MINUTES

The Municipal Council of the Municipality of Middlesex Centre will meet in Regular Session in the Council Chamber on July 12, 2017 at 4:00 pm.

COUNCIL PRESENT: Mayor Edmondson - Chair presiding, Deputy Mayor DeViet, Councillors Harvey, Brennan, McMillan, Silva and Berze (left at 6:00 pm).

REGRETS:

STAFF PRESENT: Michelle Smibert – CAO, Stephanie Troyer-Boyd – Clerk, Colin Toth – Director of Fire and Emergency Services, Tiffany Farrell – Director of Corporate Services, Brian Lima – Director of Public Works and Engineering, Scott Mairs – Director of Community Services, Ben Puzanov – Senior Planner.

ALSO PRESENT: Members of the public and press.

1.0 CALL TO ORDER

Deputy Mayor DeViet called the meeting to order at 4:00 pm.

2.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member’s absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

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None were declared on July 12, 2017.

3.0 ADDITIONS TO THE AGENDA

There were no additions to the agenda on July 12, 2017.

4.0 ADOPTION OF THE MINUTES

R2017-231
Motion by Councillor Berze and Councillor Silva

THAT the minutes of the June 21, 2017 meeting of Council be adopted as printed.

Carried
5.0 DELEGATIONS AND PRESENTATIONS

5.1 Keith Campbell - Request to Reverse Charges for Emergency Response Invoice

Mr. Keith Campbell attended Council to request that the charges that occurred on May 1, 2015 at his residence reversed. He stated that he followed the as he called in the burn and monitored the fire until it was out. He stated that later on in the day, the winds came up and the fire reignited. Mr. Campbell stated that the fire department did attend the scene and monitored the burn as fire vehicles were unable to enter into the burning field. He stated that a fire fighter was able to procure a tractor and cultivator to work up the dirt along the edge of the burning field in order to limit the spread. He stated that in December 2016, the owner of his residence received an invoice for the call out and he would like to have the charges reversed. He questioned the length of time for the billing process.

5.2 FS-03-2017 - Appeal of Charges – Emergency Response May 1, 2015

Fire Chief Colin Toth provided a report on the emergency response noting both Coldstream and Ilderton stations were dispatched to the fire event. Regarding the billing process, he stated that incorrect information regarding the location of the fire was received from fire dispatch. With respect to the event and the billing, Chief Toth confirmed that the Open Air Burning By-Law was contravened in a number of areas and the charges are justified.

Council members questioned the billing of trucks and Chief Toth confirmed that billing covers the cost of putting the truck on the road noting that this event was only billed for Coldstream trucks not the Ilderton trucks that attended and no staff hours were charged. There was discussion on the location of the fire noting that the stump that was burned was on municipal property. Mr. Campbell confirmed that he did not discuss the removal of the stump with the municipality in advance of the burn. Council also discussed the present fee structure/penalties that exist in the Fee By-Law and noted that there should be meaningful consequences to contraventions such as this incident.

R2017-232
Motion by Councillor Berze and Mayor Edmondson

THAT the request to reverse charges associated with an open burn violation and subsequent Fire Services response at 11081 Hedley Drive on May 1, 2015 be received.

Carried

6.0 CONSENT AGENDA

Items listed under the Consent Agenda are considered routine and may require discussion but no action on the part of Council. Consent items are received in one motion. Council members may request that one or more item be removed for further action.

Councillor Brennan asked for an explanation why weren’t grants obtained for Walters-Arnold drain.

Councillor Silva questioned the Community Services Advisory Committee making a spending decision with respect the accessible washrooms without Council’s involvement. Director of Community Services, Scott Mairs, stated that the CSAC provided comment but the decision was made by staff. Councillor McMillan, who sits on the Community Services
Advisory Committee stated that it was clear there was no authority to the committee regarding the decision and members simply provided staff with comments.

R2017-233
Motion by Councillor Harvey and Councillor Brennan

1. THAT the Budget to Actual report for June 2017 be received.
2. THAT the MOECC Inspection – Melrose Water Treatment System report be received.
3. THAT the 2017 Second Quarter Drainage Report be received.
4. THAT the report regarding the Barrier Free Washroom Renovations at Douglas B. Weldon Park be received as information. Carried

7.0 STAFF REPORTS

7.1 CPS-32-2017 – New Proposed Asset Management Regulation

Director of Corporate Services, Tiffany Farrell spoke to the new proposed asset management regulation and the proposed requirements noting the increased responsibilities and workload that will be required of the municipality.

Council expressed concerns that small municipalities will not be able to accomplish the requirements in the proposed regulation and questioned whether there will be a enough pushback from municipalities on this issue to effect change.

R2017-234
Motion by Councillor Harvey and Councillor Brennan

THAT Middlesex Centre supports the Association of Municipalities (AMO) position as it relates to the proposed asset management regulation; and

FURTHER THAT communication regarding the Municipality’s position be sent to the Ministry. Carried

7.2 CPS-34-2017 – Municipal Payroll System

R2017-235
Motion by Councillor Harvey and Councillor Silva

THAT the refunded amount of the payroll purchase/implementation costs be transferred into the operating projects carried forward reserve to be applied against the purchase of future municipal software. Carried

7.3 CAO-17-2017 - Use of Municipal Property for Outdoor Cafes

Michelle Smibert reported that a request was received from BJs for use of municipal property for their outdoor café and that has prompted the creation of a standard
agreement. She noted that the municipality will not charge for the use of municipal property but the party involved has to provide insurance. She noted that staff believe this is an appropriate tool to deal with requests of this nature and encourage these cooperative ventures in our communities.

R2017-236
Motion by Councillor McMillan and Councillor Harvey

THAT Council supports the use of an agreement for businesses like outdoor cafes that utilize municipal property.  

Carried

7.4  PWE-37-2017 - Replacement of Culvert C-311 Tender Results

R2017-237
Motion by Mayor Edmondson and Councillor Silva

THAT, on the recommendation of the Municipality’s consultant, BM Ross and Associated Limited Engineers and Planners, and supported by Departmental Staff, Theo Vandenberk Construction Inc. be awarded Replacement of C-311 at the tendered price of $206,665.00 (excluding HST); and

FURTHER THAT the Mayor and Clerk be authorized to execute the necessary contract documents.  

Carried

7.5  PWE-33-2017 - 2017 Load & Haul of Granular “A” Tender Results

R2017-238
Motion by Councillor Brennan and Councillor Berze

THAT Council award the Load & Haul of Granular ‘A’ tender to the lowest tender bid submission received from Mckenzie & Henderson Ltd in the amount of $188,550.00 (excluding HST).

FURTHER THAT the Mayor and Clerk be authorized to execute the necessary contract documents.  

Carried

7.6  PWE-38-2017 - Asphalt Replacement Program Expansion for 2017

Councillor Harvey asked how staff determined which roads are part of the program. Director of Public Works, Brian Lima stated that the program is an outcome of recommendations in the roads need study.

R2017-239
Motion by Councillor Silva and Councillor McMillan

THAT the 2017 Asphalt Replacement Program be expanded to complete asphalt resurfacing of both the east and west sections of Salisbury Drive from Salisbury
Place to Thirteen Mile Road, and Salisbury Place in its entirety as part of the 2017 Capital Budget utilizing $220,000 of unspent approved funds from the replacement of culvert C-311, all funded by Federal Gas Tax;

FURTHER THAT the 2017 Asphalt Resurfacing Program awarded under contract by Council on February 22, 2017 to Dufferin Construction Company be increased an additional $220,000.00 (inclusive of HST).

Carried

7.7 PWE-34-2017 - Green Fleet Plan

Director of Public Works and Engineering, Brian Lima discussed the proposed feasibility study which aims to reduce greenhouse gas emissions and continue efforts toward sustainability. He noted that the study promotes an economical, innovative and resourceful approach to the environment in keeping with provincial policy developments on climate change.

R2017-240
Motion by Councillor Silva and Councillor Harvey

THAT Council is informed of the proposed feasibility study to be undertaken by Richmond Sustainability Initiatives – Fleet Challenge leading to the implementation of a Green Fleet Plan, and that funding application recently submitted to the Federation of Canadian Municipalities.

FURTHER THAT Council endorse the feasibility study application which was submitted by the Municipality of Middlesex Centre to the Federation of Canadian Municipalities.

Carried

7.8 PLA-55-2017 - Removal of Holding Provision from Pemic Komoka Subdivision – Phase 4

R2017-241
Motion by Mayor Edmondson and Councillor Harvey

THAT the request by Pemic Komoka Development Corporation to remove the (h-1) holding provision from the zoning of land containing Phase 4 of the Komoka Meadows subdivision be approved.

Carried

7.9 CPS-35-2017 - Enabling Accessibility Fund Community Accessibility Stream

R2017-242
Motion by Councillor Berze and Councillor McMillan

THAT the application for $50,000 funding through the Enabling Accessibility Fund Community Accessibility Stream for the Accessible Washroom Project at Douglas B. Weldon Park by approved.

Carried
8.0 CLOSED SESSION

Councillor Brennan questioned the need for this matter needs to go into closed session. He stated that he believes it is simply the approval of an agreement between two parties. Planner, Ben Puzanov stated that the matter to be discussed is respect to an active OMB hearing and recommendation related to a possible settlement.

R2017-243
Motion by Councillor Harvey and Councillor Silva

THAT Council move in to closed session at 5:23 pm to discuss litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (OMB Settlement – Neil Elliot ZBA - 22568 Komoka Road); in accordance with Section 239(2)(e) of the Municipal Act, S.O. 2001, c.25 as amended.

Carried

R2017-244
Motion by Mayor Edmondson and Councillor Brenna

THAT Council move out of Closed Session at 5:29 pm.

Carried

Recommendation as a result of the Closed Session discussion.

R2017-245
Motion by Councillor Brennan and Councillor McMillan

THAT the settlement pertaining to an Ontario Municipal Board Appeal by David MacHardy (OMB Case No. PL160304) against the decision of the Municipality of Middlesex Centre to approve a zoning by-law amendment application by Neil Elliott for land known municipally as 22568 Komoka Road be endorsed by Council and that staff be directed to advise the Ontario Municipal Board accordingly.

Carried

R2017-246
Motion by Councillor Brennan and Councillor McMillan

THAT Council recess at 5:34 pm and reconvene at 7:00 pm.

Carried

Councillor Berze left for the remainder of the meeting before Council reconvened at 7:00 pm.

9.0 COMMITTEE OF ADJUSTMENT

R2017-247
Motion by Councillor Silva and Mayor Edmondson

THAT Council adjourn its regular meeting at 7:00 p.m. in order to sit as Committee of Adjustment under Section 45 of The Planning Act R.S.O., 1990, as amended.
Chair McMillan explained the purpose of the application.

The applicant was present at the meeting to answer any questions.

Secretary-Treasurer, Stephanie Troyer-Boyd, stated the correspondence had been received from UTRCA indicating no objection.

There were no members of the public in attendance wishing to speak to this application.

Senior Planner, Ben Puzanov summarized his report in support of the application. Mr. Puzanov stated that the proposed sun shelter is appropriate for the area and no visual impact to abutting property owners or the streetscape.

There were no questions by the committee members.

R2017-248
Motion by Deputy Mayor DeViet and Councillor Silva

THAT Minor Variance Application A-12/17, filed by Angus and Karen MacKinnon for relief from the Middlesex Centre Comprehensive Zoning By-law 2005-005 to construct a 36.5 square metre sun shelter, which would increase the total accessory building area to 85.41 square metres; whereas the Comprehensive Zoning By-law restricts the total area permitted for all residential accessory buildings on the land to 35.73 square metres; for a property legally described as Lot 11, Registered Plan 33M-474 (geographic Township of Lobo), Municipality of Middlesex Centre, be granted.

FURTHER THAT Minor Variance A-12/17 be subject to the following condition:

1. That the total accessory building size permitted via Minor Variance A-12/17 may not be used to construct any single accessory building with an area that is larger than 48.91 square metres.

AND FURTHER THAT, subject to the conditions, the reasons for granting Minor Variance application A-12/17 include:

- The request complies with the general intent and purpose of the Middlesex Centre Official Plan;
- The request complies with the general intent and purpose of the Middlesex Centre Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents an appropriate use on the subject property.

Carried
THAT Committee of Adjustment adjourn at 7:05 pm and reconvene as Council.  

Carried

10.0 PUBLIC MEETINGS

R2017-250  
Motion by Councillor Silva and Mayor Deviet

THAT Council move into Public Meeting at 7:05 p.m. under Sections 53, 34 and 51 of the Planning Act, R.S.O. 1990, c. P13, as amended.  

Carried

10.1 Consent B-10/17 - Gysbers

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

The applicant was present at the meeting to answer any questions.

The Clerk reported that correspondence was received from SCRCA indicated they had no concerns from either a Natural Heritage or Natural Hazard perspective.

There were no members of the public in attendance wishing to speak to this application.

Senior Planner Ben Puzanov stated that staff is supportive of the proposal as the applicant has reduced the size of the lot from that initially applied for noting that the application has been deferred by Council twice at the request of the applicant. Mr. Puzanov summarized the recommended conditions for the consent.

There were no questions by Council regarding this application.

R2017-251  
Motion by Councillor Silva and Mayor Edmondson

THAT Consent application B-10/17, filed and subsequently amended by Gysbers Farms Ltd. in order to sever a surplus farm residence on a lot with a lot frontage of approximately 47.19 metres along Denfield Road (County Road 20) and an area of approximately 0.39 hectares from a farm holding with a lot area of approximately 40.47 hectares; from a property legally described as Part of Lot 28, Concession 11 (geographic Township of London), Municipality of Middlesex Centre and known municipally as 22824 Denfield Road; be granted.

FURTHER THAT Consent B-10/17 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality’s Fees and Charges By-law.

3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-10/17 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

4. That the Owner’s solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owner’s solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.

6. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.

7. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B-10/17 be in full force and effect.

8. That the Owner enter into a severance agreement with the Municipality in order to advise future owners of the severed lot of Consent B-10/17 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced. The following requirements shall be included in the severance agreement:

   The Owner shall include in any Agreement of Purchase and Sale of the severed lot a warning specifically notifying future owners that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property and shall require the purchaser, as a condition of any aforementioned Agreement of Purchase and Sale, to acknowledge and accept that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property.

9. That any outstanding property taxes for the severed and retained lots of Consent B-10/17 be paid in full.

10. That the Owner convey a 6 metre by 6 metre sight triangle at the southeast corner of the intersection of Denfield Road (County Road 20) and Twelve Mile Road to the Municipality. All costs associated with the conveyance shall be borne by the Owner.

11. That the Owner dedicate land up to 18 metres from the centreline of construction of County Road 20 along the severed lot of Consent B-10/17 to the County of Middlesex for the purposes of road widening if the right-of-way is not already to that width. All costs associated with the conveyance shall be borne by the Owner.

12. That the Owner provide confirmation that the private sewage disposal system that services the residence at 22824 Denfield Road is wholly contained on the severed lot of Consent B-10/17 and that this be to the satisfaction of the Municipality.

FURTHER THAT the reasons for granting Consent application B-10/17, as amended, include:
The proposal is consistent with the Provincial Policy Statement;
The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
Subject to the Zoning By-law Amendment required by Condition 7, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

Carried

10.2 Consent B-25/17 - Vanderburgt – 9904 Oxbow Drive

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

Doug Stanlake of Stanlake Consultants, agent for Brantam Developments Inc., stated that the sole purpose of the application is to sever the property so that his client can secure ownership of part of the site. He noted that Brantam Developments Inc. will be applying for a plan of subdivision in the future. Mr. Stanlake confirmed that it is a unique situation whereas the east part of the existing property is in the settlement area and the west part is agricultural. He stated that there will be no buildings constructed, no change in use and no rezoning applied for at this time.

The Clerk reported that there are comments received from:
- Bell Canada indicating no concerns or objections
- UTRCA indicating no objection to the application for Consent
- Municipality of Strathroy-Caradoc wishing to provide notice to the owners of the subject lands that in the event a residential subdivision is proposed on the lands, the Municipality may request measures be included in the development of the site to protect the residential lots from noise, dust, traffic and visual impacts associated with the existing Strathroy-Caradoc Aggregate Operation. In addition, the Municipality may request a warning clause be registered on title of certain residential lots advising of the existing Municipal Aggregate Operation. The Municipality would welcome the opportunity to consult with the owner of the lands prior to the formalization of development plans.

Christina Tischler of 22765 Komoka Road questioned the timeframe for development. She stated that many people are not in favour of the sale and do not want residential development on the property. She noted that they are wanting to be proactive rather than reactive to the development. Mr. Stanlake confirmed that there is no proposed timeframe for development of the land at this time noting that his client must first get ownership of the lands and that the plan of subdivision process is a length endeavours.

Denise Pallister of 22783 Komoka road stated that she agrees with the previous comment and they would like to know how they go about stopping the process up front. Planner Ben Puzanov stated that the east part of property, presently in the settlement, is already designated for development. He noted, however, that what the development will look like is subject to public consultation and review. Councillor Silva suggested that residents work closely with the developer throughout the process.

Angelo Paino of 22779 Komoka Road asked if the developer keep residents informed. Those present were advised of the process and requirement regarding notices.
Ashley Thyssen of 22808 Komoka Road noted traffic concerns once development occurs.

Senior Planner Ben Puzanov stated that staff is supportive of the proposal and summarized his report in support of the application including the conditions of consent. He stated that the severance is along both the settlement area boundary and zoning boundary noted that the zoning is in place for both lots.

Councillor McMillan asked how the zoning and designation line was established. Ben Puzanov stated that it was established in a previous Official Plan comprehensive review but noted that there are two tax rolls and suggested that there was likely two separate properties at one time.

R2017-252
Motion by Councillor Harvey and Councillor McMillan

THAT Consent Application B-25/17, filed by Frank and Catherine Vanderburght in order to sever land with a lot frontage of approximately 266.8 metres along Oxbow Drive and an area of approximately 18.94 hectares from a 39.16 hectare property together with an access easement over the lot proposed to be severed in favour of the farm proposed to be retained; from a property legally described as Part of Lot 4, Concession 3 (geographic Township of Lobo), Municipality of Middlesex Centre; be granted.

FURTHER THAT Consent B-25/17 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality’s Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-25/17 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners’ solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
5. That the Owners’ solicitor provide a Transfer in Preparation to the Municipality, together with a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
6. That any outstanding property taxes for the severed and retained lots of Consent B-25/17 be paid in full.
7. That the Owners dedicate land up to 15 metres from the centreline of construction of County Road 16 for the purposes of road widening if the right-of-way is not already to that width.

AND FURTHER THAT the reasons for granting Consent Application B-25/17 include:
• The proposal is consistent with the Provincial Policy Statement;
• The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Carried

10.3 Consent B-24/17 and ZBA - Godwin-Schuhmacher – 13629 Eight Mile Road

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

George Sinker, agent for the applicant was present at the meeting. He stated that they would like to amend the application to reduce the frontage from 56 metre to 50 metres. He noted the amended application is for a 1.35 acre parcel rather than 1.7 acres. Mr. Sinker stated that he agrees with all conditions except #10. He noted that his client has drilled a new well, put in a new driveway and will be installing a new electrical service to the property.

The Clerk reported that there comments received from:

- UTRCA is seeking confirmation that no future access points are required to access the retained agricultural field. Given the presence of a significant wetland on the subject property, our office would remind the applicant that future development (including access) should not occur within the area of interference surrounding the wetland. We can advise that, despite the foregoing, our office has no objection to the applications for Consent and Zoning By-law Amendment
- Hydro One indicating no comments or concerns at this time
- Union Gas stated that they have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

There were no members of the public in attendance wishing to speak to this application.

Senior Planner Ben Puzanov outlined the conditions recommended by staff and stated that staff maintain support of condition #10. Mr. Puzanov noted that the information has been provided to the applicants with respect to comments from the UTRCA.

Council agreed to the amended application for a 50 metre frontage.

– severance agreement registered on title so you are on legal notice and are aware of this

R2017-253
Motion by Councillor Silva and Councillor McMillan

THAT Consent application B-24/17, as filed by Florence Marie Godwin-Schuhmacher and recommended for amendment by staff in order to sever a surplus farm residence and detached garage on a lot with a lot frontage of approximately 50 metres along Eight Mile Road and an area of approximately 0.49 hectares; from a property legally described Part of Lots 22 and 23, Concession 7 (geographic...
Township of London), Municipality of Middlesex Centre and known municipally as 13629 Eight Mile Road; be granted.

FURTHER THAT Consent B-24/17 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.

2. That the fee for the Certificate of Consent be paid in accordance with the Municipality’s Fees and Charges By-law.

3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-24/17 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

4. That the Owner’s solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owner’s solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.

6. That, if necessary, a revised assessment schedule in accordance with the *Drainage Act*, as amended, be commissioned and paid for by the Owner.

7. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B-24/17 and prohibits new dwellings on the retained lot of Consent B-24/17 be in full force and effect.

8. That the Owner enter into a severance agreement with the Municipality in order to advise future owners of the severed lot of Consent B-24/17 of normal farm practices occurring in the area as outlined in the *Farming and Food Production Protection Act, 1998*, as amended or replaced. The following requirement shall be included in the severance agreement:

   The Owner shall include in any Agreement of Purchase and Sale of the severed lot a warning specifically notifying future owners that normal farm practices, as outlined in the *Farming and Food Production Protection Act, 1998*, as amended or replaced, are engaged in and occur in the area of the property and shall require the purchaser, as a condition of any aforementioned Agreement of Purchase and Sale, to acknowledge and accept that normal farm practices, as outlined in the *Farming and Food Production Protection Act, 1998*, as amended or replaced, are engaged in and occur in the area of the property.

9. That any outstanding property taxes for the severed and retained lots of Consent B-24/17 be paid in full.

10. That the reference plan to be provided as Part of Condition 3 illustrate a minimum setback of 1 metre between the driveway on the severed lot of Consent B-24/17 and its westerly side lot line. The reference plan shall also illustrate the location of the existing well that services the residence at 13629 Eight Mile Road in order to ensure that it is wholly contained on the severed lot of Consent B-24/17.
11. That the private laneways between the severed lot of Consent B-24/17 and the adjacent residential lot to the east known municipally as 13631 Eight Mile Road be removed to the satisfaction of the Municipality.

12. That the garage door on the east side of the detached garage on the severed lot of Consent B-24/17 be removed to the satisfaction of the Municipality.

13. That the address sign for the dwelling on the severed lot of Consent B-24/17 be relocated to the driveway that services the residence from the neighbouring driveway to the east.

14. That the purchaser of the retained farm of Consent B-24/17 demonstrate that the residence at 13629 Eight Mile Road is surplus to the needs of his or her farming operation and that this be to the satisfaction of the Municipality.

15. That the applicant install a new electrical service to the severed lot of Consent B-24/17 or, alternatively, obtain an easement for the existing service from the residential lot to the east known municipally as 13631 Eight Mile Road.

FURTHER THAT the reasons for granting Consent application B-24/17, as recommended for amendment by staff, include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the Zoning By-law Amendment required by Condition 7, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

AND FURTHER THAT the Zoning By-law Amendment application, as filed by Florence Marie Godwin-Schuhmacher and recommended for amendment by staff, for the severed and retained lots of Consent B-24/17 in order to implement the severance of a surplus farm residence and detached garage, be approved.

Carried

10.4 Consents B-22/17 & B-23/17 - Hugh J. Dietrich Farms Limited

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

Kim McLean, agent for the applicant stated that they have amended the severance applications since submission. He noted that there is a historic barn on the property and the original application contemplated keeping the barn but they realize the barn needs to come down. He stated that they have amended the application to move the lot line so each lot would be .97 hectares. He stated that they agree with all conditions except #14 dealing with the manure pit as they would like to retain the pit for storage noting that they would agree to a restrictive covenant.

The Clerk reported that there comments received from UTRCA indicating no objection. MTO commented that they do not object to the severance proposals but identified concerns and requirements which must be addressed and staff has included in conditions of consent.

There were no members of the public in attendance wishing to speak to this application.
Senior Planner Ben Puzanov stated that the amended proposal is contained in the staff report; noting that the amended proposal came about as a result of the site visit.

Councillor Brennan questioned if the circular manure pit would require some sort of engineering to be used as a storage facility. Ben Puzanov stated that the owners will need building permit if they want to change it. Mr. McLean stated that the structure is fine as here is already a hole cut in the wall.

R2017-254
Motion by Councillor Brennan and Councillor Harvey

THAT Consent Application B-22/17, filed and amended by Hugh J. Dietrich Farms Limited in order to sever a surplus farm residence on a lot with a lot frontage of approximately 75 metres along Richmond Street (Highway No. 4) and an area of approximately 0.89 hectares; from a property legally described as Part of Lot 16, Concession 14 (geographic Township of London), Municipality of Middlesex Centre and known municipally as 23506 Richmond Street; be granted.

FURTHER THAT Consent B-22/17 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality’s Fees and Charges By-Law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-22/17 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner’s solicitor provide a Transfer in Preparation to the Municipality together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner’s solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
7. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B22/17 and prohibits new dwellings on the retained lot of Consents B-22/17 and B23/17 be in full force and effect.
8. That the Owner demonstrates that they own multiple farm holdings and that the residence on the severed lot of Consent B22/17 is surplus to the needs of the farming operation.
9. That the Owner enter into a severance agreement with the Municipality in order to advise future owners of the severed lot of Consent B22/17 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced. The following requirement shall be included in the agreement: The Owner shall include any Agreement of Purchase or Sale of the severed lot a warning specifically notifying future owners that normal farm practices, as outlined in the Farming and Food
Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property and shall require the purchaser, as a condition of any aforementioned Agreement of Purchase and Sale, to acknowledge and accept that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended, or replaced, are engaged in and occur in the area of the property.

10. That any outstanding property taxes for the severed and the retained lots of Consents B-22/17 and B-23/17 be paid in full.

11. That the Owner install a new electrical service to the severed lot of Consent B-23/17. If necessary, a permanent easement may be sought over the severed lot of Consent B-22/17 in favour of the severed lot of Consent B-23/17 in order to utilize the existing electrical service.

12. That the total accessory building coverage on the severed lot of Consent B22/17 shall not exceed 165 square metres. The removal of any buildings and structures or their conversion to residential accessory uses, shall be subject to the Municipality’s permitting requirements.

13. That the Owner remove any fences,, buildings, or structures that are located on the rear property lines of the severed lots of Consents B-22/17 and B-23/17.

14. That the manure pit as well as silos and construction material on the severed and retained lots of Consents B-22/17 and B-23/17 be removed to the satisfaction of the Municipality and with all of the required permits. In lieu of removing the manure pit, the owner may request that the zoning for the retained farm of Consents B-22/17 and B-23/17 prohibit any livestock or manure storage uses and the owner shall also provide an affidavit confirming that the manure pit is not being used for manure storage as of the date of the passage of the zoning by-law amendment required as part of the disposition of the surplus farm residence severances via Consents B-22/17 and B-23/17.

15. That the private laneways and electrical service between the severed and retained lots of Consents B-22/17 and B-23/17 be removed to the satisfaction of the Municipality and with all of the necessary permits, if necessary, a permanent easement may be sought over the severed lot of Consent B22/17 in favour of the severed lot of Consent B23/17 in order to utilize the existing electrical service.

16. That the Owner provide confirmation that the private sewage disposal systems that service the residences on the severed lots of Consents B-22/17 and B-23/17 are wholly contained on their respective lots and that this be to the satisfaction of the Municipality.

17. That the Owner obtain a clearance letter from the Ministry of Transportation advising that its requirements for Consents B-22/17 and B-23/17 have been fulfilled. The Owner shall obtain a new address for the severed lot of Consent B-22/17 if no access is to be permitted to the lot from Richmond Street (Highway No.4) and access is instead to be accommodated from the entrance of Fourteen Mile Road.

FURTHER THAT the reasons for granting Consent application B-22/17 include:

- The proposal is consistent with the Provincial Policy Statement,
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan, and
Subject to the conditions, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

FURTHER THAT Consent B-23/17 be granted and subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality’s Fees and Charges By-Law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-22/17 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner’s solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner’s solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
7. That a Zoning By-law amendment that recognizes the residential use of the severed lot of Consent B-22/17 and prohibits new dwellings on the retained lot of Consents B-22/17 and B-23/17 be in full force and effect.
8. That the owner demonstrate that they own multiple farm holdings and that the residence on the severed lot of Consent B-22/17 is surplus to the needs of the farming operation.
9. That the Owner enter into a severance agreement with the Municipality in order to advise future owners of the severed lot of Consent B-23/17 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998 as amended or replaced. The following requirement shall be included in the severance agreement: The Owner shall include in an Agreement of Purchase and Sale of the severed lot a warning specifically notifying future owners that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property and shall require the purchaser, as a condition of any aforementioned Agreement of Purchase and Sale, to acknowledge and accept that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property.
10. That any outstanding property taxes for the severed and retained lots of Consents B-22/17 and B23/17 be paid in full.
11. That the Owner install a new electrical service to the severed lot of Consent B-23/17. If necessary, a permanent easement may be sought over the severed lot of Consent B-22/17 in favour of the severed lot of B-23/17 in order to utilize the existing electrical service.
12. That the total accessory building coverage on the severed lot of Consent B23/17 shall not exceed 165 square metres. The removal of any buildings and
structures, or their conversion to residential accessory uses, shall be subject to the Municipality's permitting requirements.

13. That the Owner remove any fences, building, or structures that are located on the rear property lines of the severed lots of Consents B-22/17 and B-23/17.

14. That the manure pit as well as silos and construction material on the severed and retained lots of Consents B-22/17 and B-23/17 be removed to the satisfaction of the Municipality and with all of the required permits. In lieu of removing the manure pit, the owner may request that the zoning for the retained farm of Consents B-22/17 and B-23/17 prohibit any livestock or manure storage uses and the owner shall also provide an affidavit confirming that the manure pit is not being used for manure storage as of the date of the passage of the zoning by-law amendment required as part of the disposition of the surplus farm residence severances via Consents B-22/17 and B-23/17.

15. That the private laneways and electrical service between the severed and retained lots of Consents B-22/17 and B-23/17 be removed to the satisfaction of the Municipality and with all of the necessary permits. If necessary, a permanent easement may be sought over the severed lot of Consent B-22/17 in favour of the severed lot of Consent B-23/17 in order to utilize the existing electrical service.

16. That the Owner provide confirmation that the private sewage disposal systems that service the residents on the severed lots of Consents B-22/17 and B-23/17 are wholly contained on their respective lots and this be to the satisfaction of the Municipality.

17. That the Owner obtain a clearance letter from the Ministry of Transportation advising that its requirements for Consents B-22/17 and B-23/17 have been fulfilled.

18. That following the filling of the easterly portion of the private pond on the retained farm of Consents B-22/17 and B-23/17, the Owner shall provide confirmation from an Ontario Land Surveyor that demonstrates that the resulting pond is wholly contained on the severed lot of Consent B-23/17.

AND FURTHER THAT the reasons for granting Consent application B-23/17 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan;
- Subject to the conditions, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

Carried

10.5 Consent B-26/17, Application to Amend Middlesex Vacant Land Condominium Plan No. 885 and Draft Plans of Vacant Land Condominium - Bella Lago Developments Inc and 2536221 Ontario Inc

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

Don Bryant, solicitor for Bella Lago Developments and Matthew Wilson, solicitor for 2536221 Ontario Inc. were in attendance at the meeting. Mr. Bryant stated that the application is to remove the medium density units out of existing plan of condominium plan
being developed by Bella Lago Developments and transferred to 2536221 Ontario Inc. for development. Mr. Wilson stated that they support staff recommendations and draft conditions.

The Clerk reported that there comments received from:
- TVDSB requesting a clause be included in all agreements of purchase and sale with respect to the possibility of Holding Zone and students could be directed to a Holding Zone School rather than the local school
- Union Gas requesting that as a condition of final approval that the owner/developer provide the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project
- Hydro One stated they no comments or concerns at this time

Kevin Keck of 9803 Glendon Drive asked what the development will look like. The applicants stated that the development will be blocks of 3 and 4 units, the same as what has already been approved.

Senior Planner Ben Puzanov stated that amendment to the VCL is required to transfer ownership and noted that this is largely a legal exercise but new agreements must be in place. He stated that existing agreements will have to be amended as Bella Lago will be reduced in size.

There were no questions by Council regarding this application.

R2017-255
Motion by Councillor Brennan and Mayor Edmondson

THAT Consent application B-26/17, filed by Bella Lago Developments Inc. in order to establish drainage easements over a private stormwater management facility in favour of commercial land to the north known municipally as 9909 Glendon Drive (being Part of Lot 4, Concession 1, geographic Township of Lobo and Parts 1 and 2, Reference Plan 33R-17803) and 9919 Glendon Drive (being Part of Lot 4, Concession 1, geographic Township of Lobo and Part 4, Reference Plan 33R-17803); from a property legally described as Part of Lot 4, Concession 1 (geographic Township of Lobo), Municipality of Middlesex Centre and known municipally as 22447 Komoka Road; be granted.

FURTHER THAT Consent B-26/17 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality’s Fees and Charges By-law.
3. That the Owner’s solicitor provide the documents for the easements to the Municipality, together with a deposited reference plan and a Schedule describing the land, for the purposes of the issuance of a Certificate of Consent.
4. That the Owner’s solicitor submit an undertaking in a form satisfactory to the Municipality to register the easements consistent with the Consent decision.
5. That any outstanding property taxes for the severed and retained lots of Consent B-26/17 be paid in full.

FURTHER THAT the reasons for granting Consent application B-26/17 include:
- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

FURTHER THAT the County of Middlesex be advised that Middlesex Centre recommends approval of the request by Bella Lago Developments Inc. to amend Middlesex Vacant Land Condominium Plan No. 885 as proposed via application 39T-MC-CDM1703 subject to any and all necessary amendments to the Bella Lago condominium agreement and Section 158 (Condominium Act) agreement between the developer and the Municipality of Middlesex Centre, the establishment of appropriate joint use and maintenance agreements as well as servicing, utility, telecommunications, access and any other easements that may be required between the Bella Lago Developments Inc. condominium and the vacant land condominiums proposed by 2536221 Ontario Inc. (County File Nos. 39T-MC-CDM1701 and 39T-MC-CDM1702), and any other technical requirements as may be determined by the Municipality’s engineering staff and legal counsel.

AND FURTHER THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for County File Nos. 39T-MC-CDM1701 and 39T-MC-CDM1702 subject to the conditions of draft plan approval appended to Middlesex Centre report PLA-51-2017 and any other technical requirements as may be determined by the Municipality’s engineering staff and legal counsel.  

Carried

10.6 Graham ZBA – 23929 Denfield Road

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

The applicants, Richard and Brenda Graham, were present at the meeting to answer any questions. They state that changing it back to commercial gives more opportunity to do something with the property.

The Clerk reported that there were no agency comments received for this application.

There were no members of the public in attendance wishing to speak to this application.

Senior Planner Ben Puzanov stated that staff is supportive of the proposal and summarized his report.

There were no questions by Council regarding this application.

R2017-256

Motion by Councillor Brennan and Councillor Harvey
THAT the Zoning By-law Amendment application filed by Richard and Brenda Graham in order to rezone the property known municipally as 23929 Denfield Road from site-specific Hamlet Residential First Density (HR1-6) to site-specific Village Commercial (C1-#) to permit all of the uses of the Village Commercial (C 1) zone as well as two dwelling units on a 809.37 square metre property be approved.

Carried

10.7 Municipally-Initiated ZBA (Harvesters Baptist Church)

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

Senior Planner, Ben Puzanov, stated that it is a municipally initiated zoning by-law amendment noting that the zoning by-law amendment was applied for and approved in 2002 and confirmed the zoning had been changed. In 2005 when Middlesex Centre zoning by-law was created, this zoning was omitted from the zoning bylaw. Staff initiated in order to put the previously approved zoning in place. To implement the 2002 decision of Middlesex Centre Council. Recognizing what is in existence today.

The Clerk reported that there comments received from MTO stating they had no objection to the proposed ZBA but note that the lands are located within MTO's Permit Control Area and may be subject to MTO permits in the future. LTVCA stated they have no objection.

There were no members of the public in attendance wishing to speak to this application.

Senior Planner Ben Puzanov stated that staff is supportive of the application.

R2017-257
Motion by Councillor Harvey and Mayor Edmondson

THAT the Municipally-initiated Zoning By-law Amendment for land on the north side of Westminster Drive and the east side of Woodhull Road be approved.

Carried

10.8 Leitch ZBA and Temp Use – Denfield Road and Fourteen Mile Road

Deputy Mayor DeViet introduced the application and explained the purpose and effect of the proposal.

The applicants were present at the meeting to answer any questions.

The Clerk reported that there were no comments received for this application.

There were no members of the public in attendance wishing to speak to this application.

Senior Planner Ben Puzanov stated that staff is supportive of the application.

There were no questions by Council regarding this application.

R2017-258
Motion by Councillor Brennan and Councillor McMillan
THAT the Zoning By-law Amendment application, filed by Kevin and Lisa Leitch in order to permit two single-detached dwellings on one property for up to three years while a new residence is being constructed on the land, be approved, and that the Owners be required to enter into a Temporary Use Agreement with the Municipality and submit a deposit of $10,000 to ensure that the removal of the existing residence occurs.

Carried

R2017-259
Motion by Councillor McMillan and Councillor Brennan

THAT Public Meetings under Section 53, 34 and 51 of the Planning Act, R.S.O. 1990, c. P13 adjourn at 8:23 pm and regular Council resume.

Carried

11.0 NOTICE OF MOTION

12.0 COMMUNICATIONS AND PETITIONS

12.1 Jen & Don Irwin-Morrow
12.2 Laverne Shipley

Councillor Silva stated that the questions raised in the correspondence item 12.1 have been answered by Councillor Silva and Deputy Mayor DeViet. Council had no other comments with respect to the correspondence items.

13.0 COUNTY COUNCIL UPDATE

Deputy Mayor DeViet provided an update on the most recent County Council meeting noting it was largely operational items on the agenda including SWIFT and a bargaining update with Strathmere Lodge employees.

14.0 OTHER BUSINESS

R2017-260
Motion by Councillor Berze and Councillor Silva

THAT correspondence be sent to the Township of Lake of Bays supporting their request to have the tax exempt portion of remuneration paid to local officials be reinstated and that a copy of the correspondence be sent to Premier Kathleen Wynne and MP Cheryl Gallant.

Carried

Councillors Silva and Harvey reported that they recently attended the TVDSB planning meeting and left unsatisfied. They stated that Board administration have indicated they will do a boundary adjustment review on their own timeframe.

15.0 BY-LAWS

15.1 By-Law 2017-087 - ZBA – Godwin-Schuhmacher
15.2 By-Law 2017-088 - ZBA – Graham
15.3 By-Law 2017-089 - ZBA – Harvesters Baptist Church
15.4 By-Law 2017-090 - ZBA – Leitch (Temp Use)
15.5 By-Law 2017-091 - Temp Use Agreement – Leitch
15.6 By-Law 2017-092 - Execution – Agreement for Use of Municipal Property
15.7 By-Law 2017-093 - Removal of the Holding Provision (h-1) for Pemic Phase 4
15.8 By-Law 2017-094 - Assumption - Prince Street Subdivision Phase 2 – 33M-629

R2017-261
Motion by Councillor Silva and Mayor Edmondson

THAT By-Laws 2017-087 through 2017-094 inclusive be approved and this
constitutes first, second and third reading and that By-Laws 2017-087, 2017-088,
Carried

16.0 CONFIRMING BY-LAW

R2017-262
Motion by Councillor McMillan and Councillor Brennan

THAT Confirming By-Law 2017-095 be approved and this constitutes the first,
second, and third reading and that By-Law 2017-095 is hereby enacted.
Carried

17.0 ADJOURNMENT

R2017-263
Motion by Councillor Brennan and Councillor McMillan

THAT the meeting adjourn at 8:36 pm.
Carried

The next Council meeting is Wednesday, August 2, 2017 at 4:00 pm in the Council Chamber.