



## COMMITTEE OF THE WHOLE AGENDA

Tuesday, November 5<sup>th</sup>, 2024  
Immediately Following the Public Meetings at 5:30 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

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5:30 p.m.    *Public Meeting – Zoning By-Law Amendment(s)*  
Following    *Public Meeting – Official Plan Amendment*  
Following    *Committee of the Whole Meeting*

**Chair, Councillor Wayne Baker**

1.    **CALL TO ORDER**
2.    **AMENDMENTS/APPROVAL OF AGENDA**
3.    **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**
4.    **APPROVAL OF MINUTES OF PUBLIC MEETINGS**

- i)    **Public Meeting: Zoning By-Law Amendment(s) – September 10<sup>th</sup>, 2024 – attached, page 8.**

*Suggested Recommendation:*

*“THAT, the minutes of the Public Meeting – Zoning By-Law Amendment(s) held on September 10<sup>th</sup>, 2024, be approved.”*

- ii)    **Public Meeting: Development Charges Update – October 22<sup>nd</sup>, 2024 – attached, page 10.**

*Suggested Recommendation:*

*“THAT, the minutes of the Public Meeting – Development Charges Update held on October 22<sup>nd</sup>, 2024, be approved.”*

## 5. DELEGATIONS & PRESENTATIONS

- i) **Delegation: Elliot Road Railway Crossing – attached, page 14.**  
Rita Redner, Resident.
- ii) **Delegation: Noise By-Law**  
John Hodges, Resident.
- iii) **Delegation: Noise By-Law – attached, page 19.**  
Peter Wright, Resident.
- iv) **Delegation: Maberly Pines – Capital Charge – attached, page 39.**  
Frank Johnson, President, Little Silver and Rainbow Lakes Property Owners Association.

## 6. PRIORITY ISSUES

- i) **Report #CAO-2024-29 – Maberly Pines Subdivision – Capital Charge – [attached as separate document.](#)**  
Amanda Mabo, Chief Administrative Officer/Clerk.

*Suggested Recommendation to Council:*

*“THAT, a tender to complete the road work in the Maberly Pines Subdivision be issued in the first quarter of 2025 so that more accurate pricing can be obtained, and if approved, so that the project can be completed in 2025;*

*THAT, the Fire Department provide a recommendation and costing with regards to the fire suppression required for the Maberly Pines Subdivision;*

*AND THAT, this information be provided to Council no later than the April 2025 Committee of the Whole meeting.”*

- ii) **Report #CAO-2024-30 – Proposed New Road Name – Legacy Lane – attached, page 50.**  
Amanda Mabo, Chief Administrative Officer/Clerk.

*Suggested Recommendation to Council:*

*“THAT, the necessary by-law to name an existing Private Road to Legacy Lane as outlined in Report #CAO-2024-30 – Proposed New Road Name – Legacy Lane, be brought forward for approval.”*

- iii) **Report #FIN-2024-13 – Development Charges Background Study & By-Law Update – attached, page 54.**  
Ashley Liznick, Treasurer.

*Suggested Recommendation to Council:*

**“THAT, the necessary by-law to impose development charges effective November 19<sup>th</sup>, 2024 for a term of ten (10) years be brought forward to the next Council meeting.”**

- iv) **Report #PW-2024-20 – North Burgess 8<sup>th</sup> Concession – Speed Limit – attached, page 56.**  
Sean Ervin, Public Works Manager.

*Suggested Recommendation to Council:*

**“THAT, the speed limit on North Burgess 8<sup>th</sup> Concession, between Otty Lake Side Road and the dead end be posted at 40 km/hr and signed according to the Ontario Traffic Manual- Book 6;**

**AND THAT, By-Law No. 2018-035 - Maximum Rate of Speed be amended and brought forward at a subsequent Council meeting.”**

- v) **Report #PW-2024-21 – H. Mather Drain Maintenance – Tender Award – attached, page 60.**  
Sean Ervin, Public Works Manager.

*Suggested Recommendation to Council:*

**“THAT, Tender #2024-PW-008 – H. Mather Drain Maintenance be cancelled;**

**AND THAT, the Tender be reissued with a reduced scope of work and/or modified schedule.”**

- vi) **Report #PW-2024-19 – Waste Site Hours of Operation – Update – attached, page 62.**  
Sean Ervin, Public Works Manager.

*Suggested Recommendation to Council:*

**“THAT, the operating hours at the Glen Tay Waste Site be changed to 8am to 4pm on Mondays, effective January 1<sup>st</sup>, 2025, subject to Ministry approval.”**

- vii) **Report #PD-2024-14 – Sewage System Maintenance Systems – attached, page 66.**  
Noelle Reeve, Planner

*Suggested Recommendation to Council:*

**“THAT, Tay Valley Township enter into an Agreement for the provision of septic inspection services with the Rideau Valley Conservation Authority, a copy of which forms Attachment #2 to this report.”**

- viii) **Report #PD-2024-15 – Mississippi-Rideau Source Protection Plan – Proposed Amendments – attached, page 81.**  
Noelle Reeve, Planner.

*Suggested Recommendation to Council:*

*“THAT, the comments contained in Report #PD-2024-11 be submitted to the Mississippi-Rideau Source Protection Committee via marika.livingston@mrsourcewater.ca in response to the Committee proposals to update the Mississippi-Rideau Source Protection Plan, Assessment Reports and Explanatory Document.”*

- ix) **Mississippi Valley Conservation Authority Board – Resignation.**

*Suggested Recommendation to Council:*

*“THAT, Korrine Jordan be removed from the Mississippi Valley Conservation Authority Board.”*

- x) **Council Appointment to Mississippi Valley Conservation Authority Board.**

*Suggested Recommendation to Council:*

*“THAT, the Corporation of Tay Valley Township appoint \_\_\_\_\_ to the Mississippi Valley Conservation Authority Board for a term ending November 17, 2026.”*

- xi) **Appointment of ReUse Centre Volunteers.**

*Suggested Recommendation to Council:*

*“THAT, the Council of the Corporation of Tay Valley Township appoint the following volunteers for the Tay Valley ReUse Centre, subject to the Criminal Records Check Policy:*

- Cheryl Burnham
- Angela Kalbun

## **7. CORRESPONDENCE**

- i) **Big Rideau Lake Association – Bass Spawning Sanctuaries – attached, page 88.**

- ii) **Establishment of an Ontario Rural Road Safety Program – attached, page 90.**

*Suggested Recommendation to Council:*

*“WHEREAS, official statistics from the Government of Ontario confirm that rural roads are inherently more dangerous than other roads;*

*AND WHEREAS, despite only having 17% of the population, 55% of the road fatalities occur on rural roads;*

**AND WHEREAS**, rural, northern, and remote municipalities are fiscally strained by maintaining extensive road networks on a smaller tax base;

**AND WHEREAS**, preventing crashes reduces the burden on Ontario's already strained rural health care system;

**AND WHEREAS**, roadway collisions and associated lawsuits are significant factors in runaway municipal insurance premiums

**AND WHEREAS**, preventing crashes can have a significant impact in improving municipal risk profiles;

**NOW THEREFORE BE IT RESOLVED THAT**, Tay Valley Township requests that the Government of Ontario take action to implement the rural road safety program that Good Roads has committed to lead, which will allow Ontario's rural municipalities to make the critical investments needed to reduce the high number of people being killed and seriously injured on Ontario's rural roads;

**THAT**, a copy of this resolution be forwarded to Premier Doug Ford, Honorable Prabmeet Sarkaria, Minister of Transportation, Honorable King Surma, Minister of Infrastructure, Honorable Rob Flack, Minister of Agriculture, Honorable Lisa Thompson, Minister of Rural Affairs, Honorable Trevor Jones, Associate Minister of Emergency Preparedness and Response, and Honorable Sylvia Jones, Minister of Health, and Good Roads;

**AND THAT**, this resolution be circulated to all municipalities in Ontario requesting their support."

- iii) **24-10-30 – Council Communication Package – cover sheets attached, page 92.**

*Suggested Recommendation to Council:*

**"THAT**, the 24-10-30 Council Communication Package be received for information."

## **8. COMMITTEE, BOARD & EXTERNAL ORGANIZATION UPDATES**

- i) **Bolingbroke Cemetery Board – deferred to the next meeting.**

- ii) **Committee of Adjustment.**

24-10-21 – Draft Committee of Adjustment Hearing Minutes – *attached, page 97.*

- iii) **Fire Board – deferred to the next meeting.**

- iv) **Library Board – deferred to the next meeting.**

v) **Pinehurst Cemetery Board.**

24-10-17 – Draft Pinehurst Cemetery Board Minutes – *attached, page 101.*

vi) **Lanark County OPP Detachment Board** – *deferred to the next meeting.*

vii) **Green Energy and Climate Change Working Group** – *deferred to the next meeting.*

viii) **Mississippi Valley Conservation Authority Board** – *deferred to the next meeting.*

ix) **Rideau Valley Conservation Authority Board.**

24-09-26 – Draft Rideau Valley Conservation Authority Board Minutes – *attached, page 105.*

24-10-19 – Rideau Valley Conservation Authority Board of Directors Meeting Summary – *attached, page 111.*

x) **Lanark County Traffic Advisory Working Group** – *deferred to the next meeting.*

xi) **County of Lanark.**

Reeve Rob Rainer and Deputy Reeve Fred Dobbie.

**9. CLOSED SESSION**

None.

**10. DEFERRED ITEMS**

*\*The following items will be discussed at the next and/or future meeting:*

- *None.*

**11. ADJOURNMENT**

# MINUTES

**PUBLIC MEETING  
ZONING BY-LAW AMENDMENT  
MINUTES**

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Tuesday, September 10<sup>th</sup>, 2024

5:30 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers

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**ATTENDANCE:**

**Members Present:** Chair, Councillor Angela Pierman  
Deputy Reeve Fred Dobbie  
Councillor Wayne Baker  
Councillor Greg Hallam  
Councillor Korrine Jordan  
Councillor Marilyn Thomas

**Staff Present:** Amanda Mabo, Chief Administrative Officer/Clerk  
Aaron Watt, Deputy Clerk  
Noelle Reeve, Planner  
Sean Ervin, Public Works Manager  
Ashley Liznick, Treasurer

**Public Present:** None

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**1. CALL TO ORDER**

The public meeting was called to order at 5:30 p.m.

**2. INTRODUCTION**

The Chair provided an overview of the Zoning By-Law application review process to be followed, including:

- the purpose of the meeting
- the process of the meeting
- all persons attending were encouraged to make comments in order to preserve their right to comment should the application(s) be referred to the Ontario Land Tribunal (OLT)
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding the applications on the agenda was advised to email [planningassistant@tayvalleytwp.ca](mailto:planningassistant@tayvalleytwp.ca)



The Chair asked if anyone had any questions regarding the meeting and the process to be followed. Given that there were no questions, the meeting proceeded.

3. **FILE #ZA24-07:** **Heather Kelly, Adam Kreeft, Richard Kelly,  
and Catherine Kelly  
705 Davern Lane 11D  
Part Lot 9, Concession 3,  
Geographic Township of South Sherbrooke**

a) PLANNER FILE REVIEW & PROPOSED BY-LAW

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

b) APPLICANT COMMENTS

The applicant was not present.

c) PUBLIC COMMENTS

None.

d) RECOMMENDATION

That the proposed amendments to Zoning By-Law No. 02-121 be approved.

4. **ADJOURNMENT**

The public meeting adjourned at 5:34 p.m.

**PUBLIC MEETING  
DEVELOPMENT CHARGES UPDATE  
MINUTES**

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**Tuesday, October 22<sup>nd</sup>, 2024**

**5:30 p.m.**

**Tay Valley Township Municipal Office – 217 Harper Road, Tay Valley, Ontario  
Council Chambers**

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**ATTENDANCE:**

**Members Present:** Chair, Reeve Rob Rainer  
Deputy Reeve Fred Dobbie  
Councillor Wayne Baker  
Councillor Greg Hallam  
Councillor Korrine Jordan  
Councillor Keith Kerr  
Councillor Angela Pierman  
Councillor Marilyn Thomas

**Staff Present:** Amanda Mabo, Chief Administrative Officer/Clerk  
Aaron Watt, Deputy Clerk  
Ashley Liznick, Treasurer

**Public Present:** Thies Schacht  
Penny Schacht  
Suesan Saville

**1. CALL TO ORDER**

The public meeting was called to order at 5:30 p.m.

**2. INTRODUCTION**

The Reeve reminded everyone that this is a public meeting to hear questions, comments, and representations on a proposed new Development Charges By-Law and the accompanying Background Study.

The Reeve explained that the Consultant will provide a presentation of the Background Study with the opportunity for public feedback following the presentation.

### **3. DEVELOPMENT CHARGES UPDATE**

N. Neale gave the PowerPoint presentation that was attached to the agenda.

### **4. COMMENTS AND QUESTIONS**

Thies Schacht

- If there is no growth, who pays for it?
- If two (2) houses get built, it does not mean the road has to be widened, one (1) house here and there does not make a big difference

The Consultant explained that staff monitor growth patterns. If no growth occurs in a particular area, there is no expansion of capital infrastructure in that area. Only when growth occurs would work be done to put infrastructure increases in place. Municipal staff monitor this through the annual budget process adjusting projects to coincide with needs.

If growth accelerates, the Township may undertake projects sooner than estimated in the study. The study is a living document, staff monitor strategically to ensure infrastructure growth occurs in the right place at the right time.

A home built here and there increases traffic volume on roads. There could be a case where increased traffic requires new safety measures to be undertaken; gravel roads may need to become hard surfaced to handle extra traffic.

A Member raised a question about slide 11, Municipal Comparison – Non-Residential Development, regarding Tay Valley Township's position in comparison to other local municipalities.

The Consultant explained that Tay Valley Township is charging more than some surrounding municipalities due to the calculated rates. Some municipalities have more costs, some have fewer. Part of the cost is the amount of growth, and every municipality is different.

The Chief Administrative Officer/Clerk added that costs also depend on the types of local services offered, the size/geography of the municipality, the number of roads, the number of waste sites, recreation, more factors than just growth.

The Consultant added that every municipality has an ability to the limits in its local service policy that a developer would have to pay. If the cost is set low, more goes into development charge calculations. If a municipality sets at a mid to high range of costs, less goes into the development charge calculations.

**5. NEXT STEPS**

Committee of the Whole – November 5<sup>th</sup>, 2024 – Discussion by Council  
Council Meeting – November 19<sup>th</sup>, 2024 – Adoption of By-Law  
Notice of Passing – November 20<sup>th</sup>, 2024  
End of 40-day Appeal Period – December 30<sup>th</sup>, 2024  
Effective Date – November 19<sup>th</sup>, 2024

**6. ADJOURNMENT**

The Public Meeting adjourned at 5:53 p.m.

# **PRESENTATIONS**

**Elliot Road Train Crossing Delegation**  
**November 5, 2024**  
**Rita Redner**

I appreciate the opportunity to speak to council about the rail crossing at Elliot Rd. in Tay Valley Township.

As a long-time resident of TVT I urge council to recommend to the Transportation Safety Board that safety features be upgraded at this location. There was a serious accident at the Elliot Rd. rail crossing on August 5th involving a resident of Tay Valley who was alone in his vehicle. At present, there is only a stop sign, me and my neighbours urge you to request upgrades to include lights and bell. The onus is on drivers, cyclists, and walkers to keep themselves safe here. CPCKC and TVT have upgraded the 3 rail crossings in nearest proximity to Elliot Rd. each of these crossings serve varying numbers of residents. Why is the Elliot St. crossing not included in the safety feature upgrades? This crossing has a stop sign only. It is not adequate given the proximity of the curve on the eastbound approach to the crossing. As well, when work trains/vehicles are stopped on the track they can obscure the line of sight to the oncoming train.

"I received numerous letters from residents in my neighbourhood in August in support of upgrading the rail crossing at the Elliot Rd. train crossing. Below I have summarized the most important points to support the request to upgrade the Elliot Rd. train crossing." Rita Redner

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"The Elliot Road crossing has two sets of tracks and reduced visibility because of work trains that may be parked beside the crossing. In addition, the brush and trees should be cut back here and at all crossings so that there is good visibility both ways. There has been a serious collision incident at the Elliot Road crossing in the past month that could likely have been avoided if required safety features were in place." David and Susan Marble

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"Please review the crossing at this location. The accident in August left a man seriously injured, his car a write-off The potholes at the crossing mean that a driver has to negotiate the drive at an angle and very slowly. The train comes around the bend from the west very swiftly, so that even if a check has been made, the driver's eyes then turn to picking the way through the holes and the person's attention is not on an approaching train. This crossing needs barriers and needs the engineer to sound the approach. Others have had near misses. Are you waiting for a fatality?" Sarah Hood

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"There's an interesting dimension here is the inconsistency between different crossings - with the crossing on Elliot Road the only one in this area that I ever use that has no bells and lights.

We live on North Mac Lane, and five or six times a week/twice a day cross the tracks on North Shore Rd. that do have loud bells and bright lights, one would have to be paying extremely low attention to not notice and stop with these alerts are on. This is also true of the crossing at Cameron side road that I sometimes use and the crossing at Glen Tay Road that I

frequently use along with two crossings in Perth. Even the lightly used (mostly seasonal) crossing on Patterson Lane on the way to the Brooke Valley dock has bells and lights.

This can have an unconscious deceptive effect on someone who very seldom uses the Elliot Road crossing ( I may use it once or twice a year). I don't try to avoid it, but seldom need to use it. In fact, since Tom's accident, I now realize I'm sure I've crossed it without stopping. Why? - I think I'm being unconsciously trained to not check properly at my very occasionally-used crossing as compared to my very frequently-used crossings that have great notifications to the driver." Graham Beck

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"On August 5<sup>th</sup> at about 6:30 pm I was hit by an eastbound train at this very dangerous rail crossing. It is a miracle that I wasn't killed as my car was completely destroyed.

I was airlifted to the Ottawa Hospital with severe trauma, broken hip, and a serious concussion with a brain bleed. I am hoping for full recovery, I have already healed significantly.

The neighborhood reached out to me, and I heard many stories of close calls at this crossing. Once a school bus was hit searing the engine off the bus. Amazingly none of the children were killed.

Cliff Ryder working for the roads Dept of Bathurst Twp was hit driving a Township Dump truck. I think it will only be a matter of time until people are killed as the east bound trains travel very quickly making the crossing extremely dangerous.

This is part of our community that is very dangerous. If they don't put up lights there, I think it is only a matter of time that one of does get killed.

A train weighs about 350, 000 tons compared to a car that weighs about one. They are traveling over 40 mph when they hit the crossing and it takes a long distance before they can come to a stop." Tom Clarke

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"I would like to add my voice to those who are asking Tay Valley Township to request that proper lights and audible signals be installed at the Elliott Road rail crossing.

I consider the railroad to be negligent in not providing them, especially when many other nearby crossings have very good warning systems in place." Jane Olson

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"I lived on Bathurst Upper 4<sup>th</sup> concession for almost 20 years, near the intersection with Elliott Lane. The rail cross there was an ongoing concern of mine, and I would often choose to take the Cameron Side Road crossing even if it meant I was going out of my way. But every time I did cross the Elliott tracks, I grumbled to myself (and anybody else who was with me) about the condition of the crossing. This accident has been waiting to happen. We're lucky it wasn't a fatality.

A big part of the issue at the Elliott crossing is that the road and track bed with the gravel get quickly washed away and develop very huge (and I mean huge) potholes alongside and between the tracks. So, people have to go super slowly over the tracks and not in a straight line. You might go on a diagonal to avoid the largest holes. And while you're doing that, your attention is focused completely on the roadway – not the tracks or trains. And it's a double set of tracks so it's dodgy at best.

On a number of occasions (5 at least over the years) I have called the emergency police phone number listed on the cross bars at the crossing to ask them to fix the crossing. I have stopped rail-workers in their trucks asking them to call their supervisors to tell them to fix the crossing. I have also called the Township on a few occasions over the years asking them to advocate with the railway to fix the crossing.

They need to fix the crossing, not only the signage but the infrastructure of the crossing. The Cameron Side Road crossing was rebuilt about 12-15 years ago with pavement right across the roadway, and the installation.” Kara Symbolic

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“I am writing to express my concern about the lack of sound and visual warnings at the Elliot Road train crossing. As you may be aware, a resident of our community was recently involved in a serious accident because of this lack of warning about approaching trains.

Even though Elliot Road would be a convenient route for me to reach Christie Lake Road from my home in Brooke Valley when I am traveling to Perth, I have tended to avoid it because of my concerns about the lack of signals. Now that caution has been justified.

Our understanding is that the procedure for action on this matter is for the township to bring the issue to the attention of the Transportation Safety Board. I do hope that our township will take this step to ensure that Tay Valley residents who might wish to use the Elliot Road route are not placed in danger in the future.” Lin Buckland

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“I feel it is important to reach out at this time as a former resident with my own account of a ‘not to be forgotten’ experience at the rail crossing on Elliot Side Road.

Tom’s accident brought back memories of an incident which, from thereafter, made me EXTRA cautious at any Rail crossings without gates and/or signals. The exact details are now a little foggy, but I do remember this:

I approached the crossing as a train was going past on the rail directly in front of me. I stopped my vehicle at the designated line and waited...

Once the train had safely passed the crossing I looked about and deemed it safe to proceed. Now here is where my memory gets a little fuzzy. I do not remember whether I proceeded and made it across the tracks...or whether I was startled and halted by a second train which was hidden by the first coming from around the bend. Point is, I DID NOT HEAR OR SEE THE SECOND TRAIN APPROACHING until it was in sight from behind the first and approaching quickly from the opposite direction. It wasn’t exactly a ‘brush with death’ like Tom’s experience, but it was frightening enough to have imprinted the extra caution in me whenever I now approach a railroad crossing, whether by car, or on foot.



I feel that the sincere concerns and fears expressed by regular users of this crossing are absolutely just cause for implementing some manner of warning system at this site. Tom's accident, at least in my own heart and mind, makes it an imperative.

Unfortunately, I cannot attend any Town meetings on this issue, but would be happy if this account was shared to further the cause of safety at this Rail Crossing." Maike Polano

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"Richard and I almost met our maker there on June 17th, 2022, coming back from Ecotay at night. Didn't even hear the train, and we didn't see the stop sign, as we were tired. We were within about 10 ft of the tracks when suddenly, whoosh, the train appeared across in front of us at a tremendous speed. I slammed on the brakes just in time."

**Faith Hutton**

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Since the accident in August several people have mentioned that train at this crossing has been blowing its horn more frequently and longer.

More than a few times trains have been stopped at the Elliot Street crossing thereby blocking the road. I have personally had to turn around and drive back to Cameron Road crossing to return to my home.

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Additional document below.

**Elliott Road Site Crossing Visit**  
Eric Scheuneman 2024-10-07

A site visit was carried out from about 09:35-10:00.

**Observations**

- (1) Sun can be a blinding factor looking both East and West during different seasons of year and times of day.
- (2) Car stopped at north-west corner of crossing traveling south with front end of car near Stop Sign where one would normally stop to allow space for people to walk in front of the car:
  - No driver visibility to West due to obstruction from trees and brush along entire track to curve where all track visibility ends;
  - Poor driver visibility to East due to local tree and brush growth obscuring both straight track runs.
- (3) Edging car closer to Stop Sign:
  - Limited driver visibility to West and cannot see as far as curve to West.
- (4) Edging car so front end of car at Stop Sign:
  - Driver visibility to West is ended by start of curve to West.
- (5) Stopped train on track:
  - No driver visibility when a train is stopped on North track on either side of crossing - No driver visibility in one direction whenever a train is stopped on the track nearest to the car driver since the driver cannot see through or beyond the stopped train. - Trains stopped on the tracks can even confuse drivers into thinking that a whistle means it is safe for them to cross the tracks!
- (6) Siding to East and North of crossing is much too short for the length of most freight trains currently using these two tracks. Hence, trains must stop on one of the two main tracks.
- (7) Neighbour living just south of the tracks stopped and stated that these trains often do NOT blow their whistle!
- (8) A train whistle may NOT be heard by drivers or persons crossing these tracks due to listening to music or other causes - and/or driver or person may think the whistle is from a stopped train on the tracks.

**Conclusions**

**Stop Signs cannot protect for the foregoing 8 points!**  
**FLASHING LIGHTS AND BELLS**  
**are the only way to safe protection**  
**for any vehicle or person to cross these two tracks!**

# Noise Issues

# Introduction

- There has been a lot of drama with our house construction generated by the neighbours who own the property across the Keays Road from ours.
- Apart from the recently abandoned court application initiated by these neighbours, they have seemly done their best to interfere with our ability to enjoy our property.
- Please see Appendix A of the Word document for my detailed log of events.

# Current Situation

- In the spring, the neighbours across the street mounted a Dewalt construction radio in the rafters of their outdoor furnace's shed.
- The radio was pointed directly at our house until about 2024-10-06 when its direction was reversed.
- These neighbours have claimed to the police and others that the radio is playing to discourage pests and predators.
- USDA-referenced documents from the University of Nebraska do not list playing a radio as a deterrent for any animals found locally (<https://digitalcommons.unl.edu/icwdmhandbook/>)
- Please see the following two photographs

# The wood furnace's shed



# Close-up of the radio



# Location

- The radio is located 85m from the front porch of our house.
- The following aerial photograph illustrates the location of the radio on the neighbour's property
- It is important to note that we have rarely seen these neighbours outside but the radio plays non-stop.
- It should also be noted that when these neighbours are outside, typically they are behind the shed where the bulk of their farm facilities are located.



# Aerial view of the two properties



# Our Available Recourses

We have tried to address this situation in a number of ways but have found the following:

- I have been told by the OPP that there is no noise law that they can enforce
- I have been told by the OPP that they cannot prosecute criminal nuisance because there is not enough evidence to identify the specific person playing the radio.
- Tay Valley has no noise by-law so there is nothing the township can do.
- Lanark County has no noise by-law so there is nothing the county can do.

This leaves us with only the option of civil litigation, which we are pursuing.

# TVT Noise By-Law: A Better Option

- TVT can implement a by-law that can mitigate the issues that we are subjected. This by-law, as a suggestion, could prohibit the following:
  - Electrically or electronically produced music or other sound that can heard from an adjacent property or a public road.
  - Gratuitously generating mechanical noise that can heard from an adjacent property or a public road. Exceptions can be made for actually operating equipment during daylight hours.
  - Discharging firearms within 250m of a residence.
  - Launching or igniting fireworks within 100m of a residence.
- Permitted exemptions can be made for owners or renters (long term) for special events such as weddings.
- If the by-law would be enforceable by the OPP, that would make enforcement possible during non-office hours.

## Introduction

There has been a lot of drama with our house construction generated by our neighbours across Keays Road from us. Apart from the recently abandoned court application initiated by our neighbours across the road, they have seemly done their best to interfere with our ability to enjoy our property. Please see Appendix A for my detailed log of events.

## Current Situation

In the spring, our neighbours across the road mounted a Dewalt construction radio in the rafters of their outdoor furnace's shed. Please see the following two photographs:



*Figure 1: The wood furnace's shed*



*Figure 2: Close-up of the radio*

The radio is located 85m from the front porch of our house. On or about 2024-10-05, our neighbours reversed the direction of the radio. It echoes off their buildings now and is still easily heard.

The following aerial photograph illustrates the location of the radio on the neighbour's property:



*Figure 3: Aerial view of the two properties*

It is important to note that we have rarely seen our neighbours outside but the radio plays non-stop. It should also be noted that when our neighbours are outside, typically they are behind the shed where the bulk of their farm facilities are located.

Our neighbours have claimed to the police and others that the radio is playing to discourage pests and predators. USDA-referenced documents from the University of Nebraska indicate that as a deterrent, playing a radio is not listed for any animals found locally. (These references can be viewed at <https://digitalcommons.unl.edu/icwdmhandbook/>)

### Our Available Recourses

We have tried to address this situation in a number of ways but have found the following:

1. I have been told by the OPP that there is no noise law that they can enforce
2. I have been told by the OPP that they cannot prosecute criminal nuisance because there is not enough evidence to identify the specific person playing the radio.
3. Tay Valley has no noise by-law so there is nothing the township can do.

4. Lanark County has no noise by-law so there is nothing the county can do.

This leaves us with only the option of civil litigation, which we are pursuing.

### TVT Noise By-Law: A Better Option

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1. Electrically or electronically produced music or other sound that can heard from an adjacent property or a public road.
2. Gratuitously generating mechanical noise that can heard from an adjacent property or a public road. Exceptions can be made for actually operating equipment during daylight hours.
3. Discharging firearms within 250m of a residence.
4. Launching or igniting fireworks within 100m of a residence.

Permitted exemptions can be made for owners or renters (long term) for special events such as weddings. If the by-law would be enforceable by the OPP, that would make enforcement during non-office hours.

## Appendix A – Incident Log

Date	Notes
Winter and spring 2023	Our neighbours across the road continuously allow their two dogs to roam our land, they have a Great Pyrenees mix and a sheep dog. The Great Pyrenees barks at us continuously when we are on our property. Our neighbours across the road never rein her in. The sheep dog takes runs at both our dogs frequently, he is very aggressive and also harasses the neighbours horses. The sheep dog has also run out onto the road a number of times in front of our ATV when we were driving to the west side of our property, almost getting run over more than once.
2023-05-18	One incident, on or about May 18, resulted in our neighbours across the road calling animal control after the Wright's German Shepherd pinned the neighbour's dog to the ground. This occurred after the neighbour's sheep dog aggressively charged the shepherd a number of times. The Wrights are unaware, and our neighbours across the road have never claimed, that any harm came to their dog. The neighbour's call to animal control resulted in our neighbours across the road receiving a warning from the animal control officer concerning our neighbours across the road letting their two dogs roam. Apparently both the neighbour's dogs entered the Wrights property on 2023-05-22 when the officer was present to investigate the complaint, in clear violation of TVT bylaws. It was at this point our neighbours across the road finally contained their animals.
2023-07-30	Three shotgun blasts with 1-2 minute intervals, we clearly had visitors, [REDACTED] and his son [REDACTED] (approximately age 7)
2023-08-11	Three large calibre rifle shots, same sort of interval. Discharges, by their sound, were very close to our house. Again, we were clearly present at the house.
2024-02-22	Two discharges, ~15 second interval, with deer rifle, neighbour standing opposite our house at his road allowance, pointing down the road allowance westward (Witnessed). After shooting, neighbour just headed south, didn't go to retrieve anything where he aimed.
2024-02-29	Dead skunk found on driveway near the house...
2024-03-13	Left his road grader in reverse with the ignition on but the engine not running so that the reverse siren sounded for at least 30 minutes while we were present at the house. The grader was unattended and I witness neighbour loading his wood furnace. We checked, via a security camera near the road with a microphone, after we had left and the grader had been turned off. He subsequently claimed to be fixing the reverse siren, this does not explain why he had the rear of the vehicle pointing at our house and as close to the house as he could get.
2024-03-15	Left his road grader in reverse with the ignition on but the engine not running so that the reverse siren sounded for about 30 minutes. I did not see anybody home so thought it might be vandals. I called the 911 (police) to report an alarm going off. The officers arrived about 30 minutes later and neighbour turned off the grader as soon as the officers arrived to talk to him.
2024-03-20	Left his road grader in reverse with the ignition on but the engine not running so that the reverse siren sounded for about 30 minutes. I saw neighbour walk away for quite some time and then come back after about 15 minutes to do something near the machine. I left.
2024-03-24	Seemed to work on the grader but had the reverse alarm sounding for upwards of 30 minutes
2024-03-25	Moved a round bale of hay to the horse paddock. Spent a great deal of time in reverse with the engine at high rev's. Previously only used the throttle and reverse gear as needed.
2024-03-31	Easter - Approx. 12:30pm, started grader, left it idling unattended with the reverse alarm sounding. Then drove it to the other side of the yard and filled it with diesel. While filling, no reverse alarm. Backed it back into place and then turned it off and let the alarm sound for about 15 more minutes.
2024-04-02	Approx 17:00, neighbour turned on the grader reverse alarm and then did work in his skid steer. The alarm sounded for between 30 minutes and an hour. I'm not 100% on the timing as I was running a paint sprayer in the house
2024-04-18	13:15 to 13:30, neighbour turn on the grader reverse alarm, I witnessed him walking away after turning it on.
2024-04-23	Radio playing outside all day
2024-04-24	Radio playing outside all day



Date	Notes
2024-04-25	Increased volume, radio playing outside all day - seemed to be on a timer
2024-04-26	Increased volume, radio playing outside all day - seemed to be on a timer
2024-04-27	Increased volume, radio playing outside all day - seemed to be on a timer
2024-04-28	Filed a police report about the radio playing outside all day, officer was to have a talk with neighbour that day or the next. The incident number with the OPP is E240512064.
2024-04-29	Radio play continues
2024-05-02	Radio play continues. Lawyer sends note to neighbour's lawyer
2024-05-03	Radio play continues, neighbour arrives home in grader at about 10:30am driving it at a brisk pace, parks by his diesel filling tank. Shortly afterwards he fires towards the back of the property 2 or 3 times, not like before. I believe he increased the volume on the radio and then left in his pickup.
2024-05-04	Radio play continues at the louder volume
2024-05-05	Quiet
2024-05-06	Quiet
2024-05-07	Not on the farm
2024-05-08	Radio is back - aerial showing no vehicles present on the property
2024-05-09	Radio is playing, volume is close to a regular conversation when on our driveway
2024-05-10	Radio is playing, volume is close to a regular conversation when on our driveway
2024-05-11	Radio is playing, volume is close to a regular conversation when on our driveway
2024-05-12	Radio playing at 07:15, not as loud as the previous day but loud enough to be easily heard. Returned at about 14:30, radio is now so loud that I could hear it intelligibly from the top of the hill at the back of our property, ~ 1km away.
2024-05-13	Radio was playing relatively quietly in the morning until the visitor at the neighbour's left (I believe he was working with them to plant soy beans). The music continued loudly as for the 12th until the truck from Rona arrived with flooring. At that time the radio was turned off. They turned it back on after the truck left initially quietly and then back up to loudly.
2024-05-14	Briefly at the farm around 8am to check on flooring still outside, radio playing softly/ I was only there for about 30 minutes.
2024-05-15	Radio playing quietly, no changes, was there all morning. Passed neighbour in his grader near Fergusson Falls on the way home.
2024-05-16	Radio playing quietly, no changes, was there all morning. neighbour arrived in his grader around 11, music stayed the same until a visitor left, then volume increased.
2024-05-17	Radio loud, no one seemed to home, certainly no one outside
2024-05-18	Radio loud, no one seemed to be outside
2024-05-19	Radio quiet at first (~8am) by 9:30 or so loud enough to hear in the house, neighbour was outside for at least a while but was well back from the radio and likely couldn't hear it
2024-05-20	Radio playing again, easily audible
2024-05-21	Radio playing again, easily audible
2024-05-22	Radio playing again, easily audible
2024-05-23	Radio playing again, easily audible
2024-05-24	Radio playing again, easily audible
2024-05-25	Radio playing again, easily audible
2024-05-26	Radio playing again, easily audible
2024-05-27	We received our variance from the MDS setback. Went to the house afterwards around 5:30, neighbours were now blasting the radio. In the morning it had been playing very quietly.
2024-05-28	Radio playing again, easily audible
2024-05-29	Radio playing again, easily audible
2024-05-30	Radio playing again, easily audible
2024-05-31	Radio playing again, easily audible
2024-06-01	Radio playing again, easily audible
2024-06-02	Radio playing again, easily audible
2024-06-03	Radio playing again, easily audible
2024-06-04	Radio playing loudly, no-one present, neighbour haying in his tractor mostly

Date	Notes
2024-06-05	Radio playing loudly, no-one present, neighbour haying in his tractor mostly
2024-06-06	Radio playing loudly, no-one present, neighbour haying in his tractor mostly
2024-06-07	Radio playing loudly, no-one present, neighbour haying in his tractor mostly
2024-06-07	Some time after this date, neighbour started a new manure pile as close to our house as he could get without going onto the road allowance/setback
2024-06-08	Radio playing loudly, no-one present, neighbour haying in his tractor mostly
2024-06-09	Radio playing quietly
2024-06-10	Radio playing quietly
2024-06-11	Radio playing quite loudly, easily heard over the wind
2024-06-12	Radio playing quite loudly, easily heard over the wind
2024-06-13	Radio playing quite loudly, easily heard over the wind
2024-06-14	Radio playing quite loudly, easily heard over the wind
2024-06-15	Radio off - there seemed to be visitors
2024-06-16	Radio playing again, easily audible
2024-06-17	Radio playing again, easily audible
2024-06-18	Radio playing again, easily audible
2024-06-19	Radio playing again, easily audible
2024-06-20	Radio playing again, easily audible
2024-06-21	Radio playing again, easily audible
2024-06-22	Radio playing loudly, note that the TVT letter noting the neighbour's suit now has no basis as a result of our variance was likely delivered to them on Friday the 21st.
2024-06-23	Radio playing quietly
2024-06-24	Radio playing quietly
2024-06-25	Radio playing loudly, easily heard from the house
2024-06-26	Radio playing loudly, easily heard from the house
2024-06-27	Radio playing loudly, easily heard from the house
2024-06-28	Especially loud radio today, easily heard at the front of the house. also arrived in his road grader and left it in reverse *engine running) for 5-10 minutes before parking it and then leaving with his mini-excavator
2024-06-29	Radio playing loudly, easily heard from the house
2024-06-30	Radio playing loudly, easily heard from the house
2024-07-01	Radio playing loudly, easily heard from the house. Played some music on our porch while working to mask the noise. shut their radio off or set it to be very quiet at that time
2024-07-02	Radio playing loudly, easily heard from the house
2024-07-03	Radio playing loudly, easily heard from the house
2024-07-04	Radio playing loudly, easily heard from the house
2024-07-05	Radio playing loudly, easily heard from the house
2024-07-06	Radio very quiet, garden tour happening that day at [REDACTED]
2024-07-07	Radio extra loud, recording made, probably in response to the TVT offer to waive legal fees if they withdraw their application
2024-07-08	Radio extra loud
2024-07-09	Radio very quiet, barely can be heard, might actually have been off
2024-07-10	Music louder, easily heard over the rain from the tail of Hurricane Beryl
2024-07-11	Music louder, easily heard over the rain from the tail of Hurricane Beryl
2024-07-12	Music louder, easily heard over the rain from the tail of Hurricane Beryl
2024-07-13	Radio off or very quiet when I arrived about 08:00, turned up tavern loud shortly afterwards. neighbour was working in his tractor so couldn't hear it.
2024-07-14	Radio loud
2024-07-15	Arrived 07:15, radio loud
2024-07-16	Arrived 07:15, radio loud, called in a complaint to the OPP, they arrived and turned off the radio at about 8:30. Talked for a bit with them.

Date	Notes
2024-07-17	~07:30 passed neighbour in his grader on the Tatlock Road near Hwy 7, when I arrived at the farm their radio was blasting. Sometime around 10:00 it was turned off. neighbour arrived about 12:00 and the radio was set to blaring, shortly afterwards it was turned down to quiet and then a little while later turn up to somewhat loud and neighbour left in their Honda Pilot
2024-07-18	Music playing all day, not too loud couldn't hear when breezy but easily heard when the wind was calm
2024-07-19	Music playing all day, not too loud couldn't hear when breezy but easily heard when the wind was calm
2024-07-20	Music louder, easily heard over the wind
2024-07-21	Music very loud, occasionally people heard in the yard
2024-07-22	Did not go to the farm
2024-07-23	Radio very quiet when I arrive about 07:15, just barely audible. neighbour arrived home at about 13:00, turned the radio to very loud and then proceeded to drive his tractor off
2024-07-24	Radio playing moderately loud, hard to hear in the breeze, easy when the wind drops
2024-07-25	Radio playing moderately loud, hard to hear in the breeze, easy when the wind drops
2024-07-26	Radio playing very quietly, hard to hear except when everything else is very quiet (breeze, birds, etc.)
2024-07-27	Radio playing very quietly, hard to hear except when everything else is very quiet (breeze, birds, etc.)
2024-07-28	Arrived about noon, radio quiet as per the last couple of days. Sometime around 13:00 radio is turned up to be quite loud, easily heard over the wind, etc. No-one in their yard but both vehicles present
2024-07-29	Music playing loudly all the time we were at the farm
2024-07-30	Music playing loudly all the time we were at the farm
2024-07-31	Music playing loudly all the time we were at the farm
2024-08-01	Music playing loudly all the time we were at the farm
2024-08-02	Music playing loudly all the time we were at the farm
2024-08-03	Music playing loudly all the time we were at the farm
2024-08-04	Music playing loudly all the time we were at the farm
2024-08-05	Morning: Radio playing moderately loud, Returned about 2pm, radio was extremely loud, was working on equipment in the back of the yard and [REDACTED] was not home until about 3pm
2024-08-06	Radio playing loudly all day
2024-08-07	Radio loud in the morning when we arrived, was quieter later on, note that Embers was at the house installing the wood stove.
2024-08-08	Radio playing loudly all day, returned at about 8pm, radio still playing loudly
2024-08-09	Radio was off or very quiet when I arrive ~07:30, I saw neighbour leave in the Honda Pilot and found the radio was playing loudly afterwards. Not Cease and Desist was served today along with our claim for legal costs.
2024-08-10	Radio was playing loud all the time we were there
2024-08-11	Radio seemed to be off or very quiet when we arrived. neighbour came home around 13:00 and blasted the radio extremely loudly. It was turned way down when we left at 3:30 or so.
2024-08-12	Radio playing moderately loudly all day, easily heard over gusty winds.
2024-08-13	Radio same in the morning, mid-afternoon or so, radio very loud. No-one in the yard, [REDACTED] out in the fields in a tractor.
2024-08-14	Radio seems to be off when we arrived ~08:30. At 9:30 or so it was turned on and played at a moderate volume all day.
2024-08-15	We were there from 08:00 to 11:15 and the radio was playing quietly the whole time.
2024-08-16	Radio barely audible when arrive at 08:00, may have been playing quietly mid-morning
2024-08-17	Did not attend the farm
2024-08-18	Arrived about 10:00, not radio. Radio was playing daily loudly about 30 minutes later, not one outside at the neighbours, took aerials to illustrate as well as a video of radio playing
2024-08-19	Arrived ~08:00, neighbour was out in his grader and music was playing loudly and easily heard above the wind (20-30km/hr)

Date	Notes
2024-08-20	Did not attend the farm
2024-08-21	Did not attend the farm
2024-08-22	Arrived noon, radio was playing loudly enough to be heard over 20~30km/hr winds.
2024-08-23	Arrived about 10:00, radio was playing loudly enough to be heard over 20~30km/hr winds. No-one appeared to be home. Went to the house a second time at 23:30, radio was still playing but quieter, both cars there.
2024-08-24	Radio playing at moderate levels, still easily heard
2024-08-25	Radio playing at moderate levels, still easily heard
2024-08-26	Radio playing loudly, easily heard over the wind, no-one in the yard
2024-08-27	Did not go to the farm
2024-08-28	Did not go to the farm
2024-08-29	Arrived about 13:00, radio playing quietly, just audible above the breeze. The two younger children were out on their bikes but disappeared inside shortly after I arrived.
2024-08-30	Radio playing loudly while I was there (12:00 to 15:30), no-one was outside
2024-08-31	I was at the farm from about 10:00 to 11:00, the radio was playing stupid loud and when on our front porch it was at the same volume as a normal talking voice.
2024-09-01	Music playing loudly, not as bad as the day before. Both the Pilot and the pickup were gone and no-one was outside in the yard.
2024-09-02	Radio quieter, barely audible over 15-20km/hr breeze, people in and out of the property. I was there from 12:30 until about 16:00
2024-09-03	Radio just audible over ~7km/hr breeze.
2024-09-04	Radio just audible over ~7km/hr breeze.
2024-09-05	Did not go to the farm
2024-09-06	Radio was playing stupid loud and when on our front porch it was at the same volume as a normal talking voice. It was easily heard from the hill behind our house.
2024-09-07	Radio was playing stupid loud and when on our front porch it was at the same volume as a normal talking voice. It was easily heard from the hill behind our house.
2024-09-08	Radio was playing stupid loud and when on our front porch it was easily heard over a 40km/hr wind. Other than the boy briefly riding his bike in the driveway, no-one was outside.
2024-09-09	Radio was moderate when I arrived but shortly afterwards it was turned up to a very loud volume and neighbour drove off in a tractor.
2024-09-10	Radio was playing very loud and when on our front porch it was at the same volume as a normal talking voice. It was easily heard over the 20-30km/hr breeze.
2024-09-11	Radio was playing very loud and when on our front porch it was at the same volume as a normal talking voice. It was easily heard over the 20-30km/hr breeze.
2024-09-12	Radio was moderately loud, easily heard from the porch
2024-09-13	Radio was moderately loud, easily heard from the porch
2024-09-14	Radio was moderately loud, easily heard from the porch
2024-09-15	Arrived about noon, radio was very quiet, hard to hear. neighbour arrived in his tractor about 15:30, radio was turned up loud enough to be easily heard over the breeze. Nobody was outside.
2024-09-16	Arrived about 11:00, radio was very quiet, hard to hear.
2024-09-17	Did not go to the farm
2024-09-18	Arrived about 08:00, radio was moderate, easily heard but not loud, left at about 11:30. Returned at 17:30, radio was playing at the same level but was turned up to be quite loud shortly after arrival. Remained loud until we departed at about 20:00. neighbour was running his power washer and then was in a tractor while we were there.
2024-09-19	Arrived about 16:00 - radio was playing very loudly, neighbour was working on some equipment. He left to hay and turned the radio way down. Someone drove into our mailbox denting it heavily.
2024-09-20	Arrived about 08:30, radio was playing loudly, left at 11:30 radio unchanged. Returned at 15:30, radio same until we left at 17:30

Date	Notes
2024-09-21	Arrived about 14:30, radio was playing extremely loudly, no-one was home. Radio could be heard in the middle of our property about 1/2km away. neighbour drove in at high speed about 30 minutes later. a rider drove around on his dirt bike for about 20 minutes and then disappeared. We left at 17:00 radio unchanged.
2024-09-22	Arrived about 11:30, radio was playing extremely loudly, it could easily be heard 0.5km back from the road. Most of the time there was no one outside but neighbours both were out and working their mower and tractor respectively. Radio same until we left at 17:00
2024-09-23	Radio was moderately loud, easily heard from the porch
2024-09-24	Radio was moderately loud, easily heard from the porch
2024-09-25	Radio was moderately loud, easily heard from the porch when the wind drops
2024-09-26	Radio was fairly loud, easily heard from the porch even when the wind was blowing. While we were walking on the road, we encountered neighbour. We were stopped at the side with [REDACTED] sitting just past [REDACTED] house. neighbour, in his truck pulling a trailer, passed us and made no effort to slow or to move to the right to give use more space. He really upset [REDACTED]
2024-09-27	Radio was fairly loud, easily heard from the porch even when the wind was blowing.
2024-09-28	Radio was loud, easily heard from the porch even when the wind was blowing.
2024-09-29	Radio was loud, easily heard from the porch even when the wind was blowing, neighbour was back near the diesel tank working for a short while but otherwise, no-one around.
2024-09-30	Radio was loud, easily heard from the porch even when the wind was blowing, no-one around.
2024-10-01	Radio was moderate, difficult to hear from the porch when the wind was blowing, no-one around.
2024-10-02	Did not attend the farm
2024-10-03	Radio seemed to be off or very low
2024-10-04	Radio playing again, hard to hear over the wind but easily heard from the front porch when calm
2024-10-05	Radio removed from shed, quiet today
2024-10-06	Arrived about noon, radio back and playing again it may have been pointed away from our house when reinstalled. Easy to hear over the wind, neighbour working but in his mini-excavator and went towards the back of the property. Left at 15:45, radio was so loud it could easily be heard over 20km/hr winds in the trees. TL was in his tractor working on harvesting his soy bean crop.
2024-10-07	Radio playing moderately, could just be heard over the wind
2024-10-08	Radio playing loudly, easily heard over the wind
2024-10-09	Radio playing loudly
2024-10-10	Was quiet when we arrived at noon, at 16:20 the radio playing moderately loud, could be heard over the wind
2024-10-11	Arrived noon, radio was playing loudly enough to be heard over 20-30km/hr winds. Seemd to be turned down or off at 15:30. Returned at 23:00 to see the northern lights, radio was playing quietly, all lights off in their house.
2024-10-12	Radio was loud, easily heard from the porch even when the wind was blowing, no-one around. No-one outside and witnessed neighbour leaving, radio still on loudly.
2024-10-13	Radio playing stupid loud, easily heard within the house, called the OPP to register a disturbing the peace complaint. Radio was turned off when the police arrived and for a while afterwards, playing again after an hour moderately. Radio is now definitely pointing away from our house now and towards the back of the property. Likely changed when it was taken down on 2024-10-05.
2024-10-14	Radio playing moderately, could just be heard over the wind
2024-10-15	Radio playing loudly, could be heard over the wind gusting to 32km/hr
2024-10-16	Radio playing moderately, could just be heard over the wind gustng to 32km/hr
2024-10-17	Arrived about 08:00, radio playing moderately, easily heard from the porch, no wind. Went out at noon, radio seemed to be off. Departing at 15:30, radio now playing at a moderate level, can just be heard over the wind.
2024-10-18	Radio playing moderately, easily heard, no wind
2024-10-19	Radio seemed to be off or very low

Date	Notes
2024-10-20	Radio playing moderately, could just be heard over the wind gusting to 15km/hr, people outside some of the time.
2024-10-21	Radio playing louder, could be heard over the wind gusting to 15km/hr
2024-10-22	Radio playing loud, could be heard over the wind gusting to 15km/hr
2024-10-23	Radio playing loud, could be heard over the wind gusting to 30km/hr



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# Comments on Maberly Pines Subdivision

Submitted by Little Silver and Rainbow Lakes  
Property Owners' Association.  
5<sup>th</sup> November 2024



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association*

# Why does LSARL POA wish to comment?

- a) At the Public Information Session comments were invited.
- b) In the FAQ #30 it was stated that “Other subdivisions will be treated in the same way”.
- c) So, Maberly Pines will set a precedent.
- d) We therefore believe that the Council wishes to hear from other subdivisions before setting this precedent.





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# 1. The assumption of the “unassumed roads” is long awaited.

- a) We welcome the initiative of the Township in this matter.
- b) And we appreciate the considerable effort to prepare the proposal.
- c) However, we reflect on public concern about the overall process.**
- d) ... We propose alternative way to proceed which offers benefits.**



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## 2. The process followed:

- I. A detailed proposal for one subdivision developed by staff.
- II. Outline was presented to Councillors and stakeholders at a discretionary Information Session.
- III. Comments were invited, and a by-law has been drafted for the November 19<sup>th</sup> Council meeting.



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### 3. What are the shortcomings of this approach?

- a) Lack of public information. Nothing on website.
- b) There is little time for considered public input and dialogue.
- c) Difficult for seasonal property owners to attend “information session” or provide informed feedback.
- d) The time for, and number of, delegations is very limited.



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## 4. What are the potential consequences?

1. Confrontation, division, loss of trust and cooperation.
2. Disillusion with elected representatives.
3. Expensive, protracted legal challenges.
4. Diminished property values.
5. Alternate solutions not considered or discussed.



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## 5. Is there an alternative?

- I. Start with consultation.
- II. Engage the stakeholders from the outset.
- III. Identify the issues and consider alternate solutions.
- IV. Agree on the best course of action
- V. Only then work on the details.



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“Our money, Our Future, Our right to know”

## 6. A growing concern:

- a) “Reconstructing Democracy.” Taylor, Nanz and Taylor 2020.
- b) “The Future of Politics.” New Scientist 5<sup>th</sup> Oct 2024
- c) “Rebuilding democracy from the Ground Up”, Meslin, 2019
- d) “Rebuilding Democracy” Taylor 2023

– All demonstrate the huge benefit of a democratic process



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## 7. Recommendations

- a) Place this by-law on hold.
- b) Undertake consultation to explore options.
- c) Examine different funding models.
- d) Aspire to majority support.



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## 8. Conclusions

- **Together** make Tay Valley a more desirable place to live.
- Demonstrate appreciation for the property owners.
  - Encourage responsible development
  - Increase the property taxbase.



# **PRIORITY ISSUES**

**COMMITTEE OF THE WHOLE**  
November 5<sup>th</sup>, 2024

**Report #CAO-2024-30**  
**Amanda Mabo, Chief Administrative Officer/Clerk**

**PROPOSED NEW ROAD NAME**  
**Legacy Lane**

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

“**THAT**, the necessary by-law to name an existing Private Road to Legacy Lane as outlined in Report #CAO-2024-30 – Proposed New Road Name – Legacy Lane, be brought forward for approval.”

### **BACKGROUND**

A building permit application was received for a property at North Burgess Concession 8, Part Lot 2. The applicant’s property is accessed via a legal right-of-way that winds through their property and another property. The legal right-of-way has existed since at least 1963.

### **DISCUSSION**

In order for the building permit process to proceed, the existing Private Road must be named and added to the Township’s Road Naming By-Law.

The applicants have proposed at least three road names. Per the Road, Addressing and Parcels (RAP) Policy, those road names were forwarded to the County of Lanark for review and recommendation to avoid duplication or similarities within the road name database across Lanark County and neighbouring counties.

In addition, the affected property owners along that road must be notified and the majority of the affected property owners on the road must agree to a preferred name in order for Council to consider the name.

Once a road name meets the requirements of the RAP Policy, including agreement from a majority of the property owners, it is forwarded to the Council for approval.

Since the road was unknown to the Township, it was never incorporated into the Township’s Road Naming By-Law, and the necessary By-Law will need to be brought forward to Council for approval.

The proposed road name is “Legacy Lane”, a tribute to the family members who previously owned and enjoyed the family’s legacy lands.

## **OPTIONS CONSIDERED**

### **Option #1 – Adopt Legacy Lane (Recommended)**

Meets the requirements of the RAP Policy and the majority of property owners agreed with the name.

### **Option #2 – Propose an Alternate Name**

Not recommended as the renaming of the road would not occur for at least another three months and the process would need to start over.

## **FINANCIAL CONSIDERATIONS**

All costs are borne by the applicants, as per the Tariff of Fees a \$650 fee covers staff time and a \$2,000 deposit for any legal, road name signs and posts.

## **STRATEGIC PLAN LINK**

None.

## **CLIMATE CONSIDERATIONS**

None.

## **CONCLUSIONS**

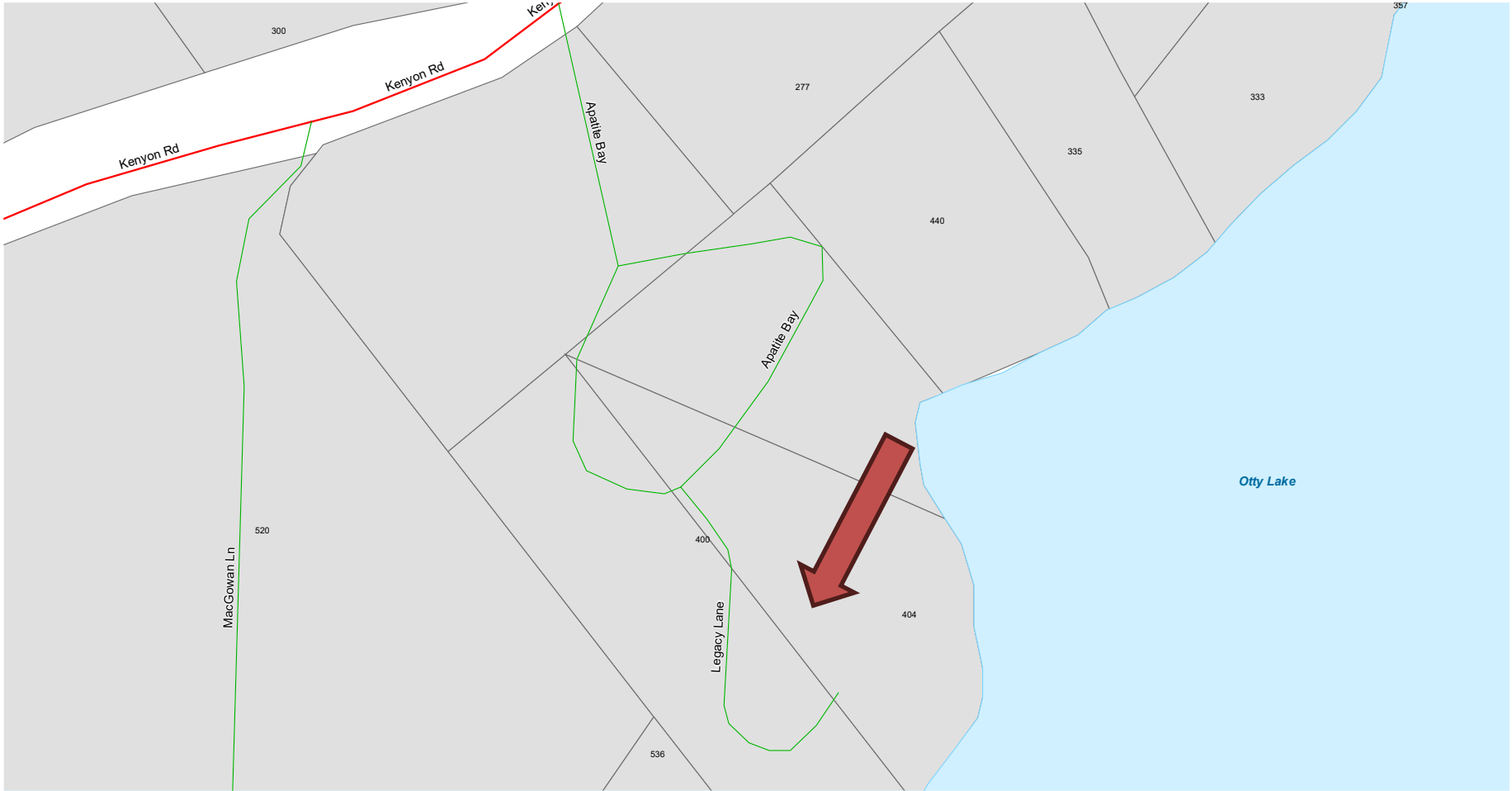
That the necessary by-law to name an existing private road to Legacy Lane as outlined in this report be brought forward for approval.

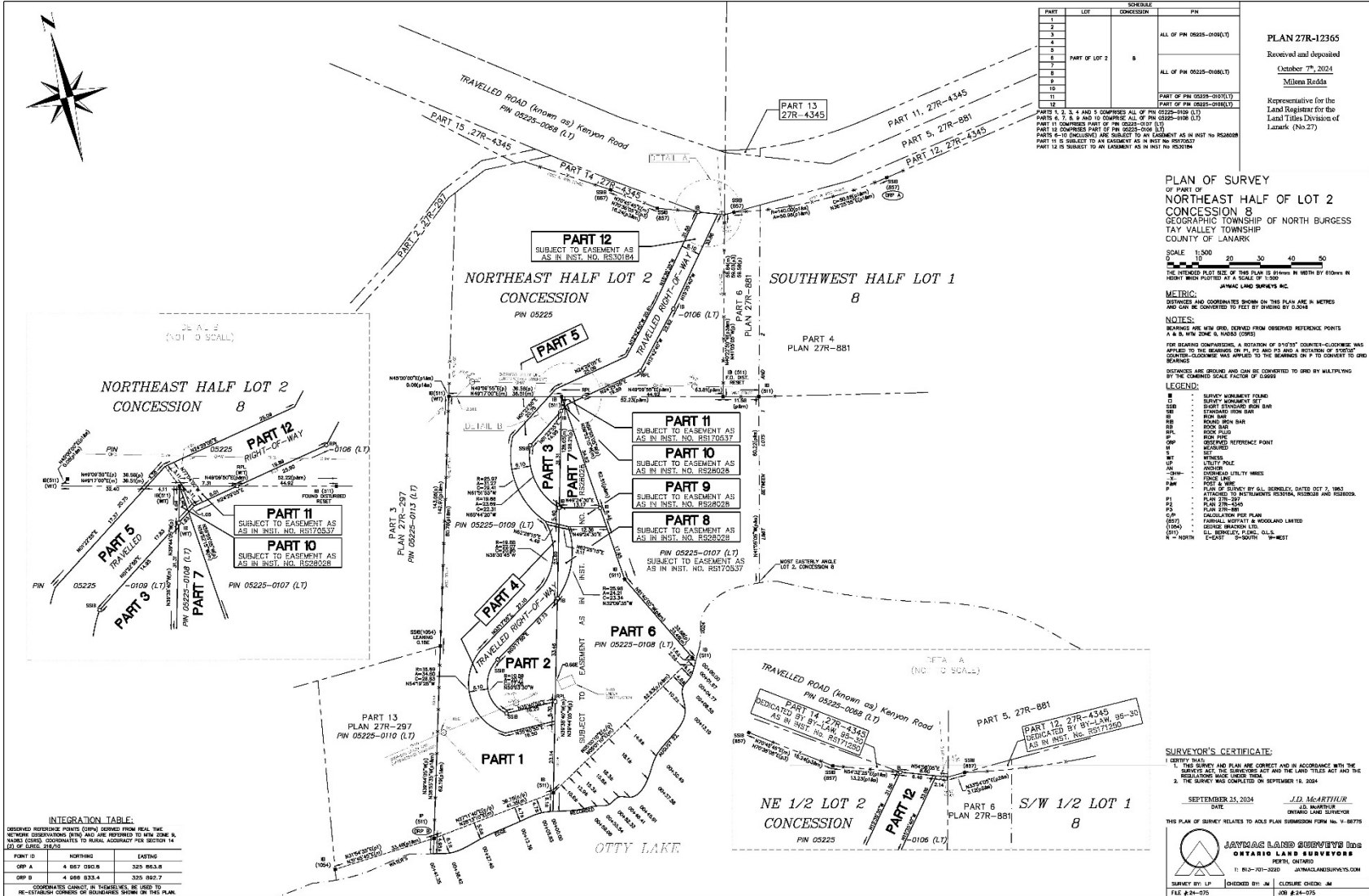
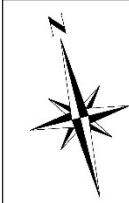
## **ATTACHMENTS**

- i) GIS Map
- ii) Survey 27R-12365

**Prepared and Submitted by:**

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





PART	LOT	SCHEDULE	PIN
1			
2			
3			
4			
5			
6	PART OF LOT 2	8	
7			
8			
9			
10			
11			
12			

PLAN ZTR-12365  
 Received and deposited  
 October 7th, 2024  
 Mileem Redda  
 Representative for the  
 Land Registrar for the  
 Land Titles Division of  
 Lanark (No.27)

**PLAN OF SURVEY**  
 OF PART OF  
**NORTHEAST HALF OF LOT 2**  
**CONCESSION 8**  
 GEOGRAPHIC TOWNSHIP OF NORTH BURGESS  
 TAY VALLEY TOWNSHIP  
 COUNTY OF LANARK

SCALE 1:500  
 0 20 40 60  
 METRIC

THE HATCHED PLAT SIZE OF THIS PLAN IS 31mm IN WIDTH BY 60mm IN HEIGHT WHICH PLOTTED AT A SCALE OF 1:500  
 JAYMAC LAND SURVEYS INC.  
 METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
 NOTES:  
 BEARINGS ARE WITH GRID; DERIVED FROM OBSERVED REFERENCE POINTS A & B ON KING & HAINES CROSSES  
 FOR BEARING COMPARISSONS, A ROTATION OF 0.147073° COUNTERS-CLOCKWISE WAS APPLIED TO THE BEARINGS IN RE, R3 AND R10 AND A ROTATION OF 3.78979° COUNTER-CLOCKWISE WAS APPLIED TO THE BEARINGS IN R7 TO CONVERT TO GRID BEARINGS  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTION SCALE FACTOR OF 0.9999

- LEGEND:**
- SB - SURVEY MONUMENT FOUND
  - SRB - SHORT EXTENDED IRON BARR
  - CE - CEASED IRON BAR
  - SB - IRON BAR WITH BAR
  - RFB - IRON ROD WITH BAR
  - RPL - IRON ROD WITH PLUG
  - RP - IRON ROD WITH PLUG
  - ORP - OBSERVED REFERENCE POINT
  - MEAS - MEASURED
  - BT - BENCH MARK
  - UP - UTILITY POLE
  - JP - JOINT
  - CM - COMPOUND UTILITY MESS
  - PFM - POST & FRAME
  - ATT - ATTACHED TO INSTRUMENTS RES201A, RES202B AND RES203A
  - R1 - PLAN ZTR-355A
  - R2 - PLAN ZTR-355A
  - P3 - PLAN ZTR-355A
  - PP - CALCULATION PIECE PLAN
  - FFS - FEDERAL MORTGAGE & WOODLAND LIMITED
  - GLS - GEORGE LEANED LTD.
  - PL - PL. BENELEY, PLANG, OLL, ELCCAT, J-SOUTH, W-WEST

**INTEGRATION TABLE:**

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM REAL-TIME NETWORK OBSERVATIONS (RTN) AND ARE REFERRED TO WITH DATE & MOON (GROSS) COORDINATES TO NAD83 ADJUSTED PER SECTION 14 (1) OF SURV. 2001/2.

PART NO	NORTHING	EASTING
ORP A	4 957 080.8	325 853.9
ORP B	4 958 933.4	325 852.7

COORDINATES CANNOT IN THEMSELVES BE USED TO RECONSTRUCT CORNERS OF BOUNDARIES SHOWN ON THIS PLAN.

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:  
 1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYOR ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNTO.  
 2. THE SURVEY WAS COMPLETED ON SEPTEMBER 16, 2024.

SEPTEMBER 25, 2024 J.D. McARTHUR  
 DATE SURVEYOR  
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ACLS PLAN SUBMISSION FORM No. V. 88775

**JAYMAC LAND SURVEYS INC.**  
 11 BR-101-0028 JAYMACLANDSURVEYS.COM  
 SURVEY BY: LP CHECKED BY: JM CLOUTIER CHDIN: JM  
 FILE #24-075 JOB #24-075

**COMMITTEE OF THE WHOLE**  
November 5<sup>th</sup>, 2024

Report #FIN-2024-13  
Ashley Liznick, Treasurer

**DEVELOPMENT CHARGES BACKGROUND STUDY & BY-LAW  
UPDATE**

### STAFF RECOMMENDATION(S)

It is recommended:

“**THAT**, the necessary by-law to impose development charges effective November 19<sup>th</sup>, 2024 for a term of ten (10) years be brought forward to the next Council meeting.”

### BACKGROUND

As per Section 2 of the [Development Charges Act, 1997](#), “the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies.”

Section 10 of the *Development Charges Act, 1997*, requires that prior to passing a development charge by-law a development charges background study must be completed.

On December 2, 2019, Tay Valley Township passed a by-law, under Section 2(1) of the *Development Charges Act, 1997*, to establish development charges (DCs) upon all lands within the boundaries of the Township where the development of the land would increase the need for municipal services based upon a study which was completed earlier that year. This by-law expires on December 2, 2024. This study & by-law was completed by Watson & Associates.

In 2021, an update to the Township DC study & by-law was completed.

### DISCUSSION

The processed as laid out by the consultant has been completed, including the mandatory public meeting. No concerns were expressed at the public meeting and no phone calls or emails were received by staff with respect to the DCs.

The corresponding by-law will come forward at the November 19<sup>th</sup> Council meeting.

**OPTIONS CONSIDERED**

None at this time.

**STRATEGIC PLAN LINK**

The financial stability of the Township is enhanced with development charges. Development fees charged are used to pay for increased capital costs required because of increased needs for services arising from development.

**CLIMATE CONSIDERATIONS**

None considered at this time.

**FINANCIAL CONSIDERATIONS**

None at this time.

**CONCLUSIONS**

Development charges are a valuable revenue source to the Township to offset costs associated with capital costs required due to growth, so that existing residents are not bearing the cost of new growth.

**ATTACHMENTS**

None.

**Prepared and Submitted By:**

**Approved for Submission By:**

**Ashley Liznick,  
Treasurer**

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



**COMMITTEE OF THE WHOLE**

**November 5, 2024**

**Report #PW-2024-20**

**Sean Ervin, Public Works Manager**

**NORTH BURGESS 8<sup>TH</sup> CONCESSION  
SPEED LIMIT**

**STAFF RECOMMENDATION(S)**

It is recommended:

“**THAT**, the speed limit on North Burgess 8<sup>th</sup> Concession, between Otty Lake Side Road and the dead end be posted at 40 km/hr and signed according to the Ontario Traffic Manual-Book 6;

**AND THAT**, By-Law No. 2018-035 - Maximum Rate of Speed be amended and brought forward at a subsequent Council meeting.”

**BACKGROUND**

A group of residents who reside on North Burgess 8<sup>th</sup> Concession contacted the Public Works Department in September requesting that the speed limit on their road be posted at a lower speed limit. The residents were informed that since the road is unposted, the speed limit is 80km/hr and that the typical process to change the speed limit is that a speeding complaint be filed, and the Public Works Department would gather speed information on the road and review the Transportation Association of Canada (TAC) Speed Limit Guidelines for this specific section of road.

**DISCUSSION**

North Burgess 8<sup>th</sup> Concession is approximately 1.5 km long and currently has an unposted speed limit and therefore the speed limit is 80km/hr. The road is narrow, has a gravel surface, and does have a few corners at the beginning of the road where driver caution is required.

The Township collected traffic data between September 25, 2024, and October 3, 2024, and found that the average daily traffic is twenty-nine (29) vehicles and the 85<sup>th</sup> percentile of speed is 52km/hr and the average speed is 43km/hr.

Staff completed the Automated Speed Limit Guideline Spreadsheet by TAC to determine a recommended speed limit for this section of road, as determined by the road characteristics.



The spreadsheet accounts for road geometry, average lane width, roadside hazards, pedestrian and cyclist exposure, pavement surface, intersections, and private entrances. The total risk score was calculated to thirty-eight (38), and therefore the spreadsheet recommends that the posted speed limit be 60 km/hr. the TAC guideline notes the following recommended posted speed limit with the calculated total risk score:

Locals	Starting Speed	Recommended Posted Speed Limit						
		Rural Undivided or Divided Local (1 lane or 2+ lanes)	60 km/h	60 km/h		50 km/h		
46	and lower			47	to	57	58	and higher

However, after reviewing the traffic data and completing a site visit to drive the road, staff are recommending that the posted speed limit be posted lower than the speed limit recommended by the TAC calculator as vehicles are already traveling, on average, at 43 km/hr.

**FINANCIAL CONSIDERATIONS**

The cost to purchase the new speed limit signs would be under \$200.00 and purchases would be funded by the Traffic Control Budget.

**OPTIONS FOR CONSIDERATION**

Option #1 (Recommended) – That the North Burgess 8<sup>th</sup> Concession be signed in accordance with the Ontario Traffic Manual - Book 6 at 40 km/h and as per the TAC guideline, and that By-Law No. 2018-035 Maximum Rate of Speed be amended.

Option #2 – Council to provide alternative direction.

Option #3 - Do nothing, leaving the road unposted and therefore the speed limit is 80km/hr.

**STRATEGIC PLAN LINK**

Not Applicable.

**CLIMATE CONSIDERATIONS**

Not Applicable.

**CONCLUSIONS**

It is recommended that the speed limit for this section of North Burgess 8<sup>th</sup> Concession be posted at 40 km/hr, in accordance with the TAC Automated Speed Limit Guideline Spreadsheet.

**ATTACHMENTS**

- i) Automated Speed Limit Guideline Spreadsheet, by the Transportation Association of Canada

**Prepared and Submitted By:**

**Approved for Submission By:**

**Sean Ervin,  
Public Works Manager**

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



## Automated Speed Limit Guidelines

FORM A - Automated Speed Limit Guidelines Spreadsheet

Version:  
10-Apr-09

Name of Corridor:	North Burgess 8th Concession		
Segment Evaluated:	Otty Lake Side Road	to	Dead Den
Geographic Region:	Former Burgess Township		
Road Agency:	Tay Valley		
Road Classification:	Local	Length of Corridor:	1,500 m
Urban / Rural:	Rural	Design Speed: (Required for Freeway, Expressway, Highway)	km/h
Divided / Undivided:	Undivided	Current Posted Speed: (For information only)	80 km/h
Major / Minor:	Minor	Prevailing Speed: (85th Percentile - for information only)	52 km/h
# Through Lanes Per Direction:	1 lane	Policy: (Maximum Posted Speed)	No policy

		RISK	Score
A1	GEOMETRY (Horizontal)	Medium	4
A2	GEOMETRY (Vertical)	Medium	4
A3	AVERAGE LANE WIDTH	Higher	3
B	ROADSIDE HAZARDS	Higher	9
C1	PEDESTRIAN EXPOSURE	Higher	3
C2	CYCLIST EXPOSURE	Higher	3
D	PAVEMENT SURFACE	Higher	9
E1	<b>NUMBER OF INTERSECTIONS WITH PUBLIC ROADS</b>	<i>Number of Occurrences</i>	1
	STOP controlled intersection	1	
	Signalized intersection	0	
	Roundabout or traffic circle	0	
	Crosswalk	0	
	Active, at-grade railroad crossing	0	
E2	<b>NUMBER OF INTERSECTIONS WITH PRIVATE ACCESS DRIVEWAYS</b>	<i>Number of Occurrences</i>	2
	Left turn movements permitted	7	
	Right-in / Right-out only	0	
E3	<b>NUMBER OF INTERCHANGES</b>	<i>Number of Occurrences</i>	0
	Number of interchanges along corridor	0	
F	ON-STREET PARKING	N/A	0

**Total Risk Score:**  
38

**Recommended Posted Speed Limit (km/h):**  
As determined by road characteristics  
60  
As determined by policy  
No policy

The recommended posted speed limit may be checked against the prevailing speeds of the roadway and the road's safety performance.

**Comments:**

**COMMITTEE OF THE WHOLE**  
**May 7, 2024**

**Report #PW-2024-21**  
**Sean Ervin, Public Works Manager**

**H. MATHER DRAIN MAINTENANCE – TENDER AWARD**

**STAFF RECOMMENDATION(S)**

It is recommended:

“**THAT**, Tender #2024-PW-008 – H. Mather Drain Maintenance be cancelled;

**AND THAT**, the Tender be reissued with a reduced scope of work and/or modified schedule.”

**BACKGROUND**

The Township has received a request from a landowner, under Section 74 of the Drainage Act R.S.O. 1990, c. D.17., to perform maintenance on the existing H Mather Municipal Drain. A meeting with adjacent landowners was held at the Municipal Office on May 29<sup>th</sup> to discuss the project and to confirm the scope prior to issuing the tender. The meeting was used to confirm the entire scope of the project, with the option of landowners being able to opt-out of maintenance if upstream landowners also opted out. The meeting was well attended and the Drainage Superintendent removed a few sections of the drain, thereby lowering the overall cost of the project.

This maintenance includes a one (1) time cleanout to remove sediment, debris, blockages, and replace failed culverts along the drain. The project was written to be completed over the course of three (3) years, with the flexibility that a contractor could complete it as quickly as their resources permitted.

**DISCUSSION**

The Tender was released on August 14, 2024, on the Township’s portal of Bids and Tenders. A newsfeed was issued on the Township’s website and notice was also posted on the Townships Facebook page. The Tender closed on September 12 at 1:00 PM and one (1) bid was received as per the following:

<b>Company</b>	<b>Price</b>
Goldie Mohr Ltd.	\$1,201,015.00

There were ten (10) registered plan takers with at least six (6) of them being excavating contractors. Staff are a little surprised to only receive one bid, however the scope of the project is large and many of the contractors would have had their schedule filled for the construction season.

## **FINANCIAL CONSIDERATIONS**

The Drainage Superintendent and Township staff reviewed the submitted price from Goldie Mohr and determined that the price is high. Without any comparative bids, the Drainage Superintendent nor staff recommend proceeding with the bid as it would be unfair to the assessed landowners and there is no guarantee that this would be the lowest available price for this project.

## **OPTIONS CONSIDERED**

**Option #1 (Recommended)** – Cancel the project and retender the project with a reduced scope and/or modified schedule.

**Option #2** – Award the contract to the bidder. This is not recommended as the price is significantly higher than expected.

## **STRATEGIC PLAN LINK**

**Mission:** To deliver efficient and effective services for the benefit of residents, visitors, and businesses.

## **CLIMATE CONSIDERATIONS**

None considered.

## **CONCLUSIONS**

The Drainage Superintendent and staff will rework the Tender document and either issue another Tender with a smaller scope with an option to extend the project based on price and contractor performance or further breakdown the pricing schedule into three (3) separate years.

## **ATTACHMENTS**

None

**Prepared and Submitted By:**

**Approved for Submission By:**

**Sean Ervin,  
Public Works Manager**

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

**COMMITTEE OF THE WHOLE**

November 5, 2024

Report #PW-2024-19  
Sean Ervin, Public Works Manager

**WASTE SITE HOURS – REVIEW OF 2024 CHANGES**

**STAFF RECOMMENDATION(S)**

It is recommended:

**“THAT**, the operating hours at the Glen Tay Waste Site be changed to 8am to 4pm on Mondays, effective January 1<sup>st</sup>, 2025, subject to Ministry approval.”

**BACKGROUND**

At the October 24, 2023 meeting, Council adopted the following resolution:

**“THAT**, the Waste Site hours be changed as outlined in Report #PW-2023-22 – Proposed Changes to Waste Site Hours, effective January 1<sup>st</sup>, 2024, subject to Ministry approval;

**AND THAT**, traffic counts be undertaken throughout 2024 for the three waste sites for the purpose of evaluating the changes with an update provided to Council prior to the 2025 Budget deliberations.”

The purpose of this report is to provide Council with an update regarding the changes to the Waste Site hours that were implemented at the beginning of 2024.

In summary, the changes included:

- Closing the sites at 4:00 p.m. instead of 6:00 p.m. on Sundays,
- Closing the Maberly Waste Site on Monday throughout the summer,
- Changing the Glen Tay Waste Sites hours to 10:00 a.m. to 6:00 p.m. instead of 8:00 a.m. to 4:00 p.m.

**DISCUSSION**

Staff have been monitoring the changes to the hours over the course of the summer and can share the following information.

## Sunday Hours

Closing the waste sites at 4:00 p.m. instead of 6:00 p.m. on Sundays has been well received and utilized by residents. The hours between 4:00 p.m. and 6:00 p.m. were not well utilized by residents, and the traffic counts taken in 2023 supported this statement. Traffic data at the Glen Tay Site stills shows that Sunday is the least busy day during the summer months and staff recommend keeping the hours of 10:00 a.m. to 4:00 p.m. on Sundays for all three sites.

## Maberly Monday Closure

Staff only received one complaint regarding the closure on Mondays for the Maberly Site. The complainant was a business owner in the Maberly area who utilized the Maberly Site on Monday to unload their commercial waste following their busiest days of the week (the weekend). Staff and the Reeve met with the complainant at the end of 2023, listened to their concerns and provided a few options for them to consider. Staff have not received any other complaints from residents regarding the sites closure on Monday.

Staff have also reviewed the bag count data for the holiday Monday's when the site was opened and determined that opening the site on Holiday Mondays (Victoria Day, Civic Holiday, Labour Day and Thanksgiving), although there does appear to be a drop in bag count, appears to be warranted.

	<u>2024</u>	<u>2023</u>
Victoria Day	100	115
Civic Holiday	75	105
Labour Day	72	109
Thanksgiving	55	140

Staff recommend that the Maberly Site remain closed on Monday's and remain open on the Holiday Monday.

## Glen Tay Waste Monday Hours

Traffic counts were taken for 5-weeks between June 15<sup>th</sup> and July 17<sup>th</sup> to review the use for Monday's between 4:00 p.m. to 6:00 p.m. The number of vehicles using the site between these hours are as follows:

June 17 – 18 vehicles total  
June 24 - 32 vehicles total  
July 1 – site closed  
July 8 – 40 vehicles total  
July 15 - 16 vehicles total

Traffic counts were taken again in the fall between September 4<sup>th</sup> and September 23 and the number of vehicles using the site between 4:00 p.m. to 6:00 p.m. between these two dates are as follows:

September 9 – 12 vehicles total  
September 16 – 13 vehicles total  
September 23 – 17 vehicles total

The average number of vehicles that enter the site in all other open hours is fifty-seven (57), however the average number of vehicles entering the site between 4:00 p.m. and 6:00 p.m. significantly drops to only ten (10) vehicles per hour. Unfortunately, residents do not appear to be utilizing the site being open late and therefore staff recommend switching back to the previous hours on Monday and have the site open from 8:00 a.m. to 4:00 p.m.

## **FINANCIAL CONSIDERATIONS**

The only financial considerations will be to update the signage as the total number of operating hours for each site will remain as they were in 2024, which was included in the 2025 budget.

## **OPTIONS CONSIDERED**

**Option #1 – (Recommended)** – Change the Monday Hours at the Glen Tay Site from 10am to 6pm to 8am to 4pm, beginning January 1<sup>st</sup>, 2025. All other changes implemented at the beginning of 2024 will remain the same.

**Option #2** – Leave the hours “as-is”. This is not recommended as the data shows the Glen Tay Site is not being utilized when open late.

**Option #3** – Council provides other direction.

## **CLIMATE CONSIDERATIONS**

None considered.

## **STRATEGIC PLAN LINK**

**Strategic Initiatives** – Waste Management Master Plan

## **CONCLUSION**

The traffic data is a small sample size of the traffic volumes, however when reviewing the data and comparing it to the bag count totals, the average volumes noted does appear to be appropriate. Furthermore, discussions have occurred with the Attendants and the trends noted in the report, such as the busier days and Sunday afternoons being quiet, were supported by the Attendants. If Council does support the change in hours, traffic counts will be taken again at multiple occasions (spring, summer, and fall) in 2025 to monitor the volumes.

To change the hours back at the Glen Tay Site, the Township would require approval from the District Manager at the Ministry of Environment, Conservation and Parks, however this should not be an issue. The Township does not need to update the Environmental



Compliance Approval for each site, however, will need to make updates to signage at the site and on the Township's website.

**ATTACHMENTS**

None.

**Prepared and Submitted By:**

**Approved for Submission By:**

**Sean Ervin,  
Public Works Manager**

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

**COMMITTEE OF THE WHOLE**  
November 5, 2024

**Report #PD-2024-14**  
Noelle Reeve, Planner

## **SEWAGE SYSTEM MANAGEMENT SERVICES**

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

It is recommended:

**“THAT**, Tay Valley Township enter into an Agreement for the provision of septic inspection services with the Rideau Valley Conservation Authority, a copy of which forms Attachment #2 to this report.”

### **BACKGROUND**

Tay Valley Township has delegated responsibility to either the Mississippi Valley Conservation Authority (MVCA) or the Rideau Valley Conservation Authority (RVCA) to provide sewage system management services in accordance with the Building Code Act since 2004. The Conservation Authority has sub-contracted the actual administration and inspection of private septic systems to the Mississippi Rideau Septic System Office (MRSSO). The current five-year contractual arrangement with MVCA expires on March 31, 2025.

The purpose of this report is to seek Council’s approval to enter into a new agreement with RVCA beginning January 1, 2025 to allow for Tay Valley to come into the same contracting period as the six other municipalities RVCA provides septic services to.

### **DISCUSSION**

The scope of work within the contractual arrangement includes new septic system inspections. Septic re-inspection services are covered by a separate agreement. Despite the proposed agreement being with the RVCA, MRSSO delivers the following services to the whole of Tay Valley Township:

- receiving and processing applications for new septic systems
- land and property inspections
- septic system installation inspections
- issuing permits in accordance with the Building Code Act
- provision of comments on minor variances, severance, and rezoning applications
- planning document review and comment for subdivision proposals and draft official plans

- investigation of complaints and malfunctioning sewage systems
- issuing orders under the Act
- administration of prosecution activities

Tay Valley Township does not currently have the expertise or staff resources to provide septic inspection services under the *Building Code Act*. In addition, the Conservation Authority is well versed in delivering this service on behalf of the municipality.

Staff previously undertook a review of service providers, other than MRSSO, which might be capable and interested in this work. Based on the research that was conducted at that time, only the Leeds, Grenville and Lanark District Health Unit was a viable option for the municipality. However, the LLG Health Unit no longer undertakes any septic work and has transferred all their files to the MRSSO. Third party consulting firms are not a viable option as the regulations prohibit private engineering firms from providing inspection services in the same municipalities that they provide septic design or support services.

Hiring additional Township staff is an option but is not being recommended as the MRSSO have the benefit of economies of scale and can offer this service at affordable rates. It must be noted that Township fees for service as it relates to new system inspections are based on full cost recovery. Schedule 'A' to this report illustrates MRSSO's proposed fee schedule for the five (5)-year term of the Agreement.

With the exception of increases in annual fees commensurate with cost of living the proposed agreement simply carries forward the terms of the current agreement, the terms of which have served the municipality well in the past.

## **OPTIONS CONSIDERED**

**Option #1(Recommended)** – Enter into an Agreement with the Rideau Valley Conservation Authority for the provision of septic inspection services under Part 8 of the Ontario Building Code.

Option #2 – Issue a request for proposals to seek competitive bids for the provision of sewage system management services. This is not recommended due to the Township having canvassed for providers previously. There is a limited number of qualified service providers.

Option #3 – Hire internal staff to deliver sewage system administration and inspection services. This is not recommended for the reasons outlined.

## **FINANCIAL CONSIDERATIONS**

As outlined in Attachment #1 to this report, the MRSSO is recommending an annual increase equivalent to the Cost of Living.

Services provided by MRSSO are fully recovered from the applicant in the case of new septic systems. Costs associated with Township's septic re-inspection program are borne by the taxpayer. The 2024 Township budget is \$19,000.

## **STRATEGIC PLAN LINK**

**Healthy Environment** – Environmental Protection is ensured by having a knowledgeable and reliable service for septic system inspection.

**Thriving Culture, Economy and Tourism** – Economic Development and Tourism are protected by having a knowledgeable and reliable service for septic system inspection

## **CLIMATE CONSIDERATIONS**

Understanding the impacts of climate change (increased drought, heat waves, excessive rain events, flooding, etc) will be important in ensuring septic systems are designed appropriately to withstand these impacts. The MVCA/MRSSO have some of the best research on the local impacts for their watersheds in all of Eastern Ontario. Tay Valley Township will benefit from their knowledge on this topic.

## **CONCLUSIONS**

The Township is being well served by the expertise that exists within the present contractual arrangement. The municipality's responsibilities under the *Building Code Act* are being responsibly and efficiently delivered by the RVCA through the MRSSO.

## **ATTACHMENTS**

1. Proposed Fee Schedule – 2024 fees shown will increase by Cost of Living annually
2. Proposed Sewage System Management Agreement for the 2025-2030 term.

**Prepared and Submitted By:**

**Approved for Submission By:**

**Noelle Reeve,  
Planner**

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

## Attachment # 1 Proposed Fee Schedule

<b>Sewage System New Construction Replacement</b>	Class 4 (Leaching Bed System) & Class 5 (Holding Tank)	
	Residential	\$930.00
	Required Maintenance Contract Registration	\$150.00
	Commercial or Other Occupancies	\$1,340.00
	Class 2 & 3 Systems	\$450.00
	Class 4 Septic Tank Only	\$430.00
	Inspections (Subgrade, Partial Install, Squirt Height)	\$215.00
<b>Revisions To Existing Permit</b>	Major (e.g. Different Type of System, Different Location > 10 Metres)	50% of Fee
	Minor (e.g. Change Design Flow, Type of Treatment Unit)	\$215.00
	Administrative (e.g. Change of Documentation only)	\$135.00
<b>Alteration To Existing Sewage System</b>	Major (e.g. Addition of Treatment Unit, Mantle)	\$430.00
	Minor (e.g. Level Header, Filter & Riser)	\$215.00
<b>Renovation Change of Use Permits</b>	Renovation/Change of Use (OBC Part 10 & 11)	\$330.00
	Renovation/Change of Use (OBC Part 10 & 11) with Part 8 Application	\$170.00
<b>Miscellaneous</b>	File Search for Septic Records	\$170.00
<b>Renewals &amp; Cancellations</b>	Renewal & Review Fee (maximum 1 year extension)	\$215.00
	Cancellation Within 12 Months of Issuance (refund)	50% of Fee
<b>Permit to Demolish</b>	Permit to Demolish / Decommission a Septic System	\$170.00
<b>Planning</b>	Planning Comment (per lot for subdivision plan review to a maximum fee of \$5,000)	\$230.00
	Consent Application	\$340.00
	Additional Consent applications (same retained parcel)	\$155.00
	Minor Variances and Zoning By-law Amendments	\$340.00

# Attachment 2 Proposed Sewage System Management Agreement 2025-2030



## SEWAGE SYSTEM MANAGEMENT AGREEMENT

This Agreement dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024

BETWEEN:

**RIDEAU VALLEY CONSERVATION AUTHORITY**  
(the "Conservation Authority")

-AND-

**TAY VALLEY TOWNSHIP**  
(the "Municipality")

RECITALS:

1. Pursuant to *Section 6.2(2) of the Building Code Act, 1992, S.O. 1992 c.23* as amended (the "Act"), a municipality may enter into agreement with a Conservation Authority having jurisdiction in the municipality to enforce provisions of the Act and the Building Code related to Sewage Systems.
2. This Agreement is entered into pursuant to the Act, delegating to the Conservation Authority certain responsibilities under the Act and Building Code, as amended from time to time, for Sewage Systems as defined herein.

**IN CONSIDERATION** of the mutual covenants herein contained, the Parties agree as follows:

### ARTICLE ONE

#### GENERAL

Section 1.01 Application: This Agreement applies to all lands within the Municipality serviced by Sewage Systems ("the Service Area").

Section 1.02 Duties: The Conservation Authority shall carry out its duties in accordance with the Act and the Building Code in force from time to time, this Agreement, and any other legislation contemplated hereunder.

## ARTICLE TWO

### DEFINITIONS

#### Section 2.01 Definitions:

In this Agreement:

"Act" means the *Building Code Act, 1992*, S.O. 1992, c.23, including amendments thereto.

"Building Code" means regulations made under Section 34 of the Act.

"Conservation Authority" means the Rideau Valley Conservation Authority.

"Inspector" means an inspector appointed under section 3, 3.1, 4, 6.1 or 6.2;

"Municipality" means Tay Valley Township as a municipal corporation and, where the context requires, its geographic area.

"Permit" means written permission or written authorization to perform work regulated under the provisions of the Building Code and Act.

"Sewage System" means:

- a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
- b) a greywater system,
- c) a cesspool,
- d) a leaching bed system, or
- e) a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system,  
where these,
  - f) have a design capacity of 10,000 litres per day or less,
  - g) have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and
  - h) are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.

"Service Area" means this Agreement applies to all lands in the Municipality serviced by Sewage Systems.

"Services" has the meaning set out in Section 3.01.

"Sewage System Inspector" means a staff member of the Conservation Authority designated and appointed under section 6.2 of the Act for the purpose of implementing Part 8 of the Ontario Building Code.

## ARTICLE THREE

### SERVICES OF THE CONSERVATION AUTHORITY

Section 3.01 Services: Within the Service Area, the Conservation Authority shall:

- (i) Inspect lands prior to the issuance of a Permit for the construction, installation, establishment, enlargement, extension or alteration of a Sewage System;
- (ii) Issue Permits in accordance with the minimum standards set out in the Act and the Building Code relating to Sewage Systems (each a "Permit");
- (iii) Issue Certificates of Completion upon successful inspection (and repeat inspection when necessary) of Sewage Systems for compliance of the Permit and other requirements under the Act or Building Code;
- (iv) Inspect lands not serviced by municipal sewage services which are planned to be divided by severance, to ensure that each lot will be suitable for the installation of a Sewage System;
- (v) Inspection of lands to determine the acceptability of Planning Act applications concerning existing and proposed Sewage Systems and review of planning documents including, but not limited to, draft official plans and zoning by-laws and amendments, to ensure compliance with provisions of the Act and Building Code relating to Sewage Systems.
- (vi) Provide reports and comments on Planning Act applications and planning documents directly to the appropriate planning authority related to Sewage Systems.
- (vii) Receive and process applications and requests related to activities listed in paragraphs (i) through (vi) of this section.
- (viii) Maintain adequate records of all documents and other materials used in performing the duties required under this Agreement (the "Records"). This includes documenting Sewage System permits, renovation permit, file searches, customer complaints, and malfunctioning Sewage Systems. Upon reasonable notice by the Municipality, the Conservation Authority shall provide reasonable access to the Municipality to all Records;



- (ix) Provide information and expertise, where required, to the Municipality, its stakeholders and constituents regarding provisions of the Act and the Ontario Building Code relating to Sewage Systems;
- (x) Consult with various groups regarding compliance with provisions of the Act and Building Code relating to Sewage Systems;
- (xi) Investigate complaints and malfunctioning Sewage Systems, undertake compliance counseling and preparation of reports for abatement action as it relates to existing and proposed Sewage Systems;
- (xii) Issue orders under the Act relating to Sewage Systems;
- (xiii) Prepare documentation necessary for prosecutions including prosecuting violations relating to Sewage Systems under the Building Code. Perform all duties related to prosecutions relating to Sewage Systems pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33 and the Act;
- (xiv) Respond to inquiries made by any person under the *Municipal Freedom of Information and Protection of Privacy Act* and related Regulations, as amended from time to time, or through other legal channels;
- (xv) Provide all forms and clerical services necessary for the administration of this Agreement;
- (xvi) Perform any other matters related to the administration or enforcement of the Act or Building Code relating to Sewage Systems;
- (xvii) Maintain an appropriate number of adequately trained staff to carry out the services in a timely fashion;
- (xviii) Attend meetings of Municipal Council and its committees, as requested, to discuss matters relating to any provisions of the Act or Building Code relating to Sewage Systems;
- (xix) Meet with the Municipality's staff as often as is reasonably necessary to discuss service delivery and legislative issues requested; and
- (xx) In addition to the annual reporting provision set out in the Act and the Building Code, the Conservation Authority will prepare and provide a report capturing the breakdown of services, including but not limited to, service standards, requests for service, and response times.

#### ARTICLE FOUR

#### FEES

**Section 4.01 Collection of Fees:** The Conservation Authority shall collect and retain all fees, as set out in Appendix A, payable by any person for work performed by the Conservation Authority hereunder as compensation for the Services provided hereunder and all persons required to pay any such fee shall pay the fee to the Conservation Authority directly. The Conservation Authority agrees that compensation for the services outlined in Article 3.01 "Services of the Conservation Authority" shall be provided solely from the fees collected pursuant to Section 4.01 and the Municipality shall not be required to pay any compensation to the Conservation Authority for the services.

**Section 4.02 Amendment of Fee Schedule:** The Conservation Authority may amend annually, the fees as set out in Appendix A subject to the provisions of Article 1.9.1.2, "Change of Fees" Division C of the Code provided that such fees must not exceed the anticipated reasonable costs to provide the Services.

**Section 4.03 Reporting:** In accordance with Subsection 6.2(6) of the Act, which directs that Section 7 of the Act applies to a conservation authority that has assumed responsibility for sewage systems, the Conservation Authority shall prepare and provide the Municipality with an annual report pursuant to Section 7(4) of the Act, containing information on sewage system permit fees collected as well as servicing sewage system permits and enforcing the Act and Building Code. The annual report shall conform to Regulation Division C Part 1 (1.9.1.1) of the Building Code, which further requires that this annual report distinguish between direct and indirect costs.

## **ARTICLE FIVE**

### **INSPECTORS**

**Section 5.01 Qualifications:** The Conservation Authority shall ensure that all Inspectors shall be qualified in accordance with the provisions of the Building Code and shall be appointed by the Conservation Authority's Board of Directors as per section 6.2 (3) (4) of the *Building Code Act*.

## **ARTICLE SIX**

### **LIABILITY, INSURANCE AND INDEMNITY**

**Section 6.01 Insurance:** The Conservation Authority shall at their own expense within ten (10) days of notification of acceptance and prior to the commencement of work, obtain and maintain until the termination of this Agreement, provide the Municipality with evidence of:

**Commercial General Liability Insurance** issued on an occurrence basis for an amount of not less than \$5,000,000 per occurrence / \$5,000,000 annual aggregate for any negligent acts or omissions by the Conservation Authority relating to its obligations under this Agreement. Such insurance shall include but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property and operations; non-owned automobile; broad form property damage, broad

form completed operations; owners and contractors protective; occurrence property damage; products; employees as Additional Insured(s); contingent employer's liability; tenants legal liability, cross liability and severability of interest clause.

**Error and Omissions Insurance** for a limit of not less than \$2,000,000 per incident on a claims basis. Such coverage shall contain an extended reporting period of twenty-four (24) months or be maintained for a period of two years subsequent to conclusion of service provided under this Agreement.

**Automotive Liability Insurance** with respect to owned or leased vehicles used directly or indirectly in the performance of the services covering liability for bodily injury, death and damage to property with a limit of not less than \$5,000,000 inclusive for each and every loss.

The Municipality shall be added as Additional Insured to the above noted policies with respect to the operation of the Conservation Authority. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Municipality.

The Policies shown above shall not be cancelled or materially changed unless the Insurer notifies the Municipality in writing at least thirty (30) days prior to the effective date of the change or cancellation. The insurance policies will be in a form and with a company which are, in all respects, acceptable to the Municipality.

The Conservation Authority shall provide confirmation of Workers Safety Insurance Board (WSIB) coverage to the Municipality.

All deductibles related to the operations of the Conservation Authority shall be the sole responsibility of the Conservation Authority and the Municipality shall bear no cost towards such deductibles. The Conservation Authority shall be responsible for insuring their property and the Municipality shall bear no cost towards such insurance. Should the Conservation Authority fail to insure their property, the Municipality will not be liable for such property in the event of a loss.

**Section 6.02 Liability of the Conservation Authority:** The Conservation Authority shall indemnify and save harmless the Municipality, its Council members, officers, partners, agents, and staff from and against any and all claims, actions, losses, expenses, fines, costs, interest or damages of every nature and kind whatsoever, including but not limited to bodily injury or damage to or destruction of tangible property including loss of revenue arising out of or allegedly attributable to the negligence, acts, errors, omissions, whether willful or otherwise by the Conservation Authority, its officers, staff, or others who the Conservation Authority is legally responsible. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Municipality in accordance with this Agreement and shall survive the termination of this Agreement.

**Section 6.03 Liability of the Municipality:** The Municipality shall indemnify and save harmless the Conservation Authority from and against all claims, demands, losses,

costs, damage, actions, suits, or proceedings by whosoever made, brought, or prosecuted in any manner based upon, arising out of, related to, occasioned by or attributed to the negligence of the Municipality in executing its obligations under this Agreement.

## **ARTICLE SEVEN**

### **TERM, REVIEW AND TERMINATION OF AGREEMENT**

Section 7.01 Term: This Agreement shall continue in force commencing the date set out at the top of page 1 for a term of five (5) years.

Section 7.02 Deemed Renewal: This Agreement shall automatically continue following the expiry of the term set out above until it is:

- a) Superseded or replaced by a subsequent agreement; or
- b) Terminated in its entirety by either party by giving one (1) year written notice; or
- c) Terminated in its entirety by mutual agreement of both parties.

Section 7.03 Renewal: This Agreement shall be reviewed by both parties at least once every five (5) years if the Agreement is renewed beyond the initial term of five (5) years.

Section 7.04 Early Termination: This Agreement may be terminated in its entirety by either party prior to the end of the term set out in Section 7.01 by giving one (1) year written notice or by mutual agreement of both parties.

Section 7.05 Termination: Upon termination of this Agreement, the Conservation Authority shall provide the Municipality complete copies of all files and records of the Conservation Authority relating to the exercise of the delegated authority pursuant to this Agreement. The obligation of the Conservation Authority to indemnify the Municipality pursuant to Section 6.02 of this Agreement shall continue in full force and effect after the termination of this Agreement with respect to all actions or omissions of the Conservation Authority in executing the work under this Agreement prior to the date of termination.

## **ARTICLE EIGHT**

### **RELATIONSHIP OF THE PARTIES**

Section 8.01: It is expressly agreed that this Agreement shall not be construed as a partnership or joint venture between the Conservation Authority or any subcontractor and the Municipality. The Conservation Authority shall have no authority to bind the Municipality for the performance of any contract or otherwise obligate the Municipality.

## **ARTICLE NINE**

### **MISCELLANEOUS**

Section 9.01 Preamble: The preamble hereto shall be deemed to form an integral part hereof.

Section 9.02 Amendments: This Agreement shall not be changed, modified, terminated or discharged in whole or in part except by instrument in writing signed by the parties hereto, or their respective successors or permitted assigns, or otherwise as provided herein.

Section 9.03 Assignment: This Agreement shall not be assignable by either party hereto without the written consent of the other party being first obtained.

Section 9.04 Force Majeure: Any delay or failure of either party to perform its obligations under this Agreement shall be excused and this Agreement is suspended if, and to the extent, that the delay or failure is caused by an event occurrence beyond the reasonable control of the party and without its fault or negligence, such as, by way of example and not by way of limitation, acts of God, fires, floods, wind storms, riots, labor problems (including lock-outs, strikes and slow-downs) or court injunction or order.

Section 9.05 By-Laws: Any by-laws passed under Section 7 of the *Building Code Act* and all forms, applications, etc. related to Sewage Systems shall be provided to the Municipality by the Conservation Authority upon request at no charge.

Section 9.06 Posting: The Conservation Authority shall within ten (10) days of notification of acceptance and prior to the commencement of work, post this Agreement on its website.

Section 9.07 Notices: Any notice, report or other communication required or permitted to be given hereunder shall be in writing unless some other method of giving such notice, report or other communication is expressly accepted by the party to whom it is given by being delivered to an officer of such party during normal working hours or mailed to the following addresses of the parties respectively:

To the Conservation Authority:

Rideau Valley Conservation Authority  
3889 Rideau Valley Drive, P.O. Box 599  
Manotick, ON K4M 1A5  
Attention: General Manager/Secretary Treasurer

To the Municipality:

Tay Valley Township  
217 Harper Road  
Perth, ON K7H3C6  
Attention: Chief Administrative Officer/Clerk

Any notice, report or other written communication, if delivered, shall be deemed to have been given or made on the date on which it was delivered to any employee of such party, or if mailed, postage prepaid, shall be deemed to have been given or made on the third business day following the day on which it was mailed (unless at the time of mailing or within forty-eight hours thereof there shall be a strike, interruption or lock-out in the Canadian postal service in which case service shall be by way of delivery only). Either party may at any time give notice in writing to the other party of the change of its address for the purpose of this Section.

Section 9.08 Headings: The section headings hereof have been inserted for the convenience of reference only and shall not be construed to affect the meaning, construction or effect of this Agreement.

Section 9.09 Governing Law: The provisions of this Agreement shall be construed and interpreted in accordance with the laws of the Province of Ontario as at the time in effect.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the day and year set out below.

RIDEAU VALLEY CONSERVATION AUTHORITY

\_\_\_\_\_  
Chair Date:

\_\_\_\_\_  
General Manager/ Secretary-Treasurer Date:

TAY VALLEY TOWNSHIP

\_\_\_\_\_  
Reeve Date:

\_\_\_\_\_  
Chief Administrative Officer Date:

**APPENDIX A**  
**2024 FEE SCHEDULE**  
**SEWAGE SYSTEM INSPECTIONS**

Attached

Updated Annually

<b>Sewage System New Construction Replacement</b>	Class 4 (Leaching Bed System) & Class 5 (Holding Tank)	
	Residential	\$930.00
	Required Maintenance Contract Registration	\$150.00
	Commercial or Other Occupancies	\$1,340.00
	Class 2 & 3 Systems	\$450.00
	Class 4 Septic Tank Only	\$430.00
	Inspections (Subgrade, Partial Install, Squirt Height)	\$215.00
<b>Revisions To Existing Permit</b>	Major (e.g. Different Type of System, Different Location > 10 Metres)	50% of Fee
	Minor (e.g. Change Design Flow, Type of Treatment Unit)	\$215.00
	Administrative (e.g. Change of Documentation only)	\$135.00
<b>Alteration To Existing Sewage System</b>	Major (e.g. Addition of Treatment Unit, Mantle)	\$430.00
	Minor (e.g. Level Header, Filter & Riser)	\$215.00
<b>Renovation Change of Use Permits</b>	Renovation/Change of Use (OBC Part 10 & 11)	\$330.00
	Renovation/Change of Use (OBC Part 10 & 11) with Part 8 Application	\$170.00
<b>Miscellaneous</b>	File Search for Septic Records	\$170.00
<b>Renewals &amp; Cancellations</b>	Renewal & Review Fee (maximum 1 year extension)	\$215.00
	Cancellation Within 12 Months of Issuance (refund)	50% of Fee
<b>Permit to Demolish</b>	Permit to Demolish / Decommission a Septic System	\$170.00
<b>Planning</b>	Planning Comment (per lot for subdivision plan review to a maximum fee of \$5,000)	\$230.00
	Consent Application	\$340.00
	Additional Consent applications (same retained parcel)	\$155.00
	Minor Variances and Zoning By-law Amendments	\$340.00

**Notes:**

- A permit is valid for 12 months from the original date of issuance noted in permit. If lapsed, it may be renewed only once for a period of 12 months from the original date of expiry.
- If construction begins before a permit is issued a 50 percent surcharge applies to all permits.



**COMMITTEE OF THE WHOLE**  
**November 5<sup>th</sup>, 2024**  
**Report #PD-2024-15**  
**Noelle Reeve, Planner**  
**MISSISSIPPI-RIDEAU SOURCE PROTECTION PLAN**  
**PROPOSED AMENDMENTS**

**STAFF RECOMMENDATION(S)**

It is recommended:

“**THAT**, the comments contained in Report #PD-2024-11 be submitted to the Mississippi-Rideau Source Protection Committee via [marika.livingston@mrsourcewater.ca](mailto:marika.livingston@mrsourcewater.ca) in response to the Committee proposals to update the *Mississippi-Rideau Source Protection Plan*, Assessment Reports and Explanatory Document.”

**BACKGROUND**

The *Mississippi-Rideau Source Protection Plan* is a locally developed plan to keep our drinking water safe and clean. It is required under the *Clean Water Act, 2006*. The Plan has been in effect since 2015 and is currently undergoing an update due to recent legislative changes from the Ministry of Environment, Conservation and Parks related to Section 36. The Mississippi Valley Conservation Authority (MVCA) has requested feedback from municipalities and residents on the proposed changes by November 22, 2024.

Two documents were provided to assist in providing feedback. A summary of the proposed changes is included as Attachment 1. More detail is available at [SPC AR & SPP Updates](#).

Changes to a number of policies are proposed ranging from salt storage and application to creation of new waste sites.

**DISCUSSION**

Specific changes to the *Mississippi-Rideau Source Protection Plan* include policies for Intake Protection Zones (IPZ) 10 and 9 (and one for IPZ 8) related to:

- requiring management of stored salt in the amount of 300kg (rather than 5,000 tonnes);
- creation of a new sewage or septic treatment facility;
- creation of a new waste site;
- updates to Non-Agricultural Source Material to include processed organic waste (POW);
- changes to fertilizer, fuel and pesticide storage;
- the addition of pipelines; and

- updated impervious surface maps.

Tay Valley Township does not contain any lands designated Intake Protection Zone 10, but Council does support the changes that would protect drinking water in that zone. Tay Valley Township does contain lands designated Intake Protection Zones 8 and 9 and supports the changes to protect drinking water proposed for those zones.

For Tay Valley Township, however, the most relevant change is the proposal to create a new working group to protect private drinking water sources, i.e., individual homeowners' wells. Tay Valley Council has been requesting that attention be given to groundwater protection since 2015 when the *Mississippi-Rideau Source Protection Plan* was first adopted.

All the lands in Tay Valley Township are designated as a Highly Vulnerable Aquifer in the Source Water Protection Plan (except for a very small area around Balderson). Much of Tay Valley Township is also designated as a High Groundwater Recharge Area by the Plan.

Now that Lanark County is updating its Official Plan, it is imperative that information be provided to the Township, and to the County, to plan for where growth is sustainable, and where growth should not be directed, in order to protect the aquifers that provide water to residents' wells.

## **OPTIONS TO BE CONSIDERED**

Option #1 (Recommended) – Council directs staff to submit the above comments.

Option #2 – Council supports some of the comments and suggests changes to other comments.

## **FINANCIAL CONSIDERATIONS**

None at this time.

## **STRATEGIC PLAN LINK**

**Healthy Environment** – The motion encourages protection of groundwater as the resource that supports healthy ecosystems to exist in Tay Valley Township.

**Thriving Culture, Economy and Tourism** - The motion encourages protection of groundwater as the resource that allows human occupation of Tay Valley Township.

## **CLIMATE CONSIDERATIONS**

The motion can assist Tay Valley's ability to mitigate climate disruption by maintaining the functioning of the groundwater recharge system to maintain the tremendous biodiversity represented in the Township (by the overlap of ecozones represented by The Land Between and the Frontenac Arch Biosphere). Maintaining hydrologic function of the flow of groundwater will also be important to mitigate droughts and flooding expected to become more severe due to climate disruption.

## **CONCLUSIONS**

Tay Valley Township's comments about the proposed changes to the *Mississippi-Rideau Source Protection Plan* under Section 36 of the *Clean Water Act, 2006* focus on the

protection of the hydrologic and ecologic functions of the watershed. The Township strongly supports the changes intended to protect drinking water, especially the new efforts directed to groundwater protection for individual wells.

**ATTACHMENTS**

1. Summary of Section 36 Revisions

**Prepared and Submitted By:**

**Approved for Submission By:**

**Noelle Reeve,  
Planner**

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

## Attachment 1 - Summary of Section 36 Revisions

1. Waste	Directors Technical Rules	Policy Changes – Waste Modified Waste preamble	Policy updates as per the Amended Technical Rules: <ul style="list-style-type: none"> <li>o SQE (Small Waste Exemptions) are no longer considered significant threats</li> <li>o Update policy preamble to include Processed Organic Wastes (POW) and hauled sewage</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 # 3.1
2. Sewage	Directors Technical Rules	Policy Changes—Sewage Modified Sewage preamble  SEW-10-LB-PI-MC	Policy updates as per the Amended Technical Rules: <ul style="list-style-type: none"> <li>o Add Consolidated Linear Infrastructure PIs</li> <li>o Clarify stormwater outfalls and infiltration facility</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 #3.2
		SEW-15-LB	<ul style="list-style-type: none"> <li>o Sewage system is now called sewage works</li> <li>o Clarify in preamble about holding tank, tunnel and wet wells</li> <li>o Exemption for pumping stations</li> </ul>			
6/7. Non-Agricultural Source Material <i>Application, Handling and Storage</i>	Directors Technical Rules	Policy Changes—NASM Modified Policy preamble	Policy updates as per the Amended Technical Rules: <ul style="list-style-type: none"> <li>o Update NASM policy preamble to include the storage of POW</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 #3.10
8/9. Fertilizer <i>Application, Handling and Storage</i>	Directors Technical Rules	Policy Changes—Fertilizer Modified	Policy updates as per the Amended Technical Rules: <ul style="list-style-type: none"> <li>o Circumstance wording updated</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 #3.6
11. Pesticide <i>Application, Handling and Storage</i>	Directors Technical Rules	Policy Changes—Pesticide Modified	Policy updates as per the Amended Technical Rules: <ul style="list-style-type: none"> <li>o Removal of chemical names</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 #3.7

<p>13. Road Salt &amp; Snow Storage <i>Application, Handling and Storage</i></p>	<p>Directors Technical Rules</p>	<p>Policy Changes—Salt and Snow <u>Modified</u> SALT-1-LB-S58 SALT-2-LB-S57 SALT-3-LB SALT-6-NLB</p> <p>New SALT-EDU-7-LB  SALT-8-LB</p>	<p>Policy updates as per the Amended Technical Rules</p> <ul style="list-style-type: none"> <li>○ Update policy preamble with new salt storage thresholds</li> <li>○ Update policy preamble for impervious surfaces thresholds for salt application</li> <li>○ Clarify snow dump definition</li> <li>○ Update AR for new impervious surfaces calculation</li> <li>○ Only require RMP for existing snow dumps</li> <li>○ Probit future snow dumps</li> <li>○ Take snow piles out</li> <li>○ Update policy to suggest refresher every 5 years</li> </ul> <ul style="list-style-type: none"> <li>• Education and outreach policy for existing salt and snow</li> <li>• Prohibition of salt storage in quantities greater than 300 kg</li> </ul>	<p>Changes proposed in staff report Feb 2024</p>	<p>SPP</p>	<p>Section 3 #3.3</p>
			<ul style="list-style-type: none"> <li>• Manage salt storage in quantities greater than 300kg if partially exposed to precipitation</li> </ul>			

15. Fuel Handling and Storage	Directors Technical Rules	Policy Changes—Fuel Modified Fuel preamble 3.5.1 3.5.2	Policy updates as per the Amended Technical Rules <ul style="list-style-type: none"> <li>Revised preamble for handling and storage of liquid fuel in a tank <u>at or above</u> grade in a quantity that is more than 250 in WHPAs with a vulnerability score of 10</li> <li>Revised preamble to reflect significant drinking water threats in IPZs with a vulnerability score of 9</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 #3.5
16. Dense Non-Aqueous Phase Liquids (DNAPLs) Handling and Storage	Directors Technical Rules	Policy Changes—Chemical Revised	<ul style="list-style-type: none"> <li>Updated policies as per the Section 36 Workplan and the Amended Technical Rules: <ol style="list-style-type: none"> <li>Modified policies to reflect significant drinking water threats in IPZs with a vulnerability score of 9:</li> </ol> </li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 3 #3.4
22. Hydrocarbon Pipelines	Section 36 Workplan	Policy Development New PIPE-1-NLB (Notification and Emergency Response)	<ul style="list-style-type: none"> <li>New policy to manage hydrocarbon pipeline threats</li> </ul>	Completed Staff report February 11, 2021	SPP	Section 3 #3.13
Impervious surface methodology	Directors Technical Rules	Updated Impervious Surface Maps	<ul style="list-style-type: none"> <li>Propose not to proceed with 2021 DTR impervious surface area map methodology and to proceed with revised original approach with new grid size and updated impervious surface data</li> </ul>	Changes proposed in staff report Feb 2024	MVSPA AR RVSPA AR	Chapter 5 & 6 Figures & Text
Updated Carleton Place IPZ-2	Transport Pathways	Updated Carleton Place IPZ-2 Mapping	<ul style="list-style-type: none"> <li>Updated IPZ-2 mapping due to a large subdivision development in Carleton Place IPZ-2, impacting the drainage area.</li> <li>This change requires a minor update of MVSPA AR Ch. 6 and updated mapping in the SPP and MVSPA AR figures.</li> </ul>	Changes proposed in staff report Feb 2024	MVSPA AR	Chapter 5 Figures & Text
New Working Group	Best Practices	Creation of a new working group to protect private drinking water sources  New policy EDU-7-NLB	<ul style="list-style-type: none"> <li>The establishment of a multidisciplinary working group that meets semi-annually to target the protection of private drinking water sources.</li> </ul>	Changes proposed in staff report Feb 2024	SPP	Section 4 #4.4

# **CORRESPONDENCE**



**Big Rideau Lake**  
Association



Big Rideau Lake Association and the Rideau Lakes Environmental Foundation need the assistance of Tay Valley Township Council to identify the economic impact if bass fishing, and possibly all fishing, is adversely impacted by the declining bass population in our lakes.

The success rate of bass nests has declined dramatically since 1990 resulting in less bass in our lakes. Local fishermen are constantly noting that there are less fish, the fish are smaller, and this year, a large portion of the bass that are being caught are very small. Those small fish are one of the few positive results of COVID – very limited fishermen on the lake meant that more bass eggs survived the nesting process during the two COVID years. We need to learn from that experience and try to duplicate it through other measures.

To improve the success rate of bass nesting, pilot fish sanctuaries were implemented with provincial approval on Opinicon and Charleston Lakes in 2024. The sanctuaries are only closed through the full parental male guarding phase...which happens to be 2-3 weeks past opening day for bass fishing for most lakes. The bass spawning sanctuaries are open for all fishing for the balance of the year. Despite a popular misconception, the bass spawning sanctuaries are NOT closed to all fishing for the whole year.

In the 90's, the success rate of bass nests was around 65%. Today in Opinicon Lake it has fallen to 15% and across all the lakes in Rideau Lakes Township, about 20% on average. The documented success rate of nests in the Bass Spawning Sanctuaries in Opinicon and Charleston Lake was 85%!

The goal is to eliminate preseason catch and release of bass prior to their hatched eggs being able to fend for themselves. In today's environment, many people in our lakes fish prior to bass season opening and when a Conservation Officer or resident approach them about fishing out of season, they merely say "we're fishing for pike" (or some other non bass species) and there is no legal way to stop them. In a sanctuary, all fishing is prohibited, and Conservation Officers can take legal action.

Male bass protect their nests and if a male bass is removed from his nest for as little as five minutes, other fish eat all his babies. Catch and release could easily have the bass off his nest for 5 minutes!

We are working with the Fisheries Conservation Foundation (FCF) to expand those sanctuaries to Big, Upper and Lower Rideau Lakes. That will involve significant provincial government review that will probably take a year.

FCF is also adding additional lakes requesting fish sanctuaries and they will be engaging with the Ontario Fishing and Hunting (OFAH) to strengthen the proposal to the Provincial



Government. Rideau Lakes Environmental Foundation (RLEF) is providing a \$12,000 grant to FCF to establish the program for our three lakes and volunteers from Big Rideau Lake Association and Upper Rideau lakes Association are already working to make our dream a reality. We are comfortable that we have all the scientific bases covered, but we need to bolster the science with the economic impact.

Previous studies by FCF have shown that fishing gradually declines, and nobody really notices the drop until suddenly everyone realizes that fishing has been significantly damaged. That is basically what happened on Lake Scugog, one of the finest walleye fishing lakes in Ontario. All fishing has been banned on Lake Scugog for TWO YEARS! Just think of the economic impact.

Local fishermen are noticing that fishing is not as good as it used to be, and we need to address that immediately before we see a bigger impact and potentially have to stop fishing.

We need help from Tay Vaalley Township Council to to confirm the fundamental economic importance of bass fishing and the potential impact if bass fishing is adversely impacted by the continued decline in the bass population in our lakes. Just think of all the bait and tackle shops, the restaurants, and hotels that would be impacted. In addition, imagine the economic impact on other non fishing related businesses if our tourist population was significantly reduced.

Can you please document the thoughts of the Tay Valley Township Council in a letter to me by mid-November and we will include that in the FCF Provincial Government submission

Thank you for your continued support,  
Hansen Downer  
President – Big Rideau Lake Association  
President Rideau Lakes Environmental Foundation

Wednesday, October 09, 2024

To: Township of Tay Valley Head of Council and Council Members

Sent via email to: [cao@tayvalleytwp.ca](mailto:cao@tayvalleytwp.ca)

**Subject: Establishment of an Ontario Rural Road Safety Program**

Too many Ontarians are being seriously injured or killed on our roads.

In 2023, there were 616 people killed and 36,090 people injured. The number of fatalities is up nearly 20% in the last ten years.

In 2021, the most recent year of complete data from MTO's *Ontario Road Safety Annual Report* (ORSAR), there were 561 fatalities – 426 of which occurred on municipal roads. While rural Ontario only represents 17% of the province's population, 55% of these deaths occurred on rural roads. By any measure, Ontario's rural roads are disproportionately more dangerous.

At the same time, municipal insurance premiums continue to increase. With no plausible reform being considered for joint and several liability, municipalities need to find innovative means for managing risk, particularly on their roadways,

To deal with this crisis, Good Roads has designed a multifaceted rural road safety program and have been in discussions with the Ministry of Transportation to fund it. The program would target a municipality's most dangerous roads, perform road safety audits, and install modern safety infrastructure that prevents serious injuries and save lives. This program is designed to be cost effective while also providing rural municipalities with a direct means for addressing risk associated with their roadways.

Good Roads has proposed leading a five-year \$183 million program that leverages our 131 years of municipal road expertise and our industry partnerships to quickly put in place the solutions that will address some of Ontario's most dangerous roads.

Good Roads is seeking support to address these preventable tragedies.

If the Township of Tay Valley would be interested in pursuing this, a Council resolution similar to the example below should be adopted and sent to the Premier and the Minister of Transportation:

WHEREAS official statistics from the Government of Ontario confirm that rural roads are inherently more dangerous than other roads;

AND WHEREAS, despite only having 17% of the population, 55% of the road fatalities occur on rural roads;

AND WHEREAS, rural, northern, and remote municipalities are fiscally strained by maintaining extensive road networks on a smaller tax base;

AND WHEREAS, preventing crashes reduces the burden on Ontario's already strained rural strained health care system;

AND WHEREAS, roadway collisions and associated lawsuits are significant factors in runaway municipal insurance premiums. Preventing crashes can have a significant impact in improving municipal risk profiles;

THEREFORE, BE IT RESOLVED THAT the Township of Tay Valley requests that the Government of Ontario take action to implement the rural road safety program that Good Roads has committed to lead. It will allow Ontario's rural municipalities to make the critical investments needed to reduce the high number of people being killed and seriously injured on Ontario's rural roads; and

FURTHER THAT a copy of this resolution be forwarded to Premier Doug Ford, Hon. Prabmeet Sarkaria, Minister of Transportation, Hon. King Surma, Minister of Infrastructure, Hon. Rob Flack, Minister of Agriculture, Hon. Lisa Thompson, Minister of Rural Affairs, Hon. Trevor Jones, Associate Minister of Emergency Preparedness and Response, and Hon. Sylvia Jones, Minister of Health, and Good Roads; and

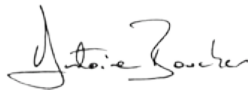
FURTHER THAT this resolution be circulated to all municipalities in Ontario requesting their support.

If you have any questions regarding this initiative please contact Thomas Barakat, Good Roads' Manager of Public Policy & Government Relations, at [thomas@goodroads.ca](mailto:thomas@goodroads.ca) at your convenience.

Sincerely,



Scott R. Butler  
Executive Director



Antoine Boucher  
President  
Good Roads Board of Directors



1. **Corporation of the County of Perth:** Correspondence – Jurisdiction of Ontario’s Ombudsman – *attached, page 4.*
2. **Township of Severn:** Correspondence – Jurisdiction of Ontario’s Ombudsman – *attached, page 5.*
3. **Lanark County:** Media Release – Lanark County Council Highlights from September 18<sup>th</sup>, 2024 – *attached, page, 6.*
4. **Lanark County:** Media Release – Lanark County Council Highlights from September 25<sup>th</sup>, 2024 – *attached, page 9.*
5. **Lanark County:** Media Release – National Day for Truth and Reconciliation – *attached, page 12.*
6. **Municipality of Dutton Dunwich:** Resolution – Wetlands Protection for Eastern Ontario – *attached, page 13.*
7. **Champlain Township:** Resolution – Wetlands Protection for Eastern Ontario – *attached, page 14.*
8. **Tay Valley Township:** Resolution – Province Removes Wetlands Protection for Eastern Ontario – *attached, page 15.*
9. **The Corporation of the Municipality of West Nipissing:** Resolution – AMCTO Recommendations to Update the Municipal Elections Act – *attached, page 17.*
10. **Town of Parry Sound:** Recommendation – Municipal Elections Act – *attached, page 20.*
11. **AMCTO: Report** – Modernizing the Municipal Elections Act for the 21<sup>st</sup> Century – *attached, page 24.*
12. **Municipality of Casselman:** Resolution – AMCTO Provincial Updates to the Municipal Elections Act – *attached, page 65.*
13. **Clearview Township:** Resolution – Updates to the Municipal Elections Act – *attached, page 67.*

14. **Town of Halton Hills:** Resolution – Provincial Updates to the Municipal Elections Act - *attached, page 70.*
15. **Town of Smiths Falls:** Resolution – Municipal Elections Act – *attached, page 73.*
16. **Town of Amaranth:** Resolution – Provincial Updates to the Municipal Elections Act – *attached, page 76.*
17. **The Corporation of the Town of Bracebridge:** Resolution – Updates to the Municipal Elections Act – *attached, page 79.*
18. **The Corporation of the Township of McGarry:** Resolution – Municipal Elections Act - *attached, page 81.*
19. **The Corporation of the Municipality of St. Charles:** Resolution – Increase Tile Drain Loan Limit – *attached, page 83.*
20. **The Town of Plympton-Wyoming:** Resolution – Request to Increase Tile Drain Loan Limit – *attached, page 84.*
21. **Clearview Township:** Resolution – Increase Tile Drain Loan Limit – *attached, page 85.*
22. **Township of Adelaide Metcalfe:** Resolution – Request to Increase Tile Drain Loan Limit – *attached, page 86.*
23. **Township of Hilliard:** Resolution – Funding for Small Rural Municipalities – *attached, page 88.*
24. **Municipality of Tweed:** Resolution – Funding for Small Rural Municipalities – *attached, page 89.*
25. **Township of Springwater:** Resolution – Physician Shortage – *attached, page 91.*
26. **Township of Puslinch:** Resolution – Physician Shortage – *attached, page 93.*
27. **Municipality of Tweed:** Resolution – The Canada Community-Building Fund – *attached, page 98.*
28. **Township of Puslinch:** Resolution – The Canada Community-Building Fund – *attached, page 99.*
29. **City of Quinte West:** Resolution – The Canada Community-Building Fund – *attached, page 101.*
30. **Town of Bradford West Gwillimbury:** Correspondence – Ontario Deposit Program – *attached, page 103.*

31. **AMO:** Update – President’s Update, October 2024 – *attached, page 104.*
32. **Ministry of Agriculture, Food and Agribusiness:** Correspondence – Agricultural Workforce Equity and Diversity Initiative – *attached, page 106.*
33. **The Town of Plympton-Wyoming:** Resolution – Solve the Humanitarian Crisis – *attached, page 107.*
34. **Regional Municipality of Waterloo:** Resolution – Solve the Crisis – *attached, page 108.*
35. **The Corporation of the Town of Cobourg:** Resolution – Support for Involuntary Care for Individuals with Severe Mental Health and Addictions Issues – *attached, page 111.*
36. **The Corporation of the Township of Brock:** Resolution – Rideshare Services – *attached, page 113.*
37. **City of Kitchener:** Resolution – Renovictions – Safe and Adequate Housing – *attached, page 115.*
38. **The Corporation of the Township of Georgian Bluffs** – Resolution – Safe Use of Lithium-ion Batteries – *attached, page 118.*
39. **The Corporation of the Township of Otonabee-South Monaghan:** Correspondence - Regulations for the Importation and Safe Use of Lithium-ion Batteries – *attached, page 119.*
40. **AMO:** News Release – Province to Introduce Legislation Governing Bicycle Lanes – *attached, page 122.*
41. **Northumberland County:** Resolution – Public Sector Salary Disclosure – *attached, page 124.*
42. **Municipality of Stirling Rawdon:** Resolution – Public Sector Salary Disclosure – *attached, page 127.*
43. **Ministry of Energy and Electrification:** Correspondence – Ontario’s Affordable Energy Future: The Pressing Case for More Power – *attached, page 128.*
44. **Enbridge:** Report – Application & Evidence – *distributed separately.*
45. **Ontario Energy Board:** Notice – Rate Hearing – *attached, page 130.*
46. **Tay Valley Township:** Report – Building Reports – September 2024 – *attached, page 131.*

47. **Tay Valley Township: Report** – Building Summary Report with Previous 3 Year Average – January to September 2024 – *attached, page 132.*

# UPDATES



## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, October 21<sup>st</sup>, 2024

5:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers

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### ATTENDANCE:

**Members Present:** Chair, Larry Sparks  
Peter Siemons  
Richard Schooley

**Members Absent:** None

**Staff Present:** Noelle Reeve, Planner  
Garry Welsh, Secretary/Treasurer

**Staff Absent:** None

**Applicants/Agents Present:** Tammy Thornton, Owner

**Public Present:** Paul Haliburton  
Willie Haliburton  
Robert Roszell  
Donna Roszell

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### 1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.  
A quorum was present.

### 2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

### 3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

#### 4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – August 19<sup>th</sup>, 2024.**

The minutes of the Committee of Adjustment meeting held on August 19<sup>th</sup>, 2024, were approved as circulated.

#### 5. INTRODUCTION

The Chair welcomed the attendees. The Chair then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Chair advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained.

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

**MV24-12 – Thornton**, Concession 5, Part Lot 11, geographic Township of North Burgess

#### 6. APPLICATION

i) **FILE #: MV24-12 – Thornton**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the owner worked with the Township to amend their original application to make it acceptable. The owner had originally sought to include a basement under the proposed kitchen addition, but this would require a hydro geological study due to proximity to the

wetland. Additional decking was also reduced to a landing allowed for access as the owner has already constructed a gazebo.

The Planner also confirmed that the proposed garage must be set back at least 1m from the property line as relief from this requirement was not included in the application. A rise in the land towards the neighbouring property will also prevent water runoff from flowing in that direction.

The Planner noted that the Rideau Valley Conservation Authority supports the application, with recommendations that will protect and enhance ground water and the lake shoreline. A permit was not required for the fill that has been added to the building site as it is not within 15m of the lake. The Township's Chief Building Official (CBO) is responsible for determining the need for a site drainage and grading plan.

The Planner noted that the Natural Heritage Information Centre (NHIC) mapping confirms that there are no species at risk within the proposed development area. Ontario Parks was not circulated for comments as they did not have property within 60m of the subject lot.

b) APPLICANT COMMENTS

The Applicant acknowledged that the structures on the submitted site drawings are not to scale and that they can redraw them for the Township to match the application. The Planner also confirmed that the written numbers on the application are what is referred to when assessing the application and updating the existing Site Plan Control Agreement.

c) ORAL & WRITTEN SUBMISSIONS

Six written messages of support for the application and one message expressing concerns were received prior to the meeting and circulated to the Committee for review. – *attached, page 5.*

Neighbouring property owners, Robert Roszell and Donna Roszell, stated that the Site Plan Control Agreement definitely needs to be updated, with all buildings shown and drawn to scale. They also noted that there are alternate locations on the lot that the garage could have been located. The Planner responded that the garage location has been deemed to be acceptable as it meets the side yard setback and is outside the wetland area. The Planner also asked the applicant to stake out the 18m and 35m distances from the shoreline to provide clarity for the CBO.

d) DECISION OF COMMITTEE

**RESOLUTION #COA-2024-13**

**MOVED BY:** Peter Siemons

**SECONDED BY:** Richard Schooley

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV24-12 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 580 Lally Lake Lane A, Part Lot 11, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-21706;

- To allow a proposed cottage addition at a water setback of 15m (50 ft) rather than the minimum 30m required;
- To permit the construction of a garage at a water setback of 18.5m (60.7ft) rather than the minimum 30m required;

**AND THAT**, the existing Site Plan Control Agreement be updated.”

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:35 p.m.

# PINEHURST CEMETERY BOARD MINUTES

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Thursday, October 17<sup>th</sup>, 2024

2:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

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## ATTENDANCE:

**Members Present:** Chair, Councillor Fred Dobbie  
Bill Avery  
Jay Playfair

**Staff Present:** Amanda Mabo, Chief Administrative Officer/Clerk

**Others Present:** None

**Members & Staff Absent:** None

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## 1. CALL TO ORDER

The meeting was called to order at 2:00 p.m.  
A quorum was present.

## 2. APPROVAL OF AGENDA

The agenda was adopted as presented.

## 3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

## 4. APPROVAL OF MINUTES

i) **Minutes – April 11<sup>th</sup>, 2024.**

### **RESOLUTION #PCB-2024-06**

**MOVED BY:** Bill Avery

**SECONDED BY:** Fred Dobbie

“**THAT**, the minutes of the Pinehurst Cemetery Board Meeting held on April 11<sup>th</sup>, 2024 be approved as circulated.”

**ADOPTED**

## 5. BUSINESS

### i) Pinehurst Cemetery By-Law Update.

The by-law was approved by Council and sent to the BAO on September 6<sup>th</sup>. The CAO/Clerk will follow-up to determine the status.

### ii) Name Sign Update.

The request for a proof and quote has not been obtained. The CAO/Clerk will make the request following this meeting.

### iii) Site Visit for Compliance Update.

#### Cemetery Sign at Front

The cemetery sign near the front will be cleaned next Spring as it will need to be pressure washed.

#### Topsoil and Footstones

J. Playfair has arranged for the topsoil and the grass cutter has filled in the holes where the ground has sunk and has also uncovered the ground headstones. The spread topsoil was grass seeded and the last grass cutting of the season occurred earlier this week. There is still some topsoil remaining that can be used moving forward.

### **RESOLUTION #PCB-2024-07**

**MOVED BY:** Jay Playfair

**SECONDED BY:** Bill Avery

“**THAT**, the Garry James be compensated for his work spreading the topsoil and levelling footstones in the cemetery in August and September 2024;

**AND THAT**, the CAO/Clerk be authorized to approve the invoice.”

**ADOPTED**

#### History of Cemetery

Staff still need to look to see what files the Township has on the history of the cemetery as Jay has a lot of history in his head but must ensure that this is captured in writing as well.

#### Leaning Stone

J. Playfair obtained a quote in the amount of \$1,954.90, including HST, from Kinkaid Loney Monuments to disassemble the spire, dig out rock foundation and replace with gravel, then drill, pin, reassemble and power wash spire. A 50% deposit is required before the work can be performed.

**RESOLUTION #PCB-2024-08**

**MOVED BY:** Jay Playfair  
**SECONDED BY:** Bill Avery

“**THAT**, the project for the Erwin headstone be authorized for \$1,954.90 (includes HST);

**AND THAT**, a deposit be made for 50% so that the work can commence.”

**ADOPTED**

iv) **Budget Update.**

\$2,700 was received as donations for the annual Memorial Service in September.

v) **2025 Draft Budget.**

Adjust the Lawn Maintenance line from \$2,100 to \$2,200.

Add the following line:

Memorial Service                      \$200 (Minister and Music)

**RESOLUTION #PCB-2024-09**

**MOVED BY:** Bill Avery  
**SECONDED BY:** Jay Playfair

“**THAT**, the 2025 Pinehurst Cemetery operating budget be approved as amended.”

**ADOPTED**

vi) **Expansion of Cemetery.**

J. Playfair declared a conflict of interest as he is the adjacent land owner for the expansion.

Given the age of two of the Board Members, would like to get this process going.

One of the first steps is to confirm legal clear title.

**RESOLUTION #PCB-2024-10**

**MOVED BY:** Bill Avery  
**SECONDED BY:** Fred Dobbie

“**THAT**, staff be authorized to conduct a legal search for the Pinehurst Cemetery in regard to the future expansion.”

**ADOPTED**

The Board would like to consider a cemetery for the expansion. A scattering ground could be approved for the area in the current cemetery where it is rock at the back of the cemetery, this would be an alteration to the existing cemetery.

A letter from the Medical Officer of Health is required, staff will reach out to get the letter.

Once the legal information is pulled and the letter from the Medical Officer of Health received and reviewed, then the next step can be discussed.

vii) **Memorial Service Update.**

Went well, approximately sixty (60) in attendance.

Need to ensure the sound system is tested before the service moving forward.

**6. NEW/OTHER BUSINESS**

None.

**7. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS**

Next Meeting: Thursday, March 27<sup>th</sup>, 2024 at 2:00 p.m.

Proposed Agenda Items:

- *Expansion of Cemetery*

**8. DEFERRED ITEMS**

*\*The following items will be discussed at the next and/or future meeting:*

- *None.*

**9. ADJOURNMENT**

The Board adjourned at 2:55 p.m.



**RIDEAU VALLEY CONSERVATION AUTHORITY**  
**Box 599, 3889 Rideau Valley Drive**  
**Manotick, Ontario, K4M 1A5**  
**(613) 692-3571, 1-800-267-3504**

*Hybrid meeting held in-person and electronically*

**DRAFT MINUTES**

<b>Board of Directors</b>	<b>7/24</b>	<b>Thursday, September 26, 2024</b>
<b>Present:</b>	Jeff Banks Brian Dowdall Susan Irwin Shawn Pankow Kristin Strackerjan Gary Waterfield	David Brown Steve Fournier Trevor Johnson Angela Pierman Adam Turcotte Adrian Wynands
<b>Regrets:</b>	Anne Barr Sean Devine Theresa Kavanagh	Barry Card Mel Foster Wilson Lo
<b>Staff:</b>	Sommer Casgrain-Robertson Kathy Dallaire Marissa Grondin Ryan Hiemstra	Dan Cooper Diane Downey Terry Davidson

Chair Strackerjan called the meeting to order at 6:33 p.m.

**1.0 Roll Call**

General Manager/Secretary-Treasurer conducted a roll call.

Chair Strackerjan informed the members of Anne Robinson's resignation from the Board and indicated an electronic card would be circulated to members to thank her for her valuable service.

**2.0 Land Acknowledgement Statement**

Chair Strackerjan gave the Land Acknowledgement statement.

**3.0 Agenda Review**

Chair Strackerjan reviewed the Agenda and made note of an additional agenda item that staff requested to be added.

**Resolution 1-240926**

**Moved by:** Susan Irwin  
**Seconded by:** Adrian Wynands

THAT the Board of Directors of the Rideau Valley Conservation Authority permit an additional item to be added to the agenda for consideration regarding the purchase of a new vehicle, and that this additional staff report become agenda item 11.0.

**Resolution Carried**

**4.0 Adoption of Agenda**

**Resolution 2-240926**

**Moved by:** Gary Waterfield  
**Seconded by:** Brian Dowdall

THAT the Board of Directors of the Rideau Valley Conservation Authority adopts the Agenda as amended.

**Resolution Carried**

**5.0 Declaration of Interest**

There were no declarations of interest.

**6.0 Approval of Minutes of July 25, 2024**

**Resolution 3-240926**

**Moved by:** Trevor Johnson  
**Seconded by:** Jeff Banks

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the Minutes of the Board of Directors Meeting #06/24, July 25, 2024 as circulated.

**Resolution Carried**

**7.0 Business Arising from the Minutes**

There was no business arising.

**8.0 2025 Meeting Schedules**

Sommer Casgrain-Robertson, General Manager, reviewed the proposed 2025 meeting schedules for the Board of Directors and Executive Committee.

Chair Strackerjan noted the potential of an Executive Committee meeting prior to the January Board meeting for the General Manager's performance review, as well as an additional meeting before the June Executive Committee session for a mid-year review. Marissa Grondin will send meeting invites for these meetings to members of the Executive Committee and amend the meeting schedule on the website as necessary.

**Resolution 4-240926**                      **Moved by:**                      Adrian Wynands  
**Seconded by:**                      Shawn Pankow

THAT the Board of Directors of the Rideau Valley Conservation Authority approve the attached 2025 Meeting Schedules for the Board of Directors and Executive Committee.

**Resolution Carried**

*Steve Fournier joined the meeting 6:42 p.m.*

**9.0 Appointment of Staff to Issue Permits on Conservation Lands**

Ms. Casgrain-Robertson reviewed Ontario Regulation 688/21, highlighting the requirement for permits to conduct activities on Conservation Lands. She explained the need to delegate permit issuance to additional staff for efficiency and that this delegation is in line with Section 3(1) of the regulation, which allows for permits to be issued by staff appointed by the authority.

**Resolution 5-240926**                      **Moved by:**                      Susan Irwin  
**Seconded by:**                      Steve Fournier

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint the following staff to issue permits on behalf of the authority under Ontario Regulation 688/21:

- General Manager / Secretary-Treasurer
- Director of Conservation Lands and Stewardship
- Conservation Lands Planner
- Baxter Area Supervisor
  - restricted to activities taking place at Baxter Conservation Area
- Foley Mountain Area Supervisor
  - restricted to activities taking place at Foley Mountain Conservation Area

**Resolution Carried**

**10.0 Activity Report: July and August 2024**

Ms. Casgrain-Robertson provided a brief update on key programs and events from July and August.

A member inquired about the timing of water monitoring reports and if RVCA would be continuing its six-year cycle. Ms. Casgrain-Robertson confirmed that subwatershed reporting which operated on a six-year cycle had been paused while staff focused on the completion of a watershed wide Conditions Report that was issued in January 2024. Staff are now undertaking a review of all RVCA monitoring programs which will involve consulting with key stakeholders, including municipalities and lake associations, to determine what information would be most useful in future reports. Subwatershed reporting will not resume until the review is complete, although staff continue to publish City Stream Watch reports and annual water quality monitoring results.

A member asked about the spike in E. coli levels at Conservation Area beaches. Ms. Casgrain-Robertson acknowledged the higher-than-normal number of beach closures, noting that this trend is not unique to the RVCA, with municipalities experiencing similar issues. She noted that the combination of a hot summer and frequency of intense rain events could have contributed because of increased runoff. To better understand the cause, the RVCA is exploring DNA tracing to identify the source species of the E. coli, with plans to potentially implement this approach next summer to address the root cause.

**Resolution 6-240926**

**Moved by:** Trevor Johnson  
**Seconded by:** Jeff Banks

THAT the Board of Directors of the Rideau Valley Conservation Authority receive this report for information.

**Resolution Carried**

#### **11.0 Vehicle Purchase**

Terry Davidson, Director of Engineering and Regulations, presented a report recommending the purchase of a small truck to replace two older fleet vehicles.

A member sought clarification on the vehicle's year, to which Mr. Davidson confirmed it is a 2022 model. A member then inquired about funding, prompting Mr. Davidson to explain that the purchase will be covered by RVCA's vehicle reserve, with Ms. Casgrain-Robertson further clarifying that the cost would not impact RVCA's operational budget as the cost would be fully funded through reserves.

**Resolution 7-240926**

**Moved by:** Steve Fournier  
**Seconded by:** Adrian Wynands

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the purchase of a used Ford Maverick truck from Barrhaven Ford,

not to exceed \$31,139 plus applicable taxes with the purchase funded from RVCA's vehicle reserve.

### **Resolution Carried**

#### **12.0 2025 Budget Direction**

Ms. Casgrain-Robertson presented the attached slides and sought direction from the Board regarding RVCA's 2025 budget.

A member noted that their municipality would review year-to-date figures in October or November, with any potential tax increase dependent on the presence of a surplus.

Another member mentioned that their municipality had not yet provided budget direction to staff.

A third member asked how the municipal levy increase would be determined. Ms. Casgrain-Robertson explained that the decision rests with the Board and is usually kept within budget direction received annually from City of Ottawa Council. She also explained assessment growth and how that factors into the levy increase.

No additional direction was given, so staff indicated that a preliminary budget would be prepared by staff for the October Board meeting based on the figures presented in the slides.

#### **13.0 Meetings**

- a) AMO Conference (Ottawa) – August 18 to 21, 2024
- b) Developing a City/CA RACI Matrix for Natural Hazards – September 9, 2024
- c) Quarterly City of Ottawa / CA General Managers Meeting – Sept 11, 2024
- d) RVCF Board of Directors Meeting – September 11, 2024
- e) City / CA Municipal Drain meeting – September 13, 2024
- f) OFA Ottawa AGM – September 17, 2024
- g) Conservation Ontario Council Meeting - September 23, 2024
- h) General Manager's Interim Performance Review – September 26, 2024

#### **Upcoming**

- i) Source Protection Committee Meeting – October 3, 2024
- j) Reconciliation and Thanksgiving Harvest – October 3, 2024
  - Chair Strackerjan and Ms. Casgrain-Robertson spoke highly of the event in past years and encourage members to attend if available.

- k) Latornell Conservation Symposium – October 8 & 9, 2024
- l) Eastern General Managers meeting – October 24, 2024
- m) Next Board of Directors Meeting – October 24, 2024

**14.0 Member Inquiries**

None.

**15.0 New Business**

Ms. Casgrain-Robertson shared the sad news of the passing of Glenn Tunnock, President of Friends of the Tay Watershed and acknowledged his many contributions to the Rideau watershed and the lasting impact of his work. She also confirmed that a card would be sent to the family.

Gary Waterfield added that he spoke at the funeral for Mr. Tunnock and expressed gratitude to the RVCA for their thoughtful words of recognition. He indicated that he would pass them along to Mr. Tunnock's partner.

**16.0 Adjournment**

The Chair adjourned the meeting at 7:24 p.m. on a resolution by Adrian Wynands which was seconded by Steve Fournier.

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**Kristin Strackerjan**  
Chair

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**Marissa Grondin**  
Recording Secretary

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**Sommer Casgrain-Robertson**  
General Manager/Secretary-Treasurer

Good morning,

The Board and Source Protection Authority (SPA) meetings scheduled for next **Thursday, October 24, 2024**, will be hybrid meetings. You may choose to attend in person at the Rideau Valley Conservation Centre in the Monterey boardroom at 3889 Rideau Valley Drive, Manotick, ON, or via Zoom. The meeting will start promptly at 6:30 p.m.

The Board of Directors agenda package and minutes can be found at the links below:

- October 24, 2024 – [Agenda Package](#)
- September 26, 2024 – [Draft minutes](#)

The Source Protection Authority agenda package and minutes can be found at the links below:

- October 24, 2024 - [Agenda Package](#)
- April 25, 2024 - [Draft Minutes](#)

Please RSVP your attendance by EOD Tuesday, October 22<sup>nd</sup> by replying to this email and indicate whether you plan to attend virtually or in person.

The Zoom link and calendar invite will be emailed in advance to those who RSVP.

Marissa

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