

**TOWNSHIP OF ESSA
CONSENT AGENDA
WEDNESDAY, MAY 19, 2021**

A – ITEMS RECEIVED AS INFORMATION

- p. 1 1. Township of Essa Building Department Statistics – April 2021.
- p. 2 2. Nottawasaga Valley Conservation Authority (NVCA) – Board Meeting Highlights April 2021.
- p. 5 3. Resolution from the Town of Perth dated April 30, 2021, re: Provincial Hospital Funding of Major Capital Equipment.
- p. 6 4. Correspondence from the Association of Municipalities of Ontario (AMO):
 - p. 8 a) May 3, 2021 – Policy Update - Long-Term Care Commission Report Overview and Digital Ontario.
 - p. 8 b) May 11, 2021 – AMO 2021 Training Human Rights and Equity – The Role and Obligations of Municipal Leaders.
- p. 11 5. Correspondence from the County of Simcoe:
 - p. 12 a) May 3, 2021 – Advisory – County of Simcoe to Safely Extend Waste Facility Hours.
 - p. 12 b) May 7, 2021 – Simcoe County Fire Service – Fire Services Service Delivery Data Collection and Use.
- p. 13 6. Correspondence from the Normal Farm Practices Protection Board dated May 6, 2021, re: File No. 004Cruz21.
- p.23 7. Notice of Open House and Public Meeting from the City of Barrie dated May 10, 2021, re: Draft New Official Plan for the City of Barrie.

B – ITEMS RECEIVED AND REFERRED TO SERVICE AREA FOR ACTION

C – ITEMS RECEIVED AND REFERRED TO SERVICE AREA FOR REVIEW AND REPORT TO COUNCIL

None.

Consent

AI

Apr-21							
Current							
Permits Issued	# Permits Issued	# Permits Issued YTD	Monthly Construction Value of Permits Issued	Construction Value of Permits Issued YTD	Monthly Building Permit Fees	Building Permit Fees YTD	
Residential	30	78	\$3,658,245.00	\$6,954,055.00	\$32,159.38	\$68,009.77	
Commercial	0	4	\$0.00	\$23,670.00	\$0.00	\$600.00	
Industrial	0	1	\$0.00	\$0.00	\$0.00	\$50.00	
Institutional	0	0	\$0.00	\$0.00	\$0.00	\$0.00	
Public Utilities	0	0	\$0.00	\$0.00	\$0.00	\$0.00	
Agricultural	0	1	\$0.00	\$0.00	\$0.00	\$373.07	
TOTAL	30	84	\$3,658,245.00	\$6,977,725.00	\$32,159.38		
Y.O.Y.	10	61	\$875,000.00	\$7,678,020.00	\$2,731.00	\$86,971.12	-20.63%

NEW SFD CONSTRUCTION				
Dwelling Units Created				
Type	Current Month	YTD	Dwelling Const. Value	Dwelling Const. Value YTD
SFD/SEMI/ROW	7	14	\$3,109,050.00	\$5,064,050.00
Mult Res Bldgs	0	0	\$0.00	\$0.00
Accessory Apt within Existing Res Bldg	0	0	\$ -	\$0.00
TOTAL	7	14	\$3,109,050.00	
Y.O.Y.	0	26	\$0.00	\$5,507,000.00
	0.00%	-46.15%	0.00%	-8.04%

Draw Brooks
 Reviewed by Chief Building Official:



NVCA April 2021 Board Meeting Highlights

Next Meeting: May 28, 2021, held virtually

For the full meeting agenda including documents and reports, visit nvca.on.ca/about/boardofdirectors

2020 Financial Statement

NVCA receives clean audit for 2020.

Board members received the 2020 NVCA audited financial statements as presented by KPMG LLP Chartered Accountants. The financial statements is available on [NVCA's website](#).

Presentation on Forestry

The Manager, Forestry provided an overview of NVCA's Forestry Program.

Every year since 1964, NVCA's Forestry Program has been planting trees. It is the only agency left in the watershed that is providing this service. This program fits into the NVCA mandate in many ways, including reduce flooding, improve water quality.

History of tree planting in the County of Simcoe

As communities settled in the County of Simcoe between 1831 and 1841, forests were cut down for farming and to create turpentine. The area quickly became a desert, and many farmers abandoned their farms.

In the 1920s, the Province of Ontario tree planting efforts in Southern Ontario, including County of Simcoe. These efforts were transferred to the county in 1988. The province's tree planting program was based on science and very innovative. In the County of Simcoe, there were provincially owned tree nursery in Midhurst, and a tree seed plant in Angus.

Funding and partnerships

In 2020, \$71,053 of NVCA's levy was used in the Forestry Program. Our partners, including Forests Ontario, Simcoe County, Federal Government, Town of New Tecumseth and landowners contributed \$270,000. Our biggest contributor is Forests Ontario. In the past 5 years, they have contributed \$1 million to NVCA's Forestry Program.

2021 Planting Season

This year's planting season will start on April 26, 2021 with 94,000 trees to be planted in 9 municipalities in the Nottawasaga Valley Watershed.

NVCA's comprehensive tree planting program includes tree planting services, and survival surveys in years 1, 2 and 5. After year 7, the trees will most likely be able to survive on their own.

Arbor Day

Before the COVID-19 pandemic, NVCA hosted a tree sale for property owners who did not need to plant acres of trees. This year's sale is cancelled due to the pandemic.

Challenges

The trees in our watershed face several challenges including lack of precipitation compared to other geographical areas, deer predation, species selection due to climate change, emerald ash borer, gypsy moths and other invasive species.

Here is some information regarding the control of [emerald ash borer](#) and [gypsy moths](#).

Infrastructure Repair for NVCA Tree Cooler

The NVCA Board of Directors has approved that staff use a maximum of \$5,000 from the NVCA Operational Reserve to secure the services of RCH HVAC & Automation for the supply and installation of a new refrigeration unit be approved as presented.

Hazard Tree Removals at New Lowell Conservation Area

The NVCA Board of Directors has approved the use the New Lowell Conservation Area reserve for hazard tree removals be supported, and further that, Falls Tree Service be contracted for the project at a cost not to exceed \$35,000.

Swaley Drain - Springwater Township

The NVCA Board of Directors approved the use of use no more than \$6,000 from the NVCA Land Management Acquisition reserve to secure the services of Sid Vander Veen from R.J. Burnside & Associates Ltd to identify NVCA's options/obligations as a landowner, including how a decision under the *Conservation Authorities Act* may impact the outcome of the *Drainage Act* review process (for example, allocation of costs).

Achieving Net Gains through Ecological Offsetting

NVCA staff has developed an updated watershed-specific policy and guideline which sets clear direction to when and how offsetting should be implemented.

Population growth and resulting urbanization presents a challenge for the protection and enhancement of wetlands throughout Southern Ontario watersheds. In addressing this challenge, one concept that is gaining momentum is the establishment of policies which outline an approach to 'compensation' or 'offsetting' for the loss of natural assets, which may include wetlands. Like many other Conservation Authorities (CAs), NVCA has historically accepted informal offsetting as a mitigation measure for wetland loss on an ad-hoc basis.

In recent years, other CAs within fast-growing watersheds, such as the Lake Simcoe Region Conservation Authority and the Toronto and Region Conservation Authority, have standardized this process through instituting formal ecological offsetting policies.

The intention of this guideline is to ensure that, moving forward, natural heritage offsetting is conducted using clear standardized criteria and metrics. This concept assigns a responsibility to compensate, where appropriate, for the value and function of lost natural features, thereby ensuring important functions are maintained and enhanced on the landscape.

This draft document will be circulated to municipalities, stakeholders and board members for comment.

Source Protection Committee Chair's Update

Proposed changes to the Director's Technical Rules have resulted in the Committee starting the process of reviewing policies in the Source Protection Plan which includes addressing dense non-aqueous phase liquids and road salt respectively. Chair Lynn Dollin also outlined the challenges that Risk Management Officials were facing due to the on-going COVID-19 pandemic.

Source Protection Region Update

The Ministry of Environment, Conservation and Parks (MECP) proposed Director Technical Rules to address feedback from Source Protection Committees, Risk Management Officials, and Source Protection Authorities. The changes include proposals include changing circumstances for salt application, salt storage, commercial fertilizer storage, stormwater management.

New or replacement municipal wells and intakes are required to have the source water protection work completed and approved before the MECP issues the drinking water license. Several municipal systems in the NVSPA are presently underway in this process, completed under Section 34 of the Clean Water Act. These municipalities include Stayner, Shelburne, Caledon, and Alliston.

Appointment of Municipal Member to the Source Protection Committee

Chris Gerrits (Deputy Mayor of Amaranth) was appointed as the municipal representative in the Nottawasaga Valley Source Protection Area to in replacement of Deborah Korolonek, who recently retired from the County of Simcoe.

Annual Source Water Protection Progress Report to the Ministry

Section 46 of the *Clean Water Act* (Section 46) requires that the lead Source Protection Authority (SPA) report to the Director of Source Protection (MECP) on the implementation of all policies each year.

A primary objective of monitoring and reporting is to assess if threats to municipal drinking water sources are being reduced through the implementation of the Plan's policies. This information will help support any future amendments to the Plan and provide accountability and transparency to stakeholders. The following key findings include:

- All municipalities have submitted their annual reports to Source Protection Authority staff.
- Most policies (98%) that address significant drinking water threats in the Plan have been or are in the process of being implemented in accordance with the timelines set out in the Plan or otherwise amended.
- It is estimated that 89% (3157 of 3514) of existing significant drinking water threats have been mitigated through policy implementation.
- Two hundred and fifty-one (251) RMPs have been established and an estimated 119 RMPs remain to be negotiated across the Source Protection Region. Historic rates of RMP establishment suggest the July 2022 deadline is unlikely to be met. In addition, the rate of RMP negotiation in the remaining 14 months leading up to the deadline has been and will continue to be impacted by the COVID-19 pandemic.

- Nine hundred and twenty-seven (927) of estimated 2110 round-two on-site sewage (septic) system inspections have been completed with approximately 9 months remaining until the 2022 deadline.

The deadline to complete Risk Management plans was extended to July 2022, however, this represents a significant workload that they may not have the resources to complete. SPA staff will bring progress reports on RMP completion to each future meeting of the SPC and may request a review of the deadline once more to account for the disruption caused by COVID.



**THE CORPORATION OF
THE TOWN OF PERTH**

80 Gore Street East
Perth, Ontario K7H 1H9
Phone: (613) 267-3311
Fax: (613) 267-5635

April 30, 2021

Honourable Premier Doug Ford
Premier of Ontario
Legislative Building
Queens Park
Toronto, ON M7A 1A1

Dear Premier Ford:

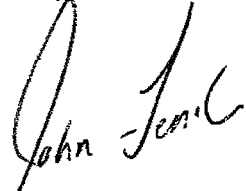
Sent via Email: premier@ontario.ca

Re: Provincial Hospital Funding of Major Capital Equipment

The Town of Perth is requesting that further consideration be given to having the province be financially responsible for the replacement costs associated with all major capital equipment in hospitals, as municipalities across the province are facing major shortfalls in meeting their financial obligations. As set out in their asset management plans and cannot afford to directly absorb the financial responsibility for the replacement costs of the hospitals' major capital equipment without jeopardizing their financial sustainability.

As well, if the province is unwilling to assume the full responsibility for funding local hospitals completely, the Town of Perth requests that the province must develop a legislative framework as to how counties and municipalities should best address the financial shortfalls facing hospitals throughout Ontario, specifically the funding of major capital equipment;

Sincerely,


John Fenik
Mayor of Perth

cc: Ontario Municipalities
AMO – amo@amo.on.ca

A4a

From: AMO Communications <Communicate@amo.on.ca>

Sent: May 3, 2021 3:31 PM

To: Lisa Lehr <llehr@essatownship.on.ca>

Subject: AMO Policy Update – Long-Term Care Commission Report Overview, Digital Ontario

AMO Update not displaying correctly? [View the online version](#)
Add Communicate@amo.on.ca to your safe list



May 3, 2021

AMO Policy Update – Long-Term Care Commission Report Overview and Digital Ontario

Ontario's Long-Term Care COVID-19 Commission Releases Report

The Long-Term Care COVID-19 Commission has publicly released a final report fulfilling their mandate to examine the pandemic response for long-term care in Ontario. The [322-page report](#) contains the following:

- the state of long-term care before COVID-19, including the longstanding challenges concerning staffing, quality of resident care, oversight, funding, and infrastructure
- the deficiencies in Ontario's pandemic preparedness
- the COVID-19 crisis in long-term care and its devastating impacts
- best practices and promising ideas that can be adopted and expanded to improve long-term care, and
- final recommendations that build on the interim recommendations provided in October and December 2020.

The Commissioners' overall conclusion was that there was a lack of planning for a pandemic and that the response to COVID-19 was insufficient. The government is being urged to make changes to protect against outbreaks of infectious disease and any future pandemics.

AMO was active in the inquiry providing both testimony and written submissions to the Commissioners. A response to the government about this report, and the recent Auditor General's Report, will be developed and communicated to AMO members after further analysis of the recommendations and implications. The report provides

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the foundation for a critically needed discussion on how to effectively transform long-term care in Ontario.

Building a Digital Ontario

The Ontario Government introduced its first Digital and Data Strategy, Building a Digital Ontario, on Friday, April 30th. This Strategy is the result of over two years of consultation and includes over two dozen new and established initiatives to equip people and businesses to succeed and, is to play a role in keeping Ontarians safe and secure, connected, and supported in the digital world. This strategy is an extension of Ontario Onwards: Ontario's COVID-19 Action Plan for a People-Focused Government.

AMO's COVID-19 Resources page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to covid19@amo.on.ca.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

From: AMO Events <Events@amo.on.ca>
Sent: May 11, 2021 10:20 AM
To: Lisa Lehr <llehr@essatownship.on.ca>
Subject: AMO 2021 Training Human Rights and Equity The Role and Obligations of Municipal Leaders

AMO Update not displaying correctly? [View the online version](#)
 Add Communicate@amo.on.ca to your safe list



ONLINE TRAINING

May 11, 2021

AMO 2021 Training Human Rights and Equity The Role and Obligations of Municipal Leaders

The death of George Floyd, growing inequality exposed by the pandemic, and the Black Lives Matter movement are a few of the things that made 2020 an historical moment for laying bear the necessity to honestly and transparently face the issues of human rights, diversity, equity and inclusion. This pivotal moment clarified both the positive obligation of municipalities and the consequences of missteps in addressing these fundamental issues in your community. Helping members better understand these important and complex issues is part of AMO's strategic objectives for 2021.

In partnership, **Hicks Morley**, the **Kojo Institute** and **AMO**, have developed training to support members in understanding your obligations under law specific to human rights and how to work towards creating equitable outcomes for your constituents.

This half day training will take a deep dive into:

The Ontario Human Rights Code:

- Understanding your obligations and duties in eliminating discrimination and harassment.
- What are grounds for discrimination?
- The important intersection of human rights and equity.
- Your role and opportunities in working towards equity.

Understanding and Creating Equity:

- What is equity?

- The impact of your decision-making frameworks and data: how these reinforce bias, racism, discrimination and inequity.
- Creating change and equity in your municipality by confronting your biases.
- Working towards making new choices.

Join **Njeri Damali Sojourner-Campbell**, Associate with Hicks Morley and **Kike Ojo-Thompson**, Principal Consultant, Kojo Institute, for an important and innovative discussion and workshop on matters that are important to your council and your community. Registration is limited. [Register Today](#).

Facilitators:

Njeri Damali Sojourner-Campbell, Associate, Hicks Morley

Njeri Damali Sojourner-Campbell is an employment, labour and human rights lawyer in Hicks Morley's Toronto office. Njeri provides strategic advice and representation before administrative tribunals and courts. She provides legal advice to clients to supplement their work with workplace consultants and/or workplace investigators on complex equity and human rights-related matters.

Prior to her legal career, Njeri was employed as a Human Rights and Diversity Advisor at Humber College. There, she supported workplace investigations, compliance initiatives and delivered human rights and AODA training. She possesses a Masters in Education from York University, where she focused on Critical Race Theory and other equity-related disciplines.

Kike Ojo-Thompson, Principal Consultant, Kojo Institute:

Kike Ojo-Thompson is the founder and principal consultant of Kojo Institute. An award-winning expert on equity, inclusion and diversity, Kike specializes in developing, facilitating and implementing innovative solutions for creating equity at an institutional level. A dynamic speaker and educator who artfully balances tact and honesty, Kike has over 20 years of experience leading engaging and effective workshops, lectures, mediations, and trainings for a broad range of organizations eager to create equitable outcomes for their staff and clients.

In addition to her equity work with Kojo Institute, Kike is a member of the Ontario Human Rights Community Advisory Committee, was formerly the senior facilitator for the province of Ontario's carding review team, and formerly the project lead for One Vision One Voice, a first-of-its-kind initiative tasked with addressing anti-Black racism in the child welfare system.

Ojo-Thompson has lent her voice to provincial and national media platforms, including The Social, TVO, the Globe & Mail, CBC, and the Toronto Star. Her meaningful contributions to equity in Canada have been recognized by Women's Health in

Women's Hands (2019); 100 Accomplished Black Canadian Women (2018); and Robert Small's 25th anniversary Legacy (Black History) Poster (2020) to name a few.

Dates: June 10, 2021

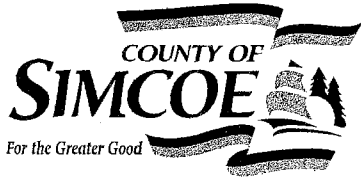
Time: 9:00am – 3:00pm

Registration Fee*: \$400

*A cancellation fee of \$50 applies.

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Advisory

County of Simcoe, Office of the Warden and CAO
1110 Highway 26, Midhurst, Ontario L9X 1N6
simcoe.ca

FOR IMMEDIATE RELEASE

County of Simcoe to safely extend waste facility hours

Midhurst/May 3, 2021 – Starting May 3, 2021, the County the County is safely extending operating hours at our local waste facilities to support residents and businesses during COVID-19. All sites except Mara and Matchedash will move to six-days-a-week service effective May 3, 2021.

- **All Waste Facilities** – Hours of operation increasing from 8:30 a.m. - 3:30 p.m. to 8:30 a.m. to 4:00 p.m.
- **Collingwood, West Gwillimbury and Tosorontio Waste Facilities** – Effective May 3, 2021, sites will also be open on Mondays, providing six-day Monday through Saturday service
- **North Simcoe, Nottawasaga and Oro Waste Facilities** – Effective May 8, 2020, sites will also be open on Saturdays, providing six-day Monday through Saturday service
- **Mara Waste Facility** – Continues to operate Thursday through Saturday
- **Matchedash Waste Facility** – Continues to operate at pre-COVID levels on Sunday and Monday schedule

The County and our front-line staff ask that residents continue to follow all Public Health recommendations. If you are in self isolation, please stay at home. Please don't make any unnecessary visits to the sites and adhere to physical distancing when interacting with staff and other site users. When physical distancing is not possible, Public Health strongly recommends wearing a mask in all settings. Traffic volumes will be monitored to ensure physical distancing can be maintained. This may lead to longer wait times during peak periods. Significant safety measures are in place to protect staff and customers; however, we ask that all customer do their part to keep our critical frontline landfill workers safe.

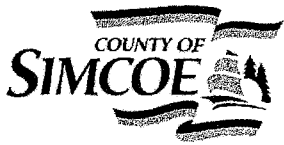
The full schedule can be found at simcoe.ca/covid19. The County also encourages residents to download the Simcoe County Collects app to view your waste calendar and to receive updates on our waste services. Service Simcoe is also open to field inquiries by phone and email Monday to Friday 8 a.m. to 5 p.m. at 705-735-6901 or service@simcoe.ca.

County of Simcoe is composed of sixteen member municipalities and provides crucial public services to County residents in addition to providing paramedic and social services to the separated cities of Barrie and Orillia. Visit our website at simcoe.ca.

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Chris Hedley
Public Relations Consultant
County of Simcoe, Service Simcoe Branch
705-715-7654 (mobile)
Chris.Hedley@simcoe.ca

Collin Matanowitsch
Manager, Public Relations
County of Simcoe, Service Simcoe Branch
705-734-8386 (mobile)
Collin.Matanowitsch@simcoe.ca



May 7, 2021

Colleen Healey-Dowdall
CAO, Township of Essa

Delivered VIA Email

Dear Colleen,

Re: Simcoe County Fire Service - Fire Services Service Delivery data collection and use

Coming out of the 2019 Provincial Regional Government Review, the Province communicated a request to see municipalities identify innovative opportunities to meet the needs of their growing communities. County Council, through its Governance Committee and Service Delivery Review Task Force, committed to exploring governance changes and the review of several services on its own.

In early January 2020, County Council passed a number of resolutions related to governance and service delivery review. Among them was RGR-13-19, which reads:

That the County engage a third-party consultant to conduct a comprehensive review of Fire Services in Simcoe County, identifying possible efficiencies and preferred Service Delivery models including regional and sub-regional service models.

After completing a comprehensive Request for Proposal process, the County of Simcoe has engaged a third-party consultant, Pomax Inc., (the "Consultant") to conduct the Simcoe County Fire Service - Service Delivery Review (the "Review").

As part of the Review, the Consultant will be collecting information, records, documentation and data including the data collected by the County of Simcoe under the terms of a Medical Aid Tiered Response Data Sharing Agreement with each of the Fire Departments located in the geographic region of Simcoe County (the "Data"). The terms of the Data collection arrangement are as follows:

- a) The County and Consultant will use the Data only for the purposes of completing the Review.
- b) This letter will act as your consent for the Consultant to collect and use the required Data for the Review. All information will be collected and shared in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.
- c) The County will provide the results of the Review when it becomes available.

Please advise if you have any concerns with this arrangement by May 12, 2021. We will be forwarding the Data to the Consultant after that date so that the Review can proceed as scheduled.

Yours truly,

Trevor Wilcox
General Manager, Corporate Performance
County of Simcoe

Cc Lisa Lehr, Clerk

Ab

PREHEARING CONFERENCE ORDER

Background

- [1] The Normal Farm Practices Protection Board ("the Board") received an Application pursuant to Section 6 of the *Farming and Food Production Protection Act, 1998* ("the Act") from counsel Matthew Lakatos-Hayward on behalf of the Applicant Maria Celeste Cruz ("the Applicant") dated March 12, 2021.

Proceeding

- [2] At 10:10 a.m. on Friday, April 23, 2021, the prehearing conference ("PHC") was convened and chaired by Normal Farm Practices Protection Board Member Mr. Rod de Wolde ("the Chair").
- [3] The Applicant, Maria Celeste Cruz, was not present, but her son, Alex Silva, was present. The Applicant was represented by counsel, Matthew Lakatos-Hayward ("Mr. Lakatos-Hayward").
- [4] The Respondent, the Corporation of the Township of Essa ("the Respondent"), was present and was represented by its Chief Administrative Officer, Colleen Healey-Dowdall ("Ms. Healey-Dowdall"). The Respondent was represented by counsel, Paula Lombardi ("Ms. Lombardi").
- [5] During the proceeding, the Chair explained the rights and responsibilities of individuals appearing before the Board, including Rules 23 to 27 of the Board's Rules of Practice and Procedure, which itemize the purposes of a PHC and other procedural matters.

Preliminary Matters

- [6] The Chair advised the parties that a PHC of the Board was normally conducted in person. However, due to the current COVID-19 situation, the Board is conducting PHCs via video conference. Procedures, in case of disconnection or a participant in need of accommodation, were reviewed.

The matter of identifying the parties and properties was explored.

- [7] Counsel for the Applicant confirmed the Applicant's contact information is as follows:

Name: Maria Celeste Cruz
Address: 5555 8th Line, RR2
Cookstown, ON L0L 1L0

- [8] The Applicant was represented by Mr. Lakatos-Hayward, who confirmed his contact information is as follows:

Name: Matthew Lakatos-Hayward
Address: Goodmans LLP
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, ON M5H 2S7
Phone: (416) 849-6906
Email: mlakatoshayward@goodmans.ca

- [9] The Respondent, the Township of Essa, was represented by Ms. Healey-Dowdall, who confirmed her contact information is as follows:

Name: Colleen Healey-Dowdall
Address: Chief Administrative Officer
Township of Essa
5786 County Road 21
Essa, ON L0M 1T0
Phone: (705) 424-9917
Email: chealey@essatownship.on.ca

- [10] The Respondent was represented by counsel, Ms. Lombardi, who confirmed her contact information is as follows:

Name: Paula Lombardi
Address: Siskinds LLP
680 Waterloo Street
London, ON N6A 3V8
Phone: (519) 660-7878
Email: paula.lombardi@siskinds.com

Property Location

[11] The parties confirmed the address of the subject property as follows:

[12] Address: 5555 8th Line, RR2
Cookstown, ON

Authority

[13] The parties were each instructed to provide authorization letters authorizing the Board to communicate with named counsel on their behalf.

Additional Parties

[14] The parties indicated they were not aware of anyone else who may wish to be made a party to the hearing.

Public Participation

[15] The Chair drew the attention of the parties to Rule 55 and Rule 56 of the Board's Rules of Practice and Procedure, which provide opportunities for members of the public to participate in the hearing without becoming a party to the hearing. Subject to the rules, any person may provide oral testimony or written submission on issues relevant to the hearing.

The matter of Agricultural Operation was explored.

[16] The Chair drew the attention of the parties to the definition of "Agricultural Operation" in subsection 1(1) of the Act and the interpretation of the definition outlined at subsection 1(2).

[17] The Applicant described the nature of the property in the application as a vacant field with the intended use for growing field crops. The subject property is 17.31 hectares.

[18] The property is zoned generally agricultural and is subject to a split zoning of commercial agricultural and agricultural under by-law 2003-5.

The matter of scope, issues and procedure were explored.

Scope

[19] The Application was made pursuant to Section 6 of the Act:

6 (1) No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.

(2) A person described in subsection (3) or a municipality may apply to the Board, in a form acceptable to it, for a determination as to whether a practice is a normal farm practice for purposes of the non-application of a municipal by-law.

(3) An application may be made by,

(a) farmers who are directly affected by a municipal by-law that may have the effect of restricting a normal farm practice in connection with an agricultural operation; and

(b) persons who want to engage in a normal farm practice as part of an agricultural operation on land in the municipality and have demonstrable plans for it.

[20] To assist both parties, the Chair drew the attention of the parties to the Act and specifically reviewed sections 1, 6(1)(2)(3)(15)(16) and 9(3) of the Act.

Issues

[21] The by-laws at issue are those referenced in the application as THE CORPORATION OF THE TOWNSHIP OF ESSA, BY-LAW NO 2019-84, "Being a By-law of the Corporation of the Township of Essa to prohibit or regulate the removal of soil or topsoil, the placing or dumping of fill, the alteration of the grade of lands, and/or the storage of soil, topsoil or any other fill material in the Township", which was passed by Council on December 18, 2019, and as THE CORPORATION OF THE TOWNSHIP OF ESSA, BY-LAW NO 2020-22, "A By-law to amend the Township's Fees and Charges By-law (2013-28)", which was passed by Council on November 6, 2019.

[22] Mr. Lakatos-Hayward indicated the Applicant's issues are as follows:

- i. That by-law 2019-84 restricts a normal farm practice by limiting both the amount of fill that can be deposited on the site and the time frame for allowing fill to be deposited.
- ii. That by-law 2020-22 restricts a normal farm practice by making the costs associated with placing fill (tipping fees) prohibitive.

- [23] The Respondent indicated its issues are as follows:
- i. Is the subject property an agricultural operation or is it a commercial operation being paid to receive fill?
 - ii. Does the NFPPB have jurisdiction over by-law 2020-22 "A by-law to amend the Township's fees and charges by-law (2013-28)"?

Onus of Proof

- [24] The parties were advised that the onus of proof is on the Applicant to establish, on a balance of probabilities, that they qualify to bring the Application pursuant to subsections 6(1) and 6(3) of the Act. And, that they are an agricultural operation within the meaning of the definition of 'Agricultural Operation' pursuant to section 1 of the Act.
- [25] Also, the onus is on the Applicant to prove the nature of the farm practice(s) in question and, for each farm practice, that it is a "Normal Farm Practice" pursuant to section 1 of the Act and that it is restricted by the By-law in question.

Hearing Procedure

- [26] The Board's powers and role, in relation to a section 6 Application, were reviewed pursuant to the relevant sections of the Act.
- [27] The Board advised the municipality to review its obligations pursuant to subsection 6(13) of the Act, as well as the notice requirements of subsections 6(9)-6(12).
- [28] The Chair reviewed hearing procedures and noted the procedures are available on the Board's website at <https://nfppb.ca/> and by enquiry with the Board's secretary. If additional questions arise, the parties should contact the Board for clarification.

The matter of disclosure was explored.

Documents and Things

- [29] The parties agreed to exchange and file with the Board all submissions of relevant documents to be relied upon as evidence. The parties were encouraged to submit a joint book of documents where possible.
- [30] The Chair explained that documents should be qualified during oral testimony by a party or a witness. Photographs should be original representations (not altered), numbered and captioned. Maps should indicate the source of the map and scale (or indicate 'not to scale' if applicable).

- [31] After discussion, the parties agreed to an exchange of documents, with the Applicant providing initial disclosure to the Respondent and all parties providing their documents as specified in the Order.
- [32] The Board advised Ms. Lombardi that subject to subsections 6(13) of the *Farming and Food Production Protection Act, 1998*, the Municipality must provide the Board with “the information necessary for the Board to determine the land owners for the purposes of subsection (9),” which includes the names and addresses of “(9)... 2. Every owner of land that is, i. within 120 metres of the area in which the farm practice is being exercised, and ii. in the municipality that has passed the by-law.” After discussion, Ms. Lombardi provided her undertaking to ensure the appropriate information is submitted to the Board.

The matter of witnesses was explored.

Witnesses

- [33] The Applicant estimated it will call up to three witnesses.
- [34] The Respondent estimated it will call up to five witnesses.
- [35] After discussion, the parties agreed to prepare and exchange written summaries of what each witness is expected to say during their oral evidence at the hearing. A summary need not be signed by a witness. The parties will provide to each other, but not to the Board, their witness summaries along with their respective disclosure of documents.

The matter of dates and location for a hearing was explored.

- [36] The Board estimates eight days should be set aside for the hearing including time for the parties to be heard and a site visit as determined by the hearing panel.
- [37] The parties agreed to hold a hearing by video conference hearing. The matter will be heard via the Zoom application beginning on Monday, August 16, 2021 and continuing to Wednesday, August 25, 2021.

Additional matter arising out of the PHC was explored.

Pre-Hearing Motion

- [38] The respondent indicated that they would be filing, to the Board, a motion to address the Board’s jurisdiction with regards to by-law 2020-22.
- [39] The parties agreed to submit the motion and all reply documents by way of written materials to be reviewed and decided on by the full panel of the hearing.

- [40] The parties agreed to the following timeline to deal with the motion:
- i. The moving party (the Respondent) shall serve and file their written motion materials **on or before 4:00pm, Thursday June 3rd, 2021.**
 - ii. The Applicant shall serve and file her responding written materials **on or before 4:00pm, Thursday June 17th, 2021.**
 - iii. Both parties shall serve and file any final response and submissions **on or before 4:00pm, Monday June 21st, 2021.**
- [41] Having explored all matters and with the agreement of both parties, the Chair informed the parties the PHC was completed.

The matter of a settlement conference was explored.

- [42] The Chair raised the possibility of convening a settlement conference with the parties. Although a settlement was not reached at this time, the parties agreed to pursue the possibility of a settlement prior to the hearing.
- [43] The Board does not have the ability to force or enforce a settlement, but the Board is available to mediate settlement attempts by the parties.
- [44] The parties were informed by the Chair that if they wished to proceed with attempting a settlement and wished the Board to mediate, to inform the Board and a settlement conference can be scheduled.

ORDER

- [45] The Board orders that:
1. The Respondent, The Corporation of the Township of Essa, shall provide to the Board, **on or before 4:00 p.m., Monday, May 31, 2021,** a mailing list of those owners of land who are entitled to Notice under Section 6 (9) 2. of the Act.
 2. The Respondent shall provide the Board with certified copies of By-law 2019-84 and By-law 2020-22 **on or before 4:00 p.m., Monday, May 31, 2021.**
 3. In this matter, all documents shall be served and filed in a digital format either as a PDF file or on a memory stick. All documents may be served and filed by email without the consent of the recipient of the email or by courier in the case of a memory stick. All documents to be filed with the Board by email shall be sent by email to the Board Secretary at Rebecca.Moffat-Vallee@ontario.ca and to NFPPB@ontario.ca. No individual email may be larger than 10MB. The exchange of evidence shall adhere to the following schedule:

- a. The Applicant shall serve on the Respondent, all other parties (if any), and to the Board, by mail, courier, or digitally, all relevant documents and things on or before **4:00 p.m., Wednesday, June 16, 2021.**
 - b. The Respondent, and all other parties (if any), shall serve on the Applicant, and to the Board, by mail, courier, or digitally all relevant documents and things on or before **4:00 p.m., Friday, July 16, 2021.**
 - c. The Applicant shall serve on the Respondent, and to the Board, by mail, courier, or digitally, all relevant reply documents and things on or before **4:00 p.m., Friday, July 30, 2021.**
- 4. No party shall tender as evidence any item or call any witness not included in their submitted materials and circulated prior to the hearing without leave of the Board.
 - 5. The matter of a site visit by the Board will be determined by the hearing panel.
 - 6. A Notice of Electronic Hearing and Procedural Order shall be given to all parties in advance of the hearing.
 - 7. The Board may vary or add to this Order at any time either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order. The hearing panel of the Board, once convened, may vary this Order as appropriate.



Rod de Wolde
Chair, Pre-Hearing Conference

Released: May 6, 2021

AL

TO:

Maria Celeste Cruz
5555 8th Line, RR2
Cookstown, ON L0L 1L0
Email: c/o counsel

AND TO:

Matthew Lakatos-Hayward
Goodmans LLP
333 Bay Street, Suite 3400
Toronto, ON M5H 2S7
Email: mlakatoshayward@goodmans.ca

AND TO:

The Corporation of the Township of Essa
Attn: Colleen Healey-Dowdall, CAO
5786 County Road 21
Utopia, ON L0M 1T0
Email: chealey@essatownship.on.ca

AND TO:

Paul Rabinovitch
HR Graham Partners LLP
190 Cundles Road East, Suite 107
Barrie, ON L4M 4S5
Email: prabinovitch@hgrgp.ca

AND TO:

Paula Lombardi
Siskinds LLP
680 Waterloo Street
London, ON N6A 3V8
Email: paula.lombardi@siskinds.com

VIA EMAIL

ATTN:

All Persons and Bodies Requiring Notice
(as per Section 3(9) of O.Reg 543/06 to the Planning Act, R.S.O, 1990, as amended)

May 10, 2021

Re: NOTICE OF OPEN HOUSE AND PUBLIC MEETING, PURSUANT TO SECTIONS 17(15) & 17(16) OF THE *PLANNING ACT*, R.S.O. 1990, AS AMENDED, IN RESPECT TO A DRAFT NEW OFFICIAL PLAN FOR THE CITY OF BARRIE

TAKE NOTICE that the City of Barrie has prepared a draft new Official Plan and in accordance with subsection 17.15 and 17.16 of the *Planning Act*, R.S.O. 1990, as amended, an Open House and Public Meeting have been scheduled.

The **Open House** has been scheduled for **Wednesday May 19, 2021 at 4:00 PM** and will be held via Zoom. The purpose of the Open House is to present the draft new Official Plan to the public and give an opportunity to ask questions. The first of two presentations will be given at 4:00 PM, followed by a Q & A session with staff. The second presentation will be given at 6:00 PM and will be followed by another Q & A session. You are welcome to attend either presentation and Q & A session.

The **Public Meeting** has been scheduled for **Wednesday June 2, 2021 at 6:00 PM** and will be held via Zoom. The purpose of the Public Meeting is for staff to present the draft new Official Plan and give the public an opportunity to make comments regarding the draft new Official Plan.

These meetings are being held in a virtual forum with electronic participation via **ZOOM** due to COVID-19 restrictions on public gatherings. To participate, you will need access to a computer with internet service or a telephone.

PURPOSE OF AN OFFICIAL PLAN

An Official Plan is a long-range planning document that sets out a high-level strategy and vision for how land will be used within a municipality. It contains maps and land use policies that manage and guide growth and development in accordance with applicable Provincial policy and a municipality's vision for the future.

The draft new Official Plan for the City of Barrie – titled '*One City, One Vision, One Plan*' – establishes a structure to help manage how and where Barrie will grow into the year 2051. Further, the draft new Official Plan is organized around key community-oriented themes that emerged through public consultation. Each theme addresses how to further build Barrie as a thriving, sustainable and attractive complete community.

As the draft new Official Plan will apply to all lands located within the City of Barrie, a location map has not been provided. A copy of the draft new Official Plan is available to view at www.buildingbarrie.ca. For more information about this matter, including information about appeal rights, contact the City of Barrie Clerk by emailing cityclerks@barrie.ca or calling 705-730-4220 x5500 during regular office hours prior to June 2, 2021.

HOW TO REGISTER TO ATTEND

To register to attend the virtual Open House, the virtual Public Meeting, or both, please contact the City of Barrie Clerk by emailing cityclerks@barrie.ca, calling 705-730-4220 x5500 during regular office hours, or visiting www.buildingbarrie.ca/officialplan.

Deadline to register to attend the Open House is Wednesday May 19, 2021.

Deadline to register to attend the Public Meeting is Wednesday June 2, 2021.

After you register, you will be provided information on how to attend.

HOW TO SUBMIT COMMENTS

You are welcome to make a submission at the virtual Public Meeting on Wednesday, June 2, 2021.

If you wish to make a written submission concerning the draft Official Plan, please submit your comments in writing to new.barrieop@barrie.ca or via mail to Barrie City Hall, 70 Collier Street, P.O. Box 400, Barrie ON, L4M 4T5.

Deadline to submit comments is Wednesday, June 2, 2021.

Mail correspondence dated on or before June 2, 2021 will be accepted. Any person may make representation at the meeting, however written submissions and advance registration are encouraged.

All information including opinions, presentations, reports, documentation, etc. provided for or at the Open House and Public Meeting are considered public records. This information may be posted on the City of Barrie website and/or made available to the public upon request. Questions about this collection should be directed to the undersigned.

AMERICAN LANGUAGE (ASL) INTERPRETERS:

American Sign Language (ASL) Interpreters are also available upon request. Please contact the Development Services Department staff at 705-739-4208 or planneroftheday@barrie.ca regarding a request for an ASL Interpreter as soon as possible, to ensure availability.

Sincerely,
Tomasz Wierzba, Planner
City of Barrie,
70 Collier St., P.O. Box 400
Barrie, ON L4M 4T5