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October 16th. 2018

The Council of the Town of Kingsville
2021 Division Street North
Kingsville, Ontario

**Subject: Ontario Association of Committee of Adjustment
& Consent Authorities Seminar Oct. 15 & 16, 2018**

I attended the above noted conference in Guelph recently. The conference included a variety of topics.

Examples of which were:

- Comprehensive Zoning By-law review
- Imposing Enforceable Conditions
- Lot Sizes for Agricultural Properties
- Training the Trainer
- Prime Agricultural Properties
- Tree Preservation By-laws
- Local Planning Appeal Support Centre
- Code of Conduct for Committee of Adjustment
- Minimum Distance Separation

Time did not permit the attendance of every topic under discussion. For each of the topics a copy of the power point presentations has been provided to the town.

Some of the key items discussed in the workshops I was able to attend included:

From: Training the Trainer (Committee of Adjustment Members)

Provide training overview that recognizes the different means of Learning, Visual, Auditory and doing such as note taking

Provide printed Material that can be read and referenced in the future

Provide Code of Conduct

Establish a Standard Meeting Schedule & Times

From: Overview of MDS and Lot Creation in an Agriculture Area

We learned about the MDS planning tool that is to be used to find the minimum separation distances required.

The MDS Online tool "MDS does not deal with order from land application of manure or digestate. It relies on fixed points that require building permits and have the potential to generate long term incompatibility issues."

We also learned to use the total capacity of a barn as an example. The farmer may for example only have 75 cows but if the barn has a capacity of 100 then that is the input used.

Building Permit applications should include information as to past application for past 3 years. The setbacks may be affected by repeated applications.

From Municipal Code of Conduct

We learned that the application of the Council Code of Conducts is being changed in 2019. A presenter indicated that each committee of Council including Committees of Adjustment will each require their own specific Codes of Conduct midyear 2019

Imposing Enforceable Conditions

This was an excellent workshop presented by a lawyer from Aird Berlis

The Powers of the Committee were explained

It was noted that just because a minor variance application passes the four tests does not mean the Committee has to approve same.

Committee "has broad discretion to impose conditions that are advisable"

Case law was referenced to highlight conditions that are not advisable.

Advisable Conditions must relate to the actual application.

The benefit of a formal agreement was highlighted. An Agreement between the Town and developer can and should be registered on title. This tool runs with the land and enables the Town to go to court and gain compliance if need be, regardless of a change of ownership.

The benefits of having legal department or staff and or legal external help was highligh

LOCAL PLANNING APPEL SUPPORT Centre

A new body established under bill 139, April 3, 2018.

Has a staff of 11 based in Toronto.

Paid or funded by the Ministry of the Attorney General

This is not the OMB or the body that replaced it.

This group may assist people that are considering a formal appeal.

A part of their work they may explain the reason for the decision.

First case they listen, and may refer the applicant to the Town to get more information.

They also will determine if the applicant has the ability to proceed without their assistance. Example If the Firm has the ability to hire the planning and legal help required.

The intent when the body was created was to in fact reduce the formal appeals by improving communication and understanding of the rules in place in the province.

Their Phone 1-800-993-8410 or 647-499-1646

700 Bay Street, 12th Floor, Toronto M5G 1Z6



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