



September 28, 2017

MINUTES OF PLANNING BOARD MEETING - SEPTEMBER 26, 2017

At a meeting of the Manitoulin Planning Board held in the Board Room at the Planning Board Office, Gore Bay, Ontario on September 26, 2017, the following Members of Planning Board were present:

- |    |            |    |             |
|----|------------|----|-------------|
| 1. | K. Noland  | 6. | L. Hayden   |
| 2. | A. Hunt    | 7. | R. Stephens |
| 3. | P. Moffatt | 8. | D. Head     |
| 4. | E. Russell | 9. | I. Anderson |
| 5. | D. Osborne |    |             |

Absent: L. Addison

There were no interested parties or members of the general public or press in attendance.

The Meeting was called to Order at 7:00 p.m. by Chair K. Noland, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of August 22, 2017.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business, with the addition of Item 6.g) -Planning Administration Funding. The following motion resulted:

MOTION

It was moved by P. Moffatt and seconded by d. Osborne that the Order of Business be adopted, as amended.  
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - August 22, 2017

The Chair announced that the Minutes of the Board Meeting held on August 22, 2017 had been circulated to all Board Members and requested that any errors or omissions be stated.

There being no errors or omissions, a motion was moved by I. Anderson and seconded by R. Stephens that the Minutes be adopted as circulated. - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- August 22, 2017

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by A. Hunt and seconded by E. Russell that the variable expenditures be accepted as presented. - Carried.

4. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the application for consent to sever would now be heard.

NOTE: For the Sake of continuity the details and decisions of the presentations will be so recorded in the usual fashion toward the end of the Minutes.

5. REQUEST FOR CHANGE OF A CONDITION

- a) File No: B14-17  
Owner: Huron Timber Company  
Location: Lots 21 & 23 thru 25, Conc. XII and  
Lots 21 thru 25, Conc. XIII  
Township of Cockburn Island, District of Manitoulin
- b) File No. B15-17  
Owner: Huron Timber Company  
Location: Lots 31 thru 35, Conc. VI and  
& Lots 31 thru 35, Conc. VII  
Township of Cockburn Island, District of Manitoulin

The Secretary-Treasurer explained the applicant had requested a change to a condition for a survey for the subject files and the following letter, dated September 15, 2017 from S. Cheifetz, agent for the applications, was attached to the Notice:

*'This letter shall confirm that due to the significant expense of having surveys or boundary line surveys completed that Huron Timber Company is formally requesting that the Manitoulin Planning Board consider and approve a "change of conditions" to item i) for the previously approved consent for each of File No. B14-17 and B15-17. The fee of \$300.00 for each of the "change of conditions" applications are being couriered to you separately.*

*We attach a copy of an email from Tulloch Engineering showing an estimated cost of \$63,200.00 for having surveys prepared for each of the two Consent Files set out above. This is an expense and unnecessary cost as the Purchaser of both properties has confirmed that they do not require a new reference plan or survey for either of the properties. This was confirmed to the writer by Howard Hamilton, the legal counsel, Ontario for the Nature Conservancy of Canada.*

*The Huron Timber Company is requesting that condition i) in each of the Consents set forth above be changed to i) a letter from the Land Titles Office confirming that they will register the Transfer for the parcel to which the consent approval relates and that this formal request for a "change of conditions" be placed on the agenda for the September 26, 2017 Manitoulin Planning Board meeting. In the event you have any questions about this matter, please do not hesitate to contact the writer.'*

The Board were advised that this had become a standard condition of consent approval, following a presentation on September 30, 2014 regarding boundary line disputes and legal costs involved. Under the Planning Act conditions of a provisional consent may be amended as a minor or major change.

There was no one in attendance during consideration of the request.

Discussion of the request for a 'change of a condition' resulted in the following motions:

**MOTION**

It was moved by R. Stephens and seconded by I. Anderson that the change of condition is considered minor and due to the survey costs for the proposed severed land, File No. B14-17, that the condition which read:

accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;  
or  
a boundary line survey identifying the new lot line, not identified by a registered Plan of Survey, resulting from the severance;'

is hereby deleted and replaced with:

- i) 'written confirmation from the Land Registrar that the transfer will be registered without a registered Plan or Survey or a Boundary Line Survey;  
and  
written confirmation from the transferee that the transfer without a registered Plan or Survey or a Boundary Line Survey is satisfactory to the transferee.

**MOTION**

It was moved by L. Hayden and seconded by P. Moffatt that the change of condition is considered minor and due to the survey costs for the proposed severed land, File No. B15-17, that the condition which read:

accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;  
or  
a boundary line survey identifying the new lot line, not identified by a registered Plan of Survey, resulting from the severance;

is hereby deleted and replaced with:

- i) written confirmation from the Land Registrar that the transfer will be registered without a registered Plan or Survey or a Boundary Line Survey;  
and  
written confirmation from the transferee that the transfer without a registered Plan or Survey or a Boundary Line Survey is satisfactory to the transferee.

6. a) By-Law Enforcement Officer Course

The Secretary-Treasurer reported to the Board that both staff members have completed the course exam with passing marks and she is investigating how to obtain their designations to enforce Zoning By-law No. 96-01 for the Unincorporated Townships of Robinson and Dawson.

- b) Northeastern Planning Authorities Workshop  
Sudbury - September 12 & 13, 2017

The Secretary-Treasurer thanked the Board for the opportunity to attend this two day workshop in Sudbury and reported that there were many excellent presentations consisting of a couple of round table planning scenarios; proposed changes to Bill 139 including the transforming of the Ontario Municipal Board (OMB); and an afternoon session just for Planning Boards which provided for sharing lessons learned and networking.

All presentations are to be copied onto a thumb drive, for the office, for future review.

- c) Workplace, Violence, and Harassment Policies

The Board Members were provided with a draft document prepared with these policies by Jake Diebolt, GIS Technician. Mr. Diebolt explained that all workplaces are required to have these policies and gave a review of the draft document. Chair Noland requested the Board to review the draft document and report back at the next Board Meeting with any questions, comments, or concerns, to assist in developing a policy for the Manitoulin Planning Board.

- d) Bill 139 - proposed changes

Jake Diebolt, GIS Technician provided the Board Members with a summary of proposed changes to Bill 139, which has passed first reading, for information purposes. During discussion of the changes and the concern that Provincial approvals of Official Plans and Official Plan Amendments would be exempt from appeal, Chair Noland requested Mr. Diebolt draft a letter to the Minister addressing their concerns and provide a draft letter for the Board to consider at the next regular Board meeting.

- e) Draft Official Plan Update.

The Secretary-Treasurer reported to the Board that there has been no additional information received from the Ministry of Municipal Affairs (MMA) since providing them with the Board's comments of August 22, 2017.

- f) October Board Meeting

The Secretary-Treasurer asked if the Board would like to consider deferring the regular scheduled October Board Meeting to the 5<sup>th</sup> Tuesday of the month, being October 31, 2017. During discussion, the Board were in agreement that the next regular Board Meeting would be held on Tuesday, October 24, 2017 at 7:00 P.M.

6. g) Planning Administration Grant - MMA - 2017-2018

The Secretary-Treasurer informed the Board that the allocation process for the Planning Board Funding from the Ministry of Municipal Affairs (MMA) for the delivery of planning services in the unincorporated townships of Robinson and Dawson requires Planning Board to execute a legal agreement with MMA summarizing the terms, conditions and reporting requirements in relation to the grant. In order to do this MMA requires the Board to adopt an appropriate resolution authorizing the execution of the legal agreement.

**MOTION**

It was moved by A. Hunt and seconded by I. Anderson that the Manitoulin Planning Board does hereby authorize the Chair and the Secretary-Treasurer to execute the funding agreement for the allocation of \$16,073.00 to the Manitoulin Planning Board. - Carried.

7. CLOSED SESSION

The Chair requested the Board to go In Camera to review:

- the Minutes of the Executive Committee In Camera Session of July 31, 2017;
- the Minutes of the In Camera Session of August 22, 2017; and
- advice subject to solicitor-client privilege.

MOTION

It was moved by L. Hayden and seconded by D. Head that the Board go In Camera at 8:29 p.m. to review the Executive Committee In Camera Session of July 31, 2017; and the Minutes of the In Camera Session of August 22, 2017; and advice subject to solicitor-client privilege.

MOTION

It was moved by R. Stephens and seconded by P. Moffatt that the Board rise from the In Camera session at 9:10 p.m.

It was reported that items were discussed during the In Camera component of the Board Meeting and the following motions resulted.

MOTION

It was moved by D. Osborne and seconded by R. Stephens that the Minutes of the Executive Committee In Camera Session held on July 31, 2017 be adopted as circulated. - Carried.

MOTION

It was moved by A. Hunt and seconded by L. Hayden that the Minutes of the In Camera Session held on August 22, 2017 be adopted as circulated. - Carried.

MOTION

It was moved by L. Hayden and seconded by R. Stephens that in the interests of both the Manitoulin Planning Board and the Town of Northeastern Manitoulin and the Islands and to resolve the issue of the reimbursement of reserve funds, that legal councils discuss \$20,000.00 be paid to NEMI.

PRESENTATION OF APPLICATION FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- a) to consider applications for consent under Section 53 of the Planning Act, and
- b) to make a decision in regard to the applications scheduled to be heard, and explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were no conflicts of interest declared.

Following is the list of Applications for Consent considered at this meeting.

1. B16-17

It was moved by R. Stephens and seconded by P. Moffatt that due to no additional information having been provided by the applicant this application, File No. B16-17, be adjourned. - Carried.

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The time now being 9:16 p.m. and all business before the Board having been dealt with the Meeting was adjourned on a motion moved by P. Moffatt.