



## **“SPECIAL” COUNCIL MEETING AGENDA**

Tuesday, March 28<sup>th</sup>, 2023

5:30 p.m.

Municipal Office – Council Chambers – 217 Harper Road

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5:30 p.m. *“Special” Council Meeting*

***Chair, Reeve Rob Rainer***

1. **CALL TO ORDER**
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**
3. **MOTIONS**
  - i) **Private Unassumed Roads – Reconsideration** – *attached, page 4.*  
Councillor Andrew Kendrick

Motion to Reconsider.

*(This motion must be moved and seconded and approved by a three-quarters vote of those present and voting; no discussion of the original motion shall be allowed unless the motion for reconsideration is approved.)*

*Suggested Motion by Councillor Andrew Kendrick:*

*“**THAT**, Resolution #C-2023-02-03 regarding Private Unassumed Roads be reconsidered as the next order of business due to new information that has come forward, an error in documentation presented and incorrect statements made during the original debate.”*

#### 4. BY-LAWS

- i) **Report PD-2023-08 – Zoning By-Law Amendment - Section 3.4 Public Feedback – attached, page 7.**  
Noelle Reeve, Planner.
- ii) **By-Law No. 2023-017 – Zoning By-Law Amendment - Section 3.4 Frontage on an Improved Street and Definition of IMPROVED STREET – attached, page 15.**

*Suggested Motion by Councillor Korrine Jordan:*

*“THAT, By-Law No. 2023-017, being a by-law to Amend Zoning By-Law No. 2002-121, (Section 3.4 Frontage on an Improved Street and Definition of IMPROVED STREET) be read a first, second and third time short and passed and signed by the Reeve and Clerk.”*

#### 5. CLOSED SESSION

- i) **CONFIDENTIAL: Litigation – Legal File Update.**

*Suggested Motion by Deputy Reeve Fred Dobbie:*

*“THAT, Council move “in camera” at \_\_\_ p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board regarding a Legal File Update;*

*AND THAT, the Chief Administrative Officer/Clerk, Planner and Deputy Clerk remain in the room.”*

*Suggested Motion by Deputy Reeve Fred Dobbie:*

*“THAT, Council return to open session at \_\_\_\_\_p.m.”*

- *Chair’s Rise and Report.*

#### 6. ADJOURNMENT

# MOTIONS

## **Reconsideration of Resolution C-2023-02-03**

I have been required to submit this document in advance of the Public and Council meetings on March 21<sup>st</sup>, and so the document below does not reflect any new materials or discussion which may have taken place since March 20<sup>th</sup>.

The Agenda for March 21<sup>st</sup>, 2023 includes as Other Business a Notice of Intention to Reconsider. This is for reconsideration of Resolution C-2023-02-03 at the subsequent meeting of Council, currently scheduled for March 28<sup>th</sup>, 2023. The Notice of Intention process is described in 1.2.2.1 of TVT's Procedural Bylaw.

The rationale for the reconsideration is that the Resolution was moved and adopted prior to the current and ongoing public consultation process. The consultation phase includes the public meeting, also currently scheduled for March 21<sup>st</sup>, 2023. The inputs to date in advance of the meeting show that the original Motion warrants reconsideration on the basis that:

- new information has come forward,
- errors in the motion have been identified, and
- incorrect statements may have been made during the original debate.

These individually and collectively constitute the basis for debate of a Motion to Reconsider, as identified in TVT's Procedural Bylaw 11.2.3.3. In addition to the prescribed grounds for reconsideration, I note that many residents have expressed their belief that introducing and passing a Resolution such as this without notification or visibility was highly inappropriate and damaging to the relationship between TVT's officials and its citizens.

As examples of each basis for reconsideration, I cite the following:

### **Errors in the Motion**

- The Resolution states that "since amalgamation of the former Townships in 1998, Section 3.4 in the Township Zoning By-Law prohibited the issuance of a building permit for a lot that did not have frontage on an improved street." Numerous respondents have stated that this is incorrect, and have provided many examples of building permits that have been issued;
- The Resolution states "because Private Unassumed Roads have not been assumed by the Township for maintenance purposes the owners of property along the roads are responsible for maintenance, either individually or as part of an organization or company." Numerous residents have stated that there is no such legal obligation, and TVT's own legal opinion as posted on the website provides a different perspective;
- The Resolution states that the objective is that "Section 3.4 of the Zoning By-Law be amended so that the intent and purpose of the section is clearer, including that the bulleted list of exceptions is not a list of exceptions that one can choose from." Numerous residents have stated that this is not a clarification but a substantive change with a major impact on their rights and privileges.

### **New Information**

A wide range of new information has been provided, as evidenced by the 18 pages of "Frequently Asked Questions" which have been posted by staff to the TVT website, and by the numerous submissions themselves. This note will not attempt to repeat all of the new items. However, one key item is:

- Numerous residents have complained that the process by which the Resolution has been adopted has not complied with TVT polices or with provincial law, and residents may take legal action against TVT in consequence. A public reconsideration of the resolution may mitigate this risk to TVT.

### **Incorrect Statements**

As the Resolution was debated in closed session, I cannot repeat the nature of many these statements in this document, except when these are in the public domain through materials posted to the TVT website.

As one example of this, the CAO's redacted report CAO-2023-03 states with regard to the work of the PURWG:

- "The lay Members of the Working Group, contrary to the direction of the Working Group, drafted their own report. A revised version of this report was presented to Council in September 2022 but was not supported by staff or the Council reps on the Working Group." Four of the five members of the WG, including one of the Council reps, have stated in written submissions to Council that both aspects of this paragraph are incorrect, in that the lay members did not act contrary to direction, and that the report was supported by both lay and Council members.

**Motion to Reconsider**

The proposed Motion is as follows:

*Whereas Council adopted Resolution C-2023-02-03 on February 16<sup>th</sup> 2023,*

*And Whereas there has been significant expression of concern from the public regarding the passage of this Resolution without the opportunity for public review or comment,*

*And Whereas Council's discussion of the Resolution took place in closed session without the opportunity for the public to understand the original debate or to review minutes of its deliberations,*

*And Whereas new information has come forward through numerous submissions noting that the Resolution may not accurately represent the basis for its adoption on ground prescribed under Procedural By-law 11.2.3.3,*

*Now Therefore be it resolved that:*

- *Council reconsider its decision regarding the adoption of Resolution C-2023-02-03 at the meeting of Council on March 28<sup>th</sup>, 2023.*

I request that this information be circulated as part of the meeting Agenda package.

Andrew Kendrick

Councillor, Tay Valley Township

# **BY-LAWS**

**COUNCIL**  
**March 28, 2023**

**Report #PD-2023-08**  
**Noelle Reeve, Planner**

## **ZONING BY-LAW AMENDMENT – SECTION 3.4 PUBLIC FEEDBACK**

### **STAFF RECOMMENDATION(S)**

It is recommended:

**“THAT**, the by-law to clarify the language of Zoning By-Law 02-121, Section 3.4 Frontage on an Improved Street and the definition of IMPROVED STREET be adopted.”

### **BACKGROUND**

The Township held a Public Meeting, as required under the Planning Act, on March 21, 2023 to hear public comments on a proposed zoning amendment to clarify the language of Section 3.4 Frontage on an Improved Street and the definition of IMPROVED STREET.

One power point presentation was made on behalf of the Little Silver and Rainbow Lakes Property Owners Association, one set of comments was made on behalf of the Christie Lake Association, 15 comments were made by residents of private unassumed roads on either Little Silver or Rainbow Lakes and one presentation was made by former Township Councillor, Michael Wicklum.

In addition, 66 comments were received by email on the proposed amendment (including submissions made from the speakers before the March 21, 2023 Public Meeting).

Clarification of the language of Section 3.4 is necessary to more closely reflect the intention of the 2009 Zoning By-Law amendment. That amendment provided a way for building permits to be issued to properties in subdivisions created before 2002 (with roads that were not brought up by the developer to a standard for the Township to assume). Between 2002 and the 2009 amendment, those properties could not receive building permits because they were not located on Improved Streets.

The intent of Section 3.4 has always been to identify specific circumstances where an exception to the general rule that development can only occur on lots fronting on a public improved street is appropriate. It was not the intent to create an incentive to re-zone lots to Residential Limited Services to avoid the prohibition related to an Improved Street. The historic subdivisions without Improved Streets are a unique form of development in the

Township and the Township needs to balance the pressures for development with the ability to ensure a safe access that protects the taxpayers from unintended liability associated with these roads.

The change that is being proposed is a shift from a description of **situations** where Section 3.4 is applicable (that references a mixture of buildings, lots and zones), to a clearer definition of IMPROVED STREET.

## **DISCUSSION**

The majority of the comments from residents that were submitted prior to the Public Meeting expressed opposition to any change to Zoning By-Law 02-121 Section 3.4. However, they focussed on the nature of Road Access Agreements and their implementation, not the actual wording or meaning of the proposed by-law amendment.

Specific areas of concern raised before the Public Meeting included:

- That property values would decrease because contractors would not want to bear the liability associated with these roads;
- The validity of a subdivision agreement if parties did not fulfill their requirements (e.g., to bring the roads up to Township standards).

These are not concerns that are relevant to the land use planning analysis that is required in order to amend the Zoning By-Law. However, the Planner explained at the public meeting that yes, the subdivision agreements are valid.

She also explained that the point of the Road Association having insurance under a Road Access Agreement was for the very purpose of assuring contractors that they would not be assuming the liability for the road.

The Bennett Lake Estates Subdivision has had a Road Association with liability insurance for decades to manage its risk and contractors' risk. A Private Road Association has formed on Dokken Road within the last five or so years because a contractor would not continue without it.

### **The Little Silver Rainbow Lake Property Owners Association**

This presentation by Frank Johnson stated that property owners could not walk or camp on their property. The Township has received clarification on this issue. Property owners are allowed to walk or camp on their property on a private unassumed road. The LSRLPOA also stated that a Road Access Agreement could change at any time and that the Township could force a signatory to upgrade the road at any time. This is not an interpretation that the Township shares.

The LSRLPOA stated that they did not think anyone should sign a Road Access Agreement because it would place too many obligations on them related to liability.



### **Christie Lake Property Owners Association**

Speaking on behalf of the Association, Gordon Hill, a resident, asserted that subdivision agreements for Killarney Lane and part of Sleepy Hollow Road cannot be enforced because they are positive covenants.

### **Cathy Anderson Resident on an Unassumed Road**

Cathy expressed concern that senior citizens would not be able to afford their cottages or homes if the by-law amendment passed because there would be additional costs for a Road Access Agreement and liability insurance. She asserted that the Township came up with a solution and looked for a problem instead of the other way around.

Cathy stated that staff surmised the meaning of the Novatech planners but provide no support for that position.

Finally Cathy asked the Council to slow down and look for alternate solutions and re-establish trust.

### **Margo Ayers Resident on a Private Unassumed Road**

Echoed the opinions of the preceding speakers. She added concerns that the need for a Road Access Agreement and insurance would restrict completing work on cottages which would affect property values.

### **MJ Barrett Resident on a Private Unassumed Road**

Agreed with the preceding speakers. She asserted that Limited Services Residential Zones and Seasonal Residential zones are existing exemptions supported by building permits issued. This was only the intention of the 2009 amendment if your property is located on a private road, not a private unassumed road. The issuing of building permits was a mistake by the Planner.

### **Tom Ellis Resident on a Private Unassumed Road**

Agreed with preceding speakers. Would like to be able to put solar panels on his property and is disappointed he would have to sign a Road Access Agreement and pay liability insurance to be able to do that. Like other speakers, urged Council to vote against the amendment.

### **Carol Morgan Resident on a Private Unassumed Road**

Agreed with the previous speakers. Was concerned that her deed did not mention the Road Access Agreements or liability. Novatech recommended that the Council in 2009 place holding zones on all the affected properties in subdivisions created before December 10, 2002 to make the issue visible. Council decided against that recommendation.

### **Brad Morrison Resident on a Private Unassumed Road**

Agreed with the previous speakers. Was concerned that Council had not provided a way forward. He felt that Council meeting with the residents of each road would take too long. He needs to do repairs now. He asked that the requirement for a Road Access Agreement and liability insurance be set aside while Council meets with each group of road owners.

### **Richard Mosely Resident on a Private Road (neighbours on a private unassumed road)**

Agreed with previous speakers. Up until now he has felt Council was working in his best interests. But now he no longer feels that way. He wants the Township to fix the problem his neighbours are encountering.

### **Michael Poulin Resident on a Private Unassumed Road**

Agrees with all the previous comments. He wants to see a permanent resolution to the problem. He believes transferring liability to the road owners does not fix the problem. He believes the Township coming to an agreement with the residents along the road to upgrade the road is the solution.

### **Frank Sammut Resident on a Private Unassumed Road**

Congratulated staff and the Reeve on stopping development. He alleged permits issued previously by the Township would become void if the amendment passed and residents would not be able to use their properties.

He noted he received building permits in 2006, 2009, and 2012 and had to rezone to Residential Limited Services for the last permit. He stated that the Township is not a private corporation that sets out to make money but that it should work for and with the people.

### **Glen McCue Resident on a Private Unassumed Road**

Agreed with other speakers. Felt the Township should not avoid the negligence of South Sherbrooke Township by putting the problem onto current property owners on private unassumed roads through the proposed amendment.

### **Michael Wicklum former Councillor on a Township Road**

Agreed with all the previous comments. Stated that this current Council inherited the problem from the previous Council that he sat on. But that the previous Council had tried not to give the current Council this problem. The previous Council had voted to remove the Road Access Agreement (RAA) requirement. He stated that for some reason it was not implemented. He questioned what was driving the continuing discussion and why everyone was back here again. He asked who is bringing the issue back and why? He suggested the proposed amendment should be voted down.

### **Teresa Perna Resident on a Private Unassumed Road**

Once her lot had the holding zone lifted on it (for hydrogeological concerns) she thought they would be ready to build. But then she found out she has to sign the Road Access Agreement. She does not believe it is a good idea for her to sign it for the reasons that have been previously stated.

### **Shannon Celeste Resident on a Private Unassumed Road**

Believes the lots that were given for securities in Maberly Pines make their situation different. She objected to the sale of the lots and to the proceeds going into general revenues. If the lots had been held onto and sold now they would have possibly netted \$300,000 instead of \$38,000. Still believes the \$38,000 should go toward upgrading their roads since the base is in very good condition and that the Township should assume them.

The Township staff agree the road base is in good condition and that with a Local Improvement Charge the roads could be brought up to standard and assumed by the Township. The \$38,000 from the sale of the lots can be discussed further. It has not been determined one way or the other what those funds will go towards, they are presently in the contingency reserve.

### **Alex Bushell Resident on a Private Unassumed Road**

His insurer looked into obtaining insurance under the Road Access Agreement. She had never heard of such a thing. She believed municipalities are the ones that insure roads.

Yes, municipalities insure roads, but that insurance only covers the municipality. Same for a private unassumed road, the municipalities insurance only covers the municipality, it does not cover the third party undertaking maintenance (which is either the road association or a group of property owners). Therefore, whoever is responsible for maintenance (either the road association or every property owner on the road) should obtain insurance that covers them. If not, in the event of a claim, property owners may be held personally liable. In addition, without the property owners (or road association) also obtaining insurance, the Township's insurer has told it that it could become uninsurable for all its roads and operations if it experienced a catastrophic claim and had not managed its risk.

Residents have obtained the required insurance and signed Road Access Agreements on various private unassumed roads.

### **Michael Learning Resident on a Private Unassumed Road**

Learned about the Road Access Agreement (RAA) requirements before the election and discussed it with some candidates. Is concerned about the proposed amendment. Unlike some others he did not know when he bought the lot and would not have bought if he had known. He believes the value of the lots on private unassumed roads that were upgraded by the Township would double and the Township would make back the money it spent on the roads through increased taxation.

Watson Associates economic consultants have done multiple studies showing that development at rural densities costs a municipality money.

### **John Lang Resident on a Private Unassumed Road**

Expressed concern that if the required insurance under a Road Access Agreement was \$5 million and the claim was for \$7 million then the Road Owners Association would have to supply the extra \$2 million.

### **RESPONSE TO COMMENTS**

Many of the comments received are not relevant to the proposed zoning amendment. Property values and allocating liability or costs to upgrade private unassumed roads are not matters related to the planning merits of the proposed amendment.

The issue before Council is whether to amend the zoning By-Law to clarify section 3.4 and the definition of Improved Street. In order to ensure that the roads in pre-2002 subdivisions that are not maintained by the Township are safe for access and appropriate to allow future development the Township needs to have a mechanism in place to ensure that these roads are maintained. A Road Access Agreement is an appropriate mechanism to provide such assurances that the roads will be maintained and insured against liability. The content of a Road Access Agreement is not specified in the zoning amendment and is a matter of contract for the Township and residents or road associations to consider. The negotiation of such agreements is also not a matter of land use planning; the requirement for a binding contract to ensure proper maintenance is relevant to land use planning and that is why the clarification to the By-Law is proposed.

With respect to allegations that the process undertaken to date was not appropriate, it is relevant to note the following.

The Planner wrote an amendment to remove the RAA requirement and held the required Public Meeting in 2020. After receiving public comments against removing the requirement for a RAA (as the general public did not want to be responsible for the costs of a claim should one arise, or the increase in premium due to a catastrophic claim, for those property owners that did not have adequate insurance) Council ultimately voted to create the Private Unassumed Roads Working Group instead of implementing a change to the Zoning By-Law.

The last resolution of the previous Council at its meeting on September 27<sup>th</sup>, 2022 was as follows:

#### ***RESOLUTION #C-2022-09-04***

***“THAT, the Private Unassumed Roads Working Group Executive Summary and Report presented to the Committee of the Whole on September 13, 2022, be received for information;***

***THAT, staff be directed to provide a follow-up report that addresses the recommendations and various points and concerns arising from the Private Unassumed Roads Working Group Executive Summary and Report;***

**AND THAT**, in the meantime, staff proceed with obtaining a legal opinion with regards to the indemnification clause and insurance requirements contained in the Road Access Agreement with regards to:

- the reasons the clauses need to be included or not included, and if they need to be included, is there alternative wording that can be used; and the need for a Road Access Agreement or not.”

The new Council has heard the staff report and legal opinion and Council is now attempting to clarify the application of Section 3.4 of the Zoning By-Law because there is confusion about the section.

## **OPTIONS TO BE CONSIDERED**

Option #1 (Recommended) – Council clarify the wording of Zoning By-Law 02-121 to reflect the intent of Section 3.4 as it was written in 2009 by Novatech Consultants. That wording was designed to allow building permits to be issued in subdivisions created before December 10, 2002 (where the roads were not built by the subdivision developer to a standard acceptable to the Township and which would allow the Township to assume them into its road network).

Option #2 – Council does not change the wording to clarify the intent of Section 3.4 of Zoning By-Law 02-121. In this case, the Township will continue to face confusion from the public over whether their lot has frontage on an improved street and their options for development.

## **FINANCIAL CONSIDERATIONS**

None at this time as the intent of the Zoning By-Law is maintained from the 2009 amendment written by Novatech Consulting Engineers and Planners. The proposed wording is proposed to clarify that intent.

## **STRATEGIC PLAN LINK**

**Economic Development:** Responsible development. Fiscal responsibility.

## **CLIMATE CONSIDERATIONS**

Not applicable.

## **CONCLUSIONS**

The wording of Section 3.4 of Zoning By-Law 02-121 requires clarification because residents have interpreted it to mean that the bulleted exemptions in Section 3.4 are interchangeable options to pick from.

The location of a lot in a Limited Services zone was available as an exemption between 2002 and 2009, but was only applicable to lots on private roads. The exemption was not deemed by the Township planners, Novatech Engineering and Planners, to be applicable to lots in subdivisions created before 2002 as those roads were not private roads. They were Township owned, privately maintained, unassumed roads.

The interpretation promoted by some members of the public is not what the original planners, Novatech Engineering and Planning Consultants, had in mind when they amended Section 3.4 in 2009.

The 2009 amendment was intended to allow building permits to be issued for lots on roads in subdivisions created before 2002 (whose roads had not been brought up to a standard by the developer that would allow the Township to assume them into its road network). Until 2009, these lots had not been legally buildable under the Tay Valley Township Zoning By-Law created in 2002.

The proposed amendment to Zoning By-Law 02-121 was drafted to remove any confusion over the intent of the Township to plan for orderly, safe growth by clarifying Section 3.4 Frontage on an Improved Street and by clarifying the definition of IMPROVED STREETS.

The concerns expressed by the public, however, did not focus on the rezoning proposal.

They focused on Road Access Agreements and Road Associations. They did not comment on the other two options proposed by the Township.

Owners along the road could agree to have the road transferred to them because they would be required to meet less stringent standards than the municipality and this would be cheaper for them than meeting the Minimum Maintenance Standards the province requires for municipally maintained roads. This option is strongly recommended for a few very short private unassumed roads.

Or owners could ask the Township to impose a Local Improvement Charge on their road to pay for road improvements undertaken today by the Township so it could assume the road with those payments spread out over a number of years so as not to burden the owners.

In staff's opinion, those options are worth pursuing. The situations described by certain speakers are not so exceptional that the solutions proposed, which have worked for other larger subdivisions and private roads in the Township and other municipalities, will not work on their roads.

## **ATTACHMENTS**

1. By-Law to amend Zoning By-Law 02-121 to clarify Section 3.4 Frontage on an Improved Street and the definition of IMPROVED STREET.

**Prepared and Submitted By:**

**Approved for Submission By:**

**Noelle Reeve,  
Planner**

**Amanda Mabo,  
Chief Administrative Officer/Clerk**

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2023-017

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121

#### SECTION 3.4 FRONTAGE ON AN IMPROVED STREET AND DEFINITION OF IMPROVED STREET AMENDMENT TO COMPREHENSIVE ZONING BYLAW NO. 02-121

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**WHEREAS**, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

**AND WHEREAS**, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

**AND WHEREAS**, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

**AND WHEREAS**, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

#### 1. GENERAL REGULATIONS

1.1 **THAT**, Section 3.4 (Frontage on an Improved Street) is hereby amended as follows:

##### 3.4 Frontage on an Improved Street

No lot shall be used, and no building or structure shall be erected, on a lot in any zone unless such lot has sufficient frontage on an Improved Street to provide driveway access. Notwithstanding the foregoing, this provision shall not apply to a non-residential building or structure that is accessory to an agricultural or conservation use.

- ~~• A non-residential building or structure accessory to an agricultural or conservation use;~~
- ~~• A lot on a registered plan of subdivision and with frontage on a street which will become an improved street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot;~~
- ~~• A lot on a plan of subdivision registered before December 10, 2002, that has frontage on a street that is not an improved street, where the owner has entered into a Road Access Agreement to the satisfaction of the Township;~~
- ~~• A lot located in a Limited Services Residential zone;~~
- ~~• A existing seasonal dwelling in a Seasonal Residential zone~~

**1.2** That the Definitions section is hereby amended as follows:

STREET shall mean a public thoroughfare under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition does not include a lane, a private road (private right-of-way) or easement.

- IMPROVED STREET shall mean a street which has been assumed by the Corporation, the County or the Province and is maintained on a regular, year-round basis. Notwithstanding the generality of the foregoing, in the circumstances listed below an Improved Street shall be defined to include:
- a street which is intended to become an Improved Street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot in a plan of subdivision registered after December 10, 2002;
- a street that is within a plan of subdivision registered before December 10, 2002, where the street is subject to a Road Access Agreement entered into to the satisfaction of the Township;
- a private road in a Limited Services Residential zone; and
- a private road in a Seasonal Residential zone.

**1.3** **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**2. ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**3. BY-LAWS REPEALED**

**3.1** By-Law No. 2009-018 is hereby repealed.

**3.2** All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

**4. EFFECTIVE DATE**

ENACTED AND PASSED this 28<sup>th</sup> day of March 2023.