



April 12, 2019

MINUTES of a SPECIAL MEETING of PLANNING BOARD - APRIL 11, 2019

At a meeting of the Manitoulin Planning Board held in the Board Room at the Planning Board Office, Gore Bay, Ontario on Thursday, April 11<sup>th</sup>, 2019, the following Members of Planning Board were present:

- |    |            |    |             |
|----|------------|----|-------------|
| 1. | L. Hayden  | 4. | D. Head     |
| 2. | K. Noland  | 5. | I. Anderson |
| 3. | E. Russell | 6. | R. Brown    |

Regrets: R. Stephens, D. Osborne, L. Addison, D. Ham.

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 Vice Chair L. Hayden, who welcomed all present.

The Vice 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 March 26<sup>th</sup>, 2019.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Vice Chair requested the adoption of the order of business, and the following motion resulted:

MOTION

It was moved by I. Anderson and seconded by R. Brown that the Order of Business be adopted,  
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - March 26<sup>th</sup>, 2019

The Vice Chair announced that the Minutes of the Board Meeting held on March 26<sup>th</sup>, 2019 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 K. Noland and seconded by E. Russell that the Minutes be adopted as circulated,  
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- March 26<sup>th</sup>, 2019

There was none.

3.a) REQUEST FOR CHANGE OF A CONDITION

File No: B16-18  
Owner: Huron Timber Company  
Location: Lots 16 thru 20, Conc. VIII and  
Lots 16 thru 20, Conc. IX  
Township of Cockburn Island, District of Manitoulin

The Secretary-Treasurer gave a review of the conditional approval of Consent File No. B16-18 and reported that the applicant had requested a change to a condition for the subject file to eliminate a registered plan of survey or a boundary line survey and that the following letter, dated March 29<sup>th</sup>, 2019, from S. Cheifetz, agent for the application, was received and attached to the Board's 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 in conditions to item 1)" for the previously approved Consent for File No. B16-18. The fee of \$300.00 for the "change in condition" applications is 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 the Consent File set out above. This is an expensive and unnecessary cost as the Purchaser of the property has confirmed that they do not require a new reference plan or survey for either of the properties. This will be confirmed to you by Howard Hamilton, the legal counsel, Ontario for the Nature Conservancy of Canada.'*

3.a) REQUEST FOR CHANGE OF A CONDITION - continued

Letter from S. Cheifetz - dated March 29, 2019 - continued

*'The Huron Timber Company is requesting that condition 1) in the Consent set forth above be changed to 1) 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 next Manitoulin Planning Board Meeting. We have been advised by Ian Anderson that the Manitoulin Planning Board passed a resolution allowing a party to request an unscheduled meeting so long as they pay a fee of \$1,300.00. Our client is requesting that the Manitoulin Planning Board arrange for an unscheduled meeting as soon as possible to deal with this issue and our client will pay the \$1,300.00 fee.*

*In the event you have any questions about this matter, please do not hesitate to contact the writer.'*

The Board were advised that the email attachment from Tulloch Engineering was dated September 12, 2017 and was a quote of \$63,200.00 provided for Consent File No's. B14-17 and B15-17, not for Consent File No. B16-18 and that she had requested a revised quote be provided.

The following letter dated April 02, 2019 was provided by R. Halliday, OLS, to the Secretary-Treasurer and to the agent, Mr. Cheifetz, and was attached to the Board's Notice:

*'Dear Mr. Cheifetz:*

*Further to your phone call yesterday, I have now reviewed the known survey evidence in the subject area, and determined that further work will be required to enable us to perform a boundary survey of the exterior block containing Lot 18 through 20 in Concessions 8 and 9. I spoke with Ms. Carlyle at the Manitoulin Planning Board she thinks they will agree to a survey that just sets the exterior lot corners without cutting out any of the sidelines. However, this still needs formal approval of the Board before we move ahead with the survey. If approved we will establish new survey monuments at the following corners:*

- SE and NE corners of Lot 18, Concession 8;*
- SW corner of Lot 19, Concession 8;*
- SW and NW corners of Lot 20, Concession 8;*
- NW and NE corners of Lot 20, Concession 9;*
- NE corner of Lot 19, Concession 9;*
- NE and SE corners of Lot 18, Concession 9 (there will most likely be an east-west jog between the SE corner in Concession 9 and the NE corner in Concession 8 due to the specific methods we are required to follow under the surveys Act).*

*A plan will be provided showing where the survey monuments are set and what evidence or method was used to set them.*

*I expect that field work will require a total of 6 days to complete. In addition, office work will require another 3 days for file preparation, Title Searching, plan drafting and checking. The total cost for this survey will be \$20,900.00, plus HST. I realize this is a large amount of money, but Cockburn Island is relatively remote and access is somewhat difficult and slow. The water taxi from Meldrum Bay costs \$300.00 per trip and we will need to take ATVs with us for ease of transportation while on Cockburn Island, and especially while making the measurements we need to make to reconstruct the lot fabric.*

*If you wish to retain us to proceed with this work, kindly return authorization on your Firm's letterhead. We will be able to start work within approximately 2 weeks of receiving your Authorization. That said, access to Cockburn island right now is impossible due to the spring break-up. In addition, I don't believe that the Township guest house is winterized so there will be nowhere we can stay until later in May. Once the conditions are right we can head over nearly anytime you want, as long as the water taxi from Meldrum Bay is available.*

*Please do not hesitate to call me if you have any questions, or concerns about the terms I have suggested. I await your further reply.'*

In review of the letter, a further request was made by the Secretary-Treasurer to R. Halliday, OLS, and copied to the agent, S. Cheifetz, to provide an estimated cost for a lot line survey between the severed and retained land (lot line between Lots 17 & 18, Conc. VIII and Lots 17 & 18, Conc. IX) as per the condition of consent, File No. B16-18. Another letter resulted, dated April 08, 2019, attached to the Board's Notice, which states in part:

*'...For the minimul survey (bars set and a plan - no lines cut), I expect the field work will require a total of 5 days to complete, followed by another 3 days for office work (file preparation, Title Searching, plan drafting and checking). The total cost for this survey will be \$19,500.00, plus HST.*

*For the full survey (bars set, line cut and a plan), I expect that field work will require a total of 8 days to complete, followed by another 3 days for office work (file preparation, Title Searching, plan drafting and checking). The total cost for this survey will be \$25,900.00, plus HST...'*

3.a) REQUEST FOR CHANGE OF A CONDITION - continued

The Secretary-Treasurer explained that the Procedural By-law, No. 2019-01, has provision for the Secretary-Treasurer to arrange for a Special Meeting of the Board, which she had done, as requested by Mr. Cheifetz.

She explained that the condition of consent had become a standard condition of consent approval, by motion of the Board following a presentation on September 30, 2014 regarding boundary line disputes and legal costs involved.

Attached to the Board's Notice was a Change to a Condition approved by the Board for Consent for File No's B14-17 and B15-17, for the Board's consideration, as the recent request for similar.

She informed the Board that the Planning Act enables the Manitoulin Planning Board, as the consent granting authority, to amend conditions of a provisional consent as a minor or major change if they so wish.

Discussion among the Board Members consisted of:

- considerable difference in the cost for the survey proposals from 2017 to 2019;
- no considerable difference in the survey quotes for this application;
- a boundary line would identify the two uses; Conservation and the Aggregate/Timber uses;
- good planning to have a survey or lot line survey done;
- has been a standard condition for some time now; reasonable condition;
- already a 30 foot berm which provides a natural boundary between the severed and retained land;
- why was this not addressed earlier if it was of concern?;
- there have been cases where NCC has asked for surveys to be done;
- is it a hardship?;
- where do you draw the line on which applications require a survey or not?;
- Cockburn Island is unique;
- there are other remote areas;
- no buildings are proposed;
- policies are made for a reason;
- what would a survey cost in other Townships?; is this cost comparable?; and
- each application is based on its own merits.

The Secretary-Treasurer addressed some of these comments and explained to the Board that during the preliminary review of Planning Applications, she does her best to inform the applicants of what conditions the Board may attach, or have in the past attached, to a Provisional Consent approval. The requirement for a survey or boundary line survey is one of those conditions. As the Secretary-Treasurer it is important to know the boundaries of the property for which Consent has been granted.

The Vice Chair asked if the Board Members had enough information to make a decision.

In consideration of the information made available, the following motion resulted:

MOTION

It was moved by I. Anderson and seconded by R. Brown that in accordance with the Planning Act, Section 53(23), the following condition within the provisional approval for Consent File No. B16-18, as granted on November 27, 2018 by the Manitoulin Planning Board 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 as a minor change with:

*'accompanying the transfer documents shall be:*

- i) *'written confirmation from the Land Registrar that the transfer will be registered without a registered Plan of Survey or a Boundary Line Survey;*  
and  
*written confirmation from the transferee that the transfer without a registered Plan of Survey or a Boundary Line Survey is satisfactory to the transferee;*  
and  
*written confirmation from the transferor (landowner) that the transfer without a registered Plan of Survey or a Boundary Line Survey for the proposed severed and proposed retained land is satisfactory to the transferor;'*

- Carried.

3 b). CLOSED SESSION

-In Camera - Minutes of In Camera Session - March 26, 2019

The Vice Chair requested the Board to go In Camera to review the Minutes of the In Camera Session of March 26, 2019.

MOTION

It was moved by I. Anderson and seconded by R. Brown that the Board go In Camera at 7:55 p.m. to review the Minutes of the In Camera Session held on March 26, 2019.

The Board Members were provided with a copy of the Minutes from the Closed in Camera Session, held on Tuesday, March 26<sup>th</sup>, 2019.

The Minutes were accepted as information; there were no decisions or motions made in Camera.

MOTION

It was moved by K. Noland and seconded by I. Anderson that the Board rise from the In Camera session at 8:00 p.m.

MOTION

It was moved by R. Brown and seconded by D. Head that the Minutes of the In Camera Session held on March 26<sup>th</sup>, 2019 be adopted as presented,  
- Carried.

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The time now being 8:01 p.m. and all business before the Board having been dealt with the Meeting was adjourned on a motion moved by E. Russell.

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L. Hayden, Vice Chair

  
T.A. CARLISLE, Secretary-Treasurer