's waste problem fundamentally a **system design problem**, or a **data and control problem**?

The Review strongly suggests it may be **both** — but we currently lack the evidence to separate the two.

---

5 – The Most Reliable Course of Action

Recommendation: A Staged, Evidence-First Approach

Stage 1 (Immediate – 2026):

- Authorize a **two-year, fully audited operational study**.
- Keep all transfer stations and landfill sites open during the two-year study.
- Secure each site with a lockable gate.
- Implement a revised schedule for all transfer stations sites.
- Ensure all facilities are staffed during operating revised hours to:

  o Monitor that only Seguin residents use the facilities,

  o Identify and restrict unauthorized use by non-residents,

  o Identify and restrict illegal industrial, commercial, and institutional use.

- Deploy on-site supervised data collection at all transfer stations.
- Measure real costs, volumes, staffing productivity, and seasonal impacts.

Why Two Years?

- Captures full seasonal cycles.
- Separates permanent from peak-demand costs.

---

6 – What the Two-Year Study Delivers

The study would produce:

- Audited per-tonne and per-user costs.
- Verified non-resident usage data.
- Measured staffing efficiency and site performance.
- A defensible cost baseline for comparison.

Result: Council decisions based on **facts, not projections**.

---

7 – What Council Can Safely Do Now

While the audit proceeds, Council can:

- Inform and educate the public of the interim policies during the two year study
- Improve signage and site rules.
- Tighten enforcement where possible.
- Enhance basic monitoring and reporting.

What Council Should Avoid:

- Permanent site closures.
- Long-term contracts.
- Major fee system changes.

---

8 – Why This Matters for Contracting or District/Regional Solutions

Without audited data:

- Seguin negotiates from a **weak position**.
- Contractors price in risk.
- Claimed savings cannot be verified.

With audited data:

- Council can objectively test whether:

- contracting out,
- district-scale delivery, or
- continued municipal operation offers the best value.

---

9 – The Low-Risk / High-Confidence Path

This approach:

- Reduces decision risk.
- Preserves all future options.
- Strengthens public confidence.
- Aligns with best municipal governance practice.

This is not delay — it is risk management.

---

10 – Recommended Council Motion (Summary)

That Council:

1. Receive the January 2026 Waste Management Review for information.
2. Authorize a two-year audited operational waste management study.
3. Ensure all land transfer and landfill sites remain open during the two-year period, with lockable gates, a revised schedule, and staffed facilities to monitor access and restrict non-resident, industrial, commercial, and institutional use.
4. Direct staff to report back with audited findings before any major structural decisions are made.

Closing Message to Council

The question before Council is not *whether* change is needed — but **how to ensure change is correct, defensible, and sustainable**.

The most valid and reliable path forward is to **measure first, decide second, and commit last,** while maintaining full access and control of all facilities during the data-gathering period.

Respectively Submitted

John McCash January 15th, 2026

Answers to Potential Follow-Up Questions & Suggested Responses

Question	Suggested Response
"Why wasn't this audit in the Report?"	*"The consultants provided strategic guidance and highlighted data gaps, but their scope did not include full operational audits. Conducting this study is a Council governance decision to ensure decisions are fully informed."*
"Isn't two years too long?"	*"Two years allows Seguin to capture full seasonal variations, including peak cottage use, so our data will reflect true operational patterns rather than partial snapshots. Shorter periods risk misrepresenting costs and volumes."*
"Can't we make changes now without an audit?"	*"Incremental changes are possible, but permanent structural decisions carry risk. Without verified data, Seguin could inadvertently increase costs or reduce service quality. The audit minimizes those risks."*
"Does this mean the consultants were wrong?"	*"Not at all. Their work correctly identified key issues and priorities based on the information available that had serious limitations. This audit simply takes the next step to verify the numbers before irreversible decisions are made."*
"What will the audit cost, and is it worth it?"	*"While there is a cost, it is an investment to avoid multi-million-dollar mistakes over the coming decade. Verified data ensures any structural, fee, or contracting decisions are financially and operationally sound."*

THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE
69 FOURTH AVENUE, P. O. BOX 40, LARDER LAKE, ON P0K 1L0
PH: 705-643-2158 FAX: 705-643-2311
LARDERLAKE.CA

January 15, 2026

To whom it May Concern:

RE: Resolution - Support the City of Peterborough – Elect Respect Pledge

---

Please be advised that at the Township of Larder Lake's Regular Council Meeting held on Tuesday, January 13th, 2026, the following resolution of support was adopted:

Resolution #8, January 13, 2026
Moved by: Councillor Armstrong
Seconded by: Councillor Kelly

Carried

Support the City of Peterborough – Elect Respect Pledge

WHEREAS democracy is healthy when everyone is able to participate fully and safely and contribute to the well-being of their community;
AND WHEREAS we are witnessing the dissolution of democratic discourse and respectful debate across all levels of government and in neighbouring jurisdictions;
AND WHEREAS Ontario's municipally elected officials are dealing with increasingly hostile, unsafe work environments facing threats and harassment;

AND WHEREAS social media platforms have exacerbated disrespectful dialogue, negative commentary, and toxic engagement which disincentivizes individuals, especially women and candidates from diverse backgrounds from running for office;

AND WHEREAS better decisions are made when democracy is respectful and constructive and the voices of diverse genders, identities, ethnicities, races, sexual orientation, ages and abilities are heard and represented around municipal council tables;

AND WHEREAS the Association of Municipalities of Ontario's Healthy Democracy Project has identified concerning trends with fewer people voting in local elections and running for municipal office;

AND WHEREAS in 2024, female elected representatives from across Halton formed a group called H.E.R. (Halton Elected Representatives) which pledged to speak out against harassment and negativity in politics and call on elected officials to uphold the highest standards of conduct;

AND WHEREAS H.E.R. Halton has launched a campaign called *Elect Respect* to promote the importance of healthy democracy and safe, inclusive, respectful work environments for all elected officials that encourages individuals to participate in the political process;

AND WHEREAS on June 5, 2025, the Canadian Association of Feminist Parliamentarians launched a non-partisan "Parliamentary Civility Pledge" to encourage all parliamentarians to commit to end workplace harassment and increase civility on Parliament Hill, modelled after the pledge developed in Halton by representatives of H.E.R.

NOW THEREFORE BE IT RESOLVED:

THAT the Township of Larder Lake Council supports the *Elect Respect* pledge and commits to:

- Treat others with respect in all spaces—public, private, and online,
- Reject and call out harassment, abuse, and personal attacks,
- Focus debate on ideas and policies, not personal attacks,
- Help build a supportive culture where people of all backgrounds feel safe to run for and hold office,
- Call on relevant authorities to ensure the protection of elected officials who face abuse or threats, and
- Model integrity and respect by holding one another to the highest standards of conduct.

AND THAT the Township of Larder Lake Council calls on elected officials, organizations and community members to support the *Elect Respect* campaign and sign the online pledge at www.electrespect.ca.

AND THAT a copy of this resolution be sent to the Association of Municipalities of Ontario, Ontario's Big City Mayors, the Federation of Canadian Municipalities, the Office of the Mayor of Burlington, relevant MPs and MPPs, Regional Police, the Ontario Provincial Police and the Royal Canadian Mounted Police.

The originating correspondence is attached for your reference.

Sincerely,

Crystal Labbe
CAO/ Clerk Treasurer

Outlook

Fw: January News from MWC

From info <info@seguin.ca>
Date Fri 1/16/2026 8:32 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Muskoka Watershed Council <info@muskokawatershed.org>
Sent: January 15, 2026 5:29 PM
To: info <info@seguin.ca>
Subject: January News from MWC

View this email in your browser

Muskoka
WATERSHED COUNCIL

As we step into 2026, we're also stepping into a new way of thinking about environmental stewardship across Muskoka's watersheds.

Over the past year, the Muskoka Watershed Council wrapped up its Living Smarter newspaper article series and launched a new theme: Nurturing Our Watersheds.

In a rapidly changing world, mounting environmental pressures mean it's no longer enough to focus only on reducing harm from individual activities. Nurturing Our Watersheds is about adopting a broader, more proactive mindset—one that supports the environment as it withstands climate stress, development pressure, and cumulative impacts.

Warmly,
The Muskoka Watershed Council

MWC Meeting



Join us for the first Muskoka Watershed Council meeting of 2026 on **Wednesday, January 21, from 4–6 PM** at the **Bracebridge Library**.

We're kicking things off with a featured talk by Drayke Evans, Manager at the Algonquin Wildlife Research Station.

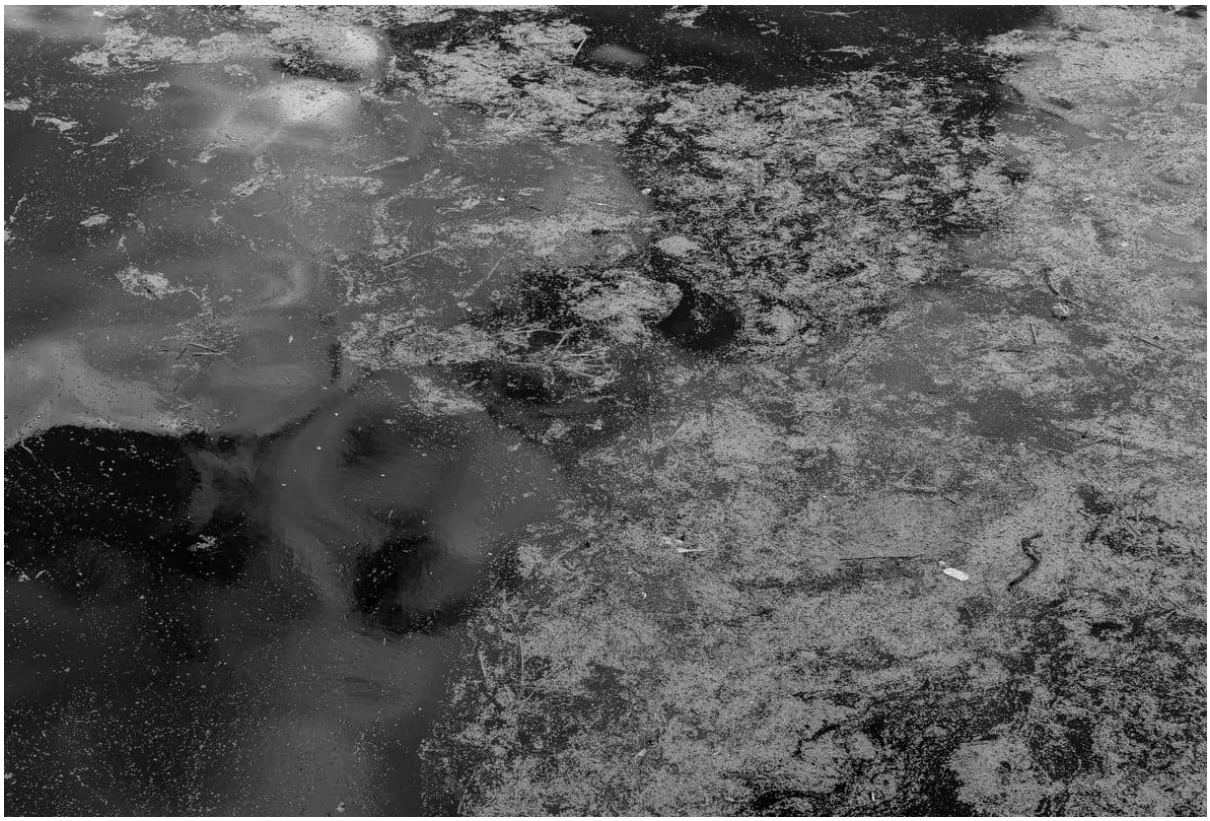
Drayke will share insights from 82 years of ecological research in Algonquin Park, highlighting two of AWRS's longest-running studies: the small mammal project and

the Painted & Snapping Turtle project.

Whether you're a long-time watershed advocate or are just starting to pay attention, this is a meeting worth showing up for.

Smart science, local impact, and good conversation.

Algae Monitoring Program: Preparing for 2026



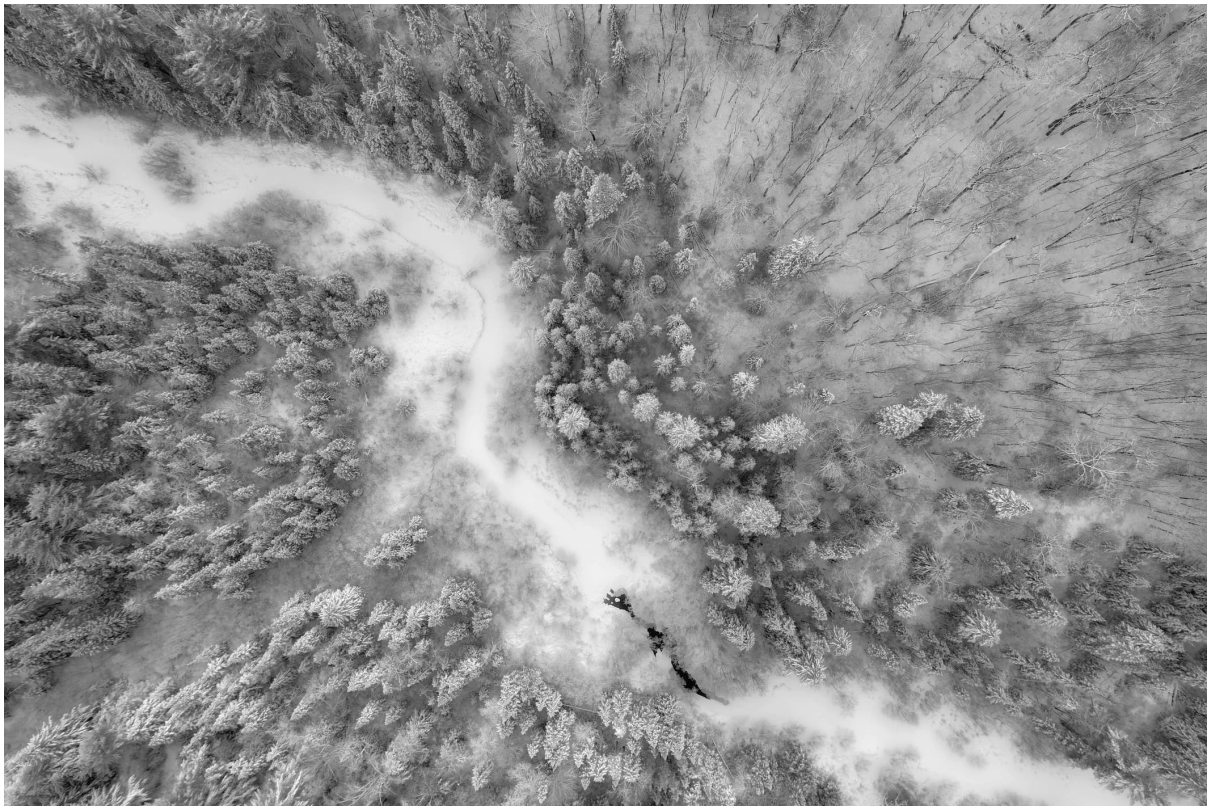
MWC's Algae Monitoring Program is gearing up for the 2026 season, and we're welcoming new Lake Associations to participate.

In particular, we're hoping to hear from Lake Associations whose lakes have not experienced algae issues in the past. Early participation helps establish strong baseline data and supports long-term lake health before problems emerge.

Our 2025 Algae Monitoring Annual Report will be released this spring. Stay tuned.

Learn More

Looking Ahead:
Integrated Environmental Management



Behind the scenes, MWC is finalizing plans for 2026, focused on advancing more integrated, region-wide environmental management across Muskoka.

This work is about moving beyond isolated fixes and toward coordinated, science-based approaches that reflect how watersheds actually function—as connected systems.

We'll be sharing more details soon, so keep an eye on your inbox.

Our Work In 2025



As we wrap up 2025, here's a quick look at what your support helped make possible across Muskoka's watershed:

This year we:

- Supported 38 algae water sampling sites across 14 lake associations
- Collected and analyzed nearly 300 water samples for algae
- Extended algae sampling season from mid-May through early fall
- Shared science-based insights through community talks, workshops, and events
- Advanced local research on climate impacts, water quality, and watershed health
- Partnered with municipalities, lake associations, and community groups to promote smarter stewardship
- Highlighted key issues — from road salt and invasive species to climate resilience and integrated watershed management

Thank you to everyone who read, shared, attended, asked questions, and took action this year. We're grateful for your continued support—and for a community

that consistently shows up.

Get Involved



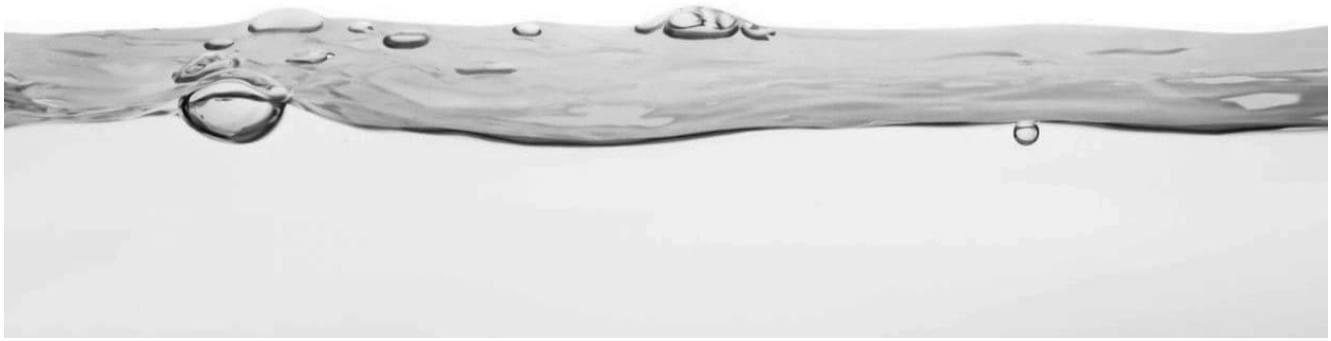
MWC is a volunteer-driven organization, and we're always looking for new members ready to roll up their sleeves.

At the moment, we're particularly seeking individuals with experience or interest in:

- Financial management
- Fundraising
- Communications

If that sounds like you—or someone you know—we'd love to hear from you.

Reach Out Today



Muskoka
WATERSHED COUNCIL

Want to change how you receive these emails?

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Outlook

Fw: New regulatory changes impacting firefighting foams - Nouveaux changements réglementaires affectant les mousses extinctrices

From info <info@seguin.ca>
Date Thu 1/15/2026 3:50 PM
To Donna McLeod <dmcleod@seguin.ca>; Sean Carroll <scarroll@seguin.ca>

Township of Seguin
(705) 732-4300

From: PromCon ON / ComPro ON (ECCC) <promcon-on-compro@ec.gc.ca>
Sent: January 15, 2026 3:09 PM
To: info <info@seguin.ca>
Subject: New regulatory changes impacting firefighting foams - Nouveaux changements réglementaires affectant les mousses extinctrices

You don't often get email from promcon-on-compro@ec.gc.ca. Learn why this is important

Accédez à la version française

Environment and Climate Change Canada | Environnement et Changement climatique Canada

Canada

Hello,

Environment and Climate Change Canada (ECCC) has identified your organization as a potential user, importer, manufacturer or seller of firefighting foams, specifically ***aqueous film-forming foam (AFFF)***, because of your work in the firefighting sector, aviation, or the chemical and oil industries. We want to inform you that changes were made to regulations that apply to toxic substances found in AFFF. The resources below will help you determine if these regulations apply to you and understand what you can do to comply with them.

AFFF are known to contain per- and polyfluoroalkyl substances (PFAS). The Government of Canada has already acted on certain harmful subgroups of PFAS that were declared toxic under the *Canadian Environmental Protection Act, 1999* (CEPA). Three subgroups are already prohibited with certain exemptions under the *Prohibition of Certain Toxic Substances Regulations, 2012* (the 2012 Regulations):

- perfluorooctanoic acid, its salts and its precursors (PFOA),
- long-chain perfluorocarboxylic acids, their salts and their precursors (LC-PFCAs); and

- perfluorooctane sulfonate, its salts and its precursors (PFOS).

AFFF containing PFOS are typically referred to as **PFOS-based AFFF** and AFFF containing PFOA and/or LC-PFCAs are typically referred to as **C8 AFFF**. AFFF containing other PFAS that are *not* currently restricted are commonly referred to as **C6 AFFF**.

The *Prohibition of Certain Toxic Substances Regulations, 2025* (the 2025 Regulations) were published in *Canada Gazette*, Part II on December 31, 2025. The 2025 Regulations will repeal and replace the 2012 Regulations when they come into force on June 30, 2026. The 2025 Regulations **further restrict** the manufacture use, sale and import of C8 AFFF.



On June 30, 2026, it will be prohibited to import, sell and use C8 AFFF, and their export is expected to be controlled.

A few time-limited exemptions will allow the transition to alternatives.

Make sure to transition away from C8 AFFF by the timelines outlined below.

The following timeline outlines when key activities with C8 AFFF will become prohibited in Canada.

Since December 23, 2016, it has been prohibited to:

- manufacture C8 AFFF
- use C8 AFFF for any other purposes than for firefighting

From June 30, 2026, it will be prohibited to:

- import C8 AFFF
- use C8 AFFF (including for training; see best practices with AFFF below), **except** to:
  - extinguish Class B fires during emergencies or
  - test installed firefighting systems under certain conditions (see best practices with AFFF below)
- sell C8 AFFF, except for the cost recovery between mutual aid partners following an authorized emergency use
- In addition, the export of C8 AFFF is expected to be controlled under the *Export of Substances on the Export Control List Regulations*

From January 1, 2028, it will be prohibited to:

- use C8 AFFF, except for critical uses in specific military applications, which have exemptions that expire later

From July 1, 2028, it will be prohibited to:

- sell C8 AFFF, including the sale of C8 AFFF as part of the cost recovery between mutual aid partners



Best Practices with AFFF

AFFF should only be used in emergency situations where a significant Class B fire hazard exists. You should follow proper procedures to prevent any environmental release, even during emergencies. Appropriate safe handling and storage practices should also be used to reduce occupational exposure to PFAS used in AFFF.

Avoid using AFFF for training; instead, use training foams designed to mimic AFFF but without PFAS. Starting on June 30, 2026, it is prohibited to use AFFF containing PFOA and/or LC-PFCAs, such as C8 AFFF, for training purposes.

When testing your firefighting systems containing AFFF, make sure to contain and dispose of all releases produced in an environmentally sound manner. Starting on June 30, 2026, you must do so when testing your firefighting systems containing PFOA and/or LC-PFCAs, such as C8 AFFF.

You can visit the webpage Per- and polyfluoroalkyl substances and aqueous film-forming foam used in firefighting for more helpful information, including:

- How to tell if your firefighting foam contains PFAS
- Regulations and the phase-out of PFAS in AFFF
- Alternatives to AFFF
- Decontamination of equipment
- Additional best practices with AFFF, such as disposal

In addition, note that Canada is proposing to place restrictions on C6 AFFF. You can find out more about these activities by consulting the *Risk management approach for per- and polyfluoroalkyl substances (PFAS), excluding fluoropolymers*.

For more information

For more information on the 2025 Regulations, visit the Prohibition of Certain Toxic Substances Regulations, 2025: overview webpage, contact me, or email the Chemicals Management Division at interdiction-prohibition@ec.gc.ca.

Sincerely,

Lisa McClemens
Compliance Promotion Officer, Environmental Protection Branch
Environment and Climate Change Canada / Government of Canada
promcon-on-compro@ec.gc.ca

Environment and Climate Change Canada enforces the Regulations and takes actions to deal with alleged violations in accordance with the Canadian Environmental Protection Act: compliance and enforcement policy. For the purpose of interpreting and applying the Regulations, consult the Regulations on the *Canada* Gazette, Part II: https://gazette.gc.ca/rp-pr/p2/2025/2025-12-31/html/sor-dors270-eng.html

Bonjour,

Environnement et Changement Climatique Canada (ECCC) a désigné votre organisation comme étant potentiellement un utilisateur, importateur, fabricant ou vendeur de mousses

FONOM
Federation of Northern Ontario Municipalities

FOR IMMEDIATE RELEASE

January 13, 2026

Homelessness Crisis Accelerating in Northern Ontario, FONOM Urges Provincial Action on Mental Health and Addictions

January 13, 2025 — East Ferris

The Federation of Northern Ontario Municipalities (FONOM) is raising renewed concern after new provincial data show homelessness is growing fastest—and most severely—in Northern Ontario, outpacing the capacity of local systems and communities to respond.

New figures released today by the Association of Municipalities of Ontario (AMO) show that **more than 85,000 Ontarians experienced homelessness in 2025**, an increase of 8 per cent from the previous year and nearly 50 per cent higher than in 2021. Alarmingly, homelessness grew by **more than 37 per cent in Northern Ontario in just one year**, compared to 7.8 per cent provincially.

Updated analysis from the Northern Ontario Service Deliverers Association (NOSDA) confirms that Northern Ontario — home to just five per cent of Ontario's population — now accounts for **nearly ten per cent of all known homelessness in the province**, with the number of people experiencing homelessness rising from **5,930 to 8,142 between 2024 and 2025**.

"This data confirms what Northern communities have been living with every day," said **Dave Plourde, President of FONOM**. "Homelessness in the north is accelerating faster than our housing supply, health systems, and community supports can keep up with. Municipalities are doing everything they can, but the scale of the crisis now demands decisive leadership and coordinated action from the Province."

FONOM notes that homelessness in Northern Ontario is increasingly driven by **untreated mental illness and addiction**, particularly substance use disorders involving methamphetamine and opioids. These realities are placing enormous strain on emergency rooms, police services, shelters, and municipal budgets, especially in small, rural, and remote communities with limited service capacity.

"Temporary enforcement measures alone will not solve this crisis," Plourde added. "Northern municipalities are asking for legislative tools that prioritize safety, health, and dignity, for individuals in crisis and for the broader community."

FONOM Reiterates Call for Targeted Legislative Reform

In light of the worsening data, FONOM is once again calling on the Province of Ontario to work with municipal partners to:

- **Amend the Mental Health Act** to better reflect modern understandings of addiction as a substance use disorder; and

- **Review the Controlled Drugs and Substances Act**, in collaboration with the federal government, to allow for **temporary, health-focused detention — without charge — of individuals found acutely intoxicated by drugs or other substances**, where necessary for their own safety or that of the community.

"This is about compassionate, temporary intervention — not criminalization," said Plourde. "Frontline police, paramedics, and hospitals are cycling the same individuals through emergency systems with no ability to stabilize them or connect them to care. Northern communities need tools that reflect today's realities."

Housing Pressures and Economic Impacts Continue to Mount

NOSDA's updated report also highlights a sharp rise in housing pressures across Northern Ontario, with **community housing waitlists increasing by more than 50 per cent since 2021**, and Indigenous people now representing **over 40 per cent of those experiencing homelessness in the region**.

Beyond the human cost, homelessness is increasingly undermining local economies, making it harder for northern communities to attract workers, retain businesses, and invest in long-term growth.

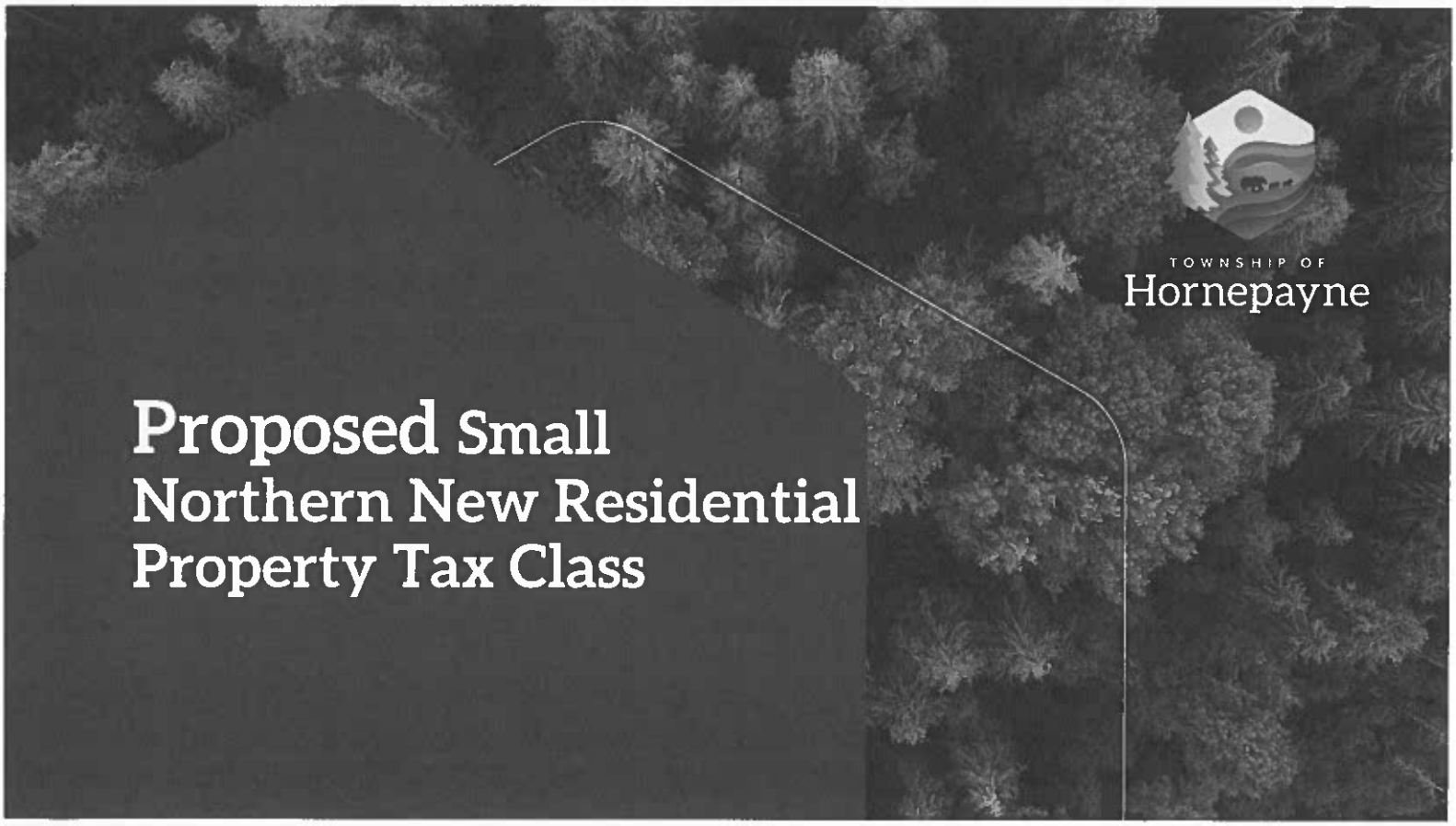
"Homelessness is no longer just a social issue; it is an economic and community sustainability issue for Northern Ontario," Plourde said. "Without sustained, housing-led and prevention-focused investment, the cost of inaction will continue to rise for everyone."

FONOM supports AMO's call for long-term provincial and federal investment in deeply affordable and supportive housing, mental health and addictions services, and income supports, and stresses that **municipal property taxes are not a sustainable funding source** for addressing a crisis of this magnitude.

"Northern municipalities are at the breaking point," Plourde concluded. "We are ready to work with the Province and the federal government on real, practical solutions — but the status quo is no longer acceptable."

About FONOM
The Federation of Northern Ontario Municipalities represents 110 municipal governments across Northern Ontario. FONOM advocates on behalf of its members to advance policies that support economic development, infrastructure investment, and sustainable communities throughout the region.

Media Contact
Dave Plourde, President,
Federation of Northern Ontario Municipalities
705-335-1615 | **fonom.info@gmail.com**



Proposed Small Northern New Residential Property Tax Class

Our Proposal

Amend the Assessment Act to add a Small Northern New Residential Property Tax Class

The problem we are solving

➢Background: From Company Towns to Surplus Serviced Land

- ➢ Many northern Ontario communities were built around railways, mines, and mills and other industries that expanded rapidly in the 1950s–60s
- ➢ Industrial closures in the 1980s led to population loss, business closures, and municipal fiscal strain
- ➢ Demolition over time left inventories of serviced, surplus vacant residential land across small Northern Ontario communities
- ➢ Current property tax policies do not promote new construction in small northern Ontario Municipalities perpetuating population stagnation or loss

How We Will Solve the Problem

➢By implementing this property tax class

- ➢ Small Northern Municipalities with a population of 5,000 or less will be able to reduce the residential property tax rate for new construction for a period of 30 years
- ➢ The proposed amendment will enable municipalities to tailor the rate reduction to meet their individual needs

Our ask of You

1

Municipalities

- Pass a resolution of support urging the Province to amend the Assessment Act to add a Small Northern New Residential property tax class and subclass.

2

Businesses/Industry

- Provide a letter of support describing how housing affordability affects workforce attraction and why this tax class would help.

3

Everyone

- Send copies to provincial ministers, associations, cao@hornepayne.ca and the Minister of Finance at **minister.fin@ontario.ca**

What this Amendment Will Do
Why Your Support Matters



For Municipalities (<5,000 pop.)

- Lower taxes on new builds can unlock the potential of serviced vacant lots, grow assessment base, and ease burden on current residents
- Supports workforce attraction/retention for local industries, employers and public services
- Encourages growth through migration to Northern Ontario communities

What this Amendment Will Do
Why Your Support Matters

For Industry and Business

Northern economic potential depends on the interaction between industry and residents.

Industry growth requires a local workforce; the workforce requires affordable local housing

Reduced reliance on temporary camps outside municipal boundaries; more local spending and stability.

Key Challenges this Amendment will Address



Housing Shortages	High cost of residential development in remote settings
High residential property tax rates	Limit feasibility of new builds
Industry accommodations	Bunkhouses outside municipal boundaries leverage local infrastructure without proportional revenues
Service limitations	Municipalities focus on core services; fewer amenities to attract residents

Expected Outcomes

- Increased feasibility of new home construction; greater housing supply.
- Attract and retain workforce needed for industry growth.
- Population growth broadens municipal tax bases over time, easing burden on current residents.
- Signal of provincial commitment to northern housing during a province-wide housing crisis

Implementation Pathway

Province: Amend the Assessment Act to create the new class/subclass.

Municipalities: Adopt by-laws setting the rate for eligible new residential properties.

Administration: Simple eligibility criteria (e.g., location, occupancy certificate date) to minimize burden vs. CIPs.

Monitoring: Track new permits, completions, and assessment growth to evaluate outcomes.

Reminder: What You Can Do



1

Municipalities

- Pass a resolution of support urging the Province to amend the Assessment Act to add a Small Northern New Residential property tax class and subclass.

2

Businesses/Industry

- Provide a letter of support describing how housing affordability affects workforce attraction and why this tax class would help.

3

Everyone

- Send copies to provincial ministers, associations, cao@hornepayne.ca and the Minister of Finance at **minister.fin@ontario.ca**



Thank You!

Prepared by:
Manuela Batovanja
CAO, Hornepayne, ON

Resolution - Small Northern New Residential Property Tax Class

Resolution No. 2026-XXX

Moved By: _____

Seconded By: _____

WHEREAS there is a visible disparity between the northern and southern population of Ontario; and

WHEREAS northern Ontario has an abundance of opportunity in the form of municipally serviced building lots for both Industry and population growth; and

WHEREAS high residential property taxes in northern Ontario discourage and prohibit the construction of new residential single family dwellings; and

WHEREAS the addition of a Small Northern New Residential property tax class and subclass would create an incentive for the building of new homes in small northern Ontario communities;

THEREFORE BE IT RESOLVED that the Council for _____ does hereby request that the Honorable Minister Peter Bethlenfalvy, the Minister of Finance, amends the Assessment Act to include a Small Northern New Residential property tax class and subclass.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Honourable Doug Ford Premier of Ontario; your Municipalities MPP; the Honourable Minister Peter Bethlenfalvy, Minister of Finance; the Honourable Minister George Pirie, Minister of Northern Economic Development and Growth; the Honourable Minister Rob Flack, Ministry of Municipal Affairs and Housing; all northern Ontario Ministers; AMO; FONOM; NOMA; NEOMA; NESMG; and ROMA.

COMPANY LETTERHEAD

[Date]

Re: Support for the Creation of a Small Northern New Residential Property Tax Class

To whom it may concern,

On behalf of [Your Business Name], we are writing to express our support for the Township of Hornepayne's proposal to establish a Small Northern New Residential Property Tax Class.

This initiative targets Northern Ontario communities with populations under 5,000, addressing distinct housing and economic challenges.

[Your Business Name] is committed to fostering sustainable growth in rural and northern Ontario. We recognize that inadequate, affordable housing is a barrier to economic development.

The new tax class would:

- **Enhance Homeownership Access**: Reduce barriers for northern residents and newcomers.
- **Advance Economic Stability**: Support workforce attraction and retention in key industries.
- **Empower Local Growth**: Strengthen municipal tax bases without overburdening current residents.
- **Promote Sustainable Development**: Encourage the use of existing infrastructure for new residential builds.

Hornepayne's leadership in advancing this proposal showcases their understanding of housing availability's impact on economic vitality. Aligning with Ontario's goals, this initiative would increase housing supply, revitalize rural economies, and ensure equitable development.

We urge the Ministry of Finance to support this vital initiative. Thank you for your commitment to nurturing growth in northern communities. We look forward to collaborating to build a stronger Ontario.

Sincerely,

[Your Name]
[Your Position]
[Organization Name]
[Contact Information]

The Corporation of The Township of The Archipelago
Council Meeting

Agenda Number:	15.8.
Resolution Number	2026-12
Title:	Request for the Replacement of Tennis Courts at the Parry Sound JK-Grade 12 School
Date:	Friday, January 16, 2026

Moved by:	Councillor Manners
Seconded by:	Councillor Frost

NOW THEREFORE IT BE RESOLVED that the Council for Township of The Archipelago supports the attached resolution from the Town of Parry Sound, requesting that the Near North District School Board replace the three tennis courts on the Parry Sound JK-Grade 12 school property; and

FURTHER BE IT RESOLVED that this resolution be forwarded to the Minister of Education, MPP Graydon Smith , Parents for Parry Sound, Community Schools Alliance, West Parry Sound Municipalities and First Nations in West Parry Sound.

Carried

MUNICIPALITY OF NORTH GRENVILLE, MERRICKVILLE-WOLFORD VILLAGE OPP DETACHMENT BOARD
DÉTACHEMENT DE LA OPP MUNICIPALITÉ DE GRENVILLE NORD, MERRICKVILLE-WOLFORD VILLAGE CONSEIL
GRENVILLE OPP DETACHMENT
DÉTACHEMENT DE LA OPP GRENVILLE

285 County Road 44, Box 130
Kemptville, ON K0G 1J0
T: 613) 258-9569
clerk@northgrenville.on.ca

January 2, 2025

The Honourable Doug Ford
Premier of Ontario

The Honourable Prabmeet Sarkaria
Minister of Transportation
Province of Ontario

RE: Support for Enhanced School Bus Safety and the Implementation of Stop-Arm Camera Systems

Dear Premier Ford and Minister Sarkaria,

On behalf of the Grenville 1 O.P.P. Detachment Board, we are writing to express our strong support for enhanced school bus safety measures across Ontario, including the implementation of school bus stop-arm camera systems and other child-safety technologies.

Illegal passing of stopped school buses remains a persistent and dangerous problem in Ontario, occurring an estimated 30,000 times per day. These violations place children at serious risk and continue to result in preventable injuries and fatalities. Municipalities require additional tools to address this issue effectively and consistently.

The Grenville 1 O.P.P. Detachment Board supports provincial investment in and expansion of school bus stop-arm camera systems under Part XIV.3 (School Bus Camera Systems) of the Highway Traffic Act. These systems have proven effective in deterring dangerous driving behaviour, improving compliance, and enhancing accountability. Provincial funding and support would enable municipalities to implement these technologies equitably and at scale.

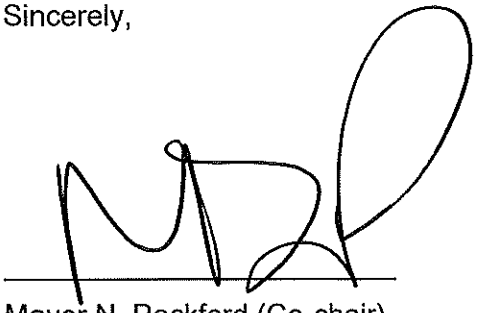
Grenville 1 O.P.P. Detachment Board also proudly supports the Let's Remember Adam – Stop for the School Bus campaign, launched in memory of Adam Ranger, a five-year-old child who tragically lost his life when a driver failed to stop for a school bus displaying its flashing lights and stop arm. Adam's story underscores the urgent need for stronger enforcement, public education, and modern safety solutions to protect children travelling to and from school.

We respectfully call on the Province of Ontario to continue advancing this life-saving work by providing municipalities with the funding mechanisms, legislative support, and implementation guidance necessary to deploy stop-arm cameras and complementary safety technologies province-wide.

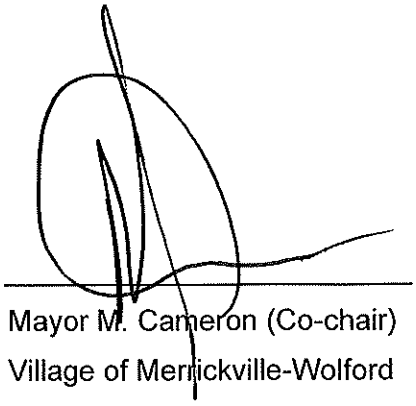
Protecting children is a shared responsibility. With provincial leadership and municipal partnership, we can take meaningful action to prevent further tragedies and ensure Ontario's roads are safer for students and families.

Thank you for your consideration and continued commitment to road safety.

Sincerely,



Mayor N. Peckford (Co-chair)
Municipality of North Grenville



Mayor M. Cameron (Co-chair)
Village of Merrickville-Wolford

cc:
The Honourable Steve Clark, Government House Leader
Association of Municipalities of Ontario (AMO)
Ontario Municipalities

Enclosed: Co-signing Template

[Municipality Name]
[Municipal Address]

[Date]

The Honourable Doug Ford
Premier of Ontario

The Honourable Prabmeet Sarkaria
Minister of Transportation
Province of Ontario

Re: Municipal Support for School Bus Safety and Stop-Arm Camera Systems

Dear Premier Ford and Minister Sarkaria,

On behalf of the **[Council / Municipality / Township / City] of [Municipality Name]**, I am writing to express our strong support for enhanced school bus safety measures across Ontario, including the implementation of school bus stop-arm camera systems and other child-safety technologies.

Illegal passing of stopped school buses remains a serious and widespread issue throughout the province, occurring an estimated 30,000 times per day. These violations place children at unacceptable risk and continue to result in preventable injuries and fatalities. Municipalities require effective, modern enforcement tools to address this dangerous behaviour.

[Municipality Name] supports provincial investment in and expansion of school bus stop-arm camera systems under Part XIV.3 (School Bus Camera Systems) of the *Highway Traffic Act*. These systems have demonstrated success in deterring illegal passing, improving driver compliance, and strengthening accountability. Provincial funding and implementation support would help ensure municipalities of all sizes can deploy this technology equitably.

We also support the Let's Remember Adam – Stop for the School Bus campaign, launched in memory of Adam Ranger, a five-year-old child who tragically lost his life when a driver failed to stop for a school bus displaying its flashing lights and stop arm. This tragedy highlights the urgent need for continued public education, enforcement, and the use of technology to better protect children travelling to and from school.

We respectfully call on the Province of Ontario to provide municipalities with the necessary funding tools, legislative support, and implementation guidance to advance school bus stop-arm camera systems and complementary child-safety initiatives across Ontario.

Protecting children on our roads is a shared responsibility. Through strong provincial leadership and municipal partnership, meaningful progress can be made to prevent further tragedies and enhance road safety for families across Ontario.

Thank you for your attention to this important matter.

Sincerely,

[Name]
[Title – Mayor / Reeve / Warden]
[Municipality Name]

cc:
The Honourable Steve Clark, Government House Leader
Association of Municipalities of Ontario (AMO)
Ontario Municipalities

Outlook

Fw: OFTR motorcycle trails off of Highway 518

From info <info@seguin.ca>
Date Mon 1/19/2026 9:14 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Dominique Obrien <dobrien@seguin.ca>
Sent: January 19, 2026 8:48 AM
To: info <info@seguin.ca>
Subject: Fw: OFTR motorcycle trails off of Highway 518

Dominique O'Brien
Director of Community Services
Seguin Township
(705) 732-4300 (ext. 262)

From: Mike <michaeldbowins@gmail.com>
Sent: Sunday, January 18, 2026 8:40 PM
To: Ann MacDiarmid <annmacdiarmid@seguin.ca>
Cc: Dominique Obrien <dobrien@seguin.ca>
Subject: OFTR motorcycle trails off of Highway 518

You don't often get email from michaeldbowins@gmail.com. Learn why this is important

Dear Mayor Macdiarmid/Seguin Township,

I write this email to express why I feel this trail system will not create noise concerns as noted at the Camp of the Deaf. As a seguin rate payer that lives on Blackstone Crane Lake road, I understand the

concern for potential noise concerns with off road motorcycles. However it needs to be very clear that **the type of motorcycle used at a race track and the type of motorcycle used for trail riding are very different**. "Track" motorcycles often run "open" exhaust systems to create more power for racing, they are also designed to rev at high rpm and create significant noise. Trail motorcycle riders do not modify, nor ride their motorcycles in the same way. A trail motorcycle's noise levels are very comparable to a common atv.

Secondly, it is worth noting that the Bob Rumball Camp of the Deaf is in an open field with clearings right through to the adjacent lake. The open environment of the track amplifies the sound and allows it to carry great lengths. In a trial setting such as the one being proposed, the sound of the motorcycle would be dissipated/non existent less than a hundred yards away.

I truly hope Seguin Township does not miss this incredible opportunity,

Michael Bowins

Outlook

Fw: Yes to the trail system

From info <info@seguin.ca>
Date Mon 1/19/2026 9:14 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Dominique Obrien <dobrien@seguin.ca>
Sent: January 19, 2026 8:48 AM
To: info <info@seguin.ca>
Subject: Fw: Yes to the trail system

Dominique O'Brien
Director of Community Services
Seguin Township
(705) 732-4300 (ext. 262)

From: Tristan <parrysoundkoa@gmail.com>
Sent: Sunday, January 18, 2026 5:05 PM
To: Ann MacDiarmid <annmacdiarmid@seguin.ca>; Dominique Obrien <dobrien@seguin.ca>
Subject: Yes to the trail system

Hi Ann and Dominique and Seguin Township

Yes, we are in favour of the new trail system.

Yes we want to bring tourists to the area.
Yes we want a place for our locals to exercise safely

Yes, we want to grow our overnight visitors to the area.
Yes, we want to help the visitors spend more money in the area at gas stations, grocery stores, hotels/ campgrounds ect.
Yes, we are less than 2 hours north of the largest city in Canada and easy access driving straight north on the hwy 400.
Yes, we want our area to prosper and be recognized as a trail leader in Ontario.
Yes there will be a bit of noise deep in the bush but no more (actually much less) than what the trains, big trucks with grinding brakes on the highways and the planes landing and taking off at the airport create every single day! ....and you still chose to live here!

Wake up people, this is a good thing. We live in a great part of the province and this is badly needed for our area.

Sincerely,

Don and Michelle Berry
Parry Sound KOA Holiday

parrysoundkoa.com
705 378 2721

"2026 Icon Award recipient"

"World Class Guest Service Award 2026!"

Celebrating 37 years of making "Forever Memories" for our campers in 2026!

Outlook

Fw: Oftr trails

From info <info@seguin.ca>
Date Mon 1/19/2026 9:15 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Dominique Obrien <dobrien@seguin.ca>
Sent: January 19, 2026 8:21 AM
To: info <info@seguin.ca>
Subject: Fw: Oftr trails

Dominique O'Brien
Director of Community Services
Seguin Township
(705) 732-4300 (ext. 262)

From: Kris Barnard <kris97ranger@gmail.com>
Sent: Sunday, January 18, 2026 7:11 PM
To: Dominique Obrien <dobrien@seguin.ca>
Subject: Oftr trails

You don't often get email from kris97ranger@gmail.com. Learn why this is important

I fully support this proposal, you already allow atv and side by side trails all over the township. Both of which are no different then motorcycles on the trail both can travel at the same speeds etc. Allowing the oftr to add more trails will bring more tourism etc to the township as well

Outlook

Fw: Proposed motocross trail off the 518

From info <info@seguin.ca>
Date Mon 1/19/2026 9:15 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Emily Jasiewicz <emilyjasiewicz@icloud.com>
Sent: January 18, 2026 10:33 AM
To: info <info@seguin.ca>
Subject: Proposed motocross trail off the 518

[You don't often get email from emilyjasiewicz@icloud.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

To Mayor MacDiarmid and the Seguin Councillors,

I am writing to formally and unequivocally object to the proposed dirt bike trail planned for construction in close proximity to my property and neighbouring residential/cottage properties. This proposal poses a serious threat to both the quality of life of residents and the wildlife that depend on this area for survival. The noise generated by dirt bikes will be overwhelming and relentless. These machines produce high-decibel engine noise that travels far beyond the trail itself, especially through forested areas and across open water. What is currently a quiet, peaceful environment would be irreversibly transformed into a constant source of disturbance. This is not a minor inconvenience, it is a fundamental change to the character of the area and a clear incompatibility with residential and recreational cottage use.
Of equal and greater concern is the negative impact on local wildlife, particularly deer and moose, which are known to inhabit and travel through this area of Crown Land. These animals rely on undisturbed habitat corridors for feeding, calving, and migration. The sustained engine noise, increased human presence, and trail traffic will disrupt these natural patterns, forcing wildlife away from established habitats and increasing the risk of stress-related behavior and dangerous encounters with people and vehicles, especially along Highway 518. The displacement of large mammals such as moose is not a hypothetical concern, it is a well-documented consequence of motorized trail development.
In addition to deer and moose, numerous bird species and smaller mammals will also suffer from habitat

fragmentation and noise pollution. Once these ecosystems are disrupted, the damage cannot simply be reversed or mitigated with minimal measures.

This proposal prioritizes a high-impact, motorized recreational activity over environmental stewardship, public safety, and the rights of property owners who have invested in this area precisely because of its quiet, natural character. There are far more appropriate locations for a dirt bike trail that do not place residents and sensitive wildlife habitat directly in harm's way.

I strongly urge you to reconsider this plan and either abandon it or relocate the trail to an area that is properly suited for such use. Moving forward as proposed would demonstrate a profound lack of regard for both the community and the wildlife you are entrusted to protect.

This objection should be given serious consideration and addressed in a transparent and responsible manner.

Sincerely,

Emily Jasiewicz

Outlook

Fw: Support for OFTR Trail Proposal in Seguin Township

From info <info@seguin.ca>
Date Tue 1/20/2026 2:23 PM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Dominique Obrien <dobrien@seguin.ca>
Sent: January 20, 2026 2:21 PM
To: info <info@seguin.ca>
Subject: Fw: Support for OFTR Trail Proposal in Seguin Township

Dominique O'Brien
Director of Community Services
Seguin Township
(705) 732-4300 (ext. 262)

From: Nicholas Sheridan <nicholassheridan@rocketmail.com>
Sent: Tuesday, January 20, 2026 2:19 PM
To: Ann MacDiarmid <annmacdiarmid@seguin.ca>; Dominique Obrien <dobrien@seguin.ca>
Subject: Support for OFTR Trail Proposal in Seguin Township

You don't often get email from nicholassheridan@rocketmail.com. Learn why this is important

Dear Mayor MacDiarmid and Director O’Brien,

I am writing to express my strong support for the Ontario Federation of Trail Riders' proposal to develop a new trail system on approximately 2,800 hectares of Crown land in Seguin Township.

This project represents a tremendous opportunity for the region—supporting outdoor recreation, responsible land use, and meaningful economic benefits for local businesses. The proposed area is largely uninhabited and well-suited for this type of development, making it an ideal location for a managed trail system.

I understand there are concerns being raised, but I believe the benefits far outweigh the drawbacks. Our community deserves thoughtful progress, and this initiative could be the beginning of many positive opportunities for Parry Sound and surrounding areas.

Thank you for your time and consideration. I hope you will support this proposal and help move it forward.

Sincerely,

Nick

Sent from Yahoo Mail for iPhone

Outlook

Fw: Proposal to create off-road motorcycle trails in Seguin Township

---

From info <info@seguin.ca>
Date Wed 1/21/2026 11:53 AM
To Donna McLeod <dmcleod@seguin.ca>

Township of Seguin
(705) 732-4300

From: Jason Inwood <jinwood@seguin.ca>
Sent: January 21, 2026 11:29 AM
To: info <info@seguin.ca>
Subject: FW: Proposal to create off-road motorcycle trails in Seguin Township

Comments received regarding off road trail proposal.

Jason Inwood
Chief Administrative Officer
Seguin Township
(705) 732-4300 (ext. 230)
jinwood@seguin.ca

From: Donald Sanderson <dsanderson@wpshc.com>
Sent: January 16, 2026 2:54 PM
To: Jason Inwood <jinwood@seguin.ca>
Cc: Matthew Thomas <mathomas@wpshc.com>; Victoria Langley <vlangley@wpshc.com>
Subject: Fw: Proposal to create off-road motorcycle trails in Seguin Township

Mr. Inwood: Please see below for your consideraion.

Stay safe & be well,

Donald Sanderson
Chief Executive Officer
West Parry Sound Health Centre &

Lakeland Long Term Care
dsanderson@wpshc.com
Mobile / Text: (705) 773-9321

In a world where you may be anything, choose to be kind.

From: Matthew Thomas <mathomas@wpshc.com>
Sent: January 16, 2026 1:48 PM
To: Donald Sanderson <dsanderson@wpshc.com>
Cc: Victoria Langley <vlangley@wpshc.com>; Jim Hanna <jhanna@wpshc.com>
Subject: Re: Proposal to create off-road motorcycle trails in Seguin Township

Hi Donald,

Thank you for sharing. This certainly has the potential to create some system strain for EMS (initial response and potential future patient transfer to a trauma centre). This could have an impact on our Seguin FD partners as well since we would rely on them to get us to a remote access patient (or get the patient to us if we could not attend).

I hope before approval that we all get a chance to weigh concerns.

Thanks again,
Matt

From: Donald Sanderson <dsanderson@wpshc.com>
Sent: January 16, 2026 1:06 PM
To: Matthew Thomas <mathomas@wpshc.com>
Cc: Victoria Langley <vlangley@wpshc.com>; Jim Hanna <jhanna@wpshc.com>
Subject: Proposal to create off-road motorcycle trails in Seguin Township

Good afternoon Matt. I'm wondering if we might consider weighing in on this from a EMS & ED provider perspective, as this has the potential to add stress to an already fragile health system?

https://www.parrysound.com/news/new-off-road-trail-in-seguin-township/article_cd778a39-5d8a-5539-8891-06cd1b085c4a.html

AI Overview
Off-road motorcycle (ORM) trails impact emergency health services by increasing the **volume and severity of injuries**, which often occur in **remote locations that challenge timely emergency medical services (EMS) response**.

Impact on Emergency Health Services

- **Increased Injury Volume and Severity**: Off-road vehicle (ORV) activities, including dirt biking, are associated with a significant number of emergency department visits and hospitalizations, with injuries often being severe or life-altering. Injuries can range from common extremity fractures and ligament damage to severe head, spinal, and internal trauma, especially when proper safety equipment like helmets is not used.

- **Challenges in Emergency Response**: Accidents in remote or off-road locations present unique difficulties for traditional ambulance services.
    - **Longer Access Times**: EMS providers experience a longer interval to physically reach the patient after arriving on the scene compared to roadway incidents.
    - **Delayed Care**: The total time spent on scene is longer due to the difficulties of accessing and stabilizing patients in challenging terrain, which can negatively impact patient outcomes, particularly for critical injuries.
    - **Resource Demands**: Some local paramedic services have sought specialized off-road response vehicles and additional funding to effectively provide medical services in off-road areas, highlighting the specific resource strain on the health system.
    - **Communication Issues**: Poor cell phone service in some remote trail areas can further delay emergency calls and location identification.
- **Strain on Trauma Centers**: Even a small increase in injuries from events can potentially overwhelm local health services. Major trauma cases often require direct transport to a major trauma center, placing a burden on specialized hospital resources.
- **Public Health Concern**: Health professionals in emergency departments consistently see the life-changing and sometimes fatal effects of operating off-road vehicles dangerously, leading to calls for increased safety awareness and training from organizations like the Canadian Paediatric Society and public health campaigns.

Mitigation and Management

- **Safety Training and Equipment**: Health professionals and safety organizations emphasize the importance of formal safety training courses (such as those offered by the Canada Safety Council) and the consistent use of appropriate safety gear, including helmets and protective clothing, to reduce injury severity.
- **On-Site Medical Care**: Organized events and facilities often have on-site first aid or medical resources available to provide immediate care, which helps manage the impact on public EMS.
- **Specialized EMS Units**: The use of specialized "motorcycle ambulances" (motorlances) in some urban settings has shown promise in reducing response times for certain incidents, although this concept for off-road *trail* use is part of ongoing discussion and resource planning.

Stay safe & be well,

Donald Sanderson

Chief Executive Officer

West Parry Sound Health Centre &
Lakeland Long Term Care
dsanderson@wpshc.com
Mobile / Text: (705) 773-9321

In a world where you may be anything, choose to be kind.

Donald Sanderson
Chief Executive Officer
West Parry Sound Health Centre & Lakeland Long Term Care
6 Albert Street, Parry Sound P2A 3A4
Phone: (705) 746-4540 ext 4136
Mobile / Text: (705) 773-9321
email: dsanderson@wpshc.com
www.wpshc.com

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