



# MANITOULIN PLANNING BOARD

40 WATER STREET - UNIT 1 - P.O. BOX 240 - GORE BAY - ONTARIO - P0P 1H0  
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October 13, 2015

## MINUTES OF PLANNING BOARD MEETING - September 29, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on September 29, 2015, the following Members of Planning Board were present:

- |    |            |    |              |
|----|------------|----|--------------|
| 1. | D. Osborne | 6. | R. Stephens  |
| 2. | M. Peters  | 7. | B. St. Denis |
| 3. | P. Moffatt | 8. | L. Hayden    |
| 4. | A. H. Hunt | 9. | E. Russell   |
| 5. | K. Noland  |    |              |

Regrets: D. Head and L. Addison

Also in attendance were:

T. Sasvari, reporter, Manitoulin West Recorder;  
M. Wilson, on behalf of Application for Consent File B38-15; and  
W. Kershaw, Park Planner, Ministry of Natural Resources and Forestry,  
interested party, Application for Amendment, File No. 96ZBL-15-001.

There were no other 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 July 28, 2015. P. Moffatt declared he had a conflict with Application for Consent File B40-15. There were no other conflicts declared.

### 1. ORDER OF BUSINESS

The Chair requested that the agenda be adopted as circulated.

#### MOTION

It was moved by D. Osborne and seconded by L. Hayden that the Order of Business be adopted as circulated. - Carried.

### 2. MINUTES OF PREVIOUS BOARD MEETING - July 28, 2015

The Chair announced that the Minutes of the Board Meeting held July 28, 2015 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 A. H. Hunt and seconded by P. Moffatt that the Minutes be adopted as circulated. - Carried -

### BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING - July 28, 2015

There was none.

### 3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

#### MOTION

It was moved by E. Russell and seconded by B. St. Denis that the variable expenditures be accepted as presented. - Carried.

#### 4. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the applications 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. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01

File No.: 96ZBL-15-001  
Owner: Mark and Caroline Campbell  
Location: Pt. Lot 2, Conc. I  
Part 1, Plan R.R. 23  
Township of Robinson  
Proposal: To rezone from Rural Zone to Shoreline Residential Zone to permit a seasonal dwelling having a minimum ground floor area of 37 sq. m. and a storage building (9 sq.m.) in the front yard with a minimum set back of 6.1 m.

The lands subject to this application have a frontage of  $\pm 45.7$  m. on Lake Huron and an average depth of  $\pm 148$  m., thereby containing  $\pm .66$  hec. This lot which was created by checkerboarding prior to subdivision control, has been in the owners possession for  $\pm 14$  years.

Access is from Highway No. 540, a provincially maintained highway over the Little Lake Huron Road/Pebble Road, crossing Lot 2, Conc. IV; Lots 1 and 2, Conc. III; Lots 2 and 3, Conc. II; and Lots 2, 3, 4 and 5, Conc. I, surveyed as Part 1, Plan R.R. 47; and over Cedar Trail Road, surveyed as Part 30 and Parts 1A to 29A, Plan R.R. 38; and over Parts 6 to 10, Plan R.R. 26; and Parts 16 to 21, Plan R.R.23. This private right-of-way is not maintained by the Local Roads Board.

Services will consist of a water from Lake Huron with sewage disposal by grey water pit and composting toilet. The Sudbury and District Health Unit have advised they have no objections as the property appears to be capable of development for installation of a septic tank and leaching bed system.

Fire protection is provided by the Robinson Township volunteer fire fighters.

Garbage Collection is provided by the Robinson Township Local Services Board.

The subject land has been designated Shoreline Development and zoned Rural. This area was zoned Rural to control development in an area where lots were created prior to subdivision control without regard for planning related criteria. Therefore each lot is reviewed for its capability of supporting residential uses. This proposal is a continuation of the established precedents common to this area. This proposal to amend Zoning By-law No. 96-01, if approved, will rezone from Rural (R) Zone to Shoreline Residential (SR) Zone to permit seasonal residential uses.

This proposal is requesting Zoning By-law No. 96-01 be amended to:

1. rezone from Rural (R) Zone to Shoreline Residential (SR) Zone to permit Section 24(1) to apply; and
2. despite Section 24.(1) (b) 8. permit the minimum ground floor area for the proposed seasonal dwelling to be reduced from 55 sq. m. to 37 sq. m.; and
3. despite Section 5.(4) permit an accessory shed having a minimum front yard setback of 6.1 metres which is located closer to the front lot line than the seasonal dwelling.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement 2014. This proposal appears to be consistent with the Provincial Policy Statement in general and to Section 1.1.6.1 in particular, which states:

*'On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).'*

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS. As previously stated, this area has been developed by checkerboarding prior to subdivision control and the subject lot is a lot of record.

5. PRESENTATION OF APPLICATION FOR AMENDMENT TO  
ZONING BY-LAW 96-01 - File No.: 96ZBL-15-001 -Continued

This application to amend zoning By-Law 96-01 was circulated on September 1, 2015 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

The following e-mail was received from Eric Cobb, Ministry of Natural Resources and Forestry (MNRF) on September 18<sup>th</sup>, 2015 as a result of circulation to property owners, i.e. Misery Bay Park:

*'Policy 1.5.1 d) of the Provincial Policy Statement states that negative impacts to parks and other protected areas should be minimized. More information on any proposed new septic system and road improvements would be required to make a preliminary assessment regarding potential to the adjacent property (Misery Bay Provincial Park). A representative from Ontario parks may be in attendance at the public meeting on September 29<sup>th</sup> in order to identify these potential concerns.'*

*The proposal also occurs within a deer yard. It is recommended that the loss of deer feeding opportunities and shelter habitat can be mitigated by minimizing the amount of conifer cover removed during the construction of the dwelling.'*

There were no other written concerns or objections received from the agencies or property owners.

The required public meeting was held on September 29, 2015 at 7:00 p.m. in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or in opposition to the application. There were no written submissions received.

Mr. Will Kershaw, Park Planner, Ministry of Natural Resources and Forestry (MNRF), was in attendance during consideration of this application and the Chair provided him the courtesy to speak to the application.

Mr. Kershaw advised that, in the interest of Misery Bay Park, which is located east of the subject land, he did not support the application due to the negative effect it would have on the Misery Bay Park. Mr. Kershaw confirmed that he would provide new shape files for the Park.

It was noted that Misery Bay Park was originally all located within the Township of Burpee and that the MNRF subsequently became the owner of Lot 1, Conc. I, Township of Robinson, which provided a buffer between the subject land and the original Park boundaries. According to Mr. Kershaw Lot 1, Conc. I, Township of Robinson is now included within the Park.

The subject land, being an existing lot of record, is one of many lots in private ownership within Lots 2 to 8, Conc. I. Development on these lots has been non intrusive type development with minimal tree removal. There is no hydro service available to this area therefore septic systems are limited to compost/Class 2 systems.

It is noted that a precedent may be set if the seasonal dwelling is permitted to be reduced in size from 55 sq. m. to 37 sq. m. and if the accessory shed is permitted to remain within the front yard. It is recommended that when the size and setback requirements for the structures can be met, that no variance be considered. However, in regard to the request to permit a minimum ground floor area of 37 sq. m., there has been no precedent set to permit a reduced ground floor area for lots within the shoreline area. The Secretary-Treasurer suggested the Board may like to consider that the neighbouring township by-law does permit a minimum ground floor area of 44 sq. m. compared to By-law 96-01 requiring a minimum ground floor area of 55 sq. m.

It has been confirmed by a site visit and pictures taken on September 22<sup>nd</sup>, 2015 that the existing right-of-way known as Cedar Trail is travellable by emergency vehicles for the seasonal residential use proposed.

The applicant has stated that no trees will be required to be removed at the proposed site for the seasonal dwelling. This proposal would appear to have little or no impact on the Deer Yard.

This proposal does not appear to precipitate or cause any undesirable affects on the Planning Area.

5. PRESENTATION OF APPLICATION FOR AMENDMENT TO  
ZONING BY-LAW 96-01 - File No.: 96ZBL-15-001 -Continued

Providing there are no extenuating circumstances or additional information to be considered there would appear to be no expected adverse effects according to information available.

Therefore, based on the aforementioned analysis it is recommended the subject Application for Zoning By-law Amendment be approved to rezone from Rural ( R ) Zone to Shoreline Residential (SR) Zone and that the Board consider a reduced ground floor area to 44 sq. m. for the seasonal dwelling and that accessory buildings conform to By-law 96-01.

The following By-law was read:

BY-LAW NO. 2015-01

Being a By-law of the Manitoulin Planning Board to amend By-law No. 96-01, the comprehensive Zoning By-law for the Townships of Robinson, Dawson and Mills.

**Whereas** the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

**And Whereas** the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

**And Whereas** the Manitoulin Planning Board deems it desirable to amend Zoning By-law No. 96-01 under Section 34 as set out by Sec. 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

**Now Therefore**, the Manitoulin Planning Board enacts the following:

- (1) To rezone from Rural (R) Zone to Shoreline Residential (SR) Zone;
- (2) Despite Section 24(1) 8. permit a seasonal dwelling having a minimum ground floor area of 44 sq. m;
- (3) Subsections (1) and (2) apply to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Part Lot 2, Conc. I, being Part 1, Plan R.R. 23, (Little Lake Huron Estates), registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (5) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (6) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

**MOTION**

It was moved by R. Stephens and seconded by P. Moffatt that this by-law be approved.  
- Carried.

6. APPLICATION FOR PLAN OF SUBDIVISION

File No.: SUB2014-02  
Owners: Alan and Sylvia Van Wagner  
Location: Lots 1 to 3 and Lots 17 to 20, Island TP 2475 (Known as Ireson Is)  
Bay of Islands Area (Whitefish Bay)  
Municipality of the Town of Northeastern Manitoulin and the Islands  
Proposal: To develop a 16 lot plan of subdivision for seasonal residential use.

After a brief update for the Board regarding the subject proposal and the deferral of further consideration of this application, during the Board Meeting of October 28, 2014, pending completion of an Environmental Impact Assessment (EIA), the Secretary-Treasurer advised that she had met with Judith Jones and John Morton of Winter Spider Eco-Consulting, on September 21, 2015, who will be preparing a Terms of Reference (TOR) for the EIA. There is concern regarding access to the island, i.e. ice conditions, for doing a spring evaluation. The TOR will request concurrence with Planning Board and the Ministry of Natural Resources and Forestry on methods to complete the evaluation and suggest an additional fall assessment. The consultants do not anticipate the EIA will be available before January 2017.

6. APPLICATION FOR PLAN OF SUBDIVISION  
File No.: SUB2014-02 - Continued

Discussion regarding the navigational concerns, i.e. docks, resulted in that this can be addressed with a site plan agreement. The consultants also inquired regarding support of the Municipality. The Secretary-Treasurer advised that it was her opinion that the Municipality were in support of the development. Board Member Melissa Peters concurred.

7. GENERAL, REGULAR AND NEW BUSINESS  
a) General Up-date by Secretary-Treasurer

i) Conveyance of Land or Cash-in-lieu - Condition of Development

The Board were advised that the Municipality of Gordon/Barrie Island have been reviewing their current by-law and the Board were provided with a draft for information. There was general discussion and Board Member Lee Hayden provided information regarding considerations from a municipal view.

ii) Workplace Safety and Insurance Board (WSIB) Classification Review

The Board were advised that further to discussions regarding the review of Planning Board's classification as reported in the January and March 2015 Board Minutes, there had been discussions with Pauline Trush, Employer Specialist, WSIB, and she has advised that, following her investigation, the Board are in the correct classification as there is not another classification that the Board is better suited to be in.

iii) Northeastern Ontario Planning Authorities (NEOPA) Workshop  
September 23 and 24, 2015 - Sudbury

The Secretary-Treasurer gave a brief outline of the presentations and workshops that were attended during the NEOPA Workshop in Sudbury as follows:

Keynote Speaker, Robert Voigt, Cambium Inc.

Spoke on revitalizing communities, strategies for becoming the change agents and creativity catalyst that our communities need now to bring them into a future of success.

Workshops:

Sustainable Communities, Beverley Hillier, City of North Bay

Steps and considerations involved in the preparation of North Bay's Official Plan, i.e. background work developing OP Policy and experience with implementation.

Climate Change: Adaptation & Implementation, Curniss McGoldrick, City of Thunder Bay

Thunder Bay's Climate Change Adaptation Master Plan, which highlights their plan for the potential impacts and risks associated with a changing climate.

What Do Conservation Authorities Really Do, Paula Scott, NBMCA

NBMCA new 2015-2025 Integrated Watershed Management Strategy and their Municipal Plan Review Services and review of the Conservation Authorities Act.

Aligning Housing and Homelessness Plans with Official Plans, Steve May, MMAH

Housing and Homelessness Plans and affordable housing strategies and the Official Plan.

Municipal Approaches to Planning for Wildland Fire,  
Cindy Welsh, City of Timmins & Peter Tonazzo, City of Sault Ste. Marie

History of wildland fires and role of municipalities in planning for wildland fires.

Roads, Rights of Way and Easements,  
Edward B. Veldboom, MSC, PL.LLB/Christie Russell Law Firm

Hand outs from this workshop were tabled for Board Members.

7. GENERAL, REGULAR AND NEW BUSINESS  
a) General Up-date by Secretary-Treasurer  
iii) NEOPA Workshop - Continued

All About Surveying, Dave Tulloch, P. Eng. OLS, Tulloch Engineering

Practical Session, types of plans, how to read the, difference between deposited versus registered plans, overlapping plans/layers (precedence), what planning authorities should look for and when and how PIN's are assigned to new lots.

Tourism and Planning, James Lynn and Laurie Brownlee,  
Ministry of Tourism, Culture and Sport

Provincial and regional tourism strategies, programs and funding, encouraging new tourism strategies

Agriculture in the North, Monique Legault, John O'Neill, Pierrette Desrochers, OMAFRA

Potential ways to increase economic development opportunities for the development of agriculture and agri-food sector in Northern Ontario

Municipal Cottage Lot Development Opportunities on Crown Land, Justin Standeven, MNRF

Potential opportunities for municipalities, process and timelines.

The workshops were interjected with mini sessions and updates from MMAH.

Copies of most of the presentations are available should any of the Board Members be interested.

iv) Ontario Association of Committees of Adjustment and Consent Authorities (OACA) Fall Workshop - September 25, 2015 - North Bay

The Secretary-Treasurer gave a brief outline of the workshops that were attended during the OACA Workshop in North Bay as follows:

Shore Road Allowances - Stefan Zhelev, Assoc. Lawyer at Weaver, Simmons LLP

- regime governing Shore Road Allowances in Ontario and latest developments and trends in dealing with and disposing with these pieces of Crown Land, challenges to property owners, municipalities, Ministries as well as the general public

Validation Certificates - Stefan Zhelev, Assoc. Lawyer at Weaver, Simmons LLP

- nuts and bolts overview of this little known and infrequently utilized Section of the Planning Act.

Bill 73 and the Committee of Adjustment, Todd Coles, ACST (A), MCIP, RPP Manager of Development Services and the Secretary-Treasurer to the Committee of Adjustment, City of Vaughan

Review of impact on the operations of Planning Authorities.

Fairness and Transparency in the Decision-Making Process,  
Aynsley Anderson, Barriston Law LLP

Common-law concept of procedural fairness, legislation and discussion of the application of the Municipal Conflict of Interest Act

Copies of most of the presentations are available should any of the Board Members be interested.

7. GENERAL, REGULAR AND NEW BUSINESS

a) General Up-date by Secretary-Treasurer

v) Land Information Ontario - New Imagery Project - Spring 2016

Land Information Ontario are coordinating the acquisition of 20 cm resolution imagery under a public and private sector partnership funding model to share the costs of the project.

To begin the launch of the Central Ontario Orthophotography Project - 2016 (COOP2016) there will be a meeting in Sudbury on October 7, 2015. This meeting will be discuss the imagery acquisition plan and financing.

MOTION

It was moved by P. Moffatt and seconded by A. H. Hunt that the Secretary-Treasurer attend this meeting and that J. Diebolt, GIS Technician accompany her if considered worthwhile. - Carried.

vi) Office Equipment - Photo Copier

A letter dated June 30, 2015 was received from Xerox advising that availability in North America of spare parts for our current Xerox copier are no longer viable and will cease as of December 31<sup>st</sup>, 2015. As a result, service support for the current model is no longer available as of this date. This letter also was offering an aggressive discount on a new WorkCentre.

The Secretary-Treasurer advised that she had received quotes from Superior Digital Solutions (Xerox Product) and Northern Business Solutions (Ricoh Product) and provided the Board Members with a cost comparison and projections for mono and colour machines. She was recommending the purchase of the Xerox 7556 Colour machine.

In reply to the question of how many quotes were required in the procurement by-law the Board were advised three were required. The Board were advised there were not many companies in Sudbury offering the service required.

The Secretary-Treasurer was requested to get a third quote.

MOTION

It was moved by P. Moffatt and seconded by E. Russell that, after considering a third quote and if the recommendation of the Secretary-Treasurer was unchanged, that the Xerox Workcentre 7556 at a cost of \$6,894.25 be purchased and that this expense would be from the Reserve Account. - Carried.

b) Town of Northeastern Manitoulin and the Islands' (NEMI) Request to Ministry of Municipal Affairs and Housing (MMAH) for Planning Authority

The Board were advised that, further to discussion of this topic during the June Board Meeting, a letter, dated September 18, 2015, had been received on September 28, 2015 from Matt Alexander, Planner, Municipal Services Office, Ministry of Municipal Affairs and Housing (MMAH) seeking additional information from the Planning Board on the subject topic. Also included with this letter was supplemental information sent by NEMI to MMAH. This correspondence was provided by email to all Board Members on September 28, 2015.

This letter has requested a response by October 16, 2015. Following a request to Mr. Alexander requesting additional time permitting the Board an opportunity to have input to the response.

Mr. Alexander advised as follows:

'Regarding the timing of your response, we're still in the fact-finding stage of responding to the Town of NEMI's request, so there will be an opportunity for the Planning Board to provide an opinion on NEMI's business case, but at this time we're just interested in an objective picture of how NEMI's withdrawal from the planning board could affect the remaining member municipalities.'

It sounds like you'll need a little more time to gather the information we've requested, so if you could please have your response to our questions before October 30 I'd greatly appreciate it.'

7. GENERAL, REGULAR AND NEW BUSINESS

b) NEMI Request to MMAH for Planning Authority - Continued

The Secretary-Treasurer requested the Board to consider if they wished to review the response to the questions contained in the letter from MMAH dated September 18, 2015. Discussion resulted in general consensus that the Secretary-Treasurer proceed to respond to the questions contained in the letter and copy the Board Members.

8. OFFICIAL PLAN AMENDMENT NO. 91 - OMB DECISION

Owner: Davis & McLay Developments Ltd.  
Location: Part Lots 14 & 15, Conc. VII  
And Part Lot 14, Conc. VIII  
Parts 1, 2 & 3, Plan 31R-3552  
Township of Bidwell  
Town of Northeastern Manitoulin and the Islands

A copy of the approved Official Plan Amendment No. 91 dated August 26, 2015 has been received. The public meeting for the implementing Zoning Amendment was held on August 20, 2015. At this time the new plan of survey required to provide a legal description for the proposed by-law amendment has not been received.

9. OFFICIAL PLAN REVIEW

• New Lot Development Accessed by Private Roads/Rights-of-Way

In regard to outstanding issues with the draft Official Plan the following e-mail, dated September 9, 2015, was received from Bridget Schulte-Hostedde, MCIP, RPP, Manager, Community Planning and Development, Municipal Services Office- North (Sudbury), Ministry of Municipal Affairs and Housing.

'As we discussed yesterday, here are some further recommendations related to three policy areas for the draft Manitoulin Planning Area OP.

Private Roads

We appreciate having received the background information, statistics, and mapping on the historic scale of and approach to private road development on Manitoulin Island. We understand that the intent is for any new development associated with private roads to be seasonal in nature, limited and by way of consent, and based on legal, registered right of way access only. The OP policies should at minimum clarify the need for legal agreements (registered on title) to be in place addressing responsibilities for long term maintenance, minimum standards of construction, and assurance of emergency access. If not already included, you may also wish to include policies clarifying the Planning Board and member municipalities' approaches to dealing with local pressure to assume private roads or provide additional services to those residing on them (and resulting financial implications). Based on the information received and these additional clarifications, we feel the matter will be adequately addressed and we are not likely to comment further.

Proposed Natural Heritage System Policies

The PPS 2014 (section 2.1.3) requires that natural heritage systems be identified in various parts of the province, including Manitoulin Island. In recognition that the Planning Board's OP was drafted prior to PPS 2014 coming into effect, we'd strongly recommend that the following policy be included in the OP prior to adoption:

The Manitoulin Planning Board and its member municipalities are committed to maintaining and promoting a healthy natural environment and protecting its unique and special natural heritage features for the present generation and all successive generations. On this basis, it is a policy of this Plan that the establishment of a natural heritage system be completed through an Official Plan Amendment, including associated policies addressing its protection, prior to the Planning Board's first Official Plan five year review.'

Proposed Wildland Fire Policies

The PPS 2014 (section 3.1.8) also includes policy direction related to mitigating risks from wildland fire. We'd also strongly recommend that the following policy be included in the OP prior to adoption:

- Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- Proponents submitting a planning application may be required to undertake a site review to assess for the risk of high to extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.
- Areas with the presence of hazardous forest types for wildland fire are a proposed site plan control area.

9. OFFICIAL PLAN REVIEW

E-mail, dated September 9, 2015, received from Bridget Schulte-Hostedde - Continued

- Wildland fire mitigation measures shall not be permitted in significant natural heritage features [Elva- you may wish to insert the relevant provincially significant NH features that are listed in PPS 2.1.4]
- Wildland fire mitigation measures shall not be permitted in [Elva – you may wish to insert relevant provincially significant NH features that are listed in PPS 2.1.5] unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions

It was generally agreed that now that the right-of-way/private roads issue has been mitigated with MMAH the draft Official Plan should move forward to a final draft.

The Secretary-Treasurer requested the Board Members give some consideration to if they wished to see the minimum lot sizes, i.e. 150' and 1 acre for shoreline lots, be set out in the Official Plan or if they preferred to see these minimums only be established in the Zoning By-laws. Additional information for these types of policies would be requested during discussions with the Planners and MMAH.

PRESENTATION OF APPLICATIONS 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 52 of the Planning Act,  
(b) to make 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. P. Moffatt declared he had a conflict with Application for Consent File B40-15. There were no other conflicts declared.

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

		<u>Moved By</u>	<u>Seconded By</u>
1.	B34-15 and B35-15	Daniel Nicholson	L. Hayden
			P. Moffatt
		That this application be adjourned. - Carried.	
2.	B37-15	A. & B. Pickard	R. Stephens
			A. H. Hunt
3.	B38-15	P & B Wilson	L. Hayden
			M. Peters
		That this application be deferred to provide the Municipality additional time to provide comments. - Carried.	
4.	B39-15	Martian Properties Inc.	D. Osborne
			P. Moffatt
5.	B40-15	P, A & J Moffatt	E. Russell
			B. St. Denis
6.	B41-15	J. M. Kirk	L. Hayden
			R. Stephens

It was moved and seconded that the above applications be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions. - Carried.

The above motion applies to all applications excepting B34-15, B35-15 and B38-15.

P. Moffatt vacated the meeting room during consideration and decision for Application for Consent File B40-15.

**Application File No.: B37-15**      **No. of Members Present: 9**  
**Date of Decision: September 29, 2015**  
**Location of Property: Lot 6, Conc. IV, (#501 Foxtower Road), Township of Allan,**  
**Municipality of Billings and Allan East, District of Manitoulin**

**DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Austin and Beverley Pickard is to provide for the creation of a new lot having a frontage of ±402 M. on Hawk Road, a maintained municipal road, and a depth of ±402 M., thereby containing an area of ±17 Hec. There are no structures on this land. The applicants propose to convey this land to a family member.

The land to be retained has frontages of ±402 M. on Foxtower Road and ±603 M. on Hawk Road, both maintained municipal roads, and a depth of ±603 M., thereby containing an area of ±23 Hec. The applicants' dwelling, barn, garage, and accessory structures are located on this land.

There have been two (2) previous applications for consent.

File No. B23-85 created a new lot, surveyed as Part 1 together with right-of-way over Part 2, Plan 31R-1488, located within Lot 6, Conc. III; and

File No. B25-03 provided for the technical severance of Lot 6, Conc. IV and retained Lot 6, Conc. III.

Services consist of private well and private individual septic system. Private services are proposed for the severed land.

The subject land has been designated Rural District and zoned Rural (R). Farm related residential uses are proposed to continue.

The livestock facility located on the retained land meets the requirements of the Minimum Distance Separation Formulae (MDS) as required by the Ministry of Agriculture Food and Rural Affairs.

From information available, habitat for Bobolink and Eastern Meadowlark was identified within the retained land. The consent proposal was forwarded to the Ministry of Natural Resources and Forestry (MNRF) as part of the consultation process.

Eric Cobb, District Planner, MNRF, advised by email on August 7<sup>th</sup>, 2015:

*'We don't have any new SAR (Species at Risk) records for the proposed severed portion of the lot nor is there any new mapping delineating this area as habitat.'*

*'Based on the aerial photography, most of the 17 ha is forested and the open land appears to be either disturbed or have intensive agriculture, so the habitat for SAR grassland birds is probably marginal. However, if the photography is dated, land use and consequently its habitat suitability may have changed over time. Prior to future development, the landowner may want to exercise due diligence and do a preliminary site assessment to inform building constraints and/or the need for authorizations under the Endangered Species Act.'*

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014.

This application was circulated on August 20<sup>th</sup>, 2015 to the Municipality of Billings and Allan East and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality have advised by Resolution No. 2015-326 as follows:

*'BE IT RESOLVED THAT Council has no concerns, information, or conditions to add to the application for Consent, File No. B37-15.....carried'*

Application File No. B37-15 - continued  
September 29, 2015

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

There was no one in attendance who wished to speak in support or opposition to the application.

**Consent is tentatively granted subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

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;
- ii) proof that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

**Note:** Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

**Application File No.: B38-15      No. of Members Present: \_\_\_\_\_**

**Date of Decision: September 29, 2015 - Deferred**

**Location of Property: Part Lot 3, Conc. B, Surveyed as Parts 4 & 5, Plan 31R-2413 and Part 6, Plan 31R-840, Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin**

### **DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Colleen Wilson is to provide for a lot addition. The subject lands have subsequently been conveyed jointly to Perry and Brady Wilson. The proposed lot addition has a frontage of ±71 M. on Tobacco Lake, and an average depth of ±58.8 M., thereby containing an area of ±0.43 Hec., which is to be added to vacant land owned by Brady Wilson, surveyed as Part 3, Plan 31R-2413, having an average width of ±52.5 M. and an average depth of ±166.6 M., and containing an area of ±0.9 Hec. This lot addition will result in a lot having a frontage of ±71 M. on Tobacco Lake, and an average depth of ±80 M., thereby resulting in a total area of ±1.3 Hec. There is a pump house and a shelter (with no walls) located on the land proposed for lot addition. Part 5, Plan 31R-2413 is subject to easement for use of the beach area in favour of Parts 1, 2 and 3, Plan 31R-2413.

The land to be retained, being the remainder of Parts 4 & 5, Plan 31R-2413, and Part 6, Plan 31R-840, has a minimum frontage of 46 M. on Tobacco Lake and an average depth of ±53 M., thereby containing a minimum area of 0.4 Hec. This land is subject to easement over Part 5, Plan 31R-2413 and subject to right-of-way over Part 6, Plan 31R-840 and together with right-of-way over Parts 4 and 8, Plan 31R-840. The applicant's mobile home/seasonal dwelling is located on the retained land. By-law No. 93-03 permits a mobile home to be located within Part 4, Plan 31R-2413.

There has been a previous application for Consent, File No. B34-92, which created four (4) new lots, surveyed as Parts 1, 2, 3 and 4 & 5, Plan 31R-2413 and Part 6, Plan 31R-840 and subject to easement/right-of-way over Part 6, Plan 31R-840 and Part 5, Plan 31R-2413.

Perry Wilson, agent for the application, advised that he considered it to be appropriate to convey Part 6, Plan 31R-840 known as Tobacco Lake Road North, and a 14 M. strip of land, abutting Part 6, Plan 31R-840 to the Municipality thereby providing a minimum width of 20 M. (66 ft.).

Perry Wilson, also advised that Brady Wilson, brother and owner of Part 3, Plan 31R-2413, would be willing to convey a 14 M. strip of his land abutting Part 6, Plan 31R-840, known as Tobacco Lake Road North, to the Municipality thereby nullifying the previous consent approval for Part 3, Plan 31R-2413.

Services consist of private individual sewage disposal system and water from Tobacco Lake. Accompanying the application is a Certificate of Approval, No. SHU-714-92-010-11, dated November 18<sup>th</sup>, 1992 by the Sudbury and District Health Unit, for the septic system, located west of the dwelling, on the proposed retained land. There are no new services required at this time.

Access is via private right-of-way, surveyed as Parts 4, 6 and 8, Plan 31R-840, and over Lot 3, Conc. A, known as Tobacco Lake North to Highway No. 542.

The subject land has been designated Shoreline Development and zoned Shoreline Residential (SR). The proposed use is seasonal residential.

An unevaluated wetland is identified within the subject land, along the east boundary of Parts 1 through 5, Plan 31R-2413. It appears there would be a building envelope within these lands that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

From information available, the subject land does not appear to have any species at risk (SAR) concerns.

This proposal is considered to be consistent with the Provincial Policy Statement 2014.

Hydro One advised, May 28, 1992, for Consent File No. B34-92, that they have easements protecting their existing line location.

The application was circulated on August 20<sup>th</sup>, 2015 to the Municipality of Gordon/Barrie Island and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

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The Clerk for the Municipality advised, by email on September 28<sup>th</sup>, 2015:

'Please note that I do not feel comfortable completing the questionarie until Council address it at the October 6<sup>th</sup>, Council Meeting. I can complete and return it after that Council meeting.'

There have been two telephone inquiries to the office from R. Croft and G. McDonald, abutting land owners to the west, requesting further explanation of the application, the status of Tobacco Lake Road North and why it was to be conveyed to the Municipality. They had no concerns with the application.

There was also an inquiry from S. Merrylees, abutting land owner to the east, who had concerns with a dock and other obstructions which have made the shoreline unpassable in front of Part 5, Plan 31R-2413.

During a site visit to the property, Part 5, Plan 31R-2413 was not accessible. Pictures of the accessory structures have been provided by a family member.

There have been no other inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of a notice.

Part 6, Plan 31R-840, being part of the travelled access known as Tobacco Lake Road North, provides access to Hwy No. 542 for many property owners. It is recommended that Part 6, Plan 31R-840 be conveyed to the Municipality of Gordon/Barrie Island and that where possible, within the subject lands the width of the road be a minimum of 20 Metres (66 Ft.).

In regard to the accessory structures, Planning Board will not create a lot which results in non-conformity to the Zoning By-law. Previous applications for consent have contained conditions where the accessory structure(s) be removed or that there are plans for a dwelling unit to be constructed and a complete building permit for a dwelling unit is received which would provide conformity to the Zoning By-law.

It has been suggested to the agent that an application for amendment to the zoning by-law could be made to permit the existing structures and if approved, would then provide conformity to Zoning By-law No. 492.

Zoning By-law No. 492, Section 6.3 b) - Accessory Uses - states:

'an accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purpose other than for storage'.

Zoning By-law No. 492, Section 5 - Definitions - states:

Accessory Building shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, and may include a private garage, a boathouse, a tool shed, a storage building or a warehouse'.

During consideration of the application, there was a discussion regarding the accessory structures on the proposed lot addition and noncompliance to Zoning By-law No. 492.

Mark Wilson, brother of Perry and Brady Wilson, was in attendance during consideration of the application. He advised that Brady would like to keep both structures if at all possible. He explained that the pump house is a 20 ft. X 8 ft. building containing a hot tub and stove and is used for some storage. The other structure is open and could be removed if necessary.

Board Member, L. Hayden advised that Council had not commented regarding the structures.

Following discussion of this application a motion was moved, duly seconded, and carried that this application be deferred in order to provide an opportunity for the Municipality of Gordon/Barrie Island to discuss the accessory structure(s) issue, prior to further consideration of this application.

**Application File No.: B39-15      No. of Members Present: 9**

**Date of Decision: September 29, 2015**

**Location of Property: Part Lots 6 and 7, Water Street, Parts 1 and 2, Plan 31R-3366,**

**Townplot of Gore Bay, District of Manitoulin**

**DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Martian Properties Inc. is to provide for an easement from Water Street, over Part of Part 2, Plan 31R-3366, having a frontage (width) of ±6.7 M. on Water Street, and an average length of ±48 M., thereby containing an area of ±295 Sq. M. This easement is proposed to be used for access in favour of the abutting property, surveyed as Part 1, Plan 31R-448, containing a Commercial Business known as Loco Beanz and 2<sup>nd</sup> floor apartment(s).

The land to be retained, surveyed as Parts 1 & 2, Plan 31R-3366, has a frontage of ±17.1 M. on Water Street, and an average depth of ±70.9 M., thereby containing an area of ±1,130 Sq. M. There is a Commercial building, containing three commercial businesses, (formerly known as Stedmans), located on this land.

Leeanne Bell, agent for the application and owner of Loco Beanz, advised that she proposes to convey part of her land, which abuts the Municipal Office, to the Town of Gore Bay and requires access to her property from Water Street over the land owned by Martian Properties Inc. The Planning Act, Section 50(3) (c) does not require a consent application if land is being acquired or disposed of by the Municipality.

Access is from Water Street, a maintained municipal street.

Services consist of municipal water and sewers. No new services are required as a result of this application for easement.

The subject land has been designated by the Secondary Plan for Gore Bay as Central Core Policy Area and zoned Core Commercial (C1) and Residential (R1).

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

This application was circulated on September 4<sup>th</sup>, 2015 to the Town of Gore Bay, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Town of Gore Bay advised they have no concerns with the application.

There was a telephone call to the office from B. Noble, abutting property owner to the south, requesting further information of the application. He had no concerns.

There were no other inquiries or concerns received to the Planning Board Office, as a result of circulation to property owners within 60 metres and/or the posting of notice.

There was no one in attendance who wished to speak in support or opposition to the application.

**Consent is tentatively granted subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the easement given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

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 easement, to which the consent approval relates;

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September 29<sup>th</sup>, 2015

- ii) proof that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) proof satisfactory to Planning Board, that any outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

**Application File No.: B40-15**      **No. of Members Present: 8**  
**Date of Decision: September 29, 2015**  
**Location of Property: Lot 52, Conc. II and Part of the road allowance between Lots 51 and 52, Conc. II, Township of Assiginack, District of Manitoulin**

### **DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Paul, Ann and Jason Moffatt is to provide for a lot addition, having a width of ±152 M. and an irregular depth of ±152 M., thereby containing an area of ±1.16 Hec., which is to be added to an existing lot owned by Clayton Stere, surveyed as Parts 6, 7 & 10, Plan 31R-2223, having a frontage of ±56.7 M. on Lake Manitou and an irregular depth of ±441 M., thereby containing an area of ±5.1 Hec. This lot addition will result in a vacant lot, having a frontage of ±56.7 M. on Lake Manitou and an irregular depth of ±441 M., thereby containing a total area of ±6.3 Hec. Mr. Moffatt, applicant for the application, explained that there is a walking trail that more or less follows the angled line which they would like to retain. There are no structures on the severed land.

The land to be retained has a frontage of ±416 M. on Holiday Haven Road, a maintained municipal road, and a depth of ±1,005 M., thereby containing an area of ±39 Hec. There are no structures on this land.

The land receiving the lot addition, surveyed as Parts 6, 7 & 10, Plan 31R-2223 was the retained land from a previous application File No. B144-90, made by Mr. and Mrs. Clement.

Access for the retained land is via Holiday Haven Road, a maintained municipal road. Access for the land receiving the lot addition is via right-of-way, known as Heron Trail.

The Sudbury and District Health Unit advised on, January 10, 1991, for Consent File No. B144-90, that the parcel receiving the lot addition would be capable of supporting a sub-surface sewage disposal system. There are no new services required as a result of the application for lot addition.

The subject land has been designated Agriculture, Rural and Shoreline Development Districts and zoned Agriculture (A), Rural (R), and Shoreline Residential (SR).

From information available there are no natural heritage features or species at risk (SAR) concerns.

There is an unevaluated wetland identified on the retained land and at the north west part of the lands receiving the lot addition. The proposed lot addition will not impact on suitable building envelopes on the subject lands. Therefore, this proposal conforms to the Provincial Policy Statement (PPS) 2014.

This application was circulated on September 9<sup>th</sup>, 2015 to the Municipality of Assiginack and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised by Resolution No. 342-21-15:

*'BE IT RESOLVED THAT Council authorizes staff to inform the Manitoulin Planning Board that we have no objections or concerns to Consent File No. B40-15, subject to the application submitted.'*

There have been no inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

There was no one in attendance who wished to speak in support or opposition to the application.

#### **Consent is tentatively granted subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer; and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s). This Schedule must also:
  - i) contain the names of the parties indicated on the Transfer of Land form; and

- ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) confirmed by a copy of the Parcel Register.

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September 29, 2015

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;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Board Member Paul Moffatt declared a conflict of interest and vacated the meeting room during consideration and Decision of this application.

Application File No.: B41-15 No. of Members Present: 9  
Date of Decision: September 29, 2015  
Location of Property: Lots 17 & 18, Conc. III and Part Lots 18 & 19, Conc. IV,  
Township of Tehkummah, District of Manitoulin

### **DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by J. Marie Kirk is to provide for the creation of a new ( $\pm 80$  Hec.) lot, being Lots 17 and 18, Conc. III, as originally surveyed, having a frontage of  $\pm 804$  M. on the 2<sup>nd</sup> concession road, a maintained township road, and a depth of  $\pm 1,005$  M. There are no structures on this land.

The land to be retained, consists of part of Lots 18 and 19, Conc. IV, located north of Government Road, having a frontage of  $\pm 815$  M. on Government Road, a maintained township road, and an average depth of  $\pm 540.5$  M., thereby containing  $\pm 44$  Hec. According to the application there is a dwelling and accessory structures located on this land.

The subject lands merged as one parcel due to an inheritance.

There has been a previous application for Consent, File No. B57-02, which provided for the technical severance of Lot 16, Conc. III.

Access is via the 2<sup>nd</sup> Concession Road for the severed land and via the Government Road for the retained land, both maintained township roads.

Services consist of private well and private individual septic system for the retained land. Services will consist of private wells and private individual septic systems for the severed lands when required.

The subject land has been designated Agricultural and Rural Districts and zoned Agricultural (A) and Rural (R). This land is not identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. The agricultural/residential uses are proposed to continue.

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This application was circulated on September 8<sup>th</sup>, 2015 to the Township of Tehkummah and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised, on September 22<sup>nd</sup>, 2015, they have no concerns with the application.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of the notice.

There was no one in attendance who wished to speak in support or opposition to the application.

#### **Consent is tentatively granted subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

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**
- i) a boundary line survey identifying the new lot lines resulting from the severance(s);

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- ii) proof that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

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The time now being 9:40 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.

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K. E. NOLAND, CHAIR

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E. L. CARTER, SECRETARY-TREASURER