



Agenda

City of Kenora Committee of Adjustment

Hybrid Meeting- In-Person and via Zoom

Wednesday, June 18, 2025

6:00 PM (Central Time)

- 1) Call meeting to order
- 2) Declaration of Pecuniary Interest & General Nature Thereof
 - On Today's Agenda
 - From a meeting at which a member was not in attendance.
- 3) Additions to the Agenda
- 4) Approval of Minutes:
 - Regular Meeting of April 16, 2025
- 5) Correspondence
 - None
- 6) Adjournment requests
 - None
- 7) Consideration of Application for Minor Variance
 - D13-25-08
 - D13-25-09
 - D13-25-10
- 8) Consideration of Applications for Land Division
 - D10-25-03
 - D10-25-04
- 9) Old Business
 - None
- 10) New Business
 - Spring OACA Conference, Member update
 - Integrity Commissioner Investigation(s)
- 11) Other
 - Update OP, Zoning By-law, and CIP Review
 - Committee of Adjustment Terms of Reference
- 12) Adjournment

Topic: City of Kenora Committee of Adjustment

Time: June 18, 2025, PM 6 CT

Join Zoom Meeting

<https://us06web.zoom.us/j/87040481322?pwd=jkfaxql3zy7IaKIwnj02V8tSqBVz6a.1>

Meeting ID: 870 4048 1322

Passcode: 852800

Phone: +1 204 272 7920 Canada



Committee of Adjustment Meeting Minutes April 16, 2025



Minutes
City of Kenora Virtual Planning Advisory Committee
Hybrid meeting
Wednesday, April 16, 2025
6:00pm (CST)
Video Recording:

Present:

Tara Rickaby
Robert Bulman
Renee Robert
Linda Mitchell
Keric Funk
Andrea Campbell
Christopher Price
Janis Pochailo
Tara Vader
Ryan Haines
Melissa Shaw
Nadine Gustavson

Chair

Vice Chair

Member

Member

Member

Member

Member

Director of Planning and Building

Associate Planner

Planner

Secretary-Treasurer

Minute Taker

Regrets: Andrea Campbell

i. Call meeting to order:

The meeting was called to Order by the Chair, Tara Rickaby, at 5:58 PM Central Time, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair stated the meeting was being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols and processes to be followed during the meeting.

ii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present:

- On today's Agenda: None
- From a Meeting at which a Member was not in attendance: None

iii. Additions to the Agenda: None

iv. Approval of the minutes from previous meetings:

i) PAC March 19, 2025

Motion to Amend by Chris Price

Seconded by: Robert Bulman

Language Amended to: *"The Secretary-Treasurer stated that the budget for attendance at the conference is \$6,000.00. The recommendations is for Tara Vader, Tara Rickaby and Linda Mitchell to attend."*

And that: *the "Carried" and vote section would be stricken from the minutes.*

Moved By: Robert Bulman **Seconded By:** Chris Price

In Favour: 4 **Opposed:** **Abstained:** 2

ii) Special Meeting of March 28, 2025

Moved by: Renee Robert **Seconded by:** Keric Funk

v. Correspondence before the Committee: None

vi. Adjournment Requests: None

vii. Consideration of Applications for Minor Variance:

i) D13-25-04 – Bruckenberger (Brown)

Aaron Brown was present to represent the application. He explained that he had hired a contractor to construct a sleep cabin on his property. He assumed that all permits had been acquired. He stated that he understands that, ultimately, he, as owner, was responsible to ensure that permits were issued. He asked that the Committee considers that he site was chosen because no trees would have to be removed, and if he has to move the structure, there may be more damage to the environment, and lake, than if it remains where it is.

Associate Planner, Tara Vader, presented the Planning Report.

Purpose of Application: The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a sleep cabin with a 6 m front yard setback. The application is seeking relief from Section 4.5.3 (k) which requires a minimum front yard (yard abutting the waterway) of 20 m for waterfront lots. The application proposes to reduce the minimum front yard by 14 m to permit a 6 m minimum front yard setback for a sleep cabin.

The Effect of Approval: City staff made the recommendation to ensure that storm runoff quantity and quality from the site directed to the lake do not have any adverse impacts on the lake. Planner advised refusal.

Public in favour of the application: None

Public in opposition of the application: None

Letters in Favour: None

Letters in Opposition: None

Questions or comments from the Committee:

Vice-Chair Robert Bulman stated that if a building permit had been applied for the situation would have been corrected.

Mr. Brown stated that he felt the Committee had not acknowledged that he tried to use a local builder, who did not apply for the permit and now he is left with having to move the structure. He said that he feels there is more environmental disturbance to move the structure.

Tara Rickaby asked the planning staff to confirm that Black Sturgeon Lake is a managed lake. Planner Ryan Haines stated that it is.

Decision: That Application D13-25-04, to reduce the minimum front yard setback on a waterfront lot is refused as it does not maintain the general intent of the City of Kenora Official Plan, 2015, it does not maintain the general intent and purpose of the Zoning by-law 101-2015 and is not considered minor.

Refused

Moved By: Keric Funk **Seconded By:** Chris Price

In favour: 6 **Opposed:** 0 **Abstained:** 0

The Secretary-Treasurer indicated that the Applicant had been refused by the Committee and identified the appeal period and stipulations.

ii) D13-25-05 – Airport Road (Morgan Fuels)

Mr. Mark Derkson was present to represent the application and said the driveway width was needed to move trucks to and from the property.

Planner, Ryan Haines, presented on behalf of the City of Kenora.

Purpose of Application: That Minor Variance Application File No. D13-25-05, requesting relief from Section 3.12.2(d) of the City of Kenora Zoning By-law No. 101-2015 to permit a driveway width of 11.5 metres along the street line (where a maximum of 9.0 metres is permitted), **be approved**, subject to the implementation

of enhanced landscape buffering along the frontage to mitigate any associated visual and compatibility impacts.

The Effect of Approval: With appropriate landscape buffering, the variance satisfies the four tests under the Planning Act and is **recommended for approval**, with the following conditions:

1. That the development proceed in general accordance with the Civil Entrance Plan prepared by TBT Engineering as part of this application.
2. That a landscape buffer plan be submitted and approved by the City of Kenora Planning Department as part of Site Plan Control, demonstrating:
 - a. A minimum 4.0 metre buffer between and adjacent to the driveways
 - b. Dense vegetative screening (evergreen species and/or solid fencing) to mitigate visual and compatibility impacts with Airport Road and nearby residential uses
3. That all applicable permits and approvals be obtained before construction of the entrances.

Public in favour of Application: None

Public in opposition of Application: Paul DeGagne felt there is enough room for the trucks to turn in and out, without widening the two entrances and that this was also a residential area which would have much more noise and traffic. He also asked why was the building so close to Airport Road.

Planner, Ryan Haines, said that they use a technical/engineering application that measures length of trucks and width of entrance, and that the application indicated that, for safety reasons, the driveway needed to be widened in order for truck to be able to turn.

Mr. Derkson stated that the building is designed to be closer to the street as it would require too much backfill to have it located farther back.

Letters in Favour: None

Letters in Opposition of Application: A member of the public expressed concern that the subject property, formerly part of a residential area, is now functioning as a Heavy Industrial site and that the proposed minor variance to expand driveway widths would intensify its industrial appearance. They recommended maintaining standard driveway widths and requiring landscape buffering, such as trees and shrubs, along Airport Road to preserve the rural residential character of the area.

Questions or Comments from the Committee:

Vice-Chair, Robert Bulman asked if the vegetation buffering went along the street for the total length of the property.

The response from Ryan Haines was yes.

Chair, Tara Rickaby, inquired to the lighting requirements.

Ryan Haines responded that it would meet the requirements for the industry and also minimal lighting for the residents through site plan control.

Member, Renee Robert, asked if upgrades were going to be done to Airport Road.

Planner, Ryan Haines, remarked that future upgrades were scheduled.

Decision: That application D13-25-05 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.12.2. (d) to enable a driveway width of 11.5 metres along Airport Road, is approved and subject to the following conditions:

1. That the development proceed in general accordance with the Civil Entrance Plan prepared by TBT Engineering as part of this application.
2. That a landscape buffer plan be submitted and approved by the City of Kenora Planning Department as part of Site Plan Control, demonstrating:
 - a) A minimum 4.0 metre buffer between and adjacent to the driveways
 - b) Dense vegetative screening (evergreen species and/or solid fencing) to mitigate visual and compatibility impacts with Airport Road and nearby residential uses
3. That all applicable permits and approvals be obtained before construction of the entrances.

Approved

Moved by: Robert Bulman

Seconded by: Linda Mitchell

In Favour: 6 **Opposed:** 0 **Abstained:** 0

The Secretary-Treasurer indicated that the Applicant received approval from the Committee and identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.

At 6:55 PM Member, Keric Funk left the meeting and returned at 6:57 PM.

iii) D13-25-06 – Coney Island (Nuttall)

Lee Nuttall was present to represent the Application. He informed the Committee that he did not understand that absolutely no building could take place before the building permit was issued. He described the characteristics of his property and suggested that he would divert stormwater away from the lake. He stated it was an honest mistake. He would also like the committee to know that other properties on Coney

Island have builds that are less than 20 metres from the water. He asked to be subject to the same process.

Associate Planner, Tara Vader, presented the Planning report on behalf of the City of Kenora.

Purpose of Application: The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a seasonal dwelling with a 15.83 m front yard setback. The application is seeking relief from Section 4.5.3 (k) which requires a minimum front yard (yard abutting the waterway) of 20 m for waterfront lots. The application proposes to reduce the front yard by 4.17 m to permit a seasonal dwelling with a 15.93 m front yard. Construction on the seasonal dwelling began in 2024 without a building permit.

The Effect of Approval: The requested variance is recommended for refusal because it does not maintain the general intent of the City of Kenora Official Plan (OP), does not maintain the general intent and purpose of the Zoning By-law, and is not considered minor.

Should the Planning Advisory Committee consider approving this application for minor variance, the following conditions are recommended:

1. That a Site Plan control application be submitted and approved for the seasonal dwelling prior to the issuance of a Building Permit.
2. That any additional studies deemed required to support the Site Plan Control application and review be submitted.

Public in Favour of the Application: 0

Public in Opposition of the Application: 0

Letters in Favour of the Application: 0

Letters in Opposition of the Application: 0

Questions or Comments from the Committee:

Director, Janis Pochailo, responded to the Applicant and Committee and said there could be many reasons for the Applicant's list of other builds. The question is whether or not this application for variance meets the four tests.

Linda Mitchell asked if fixes like having rain barrels would alleviate the concerns.

Tara Vader and Ryan Haines indicated that a couple of rain barrels would not fix the run off problems.

Robert Bulman asked the Applicant how much building had occurred previous to the building permit.

The Applicant responded that he is efficient, and the building has a roof.

Robert Bulman and Keric Funk feel it would be of interest to know about if the builds that the Applicant talked about had were in fact as close to the water as the Applicant says and the reasons they were permitted.

The Committee discussed the option of deferring a decision to wait to hear from Staff regarding other properties.

Planning staff stated that this information with the exact true reasonings would be difficult to obtain.

Decision:

That application D13-25-06 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3 (k) to reduce the front yard setback by 4.17 m to enable the permitting of a seasonal dwelling with a front yard setback of 15.83 m is approved and subject to the following conditions:

1. That a Site Plan control application be submitted and approved for the seasonal dwelling prior to the issuance of a Building Permit.
2. That any additional studies deemed required to support the Site Plan Control application and review be submitted.

Approved

Moved by: Renee Robert

Seconded by: Robert Bulman

In Favour: 4

Opposed: 2

Abstained: 0

The Secretary-Treasurer indicated that the Applicant received approval from the Committee and identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.

viii. *Consideration of Applications for Land Division:*

- i) D10-25-02 – Ninth Street North (Brooks)

Ken Schlag was present to represent the application. He indicated that they cannot seem to come to an agreement with the owner and Treaty Three and therefore need to ensure access for servicing in order to start moving on the development.

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application: The purpose of the consent application is to facilitate a lot addition to Lot 3 and/or Lot 4, Plan 23M974. Approximately 0.621 ha of land is proposed to be severed and conveyed to the owners of Mill Site Lot 3 and Lot 4. The land to be added is from the western portion of the lot at 661 Ninth Street North, to support vehicular and site servicing access to the approved development on Mill Site Lots 3 and 4.

The Effect of Approval: The proposed lot addition supports an executed Site Plan Control Agreement and is consistent with the adaptive reuse objectives outlined for the former mill site.

Public in favour of the application: None

Public in opposition of the application: None

Letters in Favour: None

Letters in Opposition: None

Questions or comments from the Committee:

Tara Rickaby inquired if an easement would be put in place and could that be made a condition.

Ken Schlag said that yes, an easement would be put in place and he was fine with it being made a condition.

Decision:

That application D10-25-02 for consent, lot addition to sever approximately 0.621 ha of land from 661 Ninth Street North, PIN: 42170-0269 and merge the lands with Lots 3 and 4 23M974, PIN: 42170-0279 and PIN: 42170-0280 is approved and provisional Consent is granted, subject to the following conditions:

Expiry Period

1. Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of notice of decision.

Survey/Reference Plan

2. Provide to the satisfaction of the City:
 - a. A survey showing the lot lines of the severed parcel, and
 - b. A reference plan based on an approved survey.
3. That, prior to final approval of the consent, a legal survey be completed to the satisfaction of the City to confirm that all existing structures are wholly contained within a single lot and do not encroach upon or straddle any newly created lot lines. Any encroachments identified through the survey shall be resolved to the satisfaction of the City prior to final approval.
4. Three original copies and one PDF copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.

Zoning

5. Where a violation of any City Zoning By-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the City.

Easements

6. That prior to the endorsement of the deeds, the applicant shall provide confirmation to the satisfaction of the City of Kenora that all existing easements affecting the subject lands have been accurately disclosed and addressed, and that the proposed lot addition does not compromise access or rights associated with those easements.

City Requirements

7. That the newly created parcel be consolidated on title with at least one of the adjacent lots identified as Lot 3 and Lot 4, Plan 23M974, and if recommended on solicitor review, that a merger agreement be entered into.
8. That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
9. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
10. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal descriptions of the PINs in question and containing the names of the

parties indicated on page 1 of the Transfer/Deed of Land form to be provide for each parcel.

11. Prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or the owner's Agent/Solicitor, confirming that conditions 1 through 10 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.

Moved By: Linda Mitchell

Seconded By: Chris Price

In favour: 6

Opposed: 0

Abstained: 0

Approved

The Secretary-Treasurer indicated that the Applicant received approval from the Committee and identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.

At 7:54 PM Planner, Ryan Haines, left the meeting.

ix. Recommendations to Council for Zoning By-law Amendment: None

x. Old Business:

- i) Janis Pochailo to speak on the Terms of Reference.

Janis stated that the Terms of Reference were approved by Council on April 15, 2025, and there were some portions that Council would like to see some provisions on. Therefore, there will be some revisions made to the Terms of Reference next month, but it has been approved in its current state.

Tara Rickaby told Committee that she had a call from the City of Kenora's CAO and that he and Council really appreciates the diligence with which the Committee makes their decisions.

xi. New Business:

- i) None

xii. Other: Update OP, Zoning By-law and CIP Review

Director, Janis Pochailo, stated that in reference to the Zoning By-law, Official Plan and CIP the draft was pretty much complete, but is still ongoing.

Results from the survey were:

- 616 responses which were predominantly from year-round residents. Most responders were 45 years of age and up.
- The respondents were asked what parts of the existing Vision Statements should be reflected in the City's new Official Plan Vision Statement to guide growth and development over the next 25 years. They were:
 - Provide & Prioritize High Quality of Life for Residents
 - Support Sustainable Growth & Development
 - Strengthen Economic Development
 - Improve & Support Tourism, and
 - Safeguard Local Environment & Diverse Ecosystems.

ix. Adjournment:

Motion for adjournment. **Moved By:** Member Keric Funk

In Favour: 6 **Opposed:** 0 **Abstained:** 0

Meeting Adjourned at 8:02 PM.

There will be no May Meeting.

***Please refer to PAC Meeting Video for full details of all questions and responses.**

[Meeting Link: https://youtu.be/_JvmDzO15Gs](https://youtu.be/_JvmDzO15Gs)

Minutes of the Kenora Planning Advisory Committee meeting, April 16, 2025, are approved as of June 18, 2025.

Chair, Tara Rickaby

DRAFT



Consideration of Application for Minor Variance

D13-25-08



**THE CORPORATION OF THE CITY OF KENORA
COMMITTEE OF ADJUSTMENT
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING
Section 45 of the Planning Act, RSO 1990**

TAKE NOTICE that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on June 18th, 2025, at 6 p.m.

As part of the meeting, the Committee will consider a proposed Minor Variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D13-25-08
LOCATION: 18 Henry Street

PURPOSE AND EFFECT

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a shed on a vacant residential lot.

The application is seeking relief from Section 3.34.1 a) which requires an accessory use to be on the same lot as the principal use to which it is accessory and that it exists to aid and contribute to the principal use to carry out the function of the principal use.

This application proposes to permit an accessory use on a lot without a principal use.

The subject property is designated Established Area in the City of Kenora Official Plan and zoned 'R1' Residential – First Density Zone in the City's Zoning By-law.

**COA
Meeting**

When: Wednesday, June 18th, 2025 at 6:00 p.m. (CST)
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or send them by regular mail to the address below, and quote File Number: **D13-25-08**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, June 11th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to planning@kenora.ca.

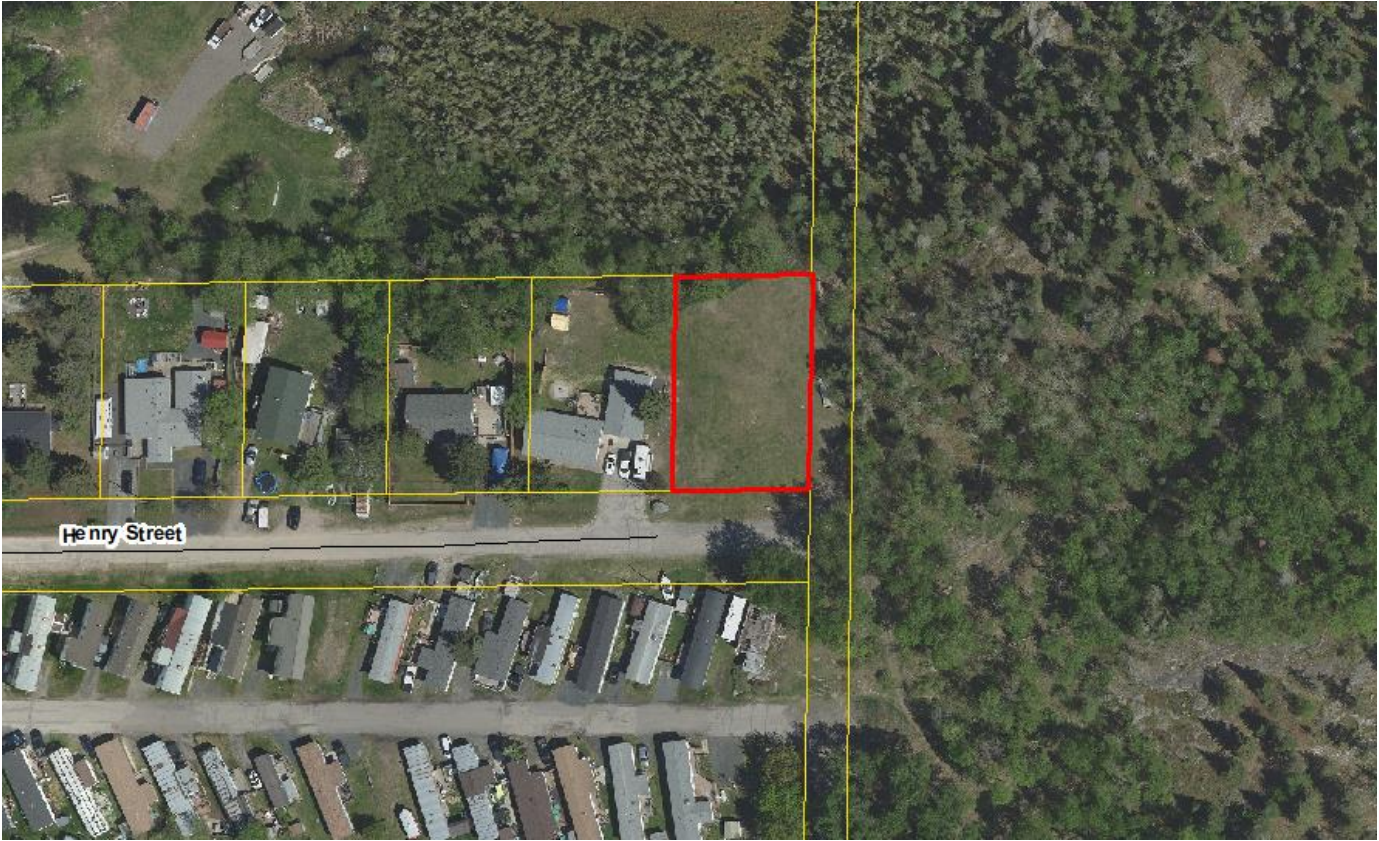
ADDITIONAL INFORMATION

Additional information relating to the proposed minor variance is available through the Planning Department, for further information please email: planning@kenora.ca and quote File Number **D13-25-07**.

Dated at the City of Kenora this 16 day of May, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca.

Figure 1. Location Map (Kenora GIS 2024)



Applying for a Minor Variance or Permission

Minor variance decisions are made by the Kenora Planning Advisory Committee/Committee of Adjustment (PAC). The Committee has delegated authority by Council under the *Planning Act* to make land use planning decisions regarding minor variance applications, consents, plans of subdivision and condominium descriptions.

Planning Advisory Committee meetings are generally held on the third Wednesday of every month at the City of Kenora Operations Centre Training Room, 60 Fourteenth Street North, 2nd Floor.

All applicants and/or agents attend the PAC meeting to represent their application.

The deadline for application submissions is the day of the PAC meeting prior to the PAC meeting that you would like to have your application considered.

Types of Applications

Section 45(1) Minor Variance

A minor variance is a small variation from the requirements of the Zoning By-law. Where a proposal does not comply with the provisions of the Zoning by-law approval of an application for minor variance would enable a property owner to obtain a building permit. As per Section 45(1) of the *Planning Act*, there are four tests which a minor variance must meet:

Test	Criteria
Does the proposed variance meet the general intent and purpose of the City of Kenora's Official Plan?	This test takes into account the Official Plan policies that are directly associated with the proposed variance (Land use designations, special policy overlays, environmental issues, hazards etc.)
Does the proposed variance meet the general intent and purpose of the City of Kenora's Zoning By-law?	This takes into account the specific provisions of the zoning by-law that apply to the subject property, with regards to the types of uses permitted. For example, proposing to construct a commercial woodworking manufacturing shop in a residential zone would not meet the intent of the Zoning By-law even if the proposition complied with all setback, lot coverage etc. requirements.
Does the proposed variance represent an appropriate and reasonable use of the subject property?	This test takes into account the nature of the proposed variance with regards to the character of the surrounding neighbourhood.
Is the proposed variance minor in nature?	This test reviews the anticipated impact of the variance on the surrounding neighbourhood and property owners, the environment, traffic concerns etc. This is not measured in quantitative mathematical form, but in terms of the overall impact to the community. For example constructing a 500 square foot addition to a house for a private workshop compared to a 500 sq. foot addition for an auto wrecking facility are the same mathematically, however the latter has a much greater impact on the surrounding community.

Section 45(2) Permission

An application may be filed with the Planning Advisory Committee for permission, which entails either of the following:

- The enlargement or extension of a legal non-conforming/non-complying building or structure; or,
- The conversion of the use of land, building or structure from a legal non-conforming use to a similar legal non-conforming use or to a use that is more compatible with the uses permitted under the Zoning By-law.

The Application Process

1. A pre-consultation with the Planning Department Staff is required prior to formally submitting an application. Please ensure that you call ahead to arrange an appointment with a Planner at least one week prior to your preferred meeting date.

For further information, or to make an appointment, please contact:

City of Kenora Planning Department: planning@kenora.ca

1. The complete application will be placed on the agenda for the next Planning Advisory Committee meeting, which is open to the public.
2. A notice describing the proposal and providing the date, time and location of the meeting will be sent a minimum of ten (10) days prior to the hearing to neighbouring property owners and relevant agencies within 60 metres of the subject property.
3. Applicants will post a sign, provided by Planning Staff, on the subject property detailing the notice of complete application and public hearing. Staff/committee members will conduct a site visit.

For site visit purposes, please stake out on the subject property the extent of any proposed additions, using orange tape or paint.

4. The hearing of the application will take place at which time the Planning Advisory Committee will render its decision. Decisions may be tabled to a future meeting and complex applications may require more than one meeting prior to obtaining approval. Staff will make a recommendation to the Committee on all applications. New conditions of approval may be added at a meeting.
5. The decision of the Committee will be circulated no later than ten (10) days from the date the decision was rendered.
6. If no appeal to the Local Planning Appeal Tribunal (LPAT) is filed within twenty (20) days of the making of the decision, the decision is final and binding.
7. If a decision is appealed the file will be sent to the Local Planning Appeal Tribunal, who will render a final decision.

Note: Building permits or licenses, if required, will only be issued after the appeal period has ended and the conditions of approval (if any) have been fulfilled.

Planning Rationale

A Planning Rationale is a document that provides an overall description, justification and rationale for understanding the proposed development application, and is intended to help the applicant organize and provide written support for the application. The document will assist staff and the approval authority, in the assessment and recommendation for the application. A planning rationale must accompany each application.

What is the purpose of a planning rationale?

A planning rationale is required as part of an application in order to:

- A) Provide a clear description and understanding of the proposal
- B) Provide an opportunity, at the outset, to establish why the proposal should be considered
- C) To highlight important information specific or particular to the application (ie. special history, different circumstances, unique site conditions, etc.)
- D) To enable staff to analyze and prepare recommendations on the application

It is not intended to be a personal analysis or business case for a proposed development, rather it should examine the impact of the proposal on the surrounding area, and vice versa.

Who can prepare a planning rationale?

Depending on the complexity of the application, the information requirements can be addressed in a letter, or a longer report. The material can be prepared by the owner, an agent, the applicant or by a member of a consulting team, depending on the nature of the application.

For a complex application it is recommended that a planning professional be retained to prepare the planning rationale. The benefits to the applicant, of hiring a planning professional, can be significant in presenting the proposal in its best form, which may result in cost and time savings, as well as making the approval process as efficient as possible.

Under what authority can a planning rationale be requested?

The Planning Act, R.S.O. (1990 as revised) gives a Municipality the authority to require that a planning rationale be prepared as part of any development application. The City of Kenora's Official Plan (2015) also provides this authority.

What, specifically does a planning rationale contain?

A Planning Rationale shall contain and/or address, at a minimum, the points listed below. The failure to address the following points may result in the application being considered incomplete.

- A) Provide a physical description of the site, including descriptions of current land use(s) and surrounding land uses, context and/or built form
- B) Include a description of the site's planning history, including previous planning approvals and/or agreements (ie. site plan agreement, site-specific zoning by-laws etc.) and provide copies of the pertinent documents
- C) Include a description and overview of the proposal, including any major features or attributes (such as use, height, density, parking, architectural design, natural heritage features, etc.)
- D) Describe the suitability of the site, and indicate reasons why the development is appropriate for the site and will function well to meet the needs of the intended future users
- E) Provide a detailed analysis of the compatibility of the proposed development or land use designation with the existing adjacent developments and land use designations
- F) Provide justification that the proposal is appropriate land use planning, including any details of measures that are to be used to mitigate negative impacts (such as site plan control)
- G) Describe the impact of the proposed development on the natural environment

- H) Describe the impact of the proposed development on municipal services (ie. sewage collection and treatment systems, water distribution and treatment systems, utilities, roads, hydro services, parking, community facilities, parks and open spaces etc.)
- I) Describe how your application meets the four tests for approving a minor variance
- J) Indicate whether there are other planning approvals required, and if those necessary applications have been filed (ie. Official Plan or Zoning By-law amendment, Site plan Control agreement, site plan approval, minor variance, draft plan of subdivision or condominium etc.)
- K) Provide a draft of the proposed text and mapping (Official Plan/Zoning By-law amendment only), if applicable
- L) Indicate how the proposed development is consistent with the Provincial Policy Statement (PPS) - (2014) and provide any other Planning Act considerations that are relevant. If you are not familiar with these documents, please contact the City of Kenora Planning Department or access the City's portal, www.kenora.ca or the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca
- M) Describe how the proposal conforms to the general purpose and intent and goals of the City of Kenora's Official Plan and complies with the City's Zoning By-law
- N) Describe how the proposal is appropriate and desirable development for the land and is minor in nature
- O) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies
- P) Indicate whether the proposal complies with any other relevant City documents and Planning Policies/Secondary Plans etc. (Black Sturgeon Lake Capacity and Management Report, Waterfront Development Guidelines, etc.)

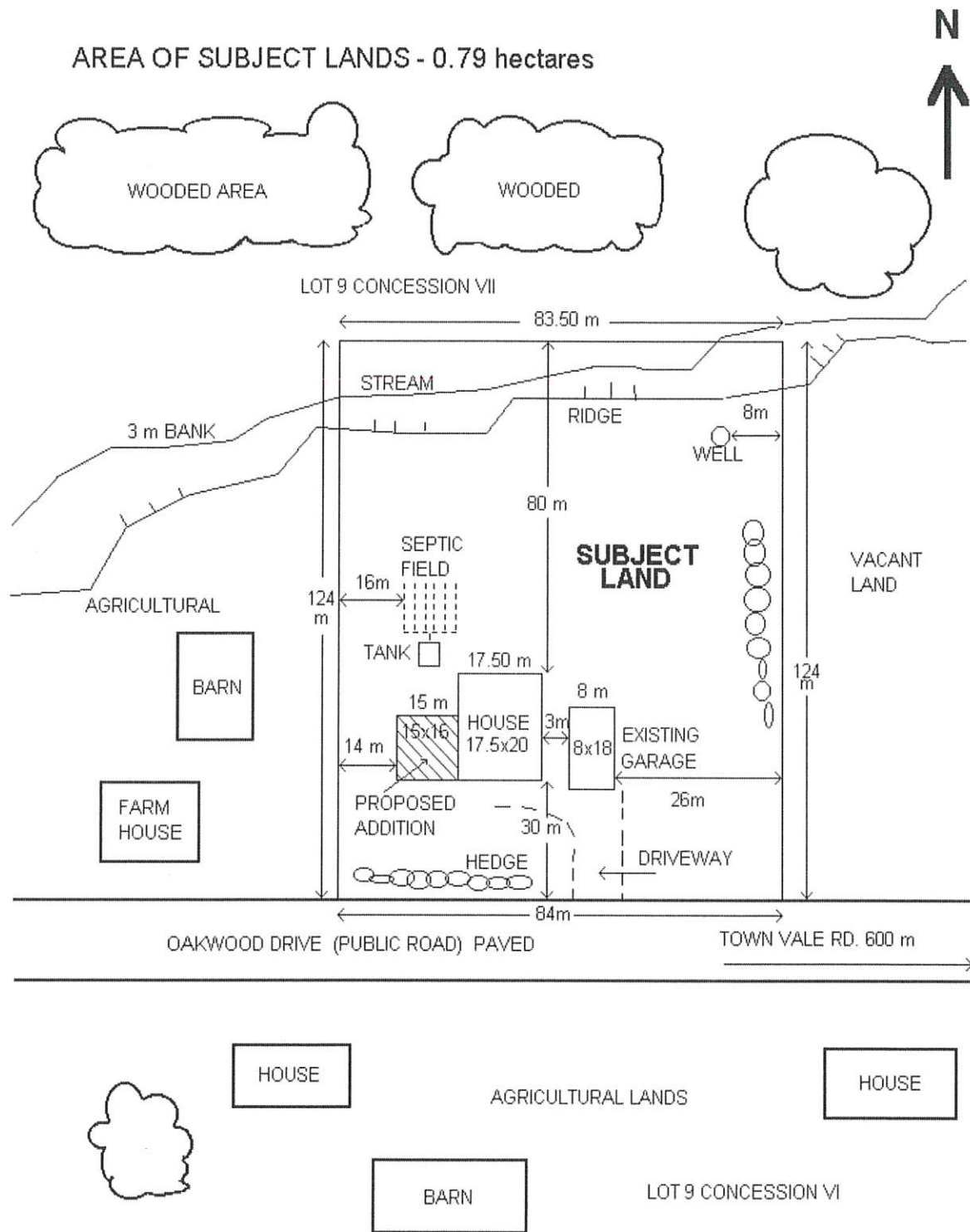
Minimum Standards for Site Plan Sketches

A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. All necessary information must be contained on one single sketch or site plan. The sketch or site plan must clearly demonstrate:

- i. The boundaries and dimensions of the subject land
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, and septic tanks.
- iv. The current uses on land that is adjacent to the subject land
- v. The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. The location and nature of any easement affecting the subject land.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.



This Application must be submitted to:

City of Kenora Planning Department – planning@kenora.ca

60 Fourteenth Street North, 2nd Floor.
Operations Centre - Kenora, ON P9N 4M9
Fax: 807-467-2246

Prescribed Information

Personal Information collected within this document will be used to assist City staff to process this application and will be made public. The information prescribed in this application is contained in Ontario Regulation 200/96 (as amended), of the Planning Act, R.S.O. 1990 (as revised).

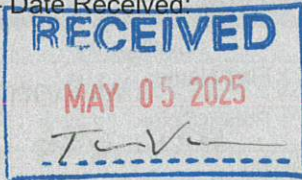
The undersigned hereby applies to the Planning Advisory Committee for the City of Kenora under Section 45 of the Planning Act, R.S.O. 1990 (as revised), for a minor variance, as described in this application.

This application also sets out other information that will assist the Committee of Adjustment/Planning Advisory Committee in their evaluation of the application and Staff review. In the absence of this information, it may not be possible to do a complete review within the legislated timeframe for making a decision. As a result, the application may be refused.

It is the sole responsibility of the authorized agent and/or owner to ensure that this application form is complete and that the information provided is accurate and correct. This application form will not be accepted until all required questions have been answered and all other requirements have been satisfied.

Office Use Only

Date Stamp - Date Received:



File Number: DB-25-08

Roll Number: _____

Application Fee Paid: \$ 800.00

Application Deemed Complete (Date): May 16, 2025

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- ☒ Pre-consultation meeting
- ☒ 1 original copy of the completed application form
- ☐ The required application fee of \$800.00 as per the schedule of fees By-law
- ☐ Planning Rationale
- ☒ Site Plan Sketch
- ☐ Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- ☒ A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - City of Kenora Application for:

☒ Minor Variance s.45 (1)

☐ Permission s.45 (2)

3.0 - Concurrent Applications Filed

- ☐ Official Plan Amendment
- ☐ Zoning By-law Amendment/Temporary Use
- ☐ Subdivision Application
- ☐ Site Plan Application
- ☐ Consent Application
- ☐ Other: _____

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 10	Street Name: Henry St.	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description				
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)	10			
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Tait	First Name: William & Donna		
Mailing Address	Street No.: 2353	Street Name: Reddit Rd.	Postal Code: P9N 0E6	Unit Num.:
City	Kenora.		Province:	
Contact Information	Phone: 407-7620/548-4581	Fax:		
Email	donnatait54@gmail.com			
Acquisition Date of Subject Land				
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name				
Name	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:	Fax:		
Email				
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company				
Contact Person	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:	Fax:		
Email				
5.0 - Please list the reports/studies that will accompany this application				
6.0 - Land Use Designation (Please see www.kenora.ca/planning for schedules/maps)				
What is the current Official Plan Designation of the subject property?				
<u>Established Area</u>				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
<u>R1</u>				

7.0 – Nature and extent of relief required

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
3.34.1 a)	i. ii.	permit a shed without a principal use.	

8.0 – Please explain the extent of the proposed variance or permission requested and why it is not possible to comply with the provisions of the Zoning By-law

Moving and need shed space to store belongings.

9.0 – Property Characteristics

Frontage (metres): 29.3 Depth (metres): 45 Area (m² or Ha.): 671.5

Existing Use of subject land: vacant residential

Note: Legal non-conforming use applications must provide evidence to support its status to the Planning Department.

Proposed Use (if applicable): vacant residential with storage shed.

The date the subject land was acquired by the current owner: 2017 ish.

The date the existing buildings or structures on the subject land were constructed: N/A

Length of time that the existing uses have continued? N/A

Type of Access:

- ☒ Municipal maintained road ☐ Seasonally maintained road ☐ Provincial highway
☐ Private road or laneway ☐ Water ☐ Other public road

* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

*If access is by private road, or other public road, please state who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available.

Water Supply:☒ Municipal water☐ Private well☐ Communal well☐ Lake☐ Other: _____**Sewage:**☒ Municipal sewer☐ Private septic system/field☐ Communal septic system/field☐ Privy☐ Other: _____**Site Drainage:**☐ Storm sewers☐ Swales☐ Ditches☐ Other: _____**Other Services:**☒ Electricity☒ Garbage Collection☒ School Buses**10.0 - Easements**

Are there any easements or restrictive covenants affecting the subject lands?

☐ Yes☒ No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

11.0 - Other Applications under the Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (Please Specify)	File No.:	Status:

12.0 – Buildings/Structures on Subject Property

Dimensions must match those indicated on the required sketch

Existing Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

Proposed Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area		288 sq f		
Number of Storeys		1		
Length		24 f		
Width		12 f		
Height				
Front Yard Setback		30 m		
Rear Yard Setback		6 m		
Side Yard Setback		6 m		
Side Yard Setback		17 m		
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

*Please place an asterisk next to any existing buildings that will be removed as part of the application.

*Please indicate whether the side yards are interior or exterior.

13.0 – Is the effect of the proposed variance consistent with policy statements issued under Subsection 3(1) of the Planning Act?Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).
2024 Planning

Yes.

14.0 – Additional information

Please provide any additional information that you feel would be beneficial to the application:

15.0 – Directions

Please provide directions to the subject property:

16.0 – Authorized Agent/Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We _____, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize _____ to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date

Signature of owner(s)

Name and Signature of Witness

17.0 - Sworn Declaration or Affidavit

I, William & Donna Tait of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the Operations Centre
City of Kenora in the Province of Ontario this 5 day of
May in the year 2025.

Tara Nowell Vader, a Commissioner, etc.,
Province of Ontario,
for the Corporation of the City of Kenora.
Expires September 5, 2027.

William Tait
Donna Tait

Tara Nowell Vader

Commissioner of Oaths

Applicant(s)

18.0 - Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, William & Donna Tait being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

William Tait
Donna Tait

May 5, 2025

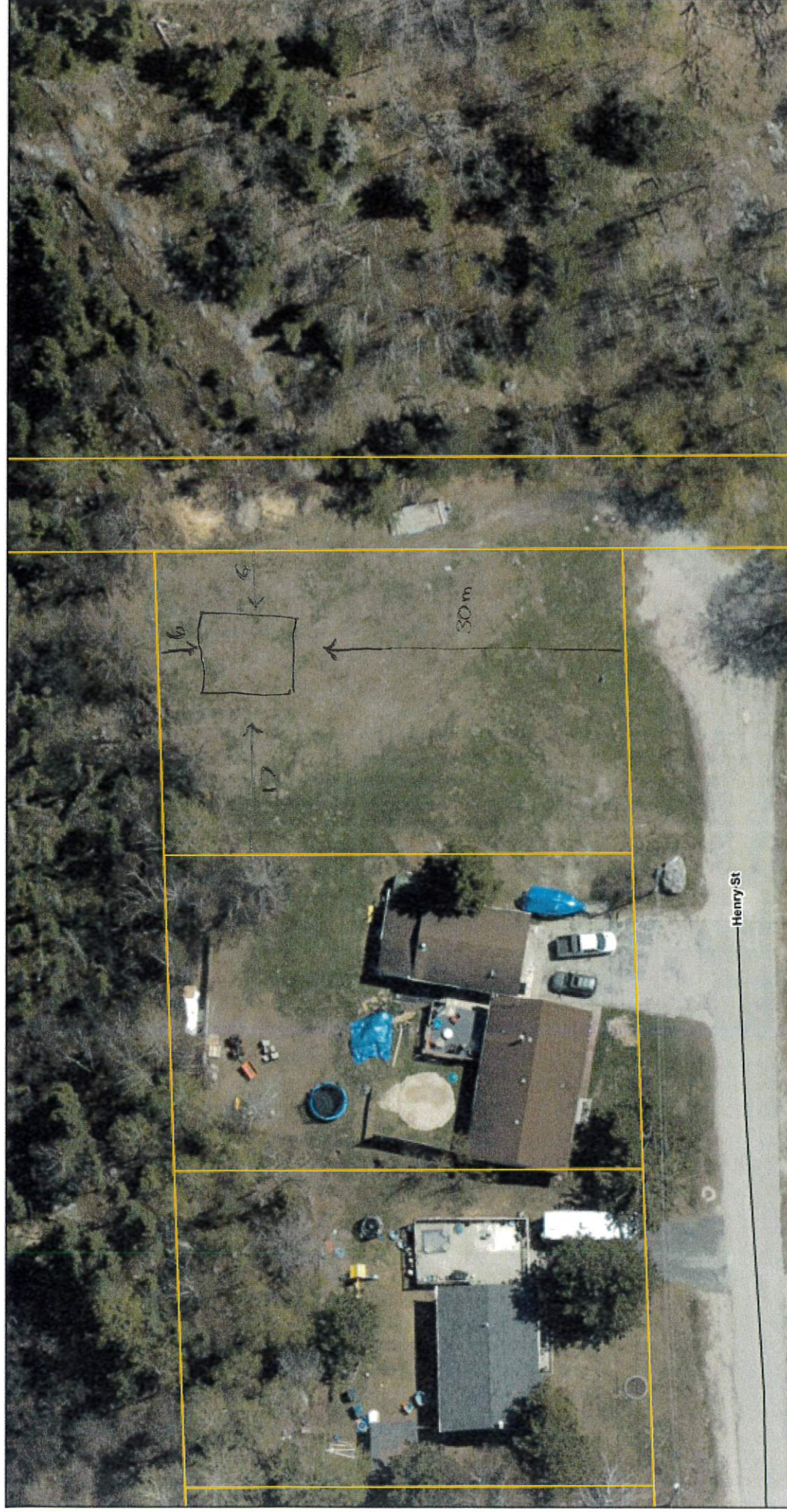
Date

Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

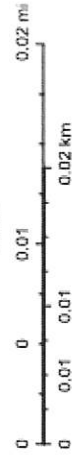
The Freedom of Information and Privacy Coordinator, City of Kenora
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.

City of Kenora - Image and Ownership



May 5, 2025

1:564



City of Kenora, ON, Macar



To: City of Kenora Committee of Adjustment
From: Tara Vader, Associate Planner
Date: June 12th, 2025
Re: Minor Variance Application – File D13-25-08
Location: 18 Henry Street
Owner/Applicant: William & Donna Tait

RECOMMENDATION

It is recommended that this application for minor variance be **approved** with the recommended conditions.

INTRODUCTION

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a shed on a vacant residential lot. The application is seeking relief from Section 3.34.1 a) which requires an accessory use to be on the same lot as the principal use to which it is accessory and that it exists to aid and contribute to the principal use to carry out the function of that principal use. This application proposes to permit an accessory use on a lot without a principal use.

The subject property is vacant residential and has access via Henry St. The subject lands are approximately 671.5 m².

REVIEW

In considering an application of minor variance, Section 45(1) of the Planning Act gives authority of granting minor relief from the provision of the Zoning By-law to the Committee of Adjustent. Such relief can only be granted if the application is minor in nature, is an appropriate use of the land, and that the development maintains the intent of the Official Plan and Zoning By-law.

AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application.

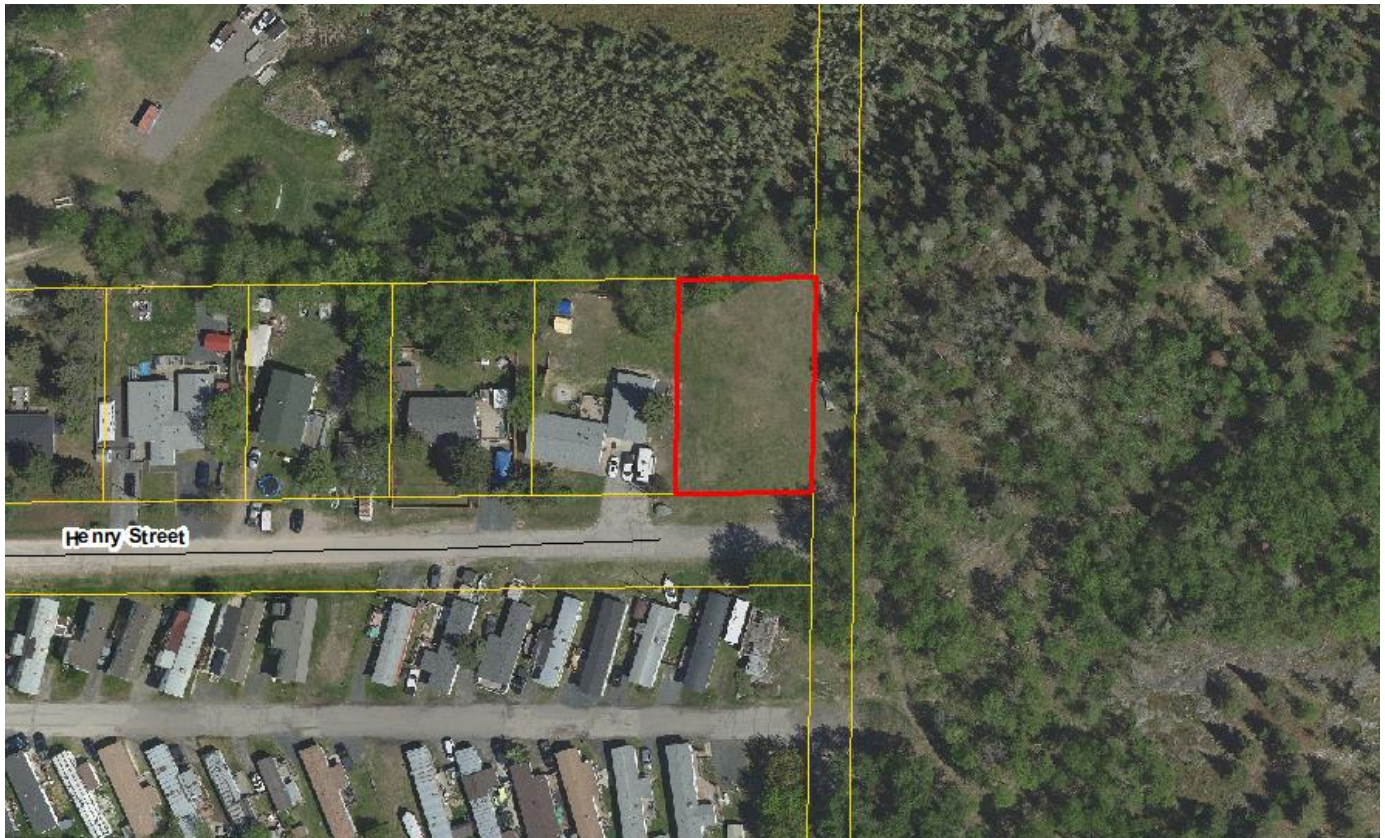
Agency

The Ministry of Natural Resources had no MNR concerns with the application. No comments were received from other agencies.

Public

One comment was received from a member of the public stating no objection to the application.

Figure 1. Location Map (Kenora GIS 2022)



PLANNING REVIEW

The subject property is designated “Established Area” in the City of Kenora Official Plan and zoned “R1” Residential – First Density Zone in the City’s Zoning By-law.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) states that settlement areas shall be the focus of growth and development. The subject lands are within the settlement area boundary, thus this application is consistent with this section of the PPS.

FOUR TESTS OF A MINOR VARIANCE

Does the variance maintain the intent of the Official Plan?

The City of Kenora Official Plan (OP) Section 2.2 contains the Guiding Principles and Objectives. Principle 7 – Neighbourhood Design states that Kenora shall promote a

desirable built form in any development or re-development. One of the objectives of this guiding principle is to promote built form that addresses the needs of present and future generations (i.e. live, work, play). As this application is proposed to aid the property owners in their transition from a larger property, it maintains the intent of the Neighbourhood Design guiding principle of the OP by addressing the need of current residents.

Does the variance maintain the intent and purpose of the Zoning By-law?

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “R1” Residential – First Density zone. The R1 zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer or with municipal water only.

This application is seeking to permit a storage shed on a vacant residential lot. This is a relief request from the Zoning By-law requirement that accessory uses be located on the same lot as the principal use to which it is accessory and that it exists to aid and contribute to the principal use to carry out the function of that principal use. The variance is required as the applicants are moving from their current primary residence and downsizing, which results in them requiring additional space for storage of personal belongings. The intent of this section of the Zoning By-law is to maintain character of residential areas. Additionally, the Zoning By-law intends to limit the misuse of vacant properties for storage, workshop, or informal business uses. The recommended conditions on this variance address these concerns, to maintain the intent of the Zoning By-law.

Figure 2. Site plan (provided by applicant)

City of Kenora - Image and Ownership



May 5, 2025

1:564
0 0 0.01 0.02 mi
0 0.01 0.01 0.02 km
City of Kenora, ON, Mayor

Is the application desirable for the appropriate development of the land, building or structure?

The proposed variance will enable the applicants to locate a storage shed on the subject lands without a primary use on the same lot, which is desirable for their use of their property. The land is currently vacant residential land, and the proposed storage shed will enable the applicants/property owners to utilize their land to satisfy their needs as they downsize.

Is the variance minor?

The requested relief is to permit a storage shed on a lot without a principal use. The proposed variance is not expected to have a significant impact on the surrounding area, as the applicants are proposed to locate the shed on the lot in a location that is consistent with typical locations for accessory structures. The application is also not expected to impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Recommendation

As a result, it is recommended that minor variance application D13-25-08 to seek relief from the City of Kenora By-law 101-2015, Section 3.34.1 a) be approved to permit a storage shed on a lot without a principal use to which it is accessory subject to the following conditions:

1. No home occupation or home industry shall be permitted on the property until such time that a primary use is established.
2. No outdoor storage of personal belongings shall be permitted on the property.
3. The variance approval is limited to one shed, 288 square feet in size.
4. No plumbing shall be permitted as part of the storage shed structure.
5. The storage shed shall be located consistently with the site plan provided as part of this application and shown as Figure 2 in this report.



Tara Vader

Associate Planner

June 12th, 2025



Consideration of Application for Minor Variance, D13-25-08 Public Redacted Comments

Dear Madame/Sirs;
As a property neighbor of the above property we have no objection to the application.
Please have us notified with respect to your decision at this E-Mail address [REDACTED]
Thanks and Kind Regards

[REDACTED]

Service	Used (%)	Not used (%)
Emergency services	100	0
Police	100	0
Fire	100	0
Health services	100	0
Police	100	0
Fire	100	0
Health services	100	0
Police	100	0
Fire	100	0
Health services	100	0



Consideration of Application for Minor Variance

D13-25-09



**THE CORPORATION OF THE CITY OF KENORA
COMMITTEE OF ADJUSTMENT
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING
Section 45 of the Planning Act, RSO 1990**

TAKE NOTICE that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on June 18th, 2025, at 6 p.m.

As part of the meeting, the Committee will consider a proposed Minor Variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D13-25-09
LOCATION: 1402 Sixth Street N

PURPOSE AND EFFECT

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit the construction of an accessory garage.

The application is seeking relief from Section 3.34.1 b) v. which restricts accessory buildings from being built closer than 1 m to any interior side or rear lot line. This application is also seeking relief from Section 3.34.1 b) vii. which restricts accessory buildings from being built within 2 m of the main building or structure.

This application proposes to reduce the rear lot line (lot line abutting municipal laneway) setback by 1 m to permit an accessory garage with a 0 m rear lot line setback. This application also proposes to reduce the minimum setback from the main building or structure by 0.5 m to permit an accessory garage with a 1.5 m setback from the main building or structure.

The subject property is designated Established Area in the City of Kenora Official Plan and zoned 'R1' Residential – First Density Zone in the City's Zoning By-law.

COA Meeting	When: Wednesday, June 18 th , 2025 at 6:00 p.m. (CST) Location: Training Room, Operations Centre 60 Fourteenth Street North, 2 nd Floor, Kenora, ON
------------------------	---

Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or send them by regular mail to the address below, and quote File Number: **D13-25-09**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, June 11th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to planning@kenora.ca.

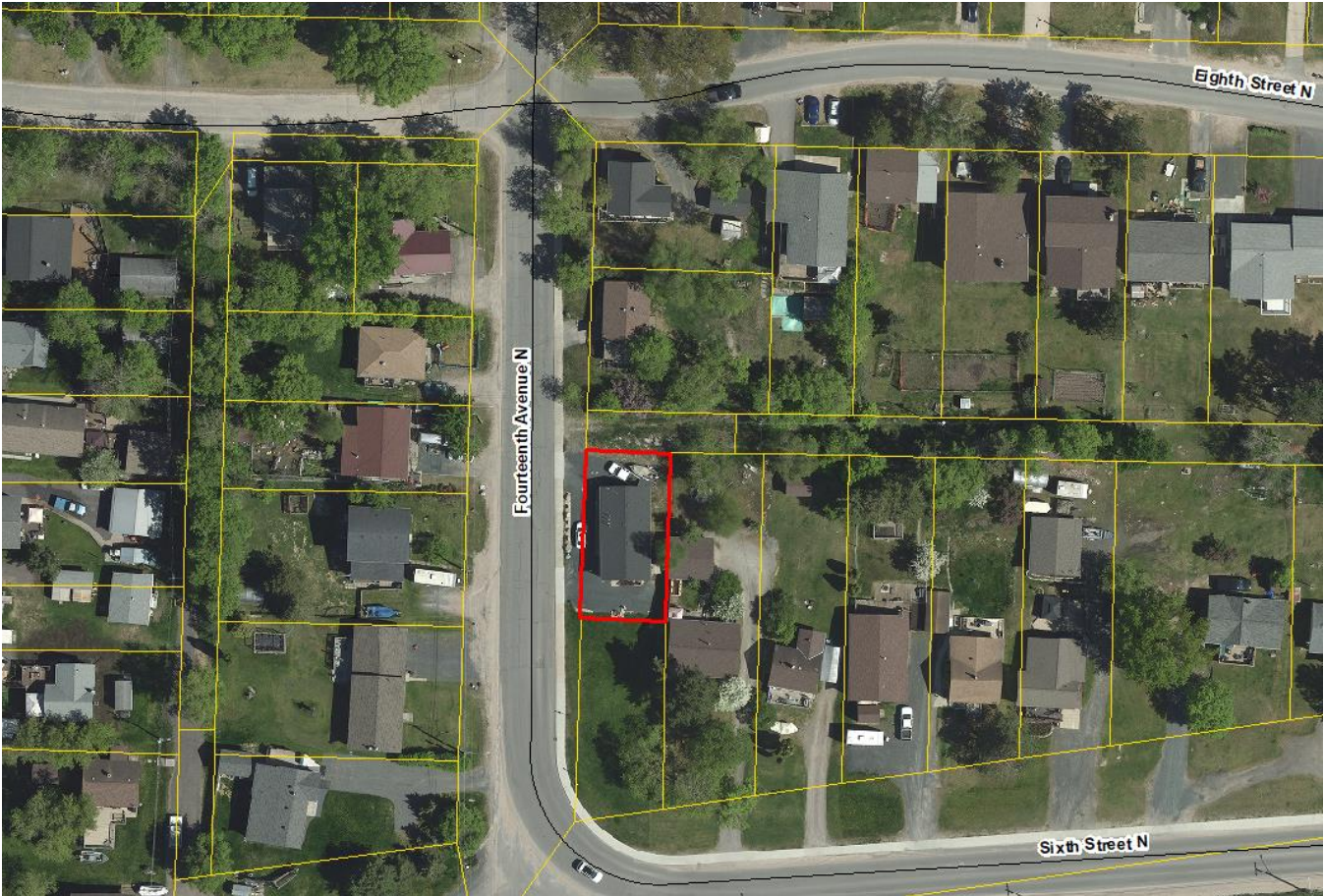
ADDITIONAL INFORMATION

Additional information relating to the proposed minor variance is available through the Planning Department, for further information please email: planning@kenora.ca and quote File Number **D13-25-09**.

Dated at the City of Kenora this 20 day of May, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca.

Figure 1. Location Map (Kenora GIS 2024) - subject property outlined in red





City of Kenora
Application for Minor Variance or
Permission
Section 45 of the Planning Act & Ontario
Regulation 200/96

Office Use Only

Date Stamp - Date Received:

File Number: D13-25-09

Roll Number: 6016-020-006-12606

Application Fee Paid: \$ 1300

Application Deemed Complete (Date): May 14, 2025

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- ☐ Pre-consultation meeting is recommended with the planning department
- ☐ 1 original copy of the completed application form
- ☐ The required application fee of \$800.00 (1), \$1,300 (2), \$1,800 (3 or more) as per the schedule of fees By-law
- ☐ Planning Rationale (recommended)
- ☐ Site Plan Sketch
- ☐ Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- ☐ A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - City of Kenora Application for:

☒ Minor Variance s.45 (1)

☐ Permission s.45 (2)

3.0 - Concurrent Applications Filed

- | | |
|--|--|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Zoning By-law Amendment/Temporary Use | <input type="checkbox"/> Consent Application |
| <input type="checkbox"/> Subdivision Application | <input type="checkbox"/> Other: _____ |

4.0 - Applicant Information**SUBJECT PROPERTY INFORMATION**

Civic Address	Street No.: 1402	Street Name: 6th Ave N	Postal Code: P8X 1B5	Unit Num.:
Registered Plan Number	M-			
Legal Description				
Reference Plan Number	23R- 4790			
Lot No.(s)/Block No.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)	1			
Tax Roll Number	6016 020 006 12600			

OWNER/APPLICANT INFORMATION

Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Cyncora		First Name: Richard	
Mailing Address	Street No.: 43	Street Name: Regina Ave.	Postal Code:	Unit Num.:
City	Kenora		Province Ontario	
Contact Information	Phone: 807 407 2179		Fax:	
Email	rlcyncora@gmail.com			
Acquisition Date of Subject Land	2017-07-31			

PLANNING AGENT/SOLICITOR INFORMATION

Company or Firm Name				
Name	Surname: Caron		First Name: Charlotte	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City	Keewatin		Province: Ontario	
Contact Information	Phone: (807) 464-4991		Fax:	
Email	cecaron1@shaw.ca			

MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND

Company				
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				

5.0 – Please list the reports/studies that will accompany this application

Not applicable

6.0 – Land Use Designation (Please see www.kenora.ca/planning for schedules/maps)

What is the current Official Plan Designation of the subject property?

Established Area

What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?

R1

7.0 – Nature and extent of relief required

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
3.34.1.b) v.	Accessory buildings, uses or structures are permitted in any zone, subject to the provisions of this By-law for the particular zone in which said building, use or structure is located and provided that such accessory building, use or structure shall not (be) built closer than 1 m to any interior side or rear lot line	0m to rear lot line	1m
3.34.1.b) v. 'ii	<i>built within 2m of main building or structure</i>	1.5m between the existing home and proposed garage	0.5m

8.0 – Please explain the extent of the proposed variance or permission requested and why it is not possible to comply with the provisions of the Zoning By-law

The existing house on the property is located 25 feet or 7.62 meters from the rear lot line. The lot drops sharply to the front and access is off a busy street going with the slope so it was not possible to move the house closer to the front lot line. The applicant would like to build a garage potentially with living quarters above which would be very small with only a 15 foot or 4.62 meter width. Stock plans are available for 18 foot width garages with living quarters, not including eaves. With 20 feet or 6.21m a reasonable stock garage, including eaves can be constructed on the lot.

9.0 – Property Characteristics

Frontage (metres): 16.578 Depth (metres): 30.940 Area (m² or Ha.): 512.923 m²

Existing Use of subject land: Residential

Note: Legal non-conforming use applications must provide evidence to support its status to the Planning Department.

Proposed Use (if applicable): Residential

The date the subject land was acquired by the current owner: 2017-07-31

The date the existing buildings or structures on the subject land were constructed: 2020

Length of time that the existing uses have continued? Since 1945, 80 years

Type of Access:

- ☒ Municipal maintained road
 ☐ Seasonally maintained road
 ☐ Provincial highway
☐ Private road or laneway
 ☒ Water
 ☐ Other public road

* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

*If access is by private road, or other public road, please state who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available.

Water Supply:☒ Municipal water☐ Private well☐ Communal well☐ Lake☐ Other: _____**Sewage:**☒ Municipal sewer☐ Private septic system/field☐ Communal septic system/field☐ Privy☐ Other: _____**Site Drainage:**☒ Storm sewers☐ Swales☐ Ditches☐ Other: _____**Other Services:**☒ Electricity☒ Garbage Collection☒ School Buses**10.0 - Easements**

Are there any easements or restrictive covenants affecting the subject lands?

☐ Yes☒ No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

11.0 - Other Applications under the Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (Please Specify)	File No.:	Status:

12.0 – Buildings/Structures on Subject Property

Dimensions must match those indicated on the required sketch

Existing Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area	111.48 m2			
Total Gross Floor Area	111.48 m2			
Number of Storeys	1			
Length	15.24 m			
Width	7.32 m			
Height				
Front Yard Setback	7.925 m			
Rear Yard Setback	7.62 m			
Side Yard Setback	6.096 m			
Side Yard Setback	3.05 m			
Date Constructed	2020			
Lot Coverage (%)	21.7%			
Floor Area Ratio				

Proposed Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area		44.80 m2		
Total Gross Floor Area		44.80 m2		
Number of Storeys		2		
Length		7.32 m		
Width		6.12 m		
Height		7 m		
Front Yard Setback				
Rear Yard Setback		0 m		
Side Yard Setback		6.096 m		
Side Yard Setback		3.05 m		
Date Constructed				
Lot Coverage (%)		30.5%* TOTAL		
Floor Area Ratio		8.80% STRUCTURE		

*Please place an asterisk next to any existing buildings that will be removed as part of the application.

*Please indicate whether the side yards are interior or exterior.

13.0 – Is the effect of the proposed variance consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2024 Provincial Planning Statement (PPS).

Please see attached planning rationale.

14.0 – Additional information

Please provide any additional information that you feel would be beneficial to the application:

Please see attached planning rationale.

The property is in the process of being transferred to the owners' adult child. The transfer may or may not be complete before the variance application is heard.

16.0 – Authorized Agent/Solicitor

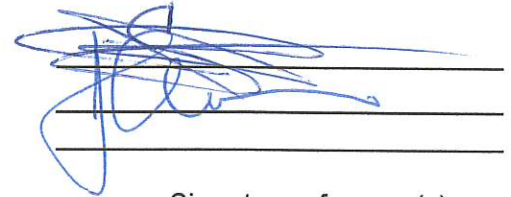
If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Richard and Lise Gynora, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize

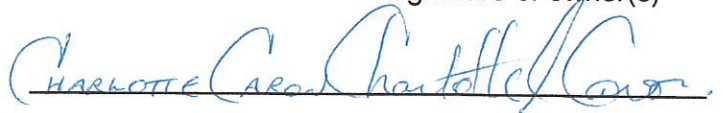
Charlotte Caron to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

2025-05-14

Date



Signature of owner(s)

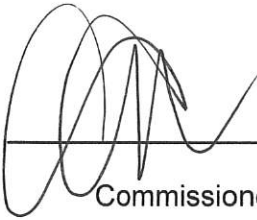


Name and Signature of Witness

17.0 - Sworn Declaration or Affidavit

I, CHARLOTTE CARON of the CITY OF KENORA in the province of ONTARIO, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the CITY OF KENORA in the PROVINCE OF ONTARIO this 14 day of MAY in the year 2025



Melissa Gail Shaw, a Commissioner, etc.,
Province of Ontario,
for the Corporation of the City of Kenora.
Expires September 5, 2027.

Commissioner of Oaths



Applicant(s)

18.0 - Privacy Consent/Freedom of Information Declaration

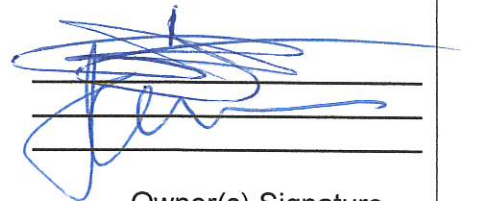
Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, Richard and Lise Gincora being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

2025-05-14

Date



Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.

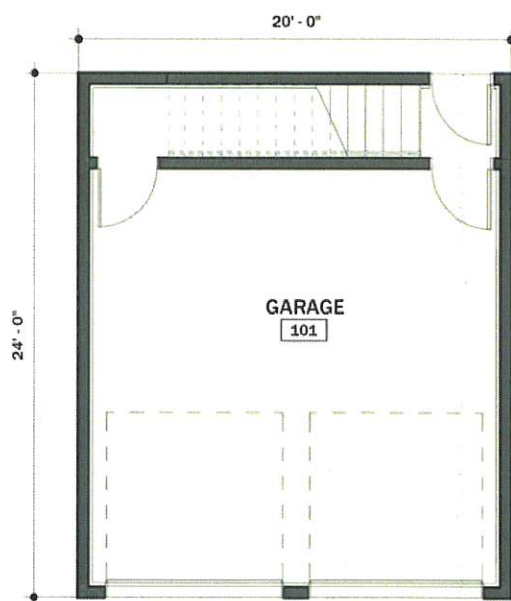
SAMPLE GARAGES WITH LIVING ABOVE





UPPER LEVEL | SUITE





1

MAIN FLOOR PLAN

SCALE: 3/16" = 1'-0"



2

SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"



Planning Rationale

1402 - 6th St. N., Kenora, ON

The subject property, 1402 6th St. N. Kenora Ontario is a residential lot containing one single family dwelling. The lot is 16.578 meters (54.384 feet) by 30.940 meters (101.509 feet). The surrounding area is residential, consisting of mainly single family dwelling units, a high school and an early years centre. There are some commercial uses in the area, i.e. dry cleaner, equipment rental, and prepared food retail. To the applicants knowledge the subject property has only ever been a residential lot. It appears that the former Town of Kenora acquired the southern portion of the lot. The purpose of which is not clear. The applicant is requesting two minor variances to provide relief from the rear lot line set back and the distance from the primary dwelling unit. The reliefs requested are:

.5 meters from the primary dwelling unit, that is 1.5 meters rather than 2 meters as specified in the zoning bylaw.

0 meters from the rear lot line rather than the 1 meter specified in the zoning by-law. The rear lot line abuts an unopened City laneway, the laneway is used by neighbouring properties to access the rear of their yards and contains hydro infrastructure.

The applicant is planning to build a garage as an accessory to the primary dwelling unit. The garage may have a second storey with a secondary dwelling unit. The height of the garage will not exceed 7 meters (22.9659 feet) to the gable end. Second storey dwelling units were not previously allowed within the City of Kenora, this proposal is the first of its kind in this neighbourhood. There is currently ample parking on the property for at least 5 vehicles, this will not change with the addition of a garage.

This is a residential neighbourhood with most of the homes having some form of garage or large shed. It is appropriate to have a garage on this site and it will serve the current and future owners as well as provide rental income or family living space through the addition of a secondary dwelling unit.

The area is zoned R1, residential first density with some institutional and local commercial. The property will remain R1 but may contain a secondary dwelling unit in the garage as now allowed. Garages are appropriate and permitted within lands zoned R1 as are secondary dwelling units.

The land is already cleared and used for parking so the natural environment will not be impacted any more than it currently is.

Municipal services exist to the property, a secondary dwelling unit would simply add one more connection. The more users there are, the less cost per user.

The proposed variances meets the general purpose of the City of Kenora's Official Plan as the subject lands would continue to be used for residential purposes in Established Area.

The proposed variances meet the general intent of the zoning by-law as a garage is permitted within R1. The reliefs requested would allow the construction of a garage with a secondary dwelling unit on a lot with challenging terrain, working around an already existing home.

The surrounding neighbourhood consists mainly of single family homes, some with basement suites and many with garages and or large sheds. This garage would be characteristic of the neighbourhood.

The variance would be minor in nature in that it is unlikely anyone would notice the garage being 1.5 meters rather than two from the primary dwelling unit and as the proposed garage would back onto an unopened land allowance it would not directly impact another home owner and again it is unlikely anyone would notice.

No other planning approvals are required.

This application is consistent with the Provincial Policy Statement 2024 which states "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents" and "promoting densities for new housing which efficiently use land".

This proposal supports the City's official plan 2.2.3 Principle 3 – Affordable Housing

Kenora shall support the location of affordable housing in an integrated manner within new or existing development.

Objectives:

- To provide a mix and range of housing types that shall meet the physical and financial needs of all current and future residents, in particular the aging population and new entrants to the housing market, with the goal of providing a timely response to housing needs associated with a diversified economy.

1402-6th st N



To: City of Kenora Committee of Adjustment
From: Tara Vader, Associate Planner
Date: June 12th, 2025
Re: Minor Variance Application – File D13-25-09
Location: 1402 Sixth Street North
Owner/Applicant: Richard Cyncora
Agent: Charlotte Caron

RECOMMENDATION

It is recommended that this application for minor variance be **approved** subject to the recommended conditions.

INTRODUCTION

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit the construction of an accessory garage. Relief is requested as the existing dwelling and terrain of the lot limit development area. The subject property is residential and contains a single-detached dwelling. The site has access from Fourteenth Avenue N and is serviced by municipal water and sewer services. The subject lands are approximately 512 m².

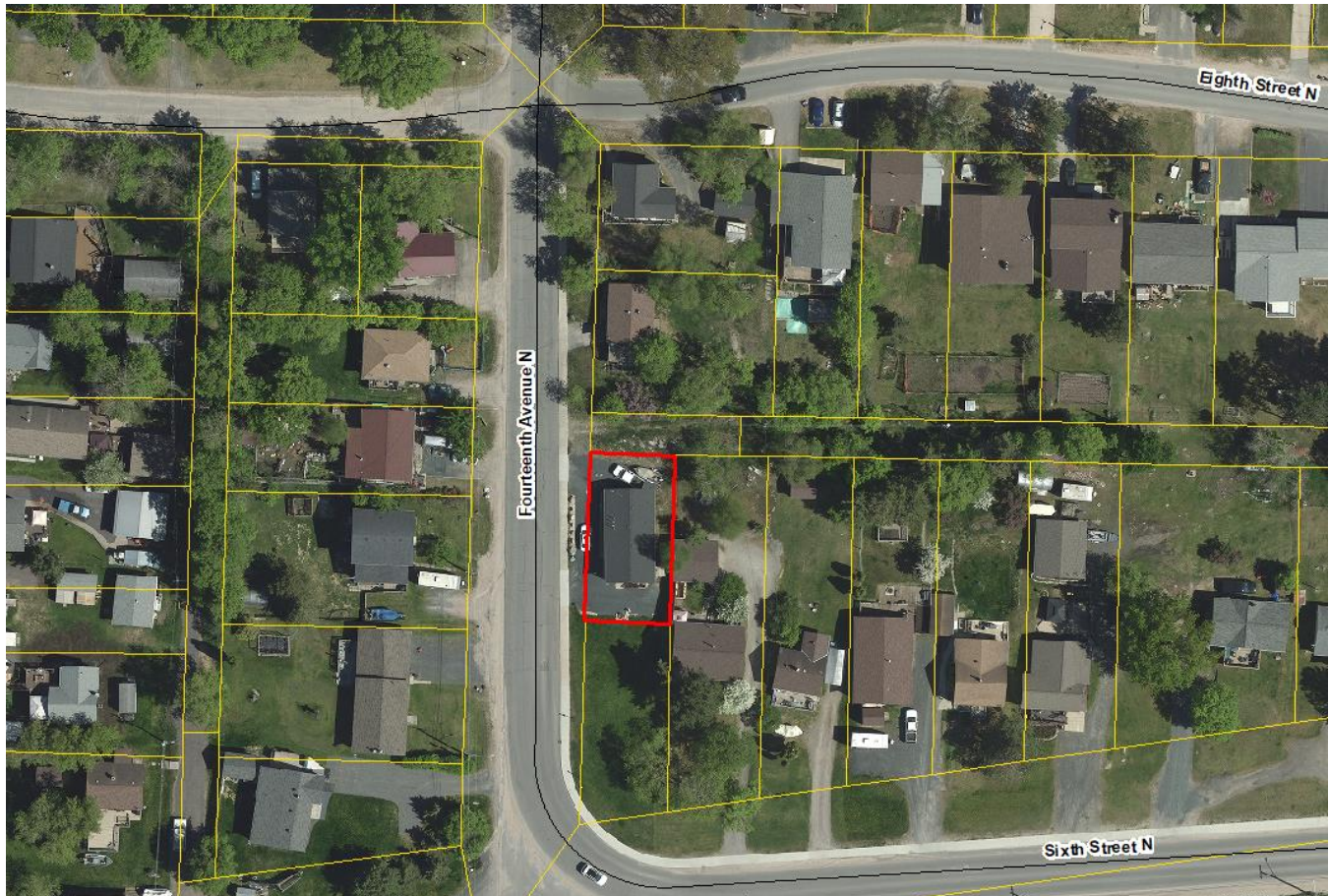
Minor Variance Request					
Variance #	Zoning By-law Section	Description of Provision	Requirement	Proposed Provision	Relief Requested
1	3.34.1 b) v.	Accessory structures shall not be built closer than 1 m to any interior side or rear lot line.	1 m	0 m	1 m
2	3.34.1 b) vii.	Accessory structures shall not be built within 2 m of the main building or structure.	2 m	1.5 m	0.5 m

REVIEW

In considering an application of minor variance, Section 45(1) of the Planning Act gives authority of granting minor relief from the provision of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the application is minor in nature, is an

appropriate use of the land, and that the development maintains the intent of the Official Plan and Zoning By-law.

Figure 1. Location Map (Kenora GIS 2022)



AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application. Staff did advise that if the entrance to the property is proposed to be changed or widened, a new entrance permit approval would be required. Staff also advised that there is no on-street parking on 14th Ave N. Staff advised that if the applicant adds a secondary dwelling unit above the proposed garage, parking would need to be considered.

Agency

The Ministry of Natural Resources had no MNR concerns with the application. Synergy North had no concerns with the application. No comments were received from other agencies.

Public

No comments were received from members of the public at the time of report submission.

PLANNING REVIEW

The subject property is designated “Established Area” in the City of Kenora Official Plan and zoned “R1” Residential – First Density Zone in the City’s Zoning By-law.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) states that settlement areas shall be the focus of growth and development. This application proposes a detached garage with potential for a secondary dwelling unit above within the settlement area and serviced by municipal water and sewer services. Thus, this application is consistent with this policy of the PPS.

FOUR TESTS OF A MINOR VARIANCE

Does the variance maintain the intent of the Official Plan?

The City of Kenora Official Plan (OP) Section 2.2 contains the Guiding Principles and Objectives. Principle 1 – Sustainable Development states that Kenora shall promote sustainable development to enhance the quality of life for present and future generations. One of the objectives under this principle is to promote compact development by using land and existing infrastructure efficiently. This application proposes to construct a detached garage and potentially a secondary dwelling unit on an existing developed residential lot serviced by municipal services. As a result, it is staff’s opinion that this application maintains the intent of the OP.

Does the variance maintain the intent and purpose of the Zoning By-law?

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “R1” Residential – First Density Zone. The R1 zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer or with municipal water only.

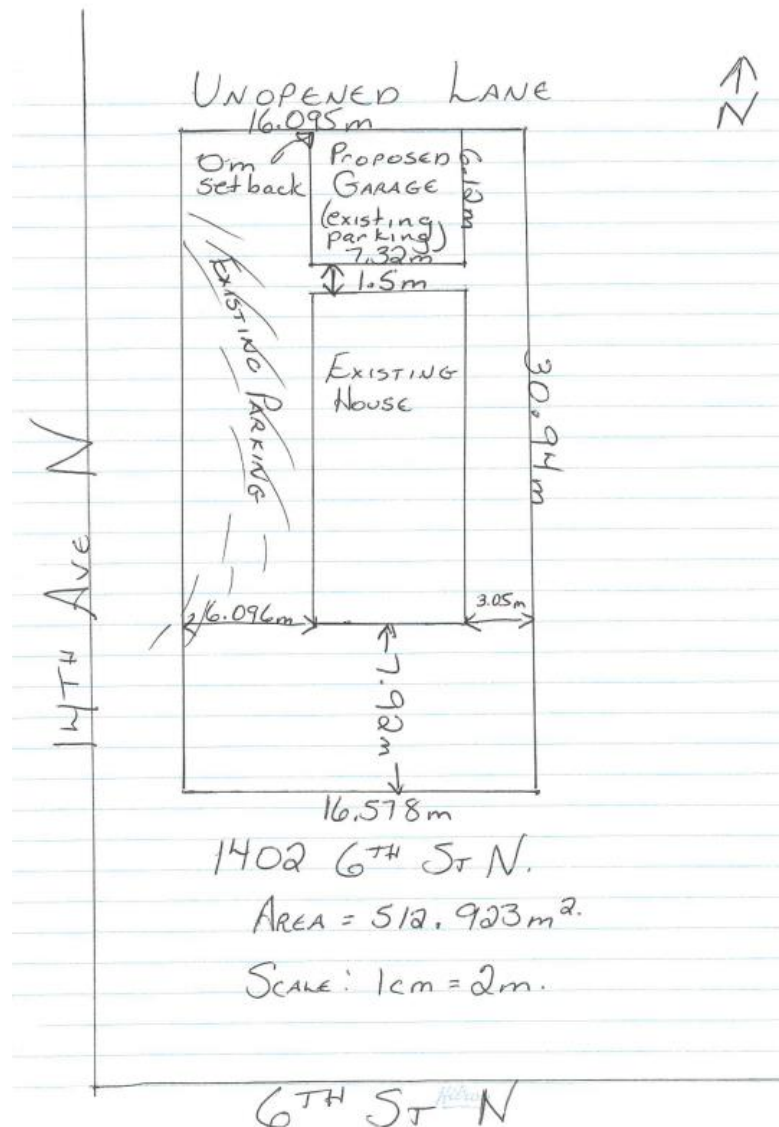
The intent of the Zoning By-law for a 1 m rear yard setback for accessory structures is to maintain separation between accessory structures on abutting properties for safety purposes and to maintain the character of the area. Variance 1 is seeking relief from this provision to the lot line which abuts an unopened municipal lane. The unopened municipal lane is utilized by a handful of properties for rear yard access and also contains overhead hydro lines. Requirements relating to setbacks from overhead hydro lines will have to be met by the property owner during the building permit process. As the variance is abutting an unopened municipal lane, it maintains distance between the proposed structure and any structures on abutting properties. Fire separation requirements will be addressed through the building permit process. As a result, variance 1 maintains the intent of the Zoning By-law.

Similarly, the intent of the setback from the main building is also intended to maintain safety for fire separation purposes. Variance 2 to reduce this setback will also be addressed

through the building permit process by fire separation requirements. As a result, variance 2 maintains the intent of the Zoning By-law.

Staff have reviewed the dimensions of the existing dwelling and the proposed garage and have confirmed that it would not result in a relief request for lot coverage.

Figure 2. Site plan (provided by applicant)



Is the application desirable for the appropriate development of the land, building or structure?

The proposed variance will enable the construction of a detached garage and potentially a secondary dwelling unit above, which is a permitted use for the subject property. The land is currently residential, and the proposed development would maintain this use.

Is the variance minor?

The requested relief is to permit a detached garage with a 0 m rear yard setback and a 1.5 m setback from the main structure. The proposed variance is not expected to have a significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Recommendation

As a result, it is recommended that minor variance application D13-25-09 to seek relief from the City of Kenora By-law 101-2015, Section 3.34.1 b) v. and Section 3.34.1 b) vii. be approved to permit a detached garage with a 0 m rear lot line setback and a 1.5 m setback from the main structure, subject to the following conditions:

1. No part of the detached garage (including eaves) shall encroach on the unopened City lane.
2. The rear property line abutting the City lane shall be established by an Ontario Land Surveyor.
3. The foundation of the proposed garage shall be staked by an Ontario Land Surveyor prior to the issuance of a building permit.



Tara Vader

Associate Planner

June 12th, 2025



Consideration of Application for Minor Variance

D13-25-10



**THE CORPORATION OF THE CITY OF KENORA
COMMITTEE OF ADJUSTMENT
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING
Section 45 of the Planning Act, RSO 1990**

TAKE NOTICE that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on June 18th, 2025, at 6 p.m.

As part of the meeting, the Committee will consider a proposed Minor Variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D13-25-10
LOCATION: 645 Sixteenth Avenue North

PURPOSE AND EFFECT

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a detached secondary dwelling unit with a reduced exterior side yard and increased accessory structure lot coverage.

The application is seeking relief from Section 4.2.3 (e) which requires a minimum exterior side yard of 4 m and from Section 3.34.1 b) vi which requires accessory structures to not exceed 10% coverage of the total lot area.

This application proposes to reduce the required 4 m minimum exterior side yard by 2.8 m to permit a 1.2 m exterior side yard. The application also proposes to increase the 10% maximum lot coverage for accessory structures by 4.5% to permit a 14.5% lot coverage for accessory structures. The subject property is designated Established Area in the City of Kenora Official Plan and zoned 'R1' Residential – First Density Zone in the City's Zoning By-law.

**COA
Meeting**

When: Wednesday, June 18th, 2025 at 6:00 p.m. (CST)
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or send them by regular mail to the address below, and quote File Number: **D13-25-10**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, June 11th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to planning@kenora.ca.

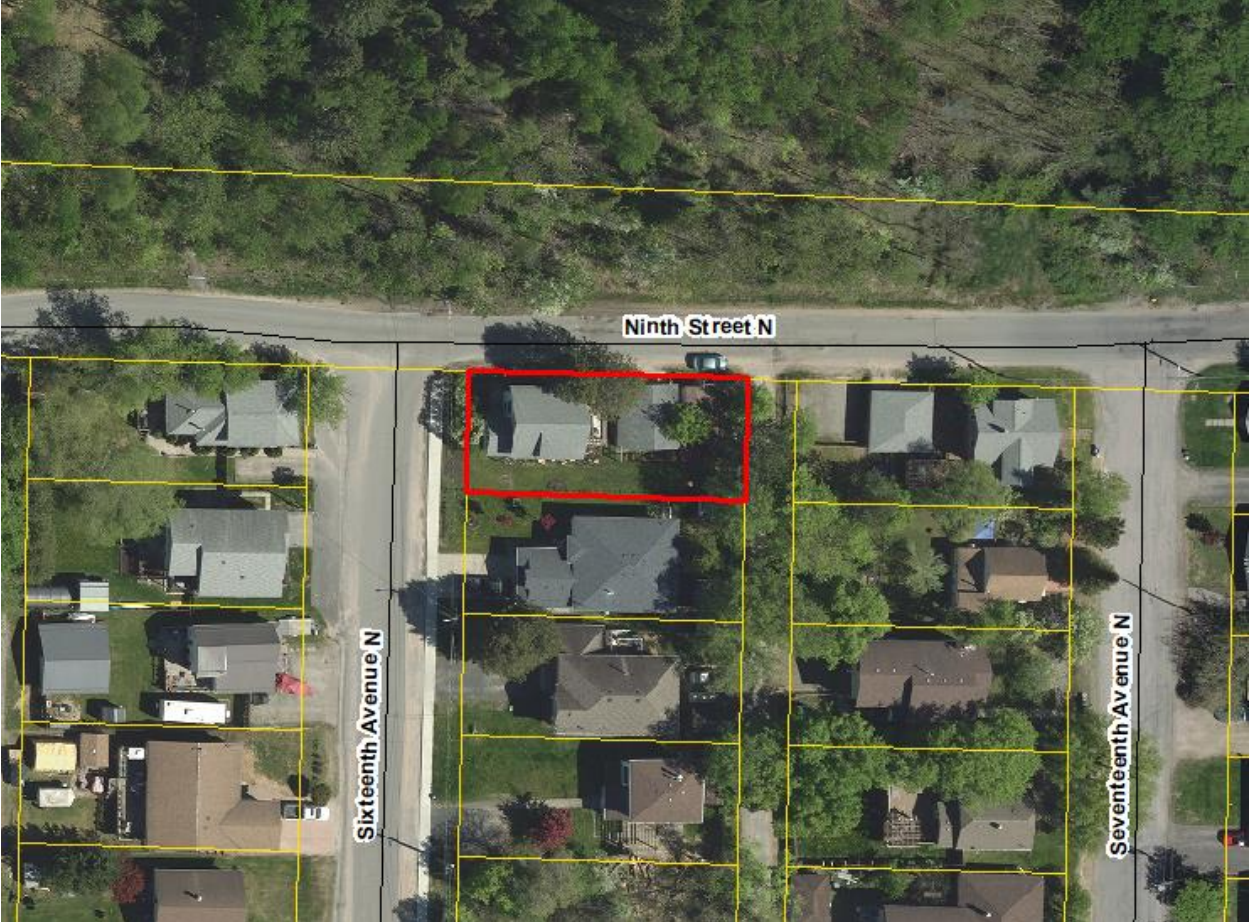
ADDITIONAL INFORMATION

Additional information relating to the proposed minor variance is available through the Planning Department, for further information please email: planning@kenora.ca and quote File Number **D13-25-10**.

Dated at the City of Kenora this 16 day of May, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca.

Figure 1. Location Map (Kenora GIS 2024) – subject property outlined in red





City of Kenora
Application for Minor Variance or
Permission
Section 45 of the Planning Act & Ontario
Regulation 200/96

Office Use Only

Date Stamp - Date Received:



File Number: D13-25-10

Roll Number: _____

Application Fee Paid: \$ 1,300.00

Application Deemed Complete (Date): May 16, 2025

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- ☒ Pre-consultation meeting is recommended with the planning department
- ☒ 1 original copy of the completed application form
- ☒ The required application fee of \$800.00 (1), \$1,300 (2), \$1,800 (3 or more) as per the schedule of fees By-law
- ☒ Planning Rationale (recommended)
- ☒ Site Plan Sketch
- ☒ Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- ☒ A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - City of Kenora Application for:

☒ Minor Variance s.45 (1)

☐ Permission s.45 (2)

3.0 - Concurrent Applications Filed

- | | |
|--|--|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Zoning By-law Amendment/Temporary Use | <input type="checkbox"/> Consent Application |
| <input type="checkbox"/> Subdivision Application | <input type="checkbox"/> Other: _____ |

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 645	Street Name: Sixteenth Ave. North, Kenora	Postal Code: P9N 3N1	Unit Num.:
Registered Plan Number				
Legal Description	PCL 4651 SEC DKF; LT 27 PL M103; KENORA			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)	M-103 LOT 27 PCL 4651			
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016 020-006-20000-0000			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Loewen		First Name: Jeff	
Mailing Address	Street No.: 645	Street Name: Sixteenth Ave. N	Postal Code: P9N 3N1	Unit Num.:
City	Kenora		Province Ontario	
Contact Information	Phone: 807 444-3999		Fax:	
Email	jiloewen@msn.com			
Acquisition Date of Subject Land	September 20, 2019			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name				
Name	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:		Fax:	
Email				
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company	Copperfin Credit Union			
Contact Person	Surname:		First Name:	
Mailing Address	Street No.: 346	Street Name: Second Street South	Postal Code: P9N 1G5	Unit Num.:
Contact Information	Phone:		Fax: 807 468-8653	
Email				
5.0 – Please list the reports/studies that will accompany this application				
Site plan				
6.0 – Land Use Designation (Please see www.kenora.ca/planning for schedules/maps)				
What is the current Official Plan Designation of the subject property?				
<u>Residential, Established Area</u> <i>JL</i>				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
<u>R1</u> <i>JL</i>				

7.0 – Nature and extent of relief required

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
4.2.3	Exterior side (e) 4 m	1.2 m	2.8 m
4.2.3	Rear Yard (f)	1.5 m	6.5 m
3.34.1	vi Exceed 10% (b)	14.2 %	4.2%

8.0 – Please explain the extent of the proposed variance or permission requested and why it is not possible to comply with the provisions of the Zoning By-law

I am asking for permission to align my proposed tiny house with my existing garage. The reason for this is threefold. First, it makes optimal use of the space available. Secondly, by aligning the tiny house with the existing garage it is more visually appealing giving a planned and intentional feel to structures on the land rather than a random feel to placement of structures on the land. Thirdly, It creates a better yard space and privacy for any tenant occupying the tiny house.

9.0 – Property Characteristics

Frontage (metres): 15.2 Depth (metres): 35 Area (m² or Ha.): 532 m²

Existing Use of subject land: Residential

Note: Legal non-conforming use applications must provide evidence to support its status to the Planning Department.

Proposed Use (if applicable): Secondary Dwelling

The date the subject land was acquired by the current owner: September 20, 2019

The date the existing buildings or structures on the subject land were constructed: 1950's

Length of time that the existing uses have continued? 75

Type of Access:

- ☒ Municipal maintained road
 ☐ Seasonally maintained road
 ☐ Provincial highway
☐ Private road or laneway
 ☐ Water
 ☐ Other public road

* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

*If access is by private road, or other public road, please state who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available.

Water Supply:☒ Municipal water☐ Lake☐ Private well☐ Other: _____☐ Communal well**Sewage:**☒ Municipal sewer☐ Privy☐ Private septic system/field☐ Other: _____☐ Communal septic system/field**Site Drainage:**☒ Storm sewers☐ Other: _____☐ Swales☐ Ditches**Other Services:**☒ Electricity☒ Garbage Collection☐ School Buses**10.0 - Easements**

Are there any easements or restrictive covenants affecting the subject lands?

☒ No☐ Yes

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

11.0 - Other Applications under the Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (Please Specify)	File No.:	Status:

12.0 – Buildings/Structures on Subject Property

Dimensions must match those indicated on the required sketch

Existing Structures:

	Principle - House	Accessory-Garage	Accessory-Shed	Parking-rear-gravel
Ground Floor Area	61.3	48.9	5.8	
Total Gross Floor Area	56.8	46.2	4.8	
Number of Storeys	2	1	1	
Length	7.9	7.3	2.4	
Width	7.3	6.7	2.4	
Height	7	3.6	2.7	
Front Yard Setback	3.3	19.5	23.8	
Rear Yard Setback	21.7	8.8	8.8	
Side Yard Setback	1.8	1.2	11.3	
Side Yard Setback	6.1	6.9	1.5	
Date Constructed	1950's	1950's	2018 moved here 2019	
Lot Coverage (%)	11.5%	9%	1%	
Floor Area Ratio				

Proposed Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area	22.6			
Total Gross Floor Area	19.2			
Number of Storeys	1			
Length	6.1			
Width	3.7			
Height	4.6			
Front Yard Setback	27.4			
Rear Yard Setback	1.5			
Side Yard Setback	1.2			
Side Yard Setback	10.3			
Date Constructed	2025			
Lot Coverage (%)	4.2%			
Floor Area Ratio				

*Please place an asterisk next to any existing buildings that will be removed as part of the application.

*Please indicate whether the side yards are interior or exterior.

13.0 – Is the effect of the proposed variance consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2024 Provincial Planning Statement (PPS).

This application is consistent with the 2024 Provincial Planning statement

2.3.1 General Policies for Settlement Areas

a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities;

2.4.1 General Policies for Strategic Growth Areas d) to support affordable, accessible, and equitable housing.

14.0 – Additional information

Please provide any additional information that you feel would be beneficial to the application:

This project complies with the desire of the city to encourage the building of secondary dwelling units in an effort to address a significant housing shortage in the area.

16.0 – Authorized Agent/Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Jeff and Ingrid Loewen, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize _____ to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date

Signature of owner(s)

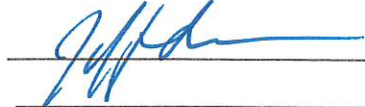
Name and Signature of Witness

17.0 - Sworn Declaration or Affidavit

I, JEFF LOEWEN of the CITY OF KENORA in the province of ONTARIO, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the Operations Centre
City of Kenora in the Province of Ontario this 15 day of
May in the year 2025

Tara Nowell, a Commissioner, etc.,
Province of Ontario,
for the Corporation of the City of Kenora.
Expires September 5, 2027.



Commissioner of Oaths

Applicant(s)

18.0 - Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, JEFF LOEWEN being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

May 15, 2025

Date



Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.

Application for Minor Variance Planning Rationale

Jeff Loewen 645 Sixteenth Ave. N Kenora, ON P9N 3N1

May 8, 2025

(A) Physical Description of the site:

The site is located at 645 Sixteenth Ave. N. Kenora. It sits on the corner of Sixteenth Ave. N. and 9th St North. It is in a residential neighborhood with residences to the south, east and west. Woodlands are to the north. The site is 50 feet (15.2m) wide and 115 feet (35m) long. The house is 7.9 m long by 7.3 m wide with a small porch to the west 3.5m x 2.1m. There is a 2-car garage that exits onto 9th St. N. A 2.4x2.4m shed was placed on the land in 2019 when I moved here.

(B) Site's planning history

(C) Overview of the Proposal

We propose to build a single-story secondary dwelling unit on the east side of the garage that will provide housing for 1-2 people. It will be 6.1m x 3.7m (20x12'). It will have a slanted roof with the tall side being 4.6m and the lower side 3.7m. The main entrance and windows will face the south. It will be built on a slab with in-floor heating. It will have a storage loft, a living/sleeping area, bathroom, kitchen and laundry areas. It will have a small deck on the south side and a small yard and parking.

(D) Suitability of the site

The site is suitable for a secondary dwelling in that it fits in a residential neighborhood and it complies with the zoning requirements.

(E) Compatibility with adjacent properties.

It is a residential building in a residential area.

(F) Justification that the proposal is appropriate land use planning.

(G) Impact on the natural environment.

The proposed tiny home would have a slight impact on the overall density of the area and very minimal impact on the natural environment except that one small tree will have to be removed. (This is a weed tree growing next to the foundation of my garage that needs to be removed whether a tiny home is built or not.)

(H) Impact on Municipal services.

I am proposing that the sewer and water connections are connected to the present sewer and water lines already in place on my lot. Hydro services would be also use the existing connections.

Application for Minor Variance Planning Rationale

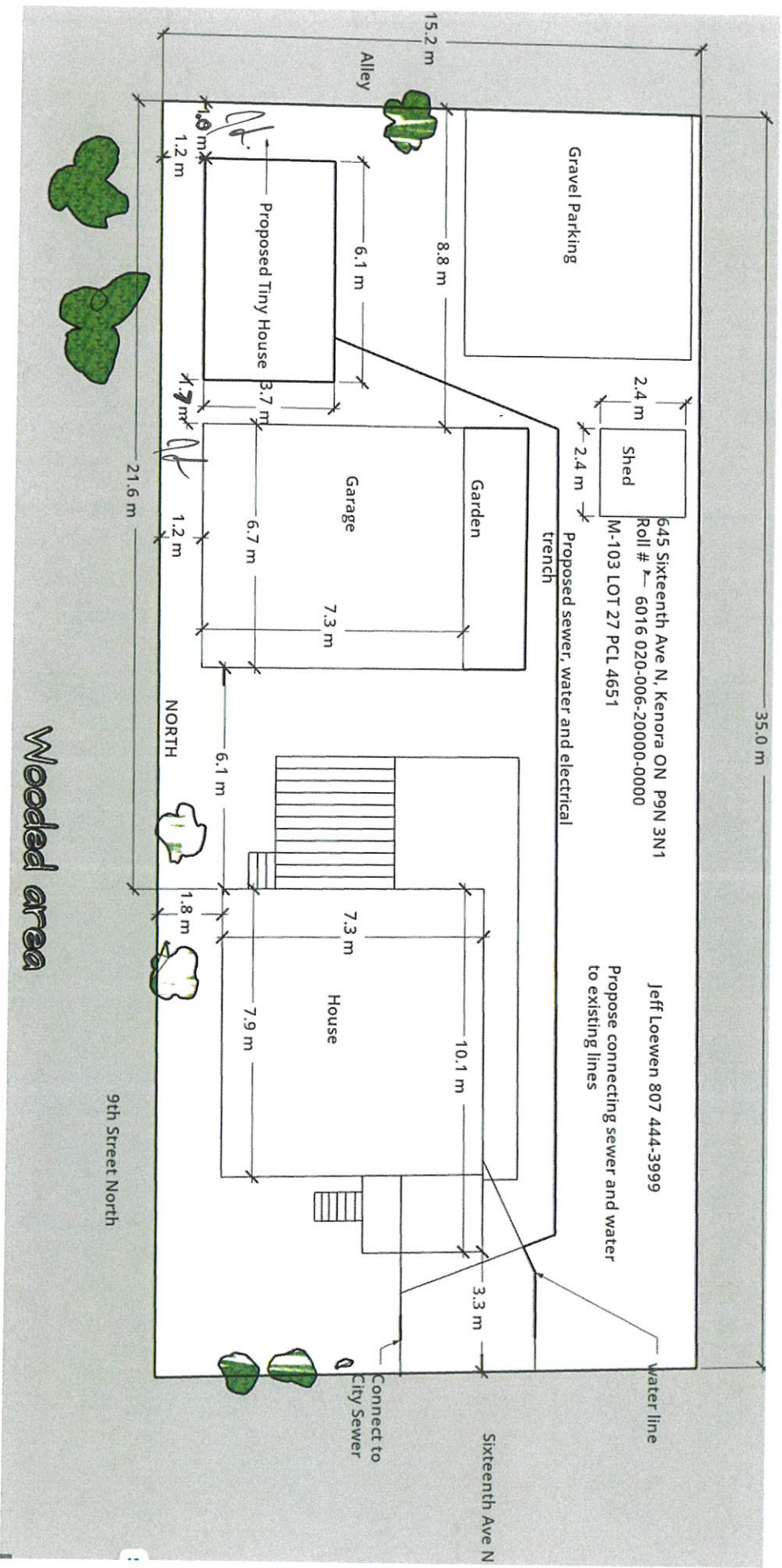
Jeff Loewen 645 Sixteenth Ave. N Kenora, ON P9N 3N1

May 8, 2025

(I) How does this meet the four tests?

This proposal meets the general intent of purpose of Kenora's official plan by increasing available housing, it utilizes the zoning bylaw that accommodates secondary housing units, it is reasonable to the land use in that it is a building in a residential neighborhood and it is minor because it is focused on structure placement.

645 Sixteenth Ave. N. Kenora, ON





To: City of Kenora Planning Advisory Committee
From: Tara Vader, Associate Planner
Date: June 12th, 2025
Re: Minor Variance Application – File D13-25-10
Location: 645 Sixteenth Avenue North
Owner/Applicant: Jeff Loewen

RECOMMENDATION

It is recommended that this application for minor variance be **approved** subject to the recommended conditions.

INTRODUCTION

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a detached second dwelling unit. Relief is requested to align the proposed secondary dwelling unit with the existing legal non-conforming setback of the garage. Additionally, as the lot contains an accessory garage and storage shed, relief is requested to permit a higher accessory structure lot coverage. The subject property is residential with a single-detached dwelling containing a basement suite. Access is from Ninth Street North and a back lane. The site is serviced by municipal water and sewer services and are approximately 532 m².

Minor Variance Request					
Variance #	Zoning By-law Section	Description of Provision	Requirement	Proposed Provision	Relief Requested
1	4.2.3 (e)	Minimum exterior side yard.	4 m	1.2 m	2.8 m
2	3.34.1 b) vi.	Accessory structures shall not exceed 10% coverage of the total lot area.	10%	14.5%	4.5%

REVIEW

In considering an application of minor variance, Section 45(1) of the Planning Act gives authority of granting minor relief from the provision of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the application is minor in nature, is an appropriate use of the land, and that the development maintains the intent of the Official Plan and Zoning By-law.

Figure 1. Location Map (Kenora GIS 2022)



AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application and stated that the application does not create any concerns with the right-of-way.

Agency

The Ministry of Natural Resources had no MNR concerns with the application. Synergy North had no concerns with the application. No comments were received from other agencies.

Public

One comment was received from a member of the public. The comment had concerns with safety, specifically that Ninth Street North is not built to accommodate two vehicles meeting. Additionally, there is concern for the location of the existing detached garage on the subject lands and the proposed secondary dwelling unit creating a blind spot for traffic. There was also concern regarding the site plan, traffic volumes, parking, units permitted on one lot, and precedent. The site plan provided by the application was based on the property owners knowledge of the lot lines. Comments were received from City staff from various departments. There is no concern with the application creating any concerns with the right-

of-way. The application has demonstrated that the subject lands satisfy the Zoning By-law requirements for parking spaces. The addition of one new unit to the lands is not anticipated to increase traffic volumes to a degree that requires additional studies. In the R1 zone, three units are permitted on a lot. Each minor variance application is considered individually and must meet the 4-tests. A full copy of the public comment was provided to the Committee.

PLANNING REVIEW

The subject property is designated “Established Area” in the City of Kenora Official Plan and zoned “R1” Residential – First Density Zone in the City’s Zoning By-law.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) Section 2.2 contains policies relating to Housing. The PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating: all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities. As this application is proposed to permit a secondary dwelling unit and contribute to the housing supply in the City, it is consistent with these policies of the PPS.

FOUR TESTS OF A MINOR VARIANCE

Does the variance maintain the intent of the Official Plan?

The City of Kenora Official Plan (OP) Section 2.2 contains the Guiding Principles and Objectives. Principle 1 – Sustainable Development states that Kenora shall promote sustainable development to enhance the quality of life for present and future generations. One of the objectives under this principle is to promote compact development by using land and existing infrastructure efficiently. This application proposes to construct a secondary dwelling unit on an existing developed residential lot serviced by municipal services. As a result, it is staff’s opinion that this application maintains the intent of the OP.

Does the variance maintain the intent and purpose of the Zoning By-law?

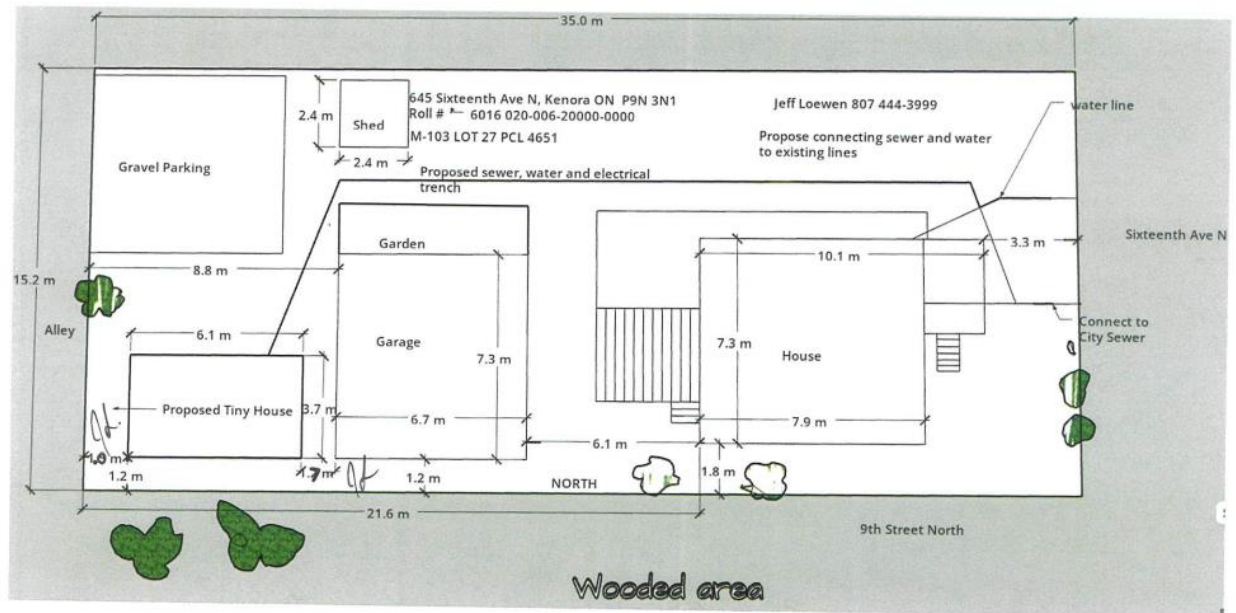
The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “R1” Residential – First Density zone. The R1 zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer or with municipal water only.

The exterior side yard setback is required to ensure separation between municipal right of way and structures on private property. Variance 1 seeking to permit a 1.2 m exterior side yard maintains separation from the municipal right of way and is proposed to align with the existing legal non-conforming garage. The City Roads Department commented that the

proposed variance does not create a concern for the right of way. As a result, variance 1 maintains the intent of the Zoning By-law.

The Zoning By-law provision restricting the lot coverage of accessory structures is intended to maintain the character of the neighbourhood and restrict the development of accessory structures that are not compatible in scale. Variance 2 is requesting a 4.5% increase in accessory structure lot coverage. The proposed secondary dwelling unit is not of a scale that is incompatible with the surrounding area. As a result, variance 2 maintains the intent of the Zoning By-law.

Figure 2. Site plan (provided by applicant)



Is the application desirable for the appropriate development of the land, building or structure?

The proposed variance will enable the construction of a secondary dwelling unit which is a permitted use on the subject property. The land is currently residential, and the proposed development would enable the addition of a housing unit which is desirable.

Is the variance minor?

The requested relief is to permit a secondary dwelling unit with a 1.2 m exterior side yard and to increase accessory structure lot coverage by 4.5%. The proposed variance is not expected to have significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Recommendation

As a result, it is recommended that minor variance application D13-25-10 to seek relief from the City of Kenora By-law 101-2015, Section 4.2.3 (e) and 3.34.1 b) vi. be approved to permit a detached secondary dwelling unit with a 1.2 m exterior side yard and to permit accessory structures to have 14.5% coverage of the total lot area, subject to the following conditions:

1. The exterior side lot line abutting Ninth Street North and the rear lot line abutting the City lane shall be established by an Ontario Land Surveyor.
2. The foundation of the proposed secondary dwelling unit shall be staked by an Ontario Land Surveyor prior to the issuance of a building permit.
3. The secondary dwelling unit shall be constructed consistently with the site plan provided by the applicant.



Tara Vader

Associate Planner

June 12th, 2025



Consideration of Application for Minor Variance D13-25-10 Public Redacted Comments

Tara Vader

From: [REDACTED]
Sent: Wednesday, June 11, 2025 1:30 PM
To: Planning
Subject: File D13-25-10 645 16th Ave North

Follow Up Flag: Follow up
Flag Status: Flagged

[You don't often get email [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

After receiving the “Notice of Complete Application and Public Hearing” notice in the mail, I really had a strong look at the proposal.

Since this is a corner lot there are a number of safety concerns I have about this variance. I believe Ninth Street North at this spot is not built to accommodate two vehicles meeting , let alone school buses at busy times. There is a catch basin on the north side of the road, and when two vehicles meet the vehicle will bottom out in the catch basin. Compounded by the fact that there is a garage that enters at the 425 residence where there are often cars parked which takes away one lane. The garage is not built to the current 4 m side yard standard mentioned in the Zoning by law.

Entering or exiting 9th Street North from the lane would be unsafe if this new dwelling were in the proposed spot. According to the sketch both the new dwelling and garage are 1.2 m from the property line. It would create a blind spot for traffic in all directions.

I have questions about the application.

Has there been a survey completed or has the applicant assuming the fence line is the edge of the property?

Has any body from the roads, planning or a town representative visited this location? If so whom?

Since this is a main artery to Beaver Brae Secondary School, has pedestrian traffic, parking, and traffic volume been considered?

How many dwellings are allowed on a residential lot?

Will this be a precedent for our neighbourhood?

My suggestion would be that someone from the town please come and look at this.

I remain

[REDACTED]

Sent from my iPad



Consideration of Applications for Land Division

D10-25-03



**THE CORPORATION OF THE CITY OF KENORA
COMMITTEE OF ADJUSTMENT
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING**
Section 53 of the Planning Act, RSO 1990

TAKE NOTICE that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on June 18th, 2025, at 6 p.m.

As part of the meeting, the Committee will consider a proposed Consent under Section 53 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D10-25-03
LOCATION: 251/242 Miller Rapids Road

PURPOSE AND EFFECT

This consent application is for the creation of one new lot. The application proposes to sever approximately 4.19 ha of land to create one new water access Rural zone lot. The subject lands are designated Rural Area in the City’s Official Plan and zoned ‘RU’ Rural Zone in the City’s Zoning By-law.

COA Meeting	When: Wednesday, June 18 th , 2025 at 6:00 p.m. (CST) Location: Training Room, Operation Centre 60 Fourteenth Street North, 2 nd Floor, Kenora, ON
--------------------	--

Members of the public interested in attending the meeting may attend via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or by send by regular mail to the address below, and quote File Number: **D10-25-03**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, June 11th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

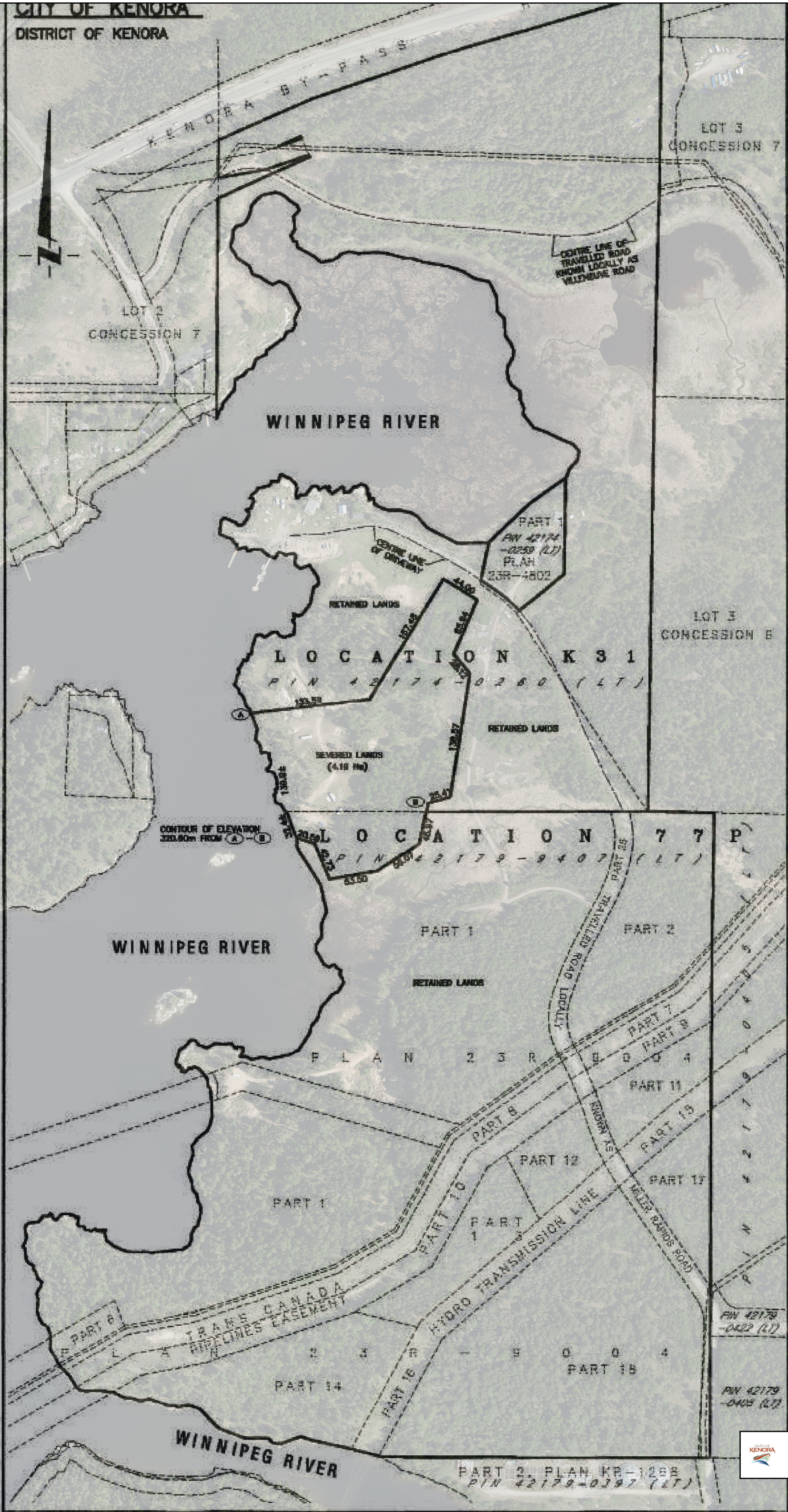
If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to planning@kenora.ca.

ADDITIONAL INFORMATION

Additional information relating to the application is available through the Planning Department, for further information please email: planning@kenora.ca and quote File Number **D10-25-03**.

Dated at the City of Kenora this 16th day of May, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca

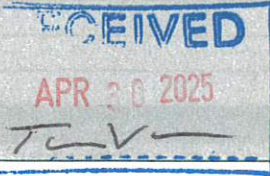




City of Kenora
Application for Consent
Section 53 of the Planning Act & Ontario
Regulation 197/96 (as amended)

Office Use Only

Date Stamp - Date Received:



File Number: D10-25-03 00300

Roll Number: 6016 140.001 00400

Application Fee Paid: \$ 1,750

Application Deemed Complete (Date): May 16, 2025

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- ☒ Pre-consultation meeting
- ☒ 1 original copy of the completed application form
- ☒ The required application fee of \$1,100.00 as per the schedule of fees By-law
- ☒ Planning Rationale 1,750 pm
- ☒ Site Plan Sketch
- ☒ Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies) Emailed to Alberic from Barry Corbett
- ☒ A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - Concurrent Applications Filed

- | | |
|--|--|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Zoning By-law Amendment/Temporary Use | <input type="checkbox"/> Minor Variance/Permission Application |
| <input type="checkbox"/> Subdivision Application | <input type="checkbox"/> Other: _____ |

3.0 - Applicant Information				
Subject Property Information				
Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description	251 242 MILLER RAPIDS RD			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot	CON-65 K31 PCL418 REM LESS PTS 123 PL D-74			
Part Numbers(s)	140-001-00400-0000			
Tax Roll Number	6016 140-001-00400-0000			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				
Owner/Applicant Information				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname:	First Name:		
	NENISKA	JOHN & SHARON		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
		BOX 155	P9N 3X3	
City	Kenora		Province: ONTARIO	
Contact Information	Phone:	Fax:		
	807-548-1475			
Email				
Acquisition Date of Subject Land	APRIL 17, 2015			
Planning Agent/Solicitor Information				
Company or Firm Name				
Name	Surname:	First Name:		
	NENISKA	Diane		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
	16	JAMES ROAD	P9N 0E2	
City	Kenora		Province: ONTARIO	
Contact Information	Phone:	Fax:		
	807-466-7584			
Email	dsneniska@hotmail.com			
Mortgages, Encumbrances, Holders of Charges etc. of Subject Land				
Company	COPPERFIN CREDIT UNION			
Contact Person	Surname:	First Name:		
	DEROUARD	LISA		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
	346	2nd Street South	P9N 1G5	
Contact Information	Phone:	Fax:		
	807 468-8653			
Email	contact@copperfin.ca			
4.0 - Please list the reports and/or studies that will accompany this application				

5.0 - Purpose of Consent Application

Transfer:

- ☐ Mortgage or charge ☐ Lot addition ☒ Creation of new lot(s) –
☐ Creation of a lot for semi-detached or row housing Number created: 1

Other:

- ☐ Right-of-way ☐ Easement ☐ Lot line adjustment/correction
☐ Lease ☐ Correction of title ☐ Other: _____

6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

Stuart and Diane Neniska

If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

If application is for easement, identify property which will benefit (legal description).

7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?

- ☐ Yes ☒ No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)
Pipeline	-	
hydro	-	

city of Kenora -

8.0 Other Applications under *The Planning Act*

Has the subject land ever been the subject of an application for approval of any of the following?

	Draft Plan of Subdivision	File No.:	Status:
	Condominium Description	File No.:	Status:
	Official Plan Amendment	File No.:	Status:
	Zoning By-law Amendment/Temporary Use	File No.:	Status:
	Minister's Zoning Amendment	File No.:	Status:
	Site Plan Application	File No.:	Status:
	Consent	File No.:	Status:
	Minor Variance/Permission	File No.:	Status:
	Part Lot Control	File No.:	Status:
	Other (please specify)	File No.:	Status:

9.0 Description of Subject Lands and Servicing Information (complete each subsection.)

		<u>Lot 1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.1 Description	Frontage (m)					
	Depth (m)					
	Area (ha)	4.19 <i>ah</i>				
9.2 Use of property	Existing Use(s)	rural residential				
	Proposed Use(s)	rural residential				
9.3 Buildings or Structures	Existing	none				
	Proposed	house/ garage				
9.4 Access	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal – year round	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal – seasonal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other public road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private right of way (provide documentation with application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Water access*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

		<u>Lot1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.5 Water Supply	Publicly owned and operated piped water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private communal well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other water body	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.6 Sewage Disposal	Publicly owned and operated sanitary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual septic *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private communal septic *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privy / grey water *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.						
9.7 Other Services	Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	School bus service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Waste / recycle collection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.8 If access to the subject land is by other than publically owned and maintained road, indicate who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available. If access is by water only, please provide proof of arrangements for docking and vehicle parking.						
John and Sharon Neniska own road. City of Kenora maintains road year round.						

10.0 – Land Use (Please see www.kenora.ca/planning-development/related-links-and-documents/)

What is the land use designation in the City of Kenora Official Plan (2015)?

Rural Residential Area

Does the proposal conform to the City of Kenora Official Plan (2015)?

☒ Yes

☐ No

If No, have you made a concurrent application for an Official Plan Amendment?

☐ Yes

☐ No

File Number: _____

Status: _____

What is the current zoning designation of the subject property?

RURAL Residential BM

Does the proposal conform to Zoning By-law No.101-2015, as amended?

☒ Yes

☐ No

If No, have you made a concurrent application for a Zoning By-law Amendment?

☐ Yes

☐ No

File Number: _____

Status: _____

What is the existing use of the subject land?

VACANT/recreation

What is the proposed use of the subject land?

House

What are the uses of the abutting properties?

VACANT

How long have the existing uses been present?

SINCE 1863

Has there ever been an industrial or commercial use on the subject land or adjacent land? If yes, please explain the uses:

NO

11.0 Contamination	Yes	No	Unknown
Has the grading of the subject land been changed by adding earth or other material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has a gas station ever been located on the subject land or adjacent land at any time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has there been petroleum or other fuel stored on the subject land or adjacent land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (i.e. brownfields, industrial waste, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
What information did you use to determine the answers to the above questions? If an environmental assessment has been performed please submit it with the application.			
*If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial, or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.			
12.0 – Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act?			
Please state how this application is consistent with the 2020 Provincial Policy Statement (PPS). <div style="text-align: center;"> 2024 Planning Statement. <i>AM</i> </div> <div style="text-align: center; font-size: 2em;"> yes. </div>			
13.0 – Original Parcel Transfer			
Has any land ever been severed from the parcel original acquired by the owner of the subject land? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land: Date of Transfer: <u>1967</u> Name of Transferee: <u>Luigi & Maria Villeneuve</u> Use(s) of Severed Land: <u>Residential</u>			

14.0 – Significant Features Checklist

Check through the following list. Indicate under Yes, No or Unknown if a listed feature is on-site or within 500 metres. Indicate under Yes, No or Unknown if a listed development circumstance applies. Be advised of the potential information requirements.

Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Non-farm development near designated urban areas or rural settlement areas		X			Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹		X			Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²		X			Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³		X			Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site		X			Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant		X			Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond		X			Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line		X			Evaluate impacts within 300 metres.
Operating mine site		X			Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land		X			Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater		X			Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility		X			Determine possible impacts within 200 metres.
High Voltage Transmission Lines					Consult the appropriate electric power service.
Transportation and Infrastructure corridors		X			Will corridor be protected? Noise Study Prepared?
Agricultural Operations		X			Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area		X			Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations		X			Will development hinder continuation of extraction? Noise and Dust Study completed?

Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Existing Pits and Quarries		X			Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources		X			Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands					Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species		X			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest	X				Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers		X			Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes		X			Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources		X			Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels		X			Development not permitted
Lands Subject to Flooding and/or Erosions		X			Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards		X			Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains		X			Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴		X			Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites		X			Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites		X			Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

15.0 – Additional Information

Please provide any additional information that you feel would be beneficial to the application:

The said property has been owned & lived on by Sturats family since 1967. His family still owns the adjacent land.

16.0 – Directions

Please provide directions to the subject property:

Starting City Hall, main Street → Turn Right at roundabout onto Veterans Drive. Left turn onto North Ninth Street North/Veterans Drive. Turn left at top of hill onto Miller Rapids Road. Turn Right onto Miller Rapids Road. Cross creek, second driveway on the left.

17.0 - Sketch

A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. All necessary information must be contained on one single sketch or site plan. The sketch or site plan must clearly demonstrate:

- i. The boundaries and dimensions of the subject land
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, and septic tanks.
- iv. The current uses on land that is adjacent to the subject land
- v. The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. The location and nature of any easement affecting the subject land.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

18.0 – Authorization of Agent or Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We John & Sharon Neniska, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize STUART Diane Neniska to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

Sharon Neniska
John Neniska

Dec 26/23
Date

Signature of owner(s)

Jessica Neniska
Name and Signature of Witness

19.0 – Affidavit or Sworn Declaration

I, Diane Neniska of the city of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the Operations Centre, City of Kenora
in the Ontario this 30 day of
April in the year 2025.

Tara Nowell Vader
Commissioner of Oaths

Tara Nowell Vader, a Commissioner, etc.,
Province of Ontario,
for the Corporation of the City of Kenora.
Expires September 5, 2027.

Stuart Neniska
Diane Neniska
Applicant(s)

20.0 – Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Planning Advisory Committee.

I/We, John & Sharon Neniska being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

Dec 26/23

Date

Sharon Neniska
John Neniska

Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295

Tara Vader

From: Diane Neniska <dsneniska@hotmail.com>
Sent: Wednesday, April 30, 2025 12:10 PM
To: Tara Vader
Subject: Neniska severance

Hi Tara

I'm proceeding with my consent application as submitted December 2023 Diane Neniska Sent from my iPhone

Consent Report

NWHU File Number: LDK019-23

Legal Description Con 6J K31 Pcl 418 Rem Less Pts 1, 2, 3 D74

Location 251 Miller Rapids Rd

Owners John and Sharon Neniska

The items below only address the sewage system capability of the proposed minor variance and/or re-zoning proposal. Any deficiencies noted about existing sewage systems are dealt with directly with the property owner.

Retained Lot

There is adequate space for a septic system to be installed/replaced when needed

Severed Lot

There is adequate space for a septic system to be installed/replaced when needed

NWHU Comments:

The NWHU has no objections to the proposed severance.

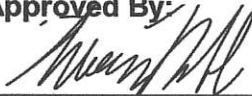
Property Inspected By:

Kurtis Casey

Kurtis Casey, CPHI (C)

Public Health Inspector

Report Approved By:



Thomas Nabb, HBHSc, BASc, CPHI (C)

Manager, Environmental Health

Chief Building Official for Part 8

October 24, 2023

Date

Oct 25, 2023

Date

Environmental Assessment of the Proposed Neniska Severance, Miller Rapids Road, Winnipeg River

September, 2023

A report prepared for

Stuart and Diane Neniska

Kenora, Ontario

By

Barry Corbett B.Sc., M.Sc.

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1.0 Introduction

Stuart and Diane Neniska are proposing to sever a portion of their parents' (in-laws') existing lot(s) on the Winnipeg River to accommodate a year-round residence. During the application process, the City of Kenora through the Official Plan informed them of fish and wildlife values on their proposed severance. Specifically, these are a heron colony and northern pike spawning habitat adjacent to their proposed south and southwest boundaries. Before their application can proceed, the City of Kenora requires an environmental assessment be undertaken by a qualified individual. The Neniskas contracted me (Barry Corbett) to undertake this study with the following objectives:

1. Verify the presence of the fish and wildlife values identified in the Official Plan.
2. Identify any impacts the proposed severance would have on these values.
3. Recommend appropriate mitigation measures where required.

2.0 Location and Legal Description

The property to be severed is part of two lots (Figures 1 & 2) owned by John and Sharon Neniska.



Figure 1. John and Sharon Neniska's Lot 1



Figure 2. John and Sharon Neniska's Lot 2

PCL 418 SEC DKF; LOCATION K31 JAFFRAY AS IN PA634 EXCEPT PT 1 23R4802 & PT 1,2 & 3, PL D74; S/T RIGHT IN LT31989; LT223609; KENORA

PCL 3838 SEC DKF; PT LOCATION 77P JAFFRAY BEING PART OF THE WEST AS IN LT8013; S/T ROW IN LT58851; LT173110, LT186587, LT188320, LT226593, LT228768, LT57306; KENORA

Both lots are accessible by the Miller Rapids Road and the Winnipeg River.

The lot to be severed (Figure 3) is primarily within the boundaries of the northern lot (Figure 1) with a small portion extending into the southern lot (Figure 2). The proposed lot is accessible by a small access road off the Miller Rapids Road and the Winnipeg River. The lot will be approximately 10 acres.



Figure 3. Proposed lot to be severed (outlined in red).

3.0 Past and Present Use of This Property

This property has a long history of recreational and commercial use. The previous owner Luigi Villeneuve built several cottages on the property, renting them for seasonal occupation. Although the cottages were not occupied during the 90's, people used the property for a number of recreational activities, including walking, dirt biking, ATVing, and snowmobiling. In addition, heavy equipment, boats and miscellaneous building materials were stored here. The cottages were eventually removed from the property between 1998 -2000.

In 2017, John and Sharon Neniska purchased the property with the intent of building a seasonal trailer park. They cleared a significant portion of the property to accommodate trailers but ultimately abandoned this venture. Instead, the

property is presently used for heavy equipment and boat storage and aggregate removal. In addition, the proponents have located two recreational trailers in the southwest corner of the property and use this area as a seasonal residence.



Picture 1. Heavy equipment and boat storage



Pictures 2 and 3. Aggregate removal



Picture 4. Stuart and Diane's seasonal residence.

4.0 Fish and Wildlife Values

The City of Kenora's Official Plan identifies a heron colony within the boundaries of the proposed severance and northern pike spawning habitat adjacent to the south and southwest boundaries. These values were obtained from the Ministry of Natural Resources and Forestry (MNRF), Kenora District. Although not included in the Official Plan, the MNRF values map also shows a bald eagle's nest on the adjacent island to the west (Figure 4).

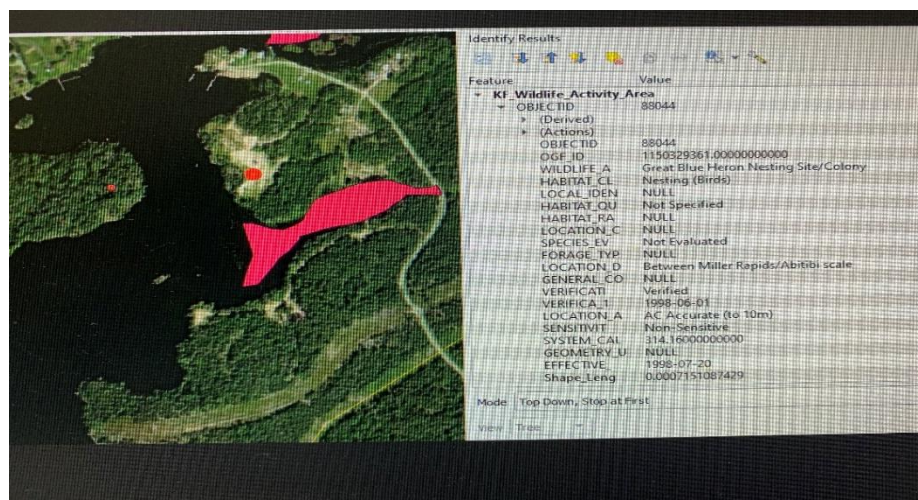


Figure 4. MNRF fish and wildlife values identified on the proposed severance and surrounding area (heron colony large dot; bald eagle nest small dot; northern pike spawning habitat pink shaded area).

5.0 Assessment Methods

- Interviews were held with representatives of the City of Kenora, Alberic Marginet, Assistant Planner; MNRF Josh Peacock, Area Biologist; and the proponents Stuart and Diane Neniska.
- A preliminary joint field inspection with MNRF was undertaken to verify the presence of the heron colony and northern pike spawning habitat.
- This was followed up with a more intensive field inspection by myself to locate any active nests or evidence of historic use by herons. This included inspecting the parameter of the proposed lot and walking six transects (east/west orientation). Bank fill height was determined for the adjacent creek (northern pike spawning habitat) on the southern boundary of the proposed lot and the feasibility of maintaining a 20 m. vegetation buffer (as recommended by MNRF) was evaluated.

6.0 Results

6.1 Great Blue Heron Colony

The City of Kenora confirmed the values shown on the Official Plan were obtained from the MNRF and no City employee has inspected this property confirming the presence of these values.

The MNRF confirmed the heron colony was recorded June 1, 1998 but had no further information on how large the colony was (number of nests), tree species utilized or when it was last verified. In fact, there was some uncertainty whether the colony's location as shown on the values map was accurate. That is, the colony may have been located on the other side of the Miller Rapids Road (Josh Peacock pers. comm.).

The Neniskas have no recollection of a heron colony on the property but they do remember a colony on the adjacent island. The nesting trees blew down during a storm and the colony moved north to a ridge behind their parents' house near the

large wetland. Eventually the herons abandoned this site and their present location is unknown.

The preliminary joint inspection failed to find any active or remnant heron nests in the location identified on the values map. A more thorough inspection, including walking the parameter and six transects found no nests or evidence of historic use. No nesting trees, remnant nests or nesting material were found. Both the MNRF and I concluded herons are not presently using this area for nesting.

6.2 Bald Eagle Nest

Besides a general location on the adjacent island, MNRF has no information on when the nest was found; whether it's active; tree species being utilized; and when the nest was last verified.

The MNRF values map shows the eagle nest near the eastern tip of the island. It should be visible from the shoreline of the proposed lot but was not seen during the shoreline inspection. The Neneskas kayaked around the entire island and did not observe the nest. The nest maybe located in the interior of the island or possibly obscured by other trees but a site inspection with the property owner's approval would be required to verify whether it is active and its exact location.



Picture 5. Adjacent Island with identified bald eagle nest (note: seasonal residence on the right).

6.3 Northern Pike Spawning Habitat

The northern pike spawning habitat identified in the Official Plan was not confirmed by observing northern pike spawning in this location but instead by its physical and biological parameters. That is, it is a shallow bay with an abundance of aquatic vegetation, seasonally inundated in the spring when pike spawn. This is the type of habitat used by northern pike for spawning and rearing. During the joint field inspection, the MNRF Biologist and I both agreed this is northern pike spawning and nursery habitat when inundated with water in the spring.



Pictures 6 and 7. Northern pike spawning habitat adjacent to proposed lot.

7.0 Discussion

7.1 Great Blue Heron Colony

“Great Blue Herons are colonial nesters and are especially vulnerable to human disturbances during the breeding season when large numbers of birds are concentrated in a relatively confined area “(Bowman and Siderius 1984). Over the years the MNRF has developed guidelines to protect and conserve heron colonies. These include: Management Guidelines for the Protection of Heronries in Ontario (Bowman and Siderius 1984), Forest Management Guidelines for Conserving Biodiversity at the Stand and Site Scales (OMNR 2010) and most recently the Significant Wildlife Habitat Mitigation Support Tool (OMNR 2014). The guidelines recommend no disturbance buffer zones and timing restrictions to protect

breeding herons from human disturbances. For example, the Significant Wildlife Habitat Mitigation Support Tool recommends no development or disturbances within 300 m. of the most periphery nests. In all cases, the guidelines assume the proposed development has not occurred yet and these recommendations are to be used as a planning tool to prevent human disturbances.

Although there have been historical observations of herons nesting on this part of the Winnipeg River, there is uncertainty whether heron nesting occurred on the Neniska proposed lot. Based on discussions with the proponents and the MNRF it does appear there was a colony in the general area that relocated on more than one occasion when nesting conditions were unfavorable, e.g., loss of nesting trees, human disturbances etc. This is not uncommon for small northern colonies which change nesting locations more frequently than southern colonies when nesting conditions are unfavourable (Bowman and Siderius 1984).

The proposed lot and surrounding area have a long history of commercial and recreational activities. Over the years this property has been used for cabin rentals, storage of equipment and buildings, aggregate removal and high disturbance recreational activities such as dirt biking, ATVing, and snowmobiling. It is also a popular walking area. These are all activities herons would not normally tolerate and MNRF guidelines would not recommend within 300 m. of the peripheral nests.

Coincidentally, MNRF recorded the colony in 1998, when the rental cabins were being dismantled and moved (1998-2000). It would be unusual for herons to tolerate this type of disturbance so close by.

Presently the property continues to be use for equipment storage, aggregate removal and the proponents' seasonal residence. In recent years, the property has undergone significant landscape changes with over 50% of the forest cover removed for the once proposed trailer park. Two small roads branching off the Miller Rapids Road provide access to the property. These are in close proximity to the area identified as heron nesting.

Besides the activities on the proposed lot there is significant development in the surrounding area. To the north are a number of seasonal and full-time residences; the Miller Rapids Road is located to the east; while the City of Kenora's Sewage Treatment plan and some season trailers are located to the south. An adjacent

island with a seasonal residence and the Winnipeg River (with its boat traffic) are the western boundary.



Picture 8. Residences north of the proposed severance.

Hérons rarely tolerate human activity near their colonies (Bowman and Siderius 1984) and it would be unusual for herons to nest in an area with the amount of human activity and landscape changes occurring on the Neniska property. There is the possibility the Neniska's property was mistakenly identified on the values map and the colony's location was on a nearby location e.g., adjacent island. Or at the very least this is a mobile colony that moves when conditions are unfavourable for nesting e.g., loss of nesting trees, human disturbances etc. (Bowman and Siderius 1984).

Although there is some uncertainty regarding the past use of this property as a heron nesting site, the joint and in-depth surveys confirm there are presently no

active heron nests on the property. Furthermore, there is no evidence of recent historical use; no nesting trees, inactive nests or nesting material were found. With the present use of the property for commercial and recreational use and significant landscape changes, it is highly unlikely herons would select this location for nesting in the future.

MNRF recommends if:

- The colony was inactive
- The colony appears to have moved to another location or
- The nest trees and/or surrounding habitat has been altered so they/it is no longer suitable

then the value no longer exists and protective measures are no longer required. (OMNR 2010).

7.2 Bald Eagle Nest

While the eagle nest was not listed as a value in Kenora's Official Plan, it is identified on MNRF values map. The bald eagle is a specie of concern in Ontario (OMNR 2010) and is included in this environmental assessment ensuring the potential impacts of the proposed severance are examined thoroughly for all identified fish and wildlife values.

Other than an approximate location on the adjacent island, MNRF was unable to provide any other information regarding this nest and whether it is still active. We were unable to locate the nest and verify its status.

The MNRF has developed a number of guidelines with no development zones and timing restrictions to protect bald eagle nesting and nesting habitat (Bald Eagle Habitat Management Guidelines 1987, Forest Management Guidelines for Conserving Biodiversity at the Stand and Site Scales OMNR 2010 and the Significant Wildlife Habitat Mitigation Support Tool OMNR 2014). The Significant Wildlife Habitat Mitigation Support Tool recommends a 400 to 800 m. no development zone around the nest unless it can be demonstrated that the development will not negatively affect the nesting pair. Again, these guidelines and mitigation options assume the proposed development has not occurred and

there is no development or disturbances occurring in the recommended protection zone.

“Eagle tolerance of human presence is highly variable, both seasonally and among individuals or pairs of eagles. Some bald eagles nest and accept people, boaters, hikers, cabins, roads and other human presence in a very close proximity possibly as a result of habituation” (OMNR 1987). Assuming the eagles are still nesting in this location, this pair would fall in the former category. That is, they are habituated to human presence and activities. For example, this eagle pair selected a nest tree in close proximity (approximately 80 m). to an existing seasonal residence. Furthermore, if the location is accurate, the eagles selected a nesting tree with an unimpeded view of activities and developments on the proposed severance and surrounding area. There are many year-round and seasonal residences north of the island and abundant boat traffic in the area suggesting the eagles are tolerant of human developments and disturbances.

At its narrowest point, the island is separated from the mainland and proposed severance by at least 130 m. of water. This provides the nesting pair protection from any human intrusions from the main land.

The proposed severance and use as a year-round residence should have no negative impacts on bald eagle nesting on the adjacent island.

7.3 Northern Pike Spawning Habitat

Northern pike spawn in the spring, shortly after ice out when water temperatures are between (4.4 to 11.1 C.). This species spawns on heavily vegetated floodplains of rivers, marshes and bays. Fertilized eggs are very adhesive, attaching themselves to aquatic vegetation. Eggs hatch in 12 to 14 days and the newly emerged young remain attached to the vegetation by means of an adhesive head gland for another 6 to 10 days (Scott and Crossman 1998). Attaching to aquatic vegetation ensures the eggs and larvae remain off the mud bottom where they would suffocate (Ward 1992.)

The Federal Fisheries Act states “no person shall harmfully, alter, disrupt or destroy fish habitat”. Northern pike spawning habitat can be harmfully altered or

destroyed by shoreline developments such as docks, boathouses and beaches that physically cover spawning habitat. The removal of shoreline vegetation resulting in increased erosion can also physically cover spawning habitat. Increased sedimentation during the incubation period can cause pike eggs and larvae to lose their adhesiveness, settling on the bottom and dying.

The areas identified as northern pike spawning habitat are not suitable for docking or swimming. The area along the south boundary of the proposed lot is only seasonally inundated with water, while the shoreline adjacent to the southwest corner of the lot is too shallow for docking. The northern half of the proposed lot has sufficient water depth for docking and is free of aquatic vegetation. This would be the proponents' preferred location for docking and swimming. Shoreline development here would have no negative impact on the identified northern pike spawning habitat.

MNRF recommends a 20 m. vegetation buffer (Josh Peacock pers. comm.) be maintained adjacent to the areas identified as northern pike spawning habitat to prevent erosion and sedimentation. The Neniskas have no intention of removing the existing vegetation along the south or southwest boundaries of the proposed lot and would implement the MNRF recommendation.



Picture 9. Existing vegetation buffer (background) to be maintained adjacent to northern pike spawning habitat (foreground).

8.0 Summary/Recommendations

8.1 Great Blue Heron Colony

- There are no herons presently nesting or historic evidence of nesting on the proposed lot.
- It is highly unlikely herons would nest on the proposed lot in the future, with the existing human activities (commercial and recreational) and landscape changes that have occurred here and in the surrounding area.
- As recommended in the MNRF guidelines (OMNR 2010), this value (heron nesting) no longer exists and requires no protection.

8.2 Bald Eagle Nest

- Bald eagles nesting on the adjacent island are habituated to human disturbances and landscape changes.
- The proposed lot is physically separated from the adjacent island by at least 130 m. of water.
- Developing the proposed lot for year-round residence should have no negative impact on bald eagle nesting.

8.3 Northern Pike Spawning Habitat

- The identified northern pike spawning habitat will be protected by not authorizing shoreline developments (e.g., dock, boathouse, beach, dredging etc.) and maintaining a 20 m. vegetation buffer adjacent to it.

9.0 References

Bowman, I.B., and J. Siderius. 1984. Management guidelines for the protection of heronries in Ontario. Ontario Ministry of Natural Resources. 38 pp.

Ontario Ministry of Natural Resources (OMNR). 1987. Bald eagle habitat management guidelines. 15 pp.

Ontario Ministry of Natural Resources (OMNR). 2010. Forest management guide for conserving biodiversity at the stand and site scales. 223 pp.

Ontario Ministry of Natural Resources (OMNR). 2014. Significant wildlife habitat mitigation support tool. 533 pp.

Scott, W.B., and E.J. Crossman. 1998. Freshwater fishes of Canada. Fisheries Research Board of Canada. Ottawa. Bull. 184: 966 pp.

Ward, N. 1992. The problem of sediment in water for fish. Ontario Ministry of Natural Resources, Northwestern Ontario Boreal Forest Management Technical Notes: TN-21. 8 pp.



Diane Neniska: Application for Consent to Sever One New Lot

Planning Rationale

A. Physical Description

The subject land is located at 242-251 Miller Rapids Road, just west of Veteran's Drive. The subject land has frontage on the Winnipeg River to the west. It is legally described as Parcel 418, SEC DFK Location D31 Jaffray, as in PA634, Except Part 1, 23R-4802, Pts 1,2,3, PL, D74. The PINS for the property are 42174-0260 (LT) and 42179-9407 (LT).

According to GeoWarehouse, the subject property is approximately 89 acres in size, and has 7680 ft. of frontage on the Winnipeg River.

B. Site History

The subject property was previously owned by Anna Maria Villeneuve in 2002, and then transferred to Sharon and John Neniska in 2014. The previous land use in the 1980's and 1990's was the rental of several cottages, however, the cottages have been removed, and the land use ceased in the late 1990's.

From the year 2000 on, the land use has been for boat and vehicle storage, and some limited aggregate removal. There is presently a single-family dwelling located on the property, along with several outbuildings.

C. Overview of Application

The purpose of the application is to sever one new lot. The new lot will be 4.23 hectares in area, with 172.3 metres of frontage on the Winnipeg River. The proposed lot is irregular in its configuration.

The Official Plan land use designation is Rural, and the zoning is Rural, with an Environmental Protection Zone on the northeasterly shoreline area of the Winnipeg River.

D. Site Suitability

The southerly portion of the subject property is accessed by the Miller Rapids Road via

According to Geo Warehouse, there is a two-bedroom single family residence located on the subject property, along with a detached garage and several accessory buildings.

The subject property fronts on the Winnipeg River, and the shoreline is generally low and shallow, with several rocky outcroppings. Much of the terrain along the Winnipeg River is characterized by low wetland areas, while the upland portions of the property are forested, with a mix of Poplar, Birch, Spruce and Jackpine. Some of the upland terrain has been cleared of vegetation.

The subject property is also bisected by both the Trans-Canada Pipeline and OPG Hydro Corridors. These are located to the south of the property, to the west and southwest of the Miller Rapids Road.

Fish spawning and nursery areas have been identified in the Kenora Official Plan in two locations, which are shallow and weedy shoreline areas. These have been identified as potential Northern Pike spawning and nursery areas. An Environmental Impact Assessment was completed in September 2023. (Barry Corbett, Biologist – September 2023).

A nesting site is also identified in the Official Plan on the southern edge of the proposed severed lot. The Ministry of Natural Resources and Forestry database also indicates a potential Bald Eagle nest on the island to the west of the subject property (Barry Corbett, Biologist – September 2023).



City of Kenora Official Plan 2015: Fishery and Wildlife values

Overall, this is a large rural property, with several potential building sites. The proposed severed lot is located in the middle of the subject property, on westerly side, abutting the Winnipeg River. There is ample area for a septic field and residence.

One (1) previous lot had been severed from the subject property, and is described as Plan 23R-4802, Part 1 on the site plan sketch.

E. Compatibility

The subject property is located in a rural area, without municipal services, and the low

F. Justification

There will be no negative land use impacts on the surrounding area associated with this application.

G. Impact on Natural Resources

Providing there is a 20 metre no development buffer, and development such as docks, boathouses, or dredging associated with the fish spawning and nursery areas is prohibited, there will be no negative impact on Northern Pike spawning and nursery habitat (Barry Corbett, Biologist – September 2023) .

The nesting site identified on the Official Plan was a Blue Heron rookery, however, it is no longer in existence. The potential Bald Eagle nesting site located on the island to the west will not be negatively impacted as a result of the creation of one (1) new lot. (Barry Corbett, Biologist – September 2023)

H. “Four Tests”

The four tests do not apply in this application.

I. Other Planning Approvals

There are no other planning approvals required with this application.

J. Site Sketch Map

See application.

K. PPS 2020

The PPS 2020 encourages low impact tourism development in rural areas. Further, the application is in compliance with the following sections of the PPS 2020:

1.1.1.4 Rural Areas in Municipalities

Development shall build on the rural character and leverage rural amenities and assets.

1.1.1.5 Rural Lands Within Municipalities

Permitted uses in rural lands are residential development and new lot creation.

1.1.1.6 Sewage, Water and Stormwater

Private water and sewer systems shall be promoted where there are no municipal services.

2.0 Natural Heritage - Fish and Wildlife

L. Official Plan & Zoning By-Law Compliance

This application is in compliance with the City of Kenora Official Plan and Zoning By-Law as documented in the Environmental Impact Assessment, prepared by a qualified biologist, that there will be no negative impacts on fish and wildlife resources.

It is also in compliance with the land division policies of the Official Plan.

M. Appropriate & Desirable

This application is a use that is desirable and appropriate for this area of the community.

N. Official Plan Conformity

This application is in conformity with the City of Kenora Official Plan for new lot creation. There will be no negative impact on the fish and wildlife resources as identifies in the Official Plan.

O. Compliance with Other City Planning Documents

No other City of Kenora planning documents apply to this proposal.

8.11.4 Creation of New Lots

The consent and subdivision/condominium granting authority shall be guided by policies of this Plan governing minimum lot size and the following policies when considering land severance approvals within the City:

- a) All applications shall be evaluated on the technical information obtained from the applicant and as a result of circulation.
- b) Where appropriate, comments shall be requested by the City from other provincial Ministries, the Northwestern Health Unit, and any other agency deemed appropriate as to the suitability of the site for sewage disposal and water supply.
- c) Direct access to new lots from provincial highways and arterial roads should be restricted and, wherever possible, residential lots should have access only from collector and local roads.
- d) Lots in the Rural Area designation may be approved on the basis of water access where public road access is not available or appropriate, providing that adequate parking and docking is available.
- e) Where one or more new building lots are being created, the City shall receive the cash equivalent of 5% of the land (based on current value assessment). Where a commercial or industrial use is being proposed the City shall receive the cash equivalent of 2% of the land value (based on current value assessment).
- f) Where one or more new building lots are being created, the City may request that the adjacent, publicly owned and maintained road be widened to the extent considered necessary.
- g) Lot creation shall not be granted or approved in the following circumstances:
 - when landlocked parcels are created.
 - for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines or curves or grades.
 - for a parcel of land that is zoned Environmental Protection or Hazard Land which is subject to flooding unless sufficient non-hazardous land forms part of the severance to permit all buildings for human occupation.
 - for residential uses and other sensitive land uses where development would be located close to incompatible land uses such as major highways, railways, waste disposal sites, active industrial sites, or other similar features.
- h) Lot creation shall only be approved when:
 - the newly created lot, as well as the lot to be retained, has permanent frontage, with reasonable access, to an existing public road which is currently maintained for year-round traffic. If the road is not owned by the City, a road transfer shall be made to the City.
 - the access, drainage, or other conditions for development are satisfied.
 - the impact of lot creation on timber and mineral activities, fish and wildlife resources are mitigated.
- i) In areas without municipal servicing, new lots shall generally be a minimum of 1.0 hectare, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site, in accordance with Ministry of the Environment and Climate Change D-Series guidelines or their successor documents.



To: City of Kenora Committee of Adjustment
From: Tara Vader, Associate Planner
Date: June 12th, 2025
Re: Consent Application – File D10-25-04
Location: 251/242 Miller Rapids Road
Owner: John & Sharon Neniska
Applicant: Diane Neniska

RECOMMENDATION

That application D10-25-04 be **approved** and provisional consent be granted with the attached conditions.

INTRODUCTION

This application proposes creating one new water access lot by severing a parcel from each of the subject properties and consolidating the parcels into one new lot. The northern subject property contains two existing single-family dwellings, and are used for marina and storage purposes. The subject property is located west of Veterans Drive, along Miller Rapids Road. The City of Kenora maintains a portion of Miller Rapids Road which the subject lands have access from. The subject property is serviced by private services. The subject lands have easements for the TC-Energy pipeline and hydro crossing the proposed retained portion of the property. The severance would result in one new water access only, rural zone lot. Approximately 4.19 hectares of land is proposed to be severed. The retained land under two PINs is proposed to be 55.9 hectares in size.

REVIEW

This application:

- ✓ Is consistent with the Provincial Planning Statement (Section 3(5) Planning Act);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (Section 53(1) Planning Act);
- ✓ Conforms with Section 51(24) of the Planning Act;
- ✓ Conforms to the City of Kenora Official Plan (Section 4.8);
- ✓ Complies with the City of Kenora Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and

- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.

AGENCY/PUBLIC COMMENTS

City Staff

City staff identified that the subject lands abut the City's wastewater treatment facility. Staff confirmed that a 100-metre separation distance is required for residential uses abutting the facility. There were no other concerns from City staff.

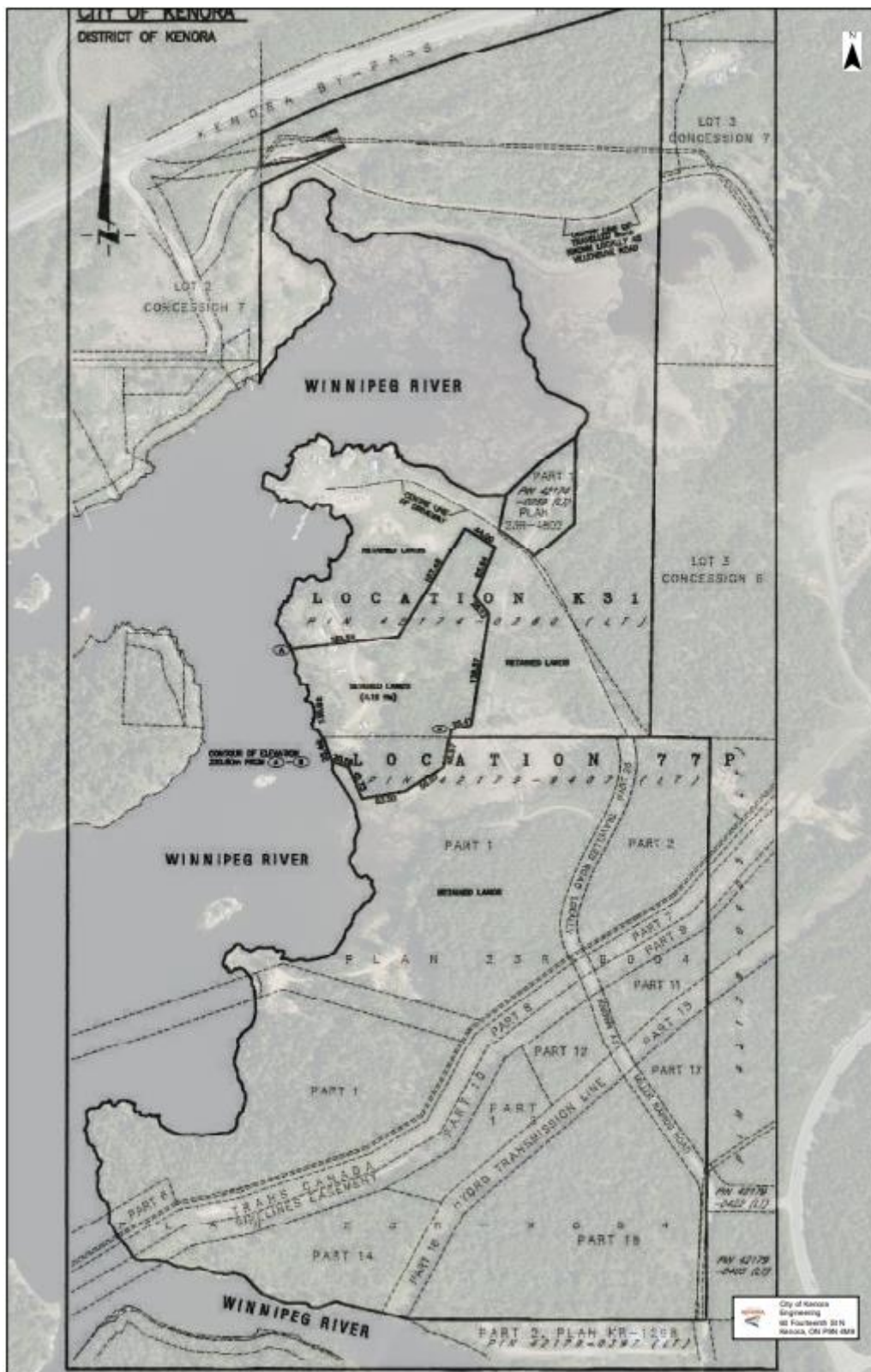
Agency

The Ministry of Natural Resources stated that the subject lands are within the General Use Area G2598 – Kenora-Keewatin. The Crown Land Use Policy Atlas report for this area indicates that minimum frontages of 46 m and depths of 90 m are recommended for future private lots. The proposed lot appears to meet these recommendations. The MNR also identified that records indicate the presence of Northern Pike spawning habitat adjacent to the property as well as a Bald Eagle nest in proximity to the property. The MNR recommended that the mitigation measures outlined in the September 2023 environmental assessment be followed. These mitigation measures are consistent with existing City of Kenora Zoning By-law provisions and Official Plan policies for fish spawning area. The measures will be implemented at the time of building permit.

TransCanada PipeLines Limited (TCPL) identified the presence of three high pressure natural gas pipelines contained within its easement(s) crossing the retained portion of the Subject Lands. TCPL also owns and operates an industrial-scale compressor station, known as "Station 49" within 750 metres of the Subject Lands. TCPL requested regulatory and development requirements in the event of any future activity in proximity to the pipelines be forwarded to the applicant. A full copy of the TCPL comments and requirements is attached to this report. No comments were received from other agencies.

Public

No comments received from members of the public at the time of report submission.



PLANNING REVIEW

The subject lands are designated “Rural Area” in the City of Kenora Official Plan, and zoned “RU” Rural Zone and “EP” Environmental Protection Overlay in the City of Kenora Zoning By-law. The subject lands are approximately 60 ha in size. The land also has identified Northern Pike Spawning Area just south of the proposed severed lands.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) Section 2.6 contains policies relating to Rural Lands in Municipalities. Specifically, 2.6.2 states that development that can be sustained by rural service levels should be promoted. As this application is proposed to be supported by private on-site sewage and water services, it is consistent with this section of the PPS.

City of Kenora Official Plan

The City of Kenora Official Plan (OP) Section 4.8 contains policies for the Rural Area designation. Residential development is a permitted use in the Rural Area. Residential development is restricted to single-detached dwellings on relatively large lots serviced by private water and sewage.

The Official Plan Section 8.11 contains policies on Land Division. 8.11.4 d) allows for lots in the Rural Area designation to be approved on the basis of water access where road access is not available or appropriate, providing that adequate parking and docking is available. The proposed lot does not have frontage on a public road. However, as it is designated Rural Area in the Official Plan and does have water access, the lot is proposed to be created as a water access lot. The applicants are aware that the lot would be considered water access as there is no legal road access.

8.11.4 l) states that where appropriate, conditions of consent, subdivision and condominium approval and related agreements shall provide for the conservation and protection of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources. Staff have identified the proposed severed lands as having archaeological potential utilizing the Ministry of Tourism, Culture and Sport Criteria for Evaluating Archaeological Potential checklist. A condition is recommended that the applicant provide an archaeological assessment.

The applicants have provided an Environmental Assessment prepared in September 2023, which addresses the proximity of the proposed severance to Northern Pike Spawning Habitat and a bald eagle nest. A condition is recommended that the Environmental Assessment recommendations are followed in the development of a year-round residence.

City of Kenora Zoning By-law No. 101-2015

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “RU” Rural Zone. The proposed severed and retained lots meet the requirements of this Section of the Zoning By-law as provided in the table below.

	Required	Retained Lot (PIN: 42179-9407)	Retained Lot (PIN: 42174-0260)	Consolidated Severed Lot
Lot Frontage (minimum)	90 m	Exceeds requirement	Exceeds requirement	~171 m
Lot Area (minimum)	2 ha	~37 ha	~18.9	4.19 ha

Planning Act

Section 51(24) of the Planning Act provides items that regard must be had to in the consideration of a proposed severance to be approved. These include whether the severance conforms to the OP, the suitability of the land for the proposed development, and that the application is not premature and is in the public interest. The application meets the requirements of this Planning Act section.

Recommendation

As a result, it is recommended that the Committee of Adjustment approve this consent application and grant conditional consent approval with the following conditions.

RECOMMENDED CONDITIONS

Expiry Period

1. Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of notice of decision.

Survey/Reference Plan

2. Provide to the satisfaction of the City:
 - a. A survey showing the lot lines of the severed parcels, and
 - b. A reference plan based on an approved survey.
3. One original copy and one PDF copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.

Zoning

4. Where a violation of any City Zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the City.

City Requirements

5. That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
6. That the cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e).
7. That an archaeological assessment report be prepared by a licensed consultant archaeologist on the severed lands that states that there are no concerns regarding impacts to archaeological sites or appropriate mitigation measures are undertaken.
8. Upon solicitor review, the City may require a merger agreement to ensure the two severed parcels are consolidated on title.
9. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
10. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal descriptions of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form to be provided for each parcel.
11. That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter from the owner or the owner's Agent/Solicitor, confirming that conditions 1 through 10 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.



Tara Vader

Associate Planner

June 12th, 2025



Authorized commenting Agency for



June 10, 2025

Tara Vader
Associate Planner

City of Kenora
60 Fourteenth Street North
Kenora, ON P9N 4M9

Via email: tvader@kenora.ca

Dear Tara Vader:

RE: Application for Consent
251 and 242 Miller Rapids Road, City of Kenora
 John and Sharon Neniska c/o Diane Neniska
 Municipal File: Tara Vader
 MHBC File: PAR 50523

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are the planning consultants for TransCanada PipeLines Limited ("TCPL"), an affiliate of TC Energy Corporation ("TC Energy"). This letter is in response to a notification and request for comments for the above-noted consent application. We understand the purpose of the consent is to create one (1) new residential lot on the lands located at 251 and 242 Miller Rapids Road in the City of Kenora (the "Subject Lands"). TCPL has three (3) high pressure natural gas pipelines contained within its easement(s) ("TCPL Pipeline Right-of-Way") crossing the retained portion of the Subject Lands. TCPL also owns and operates an industrial-scale compressor station, known as "Station 49" within 750 metres of the Subject Lands.

TCPL's pipelines and related facilities are federally regulated and are subject to the jurisdiction of the Canada Energy Regulator ("CER"). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

TCPL requests the following regulatory and development requirements be forwarded to the applicant in the event of any future activity in proximity to the pipelines:

1. Written consent must be obtained from TCPL prior to undertaking the following activities:
 - a. Constructing or installing a Facility across, on, along or under a TCPL Pipeline Right-of-Way. A Facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts ("Facility");
 - b. Conducting a ground disturbance (excavation or digging) on the TCPL Pipeline Right-of-Way or within 30 metres of the centreline of the pipe (the "Prescribed Area");
 - c. Driving a vehicle, mobile equipment or machinery across a TCPL Pipeline Right-of-Way outside the travelled portion of a highway or public road;
 - d. Using any explosives within 300 metres of a TCPL Pipeline Right-of-Way; and

- e. Use of the TCPL Prescribed Area for storage purposes.

How to apply for written consent:

- Determine the location of your work relative to a TCPL Pipeline Right-of-Way.
 - When planning, and before any work or activities, listed above, can begin, a request for written consent must be submitted to TCPL through its online application form
 - Location of the work is required, along with the proximity to a TCPL Pipeline Right-of-Way
 - This information can be obtained through survey plans, or through a locate request
 - Make a locate request online to the One-Call Centre: ClickBeforeYouDig.com or ontarioonecall.ca
 - The One-Call Centre will notify owners of buried utilities in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you avoid damaging them. Often written consent for minor activities can be obtained directly from a regional TCPL representative through a locate request.
 - **Apply for written consent** using TCPL's online application form: writtenconsent.tcenergy.com or call 1-877-872-5177.
 - Application assessment and consent: Once your information has been assessed and potential impacts have been evaluated, TCPL may:
 - Grant consent without any conditions
 - Grant consent that requires certain conditions to be met to assure safety, or
 - Not grant consent
2. No buildings or structures shall be installed anywhere on the TCPL Pipeline Right-of-Way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the TCPL Pipeline Right-of-Way. Temporary, moveable, or accessory structures, that are not affixed to the ground, are to be located a minimum of 3 metres from the edge of the TCPL Pipeline Right-of-Way.
 3. A minimum setback of 7 metres from the nearest portion of the TCPL Pipeline Right-of-Way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
 4. Storage of materials and/or equipment on the TCPL Pipeline Right-of-Way is not permitted.
 5. Landscaping within the TCPL Pipeline Right-of-Way and TCPL's Prescribed Area requires written consent from TCPL and shall be done in accordance with TCPL's guidelines:
 - a. The TCPL Pipeline Right-of-Way is to be seeded with Canada #1 seed.
 - b. No trees or shrubs are permitted to be planted upon the TCPL Pipeline Right-of-Way, but may be allowed within TCPL's Prescribed Area.
 - c. Where high-pressure gas is contained within an enclosed building (such as a meter station or compressor plant), trees and shrubs should be set back from the building by a minimum of 30 metres.
 6. During any construction activities in proximity to the TCPL Pipeline Right-of-Way, temporary fencing must be erected and maintained along the limits of the TCPL Pipeline Right-of-Way by the Proponent to prevent unauthorized access by heavy machinery. The fence erected must meet TCPL's specifications concerning type, height and location. The Proponent is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.

7. Where TCPL consents to any ground disturbances in proximity to any TCPL pipeline, the original depth of cover over the pipelines within the TCPL Pipeline Right-of-Way shall be restored after construction. This depth of cover over the pipelines shall not be compromised due to rutting, erosion or other means.
8. Facilities shall be constructed to ensure that drainage is directed away from the TCPL Pipeline Right-of-Way so that erosion that would adversely affect the depth of cover over the pipeline(s) does not occur. Catchment basins, drainage swales or berms are not permitted within the TCPL Pipeline Right-of-Way. All infrastructure associated with site servicing, grading, and stormwater management (e.g. subdrains, manholes, catch basins, retention walls, storm ponds, culverts/riprap) shall be setback a minimum of 7 meters from the edge of the TCPL Pipeline Right-of-Way.
9. Should pooling of water or erosion occur on the TCPL Pipeline Right-of-Way as a result of any Facility installation or landscaping, the Proponent will be responsible for the remediation or reclamation to TCPL's satisfaction.
10. Any large-scale excavation adjacent to the TCPL Pipeline Right-of-Way, which is deeper than the bottom of the pipe, must incorporate an appropriate setback from the edge of the TCPL Pipeline Right-of-Way and must maintain a slope of 3:1 away from the edge of the TCPL Pipeline Right-of-Way.
11. Mechanical excavation within 5 metres of the edge of a TCPL pipeline is prohibited. Hand or hydrovac excavation must be utilized within this distance.
12. If the pipeline(s) experience contact damage or other damage as a result of construction, stop work immediately and notify TCPL at once. The TCPL Emergency Phone Number is 1-888-982-7222.
13. The Proponent shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.
14. Should any *Planning Act* applications be required to facilitate the future development of the Subject Lands, TCPL may request that a noise and vibration study be completed, due to the Subject Lands' proximity to Station 49.

Enclosed is a copy of TC Energy's Living and Working Near Pipelines brochure for additional information on constructing near TCPL's pipelines. Additional information can be found on TC Energy's [website](#).

Thank you for the opportunity to comment. Kindly forward a copy of the Notice of Decision to TCEnergy@mhbcplan.com. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC



Kaitlin Webber, MA, RPP, MCIP
Intermediate Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited

Living and working near pipelines.

What you need to know - Natural gas

Please keep this brochure for future reference in case of an emergency.
To request additional copies for tenants, please contact us. See inside cover for details.



Why are you receiving this brochure?

This brochure contains important safety information for those who live and work near pipelines. This includes information about:

- What you can do to ensure safety around pipelines
- How to recognize a pipeline in your area
- Recognizing the signs of a pipeline leak
- What kind of activities are permitted on a pipeline right-of-way
- How TC Energy works to ensure the safety of pipelines

To help you understand the role you play in contributing to pipeline safety, we ask that you review the information provided. If you would like more information, have questions or to request additional copies of this brochure, please contact us at public_awareness@tcenergy.com or call 1-855-458-6715.

In the case of a pipeline emergency or to report suspicious activity along the right-of-way, please call 911 and local law enforcement, and then call TC Energy's emergency number at 1-888-982-7222. The emergency telephone number can also be found on the nearest pipeline marker, or on the back of this brochure.

TC Energy respects your privacy. To find out more about TC Energy's commitment to privacy and protecting your personal information, please see www.TCenergy.com/privacy.

The majority of TC Energy's pipelines are regulated by the Canada Energy Regulator in Canada, with some pipelines regulated provincially. This brochure is intended to provide safety information in compliance with regulatory requirements. For more information, visit www.cer-rec.gc.ca or www.tcenergy.com.

Purpose of pipelines and pipeline facilities

Pipelines are the safest and most efficient method to transport the energy that we need and use every day. Our pipelines and pipeline facilities are built using industry best practices, which include using the highest quality materials during construction and implementing a rigorous pipeline maintenance program. This includes the facilities required to safely operate the pipeline, like meter stations and compressor stations.

Meter stations measure the volume of natural gas transported through the pipeline, both at entry points (receipt station) and delivery points (sales station).

Compressor stations are necessary to maintain controlled and appropriate pressure levels along the length of the pipeline to ensure continuous and safe gas flow.

Prevent an incident, before it happens



Click or call before you dig—it's free

The best safety practices stop accidents before they happen. Just like you won't drill into a wall without knowing where the studs are, it makes sense to find out where the underground utilities are located. Unfortunately, digging without a locate is the leading cause of pipeline incidents.

Before conducting any excavation, either by hand or with machinery, contact your local One-Call Center at least 3 business days (5 in Ontario) in advance by visiting www.clickbeforeyoudig.com - Canada's source for provincial One-Call rules, regulations and contact information.

The One-Call Center will notify the facility owners in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you to avoid damaging them. Even with a locate, any excavation on a TC Energy right-of-way requires a TC Energy representative be present.

A notification to the One-Call Center is required by law in some areas, and not making a One-Call could result in fines or penalties. The service is free and could prevent accidents, injuries or deaths.

Learn more about the One-Call requirements in your province by visiting www.clickbeforeyoudig.com.

Know what utility markings mean

When you request a locate, coloured flags and/or paint are used to mark the location and type of underground utility.

Proposed excavation

Temporary survey markings

Electric power lines, cables, conduit and lighting cables

Gas, oil, steam, petroleum or gaseous materials

Communication, alarm or signal lines, cables or conduit

Potable water

Reclaimed water, irrigation and slurry lines

Sewers and drain lines

Recognizing a pipeline in your area

The general location of pipelines can be determined by two characteristics: a pipeline right-of-way (ROW) and pipeline markers.

Right-of-way

- A ROW can usually be recognized as a cleared strip of land in a linear or fairly straight line, cleared of structures and trees.
- The ROW contains the pipeline and the prescribed area that extends 30 metres on either side of the pipeline where certain activities require written consent from the pipeline operator to ensure the continued safety and integrity of the pipeline.
- The ROW must be kept clear of fences, buildings, trees or any other type of structure. The impact of a fence post, weight of a shed or the roots of a tree can cause either immediate or long-term damage to the pipeline.
- Structures or development could also impede access to the area for any required maintenance or emergency situations, resulting in safety risks and possible costly impacts to structures on the ROW.
- **The existence of the prescribed area does not necessarily mean development of the land cannot occur within the prescribed area, so contact TC Energy early to discuss your plans.**



Pipeline markers

- Found within line-of-sight on a ROW and at locations where the pipeline crosses streets, highways, waterways and railways.
- Markers only show the approximate location of the pipeline, and the depth of the line may vary. **You CANNOT use pipeline markers as a determination of where or where not to dig.**
- Pipeline markers display the pipeline operator, emergency number and the product transported in the pipeline.
- It is against the law to willfully deface, damage, remove or destroy any pipeline sign.
- Only a TC Energy representative can determine the location and depth of the pipeline. Pipelines may not follow a straight course between marker signs.



Warning sign



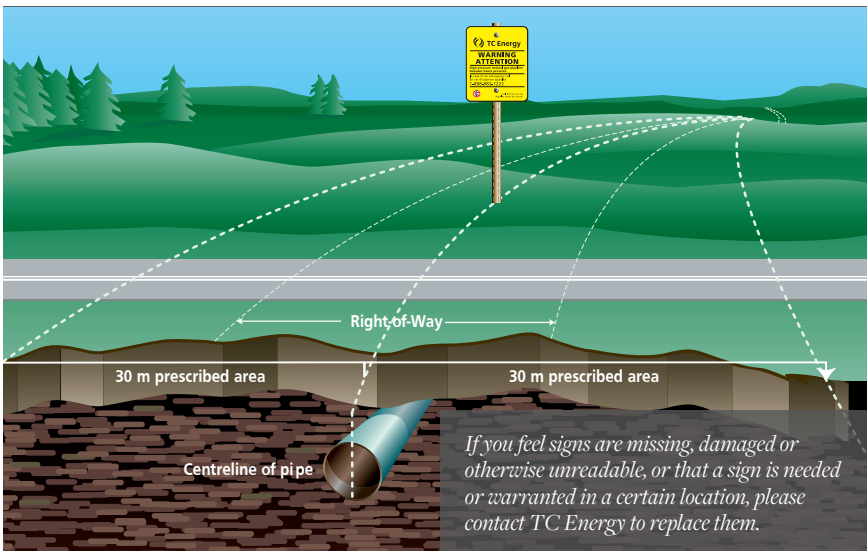
Line marker



Vent marker



Aerial marker



Recognizing a gas pipeline leak

Although a pipeline leak is rare, it is important to know how to recognize the signs. Use your senses of sight, smell and hearing to detect a potential pipeline leak.



You might see:

- Dead or dying vegetation on/near the right-of-way in an area that is usually green.
- Bubbles in a body of water.
- Dirt being blown into the air.
- Ground frosting in summer.
- Possible fire or flames above the ground, if the leak has been ignited.



You might smell:

- An odour similar to fuel, oil or propane.
- No odour. Natural gas transmission lines are not usually odourized, though smaller gas distribution lines often have an additive to give it a sulphur or “rotten egg” smell.



You might hear:

- A roaring, hissing or whistling noise.

Possible hazards of a gas pipeline leak or rupture

- Dizziness or suffocation if a leak occurs in a confined space or high concentration
- Ignition/fire if a spark or other ignition source is present
- Potential explosion if the natural gas is mixed with air
- Projectiles from site of leak or rupture propelled by the force of escaping gas

Responding to a leak or pipeline strike

A “strike” is any contact with a pipeline and can include mechanical equipment like a backhoe, or hand tools such as a shovel.

Any contact with a pipeline can affect the pipeline’s integrity or the protective corrosion coating, so it’s important to follow these steps so that a TC Energy representative can inspect the pipeline and its coating for any damage.



If you strike a pipeline or witness any of the typical signs of a leak, or any other unusual sights, sounds or smells near a pipeline location, it is important that you follow these steps:

1. Stop all excavation and construction. Shut off all machinery if safe to do so and move away from the area on foot – warn others to do the same.
2. Do not attempt to repair the pipe or operate any valves.
3. Call '911' as soon as you are in a safe location. Describe the situation and inform the operator of any injuries, leaking product or fire.
4. Call TC Energy’s emergency number at **1-888-982-7222** and explain the incident. This number is available on all pipeline marker signs.
5. Do not continue your project until authorized by a TC Energy representative.

If you cause or witness even minor damage to a pipeline or it’s coating, please notify TC Energy immediately. A gouge, scrape, dent or crease requires an inspection and possible repairs for the long-term safety of all parties and the surrounding area.

Do not cover a pipeline that has been disturbed, as it will make it more difficult to find the damaged area.

Consequences of unsafe digging

Unsafe excavations can have potential consequences for those individuals conducting the work, and negatively impact the greater community.



Risk of serious injuries and death.



Interrupted services such as electricity, gas and water.



Fines and repair costs to fix the underground utility line(s).

What if I need to use the right-of-way?

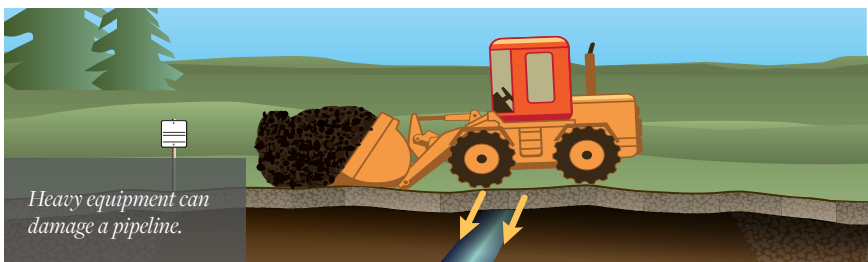
Depending on your plans or activity, it can still be possible for you to work on or use the ROW. Some activities are permitted under normal farming practices, while crossings and encroachments require approval and oversight from TC Energy.

A crossing or encroachment is a temporary or permanent structure across, on, along or under a facility or pipeline right-of-way. A crossing can also mean equipment or machinery crossing over the pipeline right-of-way or facility site. Both need an agreement so that the pipeline operator can understand the scope of work, the risk and what measures need to be taken to mitigate those risks.

You can learn more about permitted activities and crossing agreements at www.tcenergy.com/sustainability/safety/safe-digging. Often written consent for minor activities can be obtained directly from a regional TC Energy representative through a locate request.

We're here to help. If you think your activity might require a crossing agreement with TC Energy, you can use our online application form at writtenconsent.tcenergy.com or contact us by phone at **1-877-872-5177** or email at crossings@tcenergy.com. To better serve you and speed up your request, please provide the following information:

- Proposed activity – what are you planning to do?
- Location of proposed work (GPS coordinates are preferred)
- Make and model of any equipment that will cross/encroach the pipeline facilities
- Proposed activity date
- Axle load (weight)
- Your name and phone number
- Email address



What does TC Energy do to ensure pipeline safety?

TC Energy conducts a rigorous pipeline maintenance program to ensure the integrity and safety of our systems. This includes but is not limited to:

- 24/7 Monitoring of our facilities
- In-line inspections of pipelines that can identify the smallest of issues or defects for repair
- Regular patrols of the right-of-way
- Multiple shut-down valves to isolate and limit potential releases
- Cathodic protection to prevent corrosion
- Hydrostatic testing
- Investigative digs
- Ground surveys

In addition to this, TC Energy invests millions every year in research and development to improve and enhance the safety of our pipelines, from smart drone patrolling, fiber optic monitoring, greenhouse gas reduction and environmental sustainability. TC Energy's employees are trained to meet or exceed all regulated training in Canada.

In the interests of public safety, some segments along TC Energy's pipelines have been designated as High Consequence Areas (HCAs) where extra precautions are taken, known as Integrity Management Programs (IMPs). For information regarding these measures, contact TC Energy at public_awareness@tcenergy.com.



Pipeline Inspection Gauges, or “PIGs” travel through the pipeline to collect information that can then be analyzed to spot imperfections, corrosion, dents or other signs that maintenance may be needed.

TC Energy's response to a pipeline incident

A pipeline incident could involve an uncontrolled or unplanned release of natural gas or oil from the pipeline system. TC Energy's state-of-the-art leak detection systems, elevated safety features and specially trained staff ensure that leaks will be quickly identified and addressed.

In the unlikely event an incident should occur, TC Energy's top priorities are to ensure the safety of the public and emergency responders, and to minimize effects on the environment and surrounding properties. TC Energy will immediately respond by:

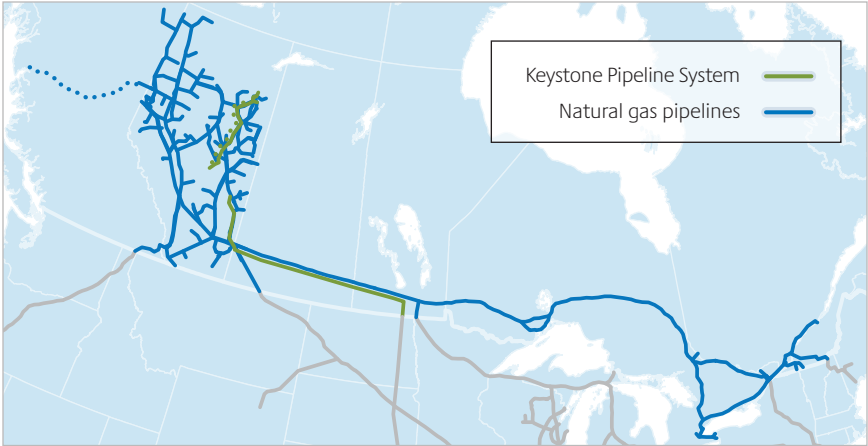
- Shutting down the affected pipeline if necessary
- Isolating the impacted section of the pipeline through either automatic valve shutoff or manual valve operation
- Dispatching emergency personnel to the location of the incident

Trained crews that are dispatched to the site will coordinate a response with local emergency services. TC Energy will not restart the pipeline until the issue has been addressed and it is safe to do so, with the approval of industry regulators.

TC Energy's policies and practices for emergency response planning go above and beyond the standard regulatory requirements for emergency response.



Emergency responders and TC Energy staff work together at an emergency exercise to ensure all are prepared in the rare event of an emergency.



Important contact information

Emergency 1-888-982-7222

Canadian One-Call centres

British Columbia 1-800-474-6886
 Alberta 1-800-242-3447
 Saskatchewan 1-866-828-4888
 Manitoba 1-800-940-3447
 Ontario 1-800-400-2255
 Quebec 1-800-663-9228
www.clickbeforeyoudig.com

Mobile phone apps

Saskatchewan Sask1st Call
 Quebec Info-Excavation

General inquiries

Phone 1-855-458-6715
 Email public_awareness@tcenergy.com

Applying for written consent

Online writtenconsent.tcenergy.com
 Phone 1-877-872-5177

Crossings inquiries

Email crossings@tcenergy.com
 Quebec Email quebec_crossings@tcenergy.com

Ministry of
Natural Resources

Ministère des
Richesses naturelles

Tel: (807) 468-2501
Fax: (705) 986-1834

June 2, 2025

City of Kenora
60 Fourteenth Street N, 2nd Floor
Kenora, ON P9N 4M9

To Tara Vader:

SUBJECT: FILE # D10-25-03

Thank you for your May 21, 2025 invitation to comment on the Neniska Application for Consent (File # D10-25-03). The Kenora District Ministry of Natural Resources has reviewed the package provided.

The property falls within General Use Area G2598 – Kenora-Keewatin. The Crown Land Use Policy Atlas report for this area indicates that minimum frontages of 46 m and depths of 90 m are recommended for future private lots. The proposed lots appear to meet these recommendations.

Our records indicate the presence of Northern Pike spawning habitat adjacent to the property as well as a Bald Eagle nest in proximity to the property. It is recommended that the mitigation measures outlined in the September 2023 environmental assessment provided with the application be followed.

Thank you again for the opportunity to comment on this application. Please advise us of your decision in this matter.

Sincerely,



Erik Lockhart
Regional Planner
On behalf of Kenora District



Consideration of Applications for Land Division

D10-25-04



**THE CORPORATION OF THE CITY OF KENORA
COMMITTEE OF ADJUSTMENT
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING**
Section 53 of the Planning Act, RSO 1990

TAKE NOTICE that the City of Kenora Committee of Adjustment (COA) will hold a regular meeting on June 18th, 2025, at 6 p.m.

As part of the meeting, the Committee will consider a proposed Consent under Section 53 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D10-25-04
LOCATION: 161 Ritchie Road

PURPOSE AND EFFECT

This consent application is for a lot addition. The application proposed to sever a piece of land from the subject lands to be added to an abutting property to the north. The subject lands are designated Rural Area in the City’s Official Plan and zoned ‘RR’ Rural Residential Zone in the City’s Zoning By-law.

COA Meeting	When: Wednesday, June 18 th , 2025 at 6:00 p.m. (CST) Location: Training Room, Operation Centre 60 Fourteenth Street North, 2 nd Floor, Kenora, ON
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Members of the public interested in attending the meeting may attend via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

We want to hear from you! If you have comments, email them to us at planning@kenora.ca or by send by regular mail to the address below, and quote File Number: **D10-25-04**. You may also attend the COA meeting and speak or simply observe. Written comments must be submitted by 4:30 p.m. on Wednesday, June 11th, 2025.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment via email to planning@kenora.ca.

ADDITIONAL INFORMATION

Additional information relating to the application is available through the Planning Department, for further information please email: planning@kenora.ca and quote File Number **D10-25-04**.

Dated at the City of Kenora this 16th day of May, 2025.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca

Figure 1. Key Location Map (Kenora GIS 2024) – Area outlined in red proposed to be severed and added to the property abutting to the north. Area outlined in blue are the proposed retained lands.





City of Kenora
Application for Consent
Section 53 of the Planning Act & Ontario
Regulation 197/96 (as amended)

Applying for a Consent

Consent decisions are made by the Kenora Planning Advisory Committee/Committee of Adjustment (PAC). The Committee has delegated authority by Council under the *Planning Act* to make land use planning decisions regarding minor variance applications, consents, plans of subdivision, and condominium descriptions.

Planning Advisory Committee meetings are generally held on the third Wednesday of every month at the City of Kenora Operations Centre Training Room, 60 Fourteenth Street North, 2nd Floor. Applicants and/or agents may attend the PAC meeting to represent their application.

Type of Application

A consent, also referred to as a severance, is the legal separation of a piece of land that will form two to four new properties. Consent applications are assessed based on the Provincial Planning Statement (2024), the City of Kenora Official Plan (2015), Zoning By-law No. 101-2015 as amended, Section 51(24) of the *Planning Act*, and site-specific circumstances.

A Consent may be required to:

- Divide (sever) a piece of land to create a new lot of several new lots
- Register a mortgage or to discharge a mortgage on part of a parcel
- Register a lease for a 21 year or longer term or more with renewal options
- Register an easement or right-of-way
- Add or subtract land from your parcel as a lot addition to an abutting piece of land
- Adjust a lot line boundary. This does not create a new lot to build on.
- Validate title to a parcel of land conveyed without Planning Act approval
- Power of sale for a part of a lot

Section 51(24) of the *Planning Act*:

Regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4). 2016. c. 25. Sched. 4, s. 8(2)

The Application Process

1. A pre-consultation with the Planning Department Staff is recommended prior to formally submitting an application. Please ensure that you call ahead to arrange an appointment with a Planner at least one week prior to your preferred meeting date.

For further information, or to make an appointment, please contact:
City of Kenora Planning Department: planning@kenora.ca
2. The complete application will be placed on the agenda for the next Planning Committee of Adjustment meeting, which is open to the public.
3. A notice describing the proposal and providing the date, time and location of the meeting will be sent a minimum of fourteen (14) days prior to the public meeting to neighbouring property owners and relevant agencies within 60 metres of the subject property.
4. Applicants will post a sign, provided by Planning Staff, on the subject property detailing the notice of complete application and public hearing. After posting the sign, the applicant must take a photo of the sign and send it to Planning Staff to confirm the placement. Staff/committee members will conduct a site visit prior to the hearing.
5. The hearing of the application will take place at which time the Planning Committee of Adjustment will render its decision. Decisions may be tabled to a future meeting and complex applications may require more than one meeting prior to obtaining approval. Staff will make a

recommendation to the Committee on all applications. New conditions of approval may be added at a meeting.

6. The decision of the Committee will be circulated no later than fifteen (15) days from the date the decision was rendered.
7. If no appeal to the Ontario Land Tribunal (OLT) is filed within twenty (20) days of the notice of the decision, the decision is final and binding.
8. If a decision is appealed the file will be sent to the Ontario Land Tribunal, who will render a final decision.

Note: Building permits or licenses, if required, will only be issued after the appeal period has ended and the conditions of approval (if any) have been fulfilled.

Planning Rationale

A Planning Rationale is a document that provides an overall description, justification and rationale for understanding the proposed development application, and is intended to help the applicant organize and provide written support for the application. The document will assist staff and the approval authority, in the assessment and recommendation for the application. A planning rationale is recommended to accompany each application.

What is the purpose of a planning rationale?

A planning rationale is recommended as part of an application in order to:

- A) Provide a clear description and understanding of the proposal;
- B) Provide an opportunity, at the outset, to establish why the proposal should be considered ;
- C) To highlight important information specific or particular to the application (ie. special history, different circumstances, unique site conditions, etc.); and
- D) To enable staff to analyze and prepare recommendations on the application.

It is not intended to be a personal analysis or business case for a proposed development, rather it should examine the impact of the proposal on the surrounding area, and vice versa.

Who can prepare a planning rationale?

Depending on the complexity of the application, the information requirements can be addressed in a letter, or a longer report. The material can be prepared by the owner, an agent, the applicant or by a member of a consulting team, depending on the nature of the application.

For a complex application it is recommended that a planning professional be retained to prepare the planning rationale. The benefits to the applicant, of hiring a planning professional, can be significant in presenting the proposal in its best form, which may result in cost and time savings, as well as making the approval process as efficient as possible.

What, specifically does a planning rationale contain?

A Planning Rationale should contain and/or address any of the points listed below that are relevant to the application. The failure to address the following points may result in the application being considered incomplete.

- A) Provide a physical description of the site, including descriptions of current land use(s) and surrounding land uses, context and/or built form

- B) Include a description of the site's planning history, including previous planning approvals and/or agreements (ie. site plan agreement, site-specific zoning by-laws etc.) and provide copies of the pertinent documents
- C) Include a description and overview of the proposal, including any major features or attributes (such as use, height, density, parking, architectural design, natural heritage features, etc.)
- D) Describe the suitability of the site, and indicate reasons why the development is appropriate for the site and will function well to meet the needs of the intended future users
- E) Provide a detailed analysis of the compatibility of the proposed development or land use designation with the existing adjacent developments and land use designations
- F) Provide justification that the proposal is appropriate land use planning, including any details of measures that are to be used to mitigate negative impacts (such as site plan control)
- G) Describe the impact of the proposed development on the natural environment
- H) Describe the impact of the proposed development on municipal services (ie. sewage collection and treatment systems, water distribution and treatment systems, utilities, roads, hydro services, parking, community facilities, parks and open spaces etc.)
- I) Indicate whether there are other planning approvals require, and if those necessary applications have been filed (ie. Official Plan or Zoning By-law amendment, Site plan Control agreement, site plan approval, minor variance, draft plan of subdivision or condominium etc.)
- J) Indicate how the proposed development is consistent with the Provincial Planning Statement (PPS) - (2024) and provide any other Planning Act considerations that are relevant. If you are not familiar with these documents, please contact the City of Kenora Planning Department or access the City's portal, www.kenora.ca or the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca
- K) Describe how the proposal conforms to the general purpose and intent and goals of the City of Kenora's Official Plan and complies with the City's Zoning By-law
- L) Indicate whether the proposal complies with any other relevant City documents and Planning Policies / Secondary Plans etc. The Planning Department can assist with identifying relevant documents at the Pre-Consultation meeting.

This Application must be submitted to:

In person or by mail to:

City of Kenora Planning Department
Operations Building
60 Fourteenth Street North, 2nd Floor
Kenora, ON P9N 4M9

An electronic version of the application in PDF format may be submitted via email to:
planning@kenora.ca.

Prescribed Information

Personal Information collected within this document will be used to assist City staff to process this application and will be made public. The information in this application is contained in Ontario Regulation 197/96 (as amended), of the Planning Act, R.S.O. 1990 (as revised).

The undersigned hereby applies to the Planning Advisory Committee for the City of Kenora under Section 53 of the Planning Act, R.S.O. 1990 (as revised), for consent, as described in this application.

This application also sets out other information that will assist the Committee of Adjustment/Planning Advisory Committee in their evaluation of the application and Staff review. In the absence of this information, it may not be possible to do a complete review within the legislated timeframe for making a decision. As a result, the application may be refused.

It is the sole responsibility of the authorized agent and/or owner to ensure that this application form is complete, and that the information provided is accurate and correct. This application form will not be accepted until all required questions have been answered and all other requirements have been satisfied.

Minimum Standards for Site Plan Sketches

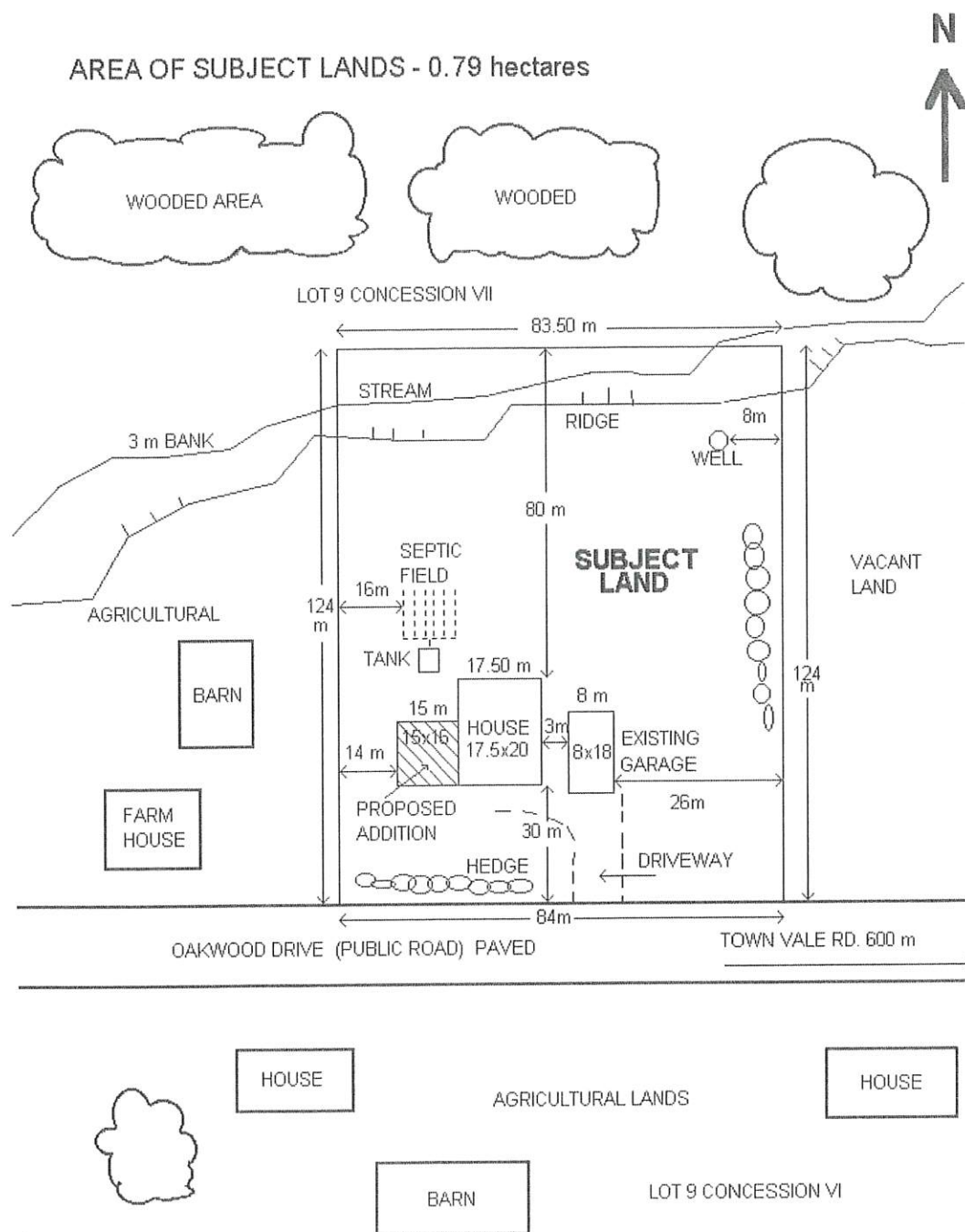
A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. All necessary information must be contained on one single sketch or site plan. The sketch or site plan must clearly demonstrate:

- i. The boundaries and dimensions of the subject land
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, and septic tanks.
- iv. The current uses on land that is adjacent to the subject land
- v. The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. The location and nature of any easement affecting the subject land.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

Sample Sketch





City of Kenora
Application for Consent
Section 53 of the Planning Act & Ontario
Regulation 197/96 (as amended)

Office Use Only

Date Stamp - Date Received:



File Number: D10-25-04

Roll Number: _____

Application Fee Paid: \$ 1,750.00

Application Deemed Complete (Date): May 16, 2025

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- ☒ Pre-consultation meeting (recommended)
- ☐ 1 original copy of the completed application form
- ☐ The required application fee of (\$1,750.00 First Lot & \$400 Second and Subsequent lots) as per the schedule of fees By-law
- ☐ Planning Rationale (recommended)
- ☐ Site Plan Sketch
- ☐ Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- ☐ A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - Concurrent Applications Filed

- | | |
|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Zoning By-law Amendment/Temporary Use | <input checked="" type="checkbox"/> Minor Variance/Permission Application |
| <input type="checkbox"/> Subdivision Application | <input type="checkbox"/> Other: _____ |

3.0 - Applicant Information				
Subject Property Information				
Civic Address	Street No.: 161	Street Name: Ritchie Rd	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description	CON 71 S PT Lot 5 PCL 16196			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot				
Part Numbers(s)				
Tax Roll Number	6016			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				
Owner/Applicant Information				
Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Giasson	First Name: Gilles		
Mailing Address	Street No.: 161	Street Name: Ritchie Road	Postal Code: P9N 4L2	Unit Num.:
City	Kenora		Province: ON	
Contact Information	Phone: 807-467-7623	Fax:		
Email	lowcontracting@shaw.ca			
Acquisition Date of Subject Land				
Planning Agent/Solicitor Information — your information				
Company or Firm Name				
Name	Surname: Burley	First Name: Corinne		
Mailing Address	Street No.: 424	Street Name: Rabbit Lk Rd	Postal Code: P9N 4M3	Unit Num.:
City	Kenora		Province: ONT	
Contact Information	Phone: 807-466-8913	Fax:		
Email	corinne.burley@yahoo.com			
Mortgages, Encumbrances, Holders of Charges etc. of Subject Land				
Company				
Contact Person	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:	Fax:		
Email				
4.0 - Please list the reports and/or studies that will accompany this application				

5.0 - Purpose of Consent Application

Transfer:

- ☐ Mortgage or charge ☒ Lot addition ☐ Creation of new lot(s) –
☐ Creation of a lot for semi-detached or row housing Number created: _____

Other:

- ☐ Right-of-way ☐ Easement ☐ Lot line adjustment/correction
☐ Lease ☐ Correction of title ☐ Other: _____

6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

★ If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

175 Ritchie Road

If application is for easement, identify property which will benefit (legal description).

7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?

- ☐ Yes ☒ No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

8.0 Other Applications under *The Planning Act*

Has the subject land ever been the subject of an application for approval of any of the following?

	Draft Plan of Subdivision	File No.:	Status:
	Condominium Description	File No.:	Status:
	Official Plan Amendment	File No.:	Status:
	Zoning By-law Amendment/Temporary Use	File No.:	Status:
	Minister's Zoning Amendment	File No.:	Status:
	Site Plan Application	File No.:	Status:
	Consent	File No.:	Status:
	Minor Variance/Permission	File No.:	Status:
	Part Lot Control	File No.:	Status:
	Other (please specify)	File No.:	Status:

9.0 Description of Subject Lands and Servicing Information (complete each subsection.)

		Lot1/ Easement <i>lot addition</i>	Lot 2	Lot 3	Lot 4	Retained/ Subject <i>neighb.</i> Property
9.1 Description	Frontage (m)	16.4 m				100 m
	Depth (m)	58 m				91 m
	Area (ha)	0.13 (acres)	0.05 ha		0.98 ha	2.4 ac
9.2 Use of property	Existing Use(s)	Residential				Residential
	Proposed Use(s)	//				//
9.3 Buildings or Structures	Existing	Garage corner				Residential structures
	Proposed	//				//
9.4 Access	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal – year round	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Municipal – seasonal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other public road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private right of way (provide documentation with application)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Water access*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

		<u>Lot1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.5 Water Supply	Publicly owned and operated piped water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Private communal well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.6 Sewage Disposal	Publicly owned and operated sanitary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual septic *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Private communal septic *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privy / grey water *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.						
9.7 Other Services	Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	School bus service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Waste / recycle collection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.8 If access to the subject land is by other than publicly owned and maintained road, indicate who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available. If access is by water only, please provide proof of arrangements for docking and vehicle parking.						

10.0 – Land Use (Please see www.kenora.ca/planning-development/related-links-and-documents/)

What is the land use designation in the City of Kenora Official Plan (2015)?

Rural

Does the proposal conform to the City of Kenora Official Plan (2015)?

☒ Yes

☐ No

If No, have you made a concurrent application for an Official Plan Amendment?

☐ Yes

☐ No

File Number: _____ Status: _____

What is the current zoning designation of the subject property?

Rural Residential.

Does the proposal conform to Zoning By-law No.101-2015, as amended?

☐ Yes

☒ No

If No, have you made a concurrent application for a Zoning By-law Amendment?

☐ Yes

☒ No Minor variance

File Number: _____ Status: _____

What is the existing use of the subject land?

Residential

What is the proposed use of the subject land?

Residential

What are the uses of the abutting properties?

Residential

How long have the existing uses been present?

Has there ever been an industrial or commercial use on the subject land or adjacent land? If yes, please explain the uses:

Home occupation.

11.0 Contamination

	Yes	No	Unknown
Has the grading of the subject land been changed by adding earth or other material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has a gas station ever been located on the subject land or adjacent land at any time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has there been petroleum or other fuel stored on the subject land or adjacent land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (i.e. brownfields, industrial waste, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

What information did you use to determine the answers to the above questions?
If an environmental assessment has been performed please submit it with the application.

Personal knowledge.

***If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial, or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.**

12.0 – Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2024 Provincial Planning Statement (PPS).

Yes.

13.0 – Original Parcel Transfer

Has any land ever been severed from the parcel original acquired by the owner of the subject land?

☐ Yes

☐ No

If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land:

Date of Transfer: _____

Name of Transferee: _____

Use(s) of Severed Land: _____

14.0 – Significant Features Checklist

Check through the following list. Indicate under Yes, No or Unknown if a listed feature is on-site or within 500 metres. Indicate under Yes, No or Unknown if a listed development circumstance applies. Be advised of the potential information requirements.

Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Non-farm development near designated urban areas or rural settlement areas		✓			Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹		✓			Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²		✓			Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³		✓			Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site		✓			Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant		✓			Assess the need for a feasibility study for residential and other sensitive land uses.

Waste Stabilization Pond		✓			Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line		✓			Evaluate impacts within 300 metres.
Operating mine site		✓			Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land		✓			Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater		✓			Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility		✓			Determine possible impacts within 200 metres.
High Voltage Transmission Lines		✓			Consult the appropriate electric power service.
Transportation and Infrastructure corridors		✓			Will corridor be protected? Noise Study Prepared?
Agricultural Operations		✓			Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area		✓			Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations		✓			Will development hinder continuation of extraction? Noise and Dust Study completed?
Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Existing Pits and Quarries		✓			Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources		✓			Will development hinder access to the resource or the

					establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands		✓			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species		✓			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest		✓			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers		✓			Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes		✓			Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources		✓			Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels		✓			Development not permitted
Lands Subject to Flooding and/or Erosions		✓			Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards		✓			Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains		✓			Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.

16.0 – Authorization of Agent or Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Gilles + Roberta Giasson, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize
v → Corinne Burley to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

Roberta Giasson
[Signature]

April 28, 2025

Date
of owner(s)

Signature

Jeremie Burley
[Signature]

Name and Signature of Witness

17.0 – Affidavit or Sworn Declaration

I, Corinne Burley of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at
the Operations Centre, City of Kenora
in the Province of Ontario this 2
day of May in the year 2025.

[Signature]
Commissioner of Oaths

Tara Nowell Vader, a Commissioner, etc.,
Province of Ontario,
for the Corporation of the City of Kenora.
Expires September 5, 2027.

[Signature]

Applicant(s)

Hazardous Sites ⁴		✓			Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites		✓			Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites		✓			Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

15.0 – Additional Information

Please provide any additional information that you feel would be beneficial to the application:

18.0 – Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Planning Advisory Committee.

→ I/We, Gilles + Roberta Giasson being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

April 28, 2025

Date

Roberta Giasson

Owner(s) Signature


Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295

April 28, 2025

We, Gilles and Roberta Giasson agree and give Corinne Burley consent to apply
for – Application for Minor Variance/Permission and
- Application for Consent
for property at 161 Ritchie Road, Kenora, Ontario.

Dated: April 28/25 Signed  







Measure



Measurement Result

0.98 Hectares







To: City of Kenora Committee of Adjustment
From: Tara Vader, Associate Planner
Date: June 12th, 2025
Re: Consent Application – File D10-25-04
Location: 161 Ritchie Road
Owner: Gilles Giasson
Applicant: Corinne Burley

RECOMMENDATION

That application D10-25-04 be **approved** and provisional consent be granted with the attached conditions.

INTRODUCTION

This application proposes to sever a piece of land from the subject lands to be added to an abutting property to the north. Approximately 0.05 hectares of land is proposed to be severed and merged with 175 Ritchie Road. This proposal will address the encroachment of a detached garage and driveway on the subject lands. The retained land is approximately 1.2 hectares in size.

The subject property is located on Ritchie Road. It is used for residential purposes and contains a single-family dwelling and accessory structures. The subject property is serviced by private, on-site services.

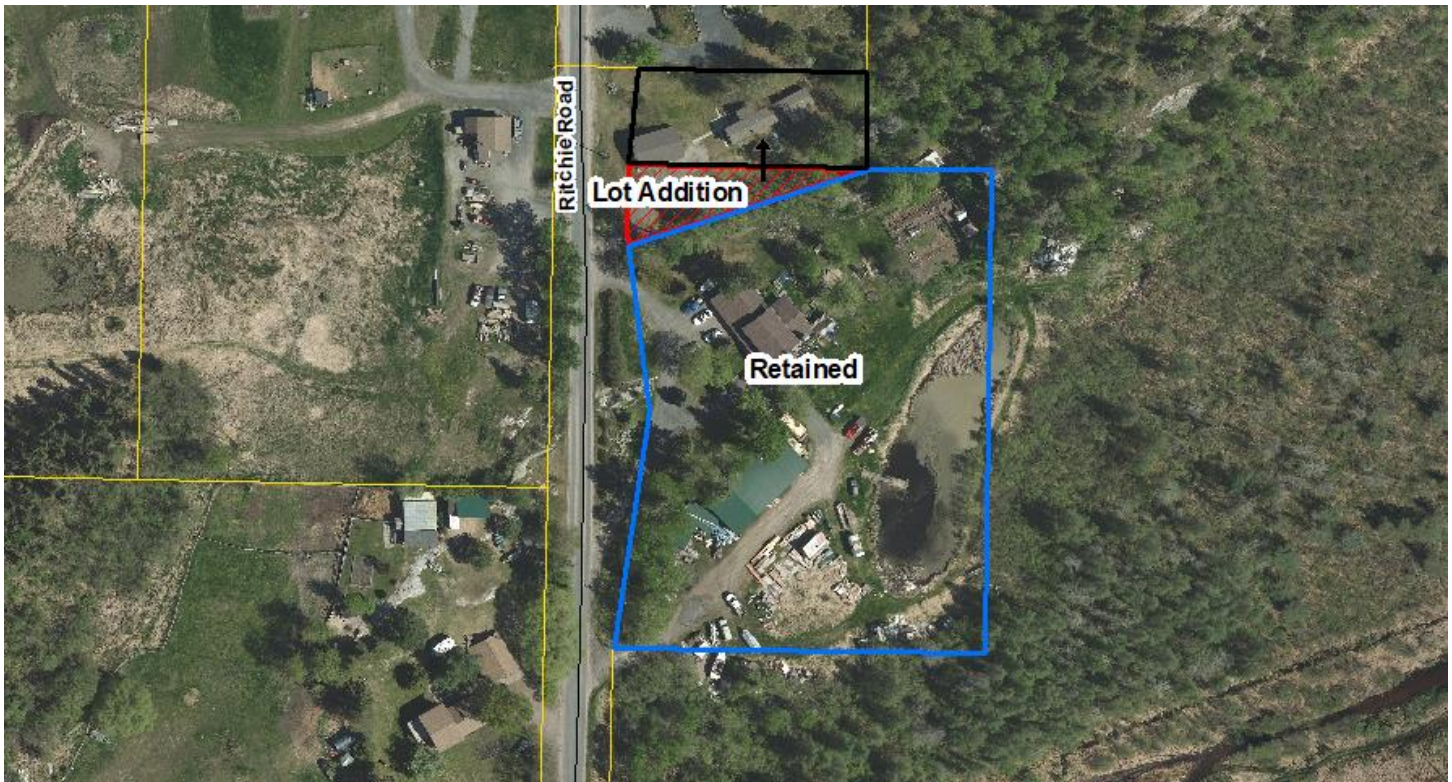
REVIEW

This application:

- ✓ Is consistent with the Provincial Planning Statement (Section 3(5) Planning Act);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (Section 53(1) Planning Act);
- ✓ Conforms with Section 51(24) of the Planning Act;
- ✓ Conforms to the City of Kenora Official Plan (Section 4.8);
- ✓ Complies with the City of Kenora Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and

- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.

Figure 1. Location Map (Kenora GIS 2022)



AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application.

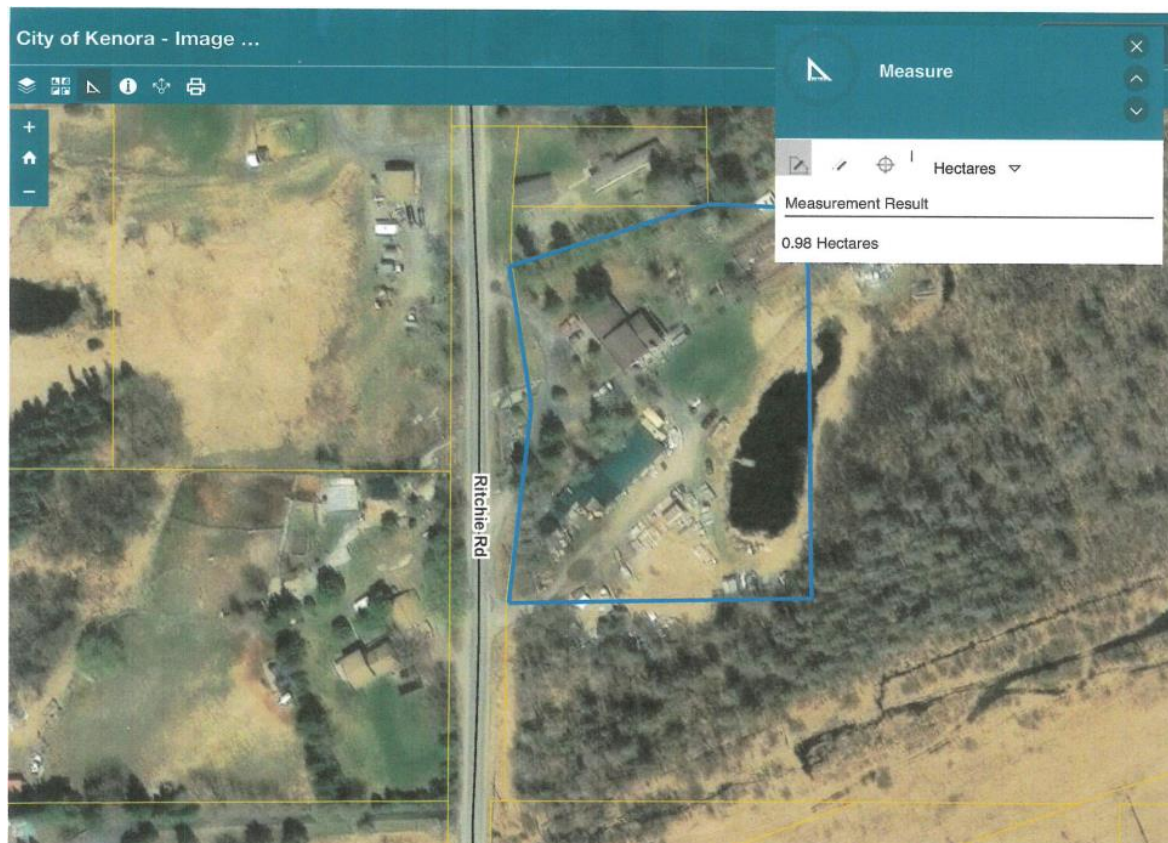
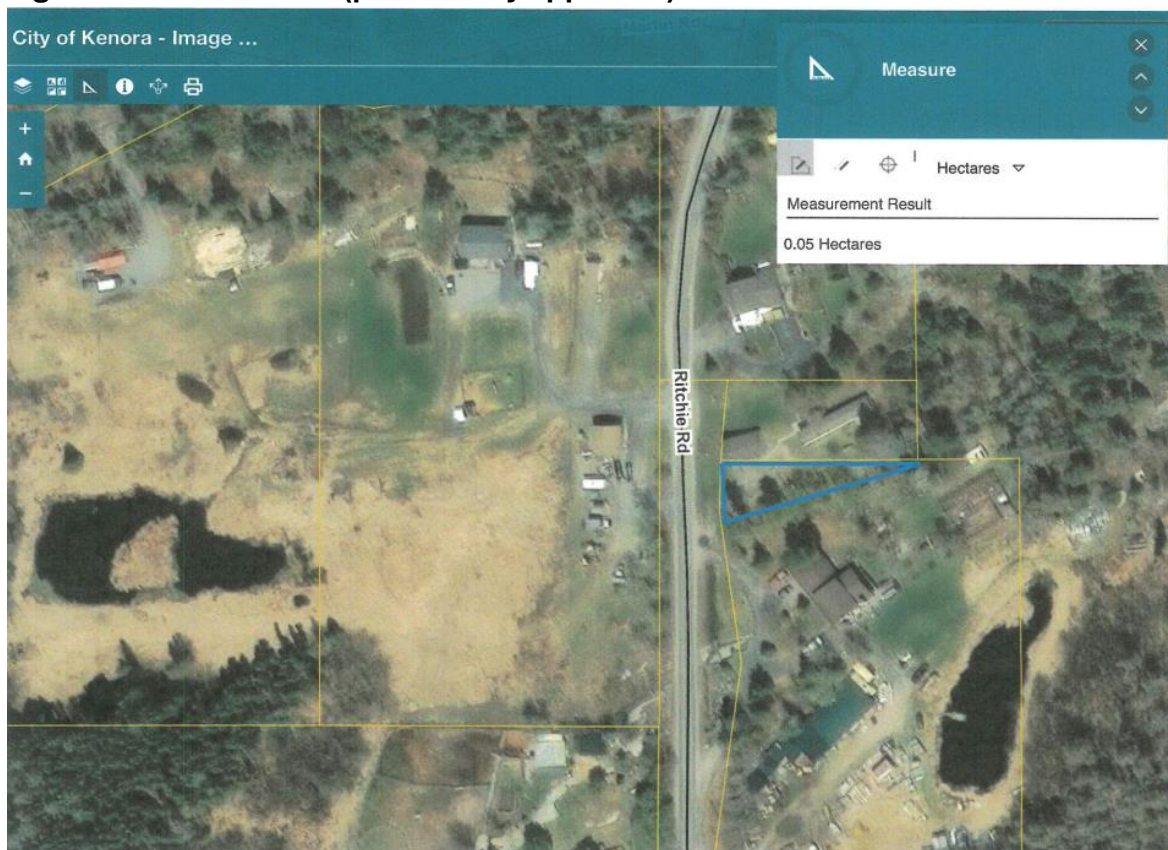
Agency

The Ministry of Natural Resources had no MNR concerns with this application. No comments were received from other agencies.

Public

No comments received from members of the public at the time of report submission.

Figure 2. Site Sketches (provided by applicant)



PLANNING REVIEW

The subject lands are designated “Rural Area” in the City of Kenora Official Plan, and zoned “RR” Rural Residential Zone in the City of Kenora Zoning By-law. The subject lands are approximately 1.3 ha in size.

Provincial Policy Statement

The Provincial Planning Statement, 2024 (PPS) Section 2.6 contains policies for Rural Lands in Municipalities. Specifically, that development that can be sustained by rural service levels should be promoted. As the subject lands and proposed merged lot are serviced by private, on-site services, it is consistent with this policy of the PPS.

City of Kenora Official Plan

The City of Kenora Official Plan (OP) Section 4.8 Rural Area contains permitted uses and policies for the land use designation. Residential development is permitted in the Rural Area designation. As this application supports the continued use of the merged property for residential purposes, the severance application conforms to the OP.

City of Kenora Zoning By-law N0. 101-2015

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “RR” Rural Residential Zone. Section 4.5 of the By-law states that single-detached dwellings are a permitted use in the RR zone. Additionally, the proposal is not expected to result in the retained lot being out of conformity with the zoning regulations. Based on City records, the retained land will conform to the lot area minimum, which differs from the site plan provided by the applicant. The application also results in the proposed merged lot being closer to conformance with the zoning regulations by adding lot area and lot frontage to the existing non-conforming lot.

	Required	Retained Lot	Merged Lot
Lot Frontage (minimum)	61 m	~102 m	~39 m
Lot Area (minimum)	1.0 ha	1.2 ha	0.18 ha

Planning Act

Section 51(24) of the Planning Act provides items that regard must be had to in the consideration of a proposed severance to be approved. These include whether the severance conforms to the OP, the suitability of the land for the proposed development, and that the application is not premature and is in the public interest. The application meets the requirements of this Planning Act section.

Recommendation

As a result, it is recommended that the Committee of Adjustment approve this consent application and grant conditional consent approval with the following conditions.

RECOMMENDED CONDITIONS

Expiry Period

1. Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of notice of decision.

Survey/Reference Plan

2. Provide to the satisfaction of the City:
 - a. A survey showing the lot lines of the severed parcel, and
 - b. A reference plan based on an approved survey.
3. One original copy and one PDF copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.

Zoning

4. Where a violation of any City Zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the City.

City Requirements

5. That the newly created parcel be consolidated on title with the adjacent lot identified as CON 7J S PT LOT 5 PCL 17198 and if recommended on solicitor review, that a merger agreement be entered into.
6. That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
7. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
8. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal descriptions of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form to be provide for each parcel.
9. That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or the owner's Agent/Solicitor, confirming that conditions 1 through 8 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.



Tara Vader

Associate Planner

June 12th, 2025



Integrity Commissioner Investigation(s)

Information only



April 25, 2025

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Pihulak, Director of Corporate Services/City Clerk

**Re: Integrity Commissioner Report #IC-4a-2024 (Price)
Integrity Commissioner Report #IC-4b-2024 (Bulman)**

Recommendation:

That Council hereby receives the Integrity Commissioner report #IC-4a-24 regarding an investigation involving Planning Advisory Committee member Christopher Price; and further

That Council hereby receives the Integrity Commissioner report #IC-4b-24 regarding an investigation involving Planning Advisory Committee member Robert Bulman; and further

That the I/C has concluded that there are no violations of the Municipal Conflict of Interest and no recommendations are made by the Integrity Commissioner deeming these two reports for information only; and further

That no further action is required regarding these reports.

Background:

An Integrity Commissioner is a municipal accountability officer who is responsible for applying the rules governing the ethical conduct of members of municipal councils and local boards (including codes of conduct), and for providing advice and education on those rules.

The *Municipal Act, 2001* provides the framework within which municipal integrity commissioners are appointed and carry out their functions.

Every municipality must establish a code of conduct for members of councils and local boards [s. 223.2] and appoint an integrity commissioner or use the services of an integrity commissioner from another municipality [s. 223.3(1.1)]. Integrity commissioners must function in an independent manner and report directly to municipal council [s. 223.3].

The functions of integrity commissioners include:

1. Applying the code of conduct and any procedures, rules and policies governing the ethical behavior of members of councils and local boards, including conducting investigations and inquiries into complaints about alleged contraventions of a code of conduct;
2. Conducting inquiries concerning alleged contraventions of the *Municipal Conflict of Interest Act*;

3. Providing advice to members respecting their obligations under the code of conduct, procedures, rules or policies governing the ethical behavior of members, and the *Municipal Conflict of Interest Act*; and
4. Providing educational information about the code of conduct and the Municipal Conflict of Interest Act [s. 223.3(1)].

Recommendation Report

6.24 Upon completion of an investigation, the Integrity Commissioner shall provide a draft report to the complainant and the Member and allow ten (10) calendar days for both the complainant and the Member to review and provide any comments or suggested revisions.

6.25 Upon completion of the review as described in Section 6.24, the Integrity Commissioner shall within a further thirty (30) days report to Council outlining the findings of the investigation, including if the complaint has been withdrawn, sustained or resolved (including the terms of any such resolution). At this time, the final report will also be provided to the complainant and the Member.

6.26 If upon completion of the investigation the Integrity Commissioner finds that a Member has contravened a Code, the Commissioner shall report his or her findings to Council and may make a recommendation on whether Council should impose one of the penalties provided for in the Municipal Act.

Investigation of #IC-4a-2024

The City Clerk received an Integrity Commissioner complaint on October 28, 2024 regarding two members of the Planning Advisory Committee under Section 5(1) a, b and Section 5.2(1).

The Integrity Commissioner concluded the Respondent did not contravene 5.2 (1) of the MCIA when they participated in the discussions and vote at the September 18, 2024 – Planning Advisory Committee meeting in regard to File D13-24-06 (34 Minnesota Street Mixed-use Development Project). As there is no violation of the MCIA, I will not be applying to a Judge under Section 8 for a determination as to whether the Respondent contravened 5.2 (1) of the MCIA.

The full reports from the Integrity Commissioner are attached for reference.

Budget: The cost of this investigation has not yet been reported; however, it will be included in the Clerk's operating budget.

Risk Analysis: There is a low risk associated with this report, and it is administrative in nature.

Communication Plan/Notice By-law Requirements: N/A

Strategic Plan or another Guiding Document:

**Municipal Conflict of Interest Inquiry for the
Corporation of the City of KENORA**

**Report prepared for Municipal Council &
The Planning Advisory Committee**

For information only

March 27, 2025

Municipal Conflict of Interest Act complaint against:

Respondent - Mr. Chris Price

Requestor - Ms. Joyce Chevrier-Member of the Public

Inquiry conducted by:

Darrell Matson

Thunder Bay, Ontario

Appointed Integrity Commissioner for the Municipality of Kenora

BACKGROUND TO LEGISLATION

In 2016 the Ontario government introduced Bill 68 - Modernizing Ontario's Municipal Legislation Act. Bill 68 contained a number of amendments to the *Municipal Act, 2001*, S.O. 2001, c. 25 (MA), the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 (MCIA) the *Municipal Elections Act, 1996*, and various other Acts. These changes imposed new and important obligations on municipalities. The Bill received Royal Assent on May 30th, 2017. It is important to note that the changes to the Acts came into force over a period of time. Some of the changes included:

- Requiring municipalities to establish codes of conduct for members of municipal council and certain local boards, which could include rules that guide the ethical conduct of those members;
- Requiring municipalities to give the public and municipal councillors access to an integrity commissioner, with broadened powers to investigate conflict of interest complaints and provide advice to councillors;
- Providing for a wider range of penalties for contraventions of the MCIA;
- Updating the definition of "meeting" in the MA;
- Requiring municipalities to maintain a register recording all declarations of interest submitted by members of their councils; and
- Setting out how municipalities may allow for electronic participation by council, local board and committee members at meetings that are open to the public. Participants would not be counted towards quorum and members would not be able to participate electronically in meetings that are closed to the public. (Note this was later amended to first allow full participation during the COVID 19 provincial emergency, and again, later, to allow municipalities to choose whether or not to continue to allow full electronic participation.)

The Code of Conduct for members of council, and its local boards, sets out behaviors that members of council are expected to abide by and follow in support of the good governance of the municipality, and more particularly the confidence of the public in their local government.

The Municipal Conflict of Interest Act as referenced in the code of conduct sets out a framework for when participation in local government decision-making is appropriate. The overall goal is to protect the public interest by prohibiting any member from having any involvement in any matter being considered by Council or Local Board if the member has a pecuniary (financial) interest in the matter.

MANDATE

As the result of an Integrity Commissioner Application for Inquiry (“Application”) filed by the Requester, I was retained to conduct an inquiry into the alleged contravention of the Municipal Conflict of Interest Act (“MCIA”).

The authority to proceed with this inquiry is as follows:

- By-Law 34-2019 establishes an Integrity Commissioner Inquiry Protocol.
- The Planning Advisory Committee is a Local Board as defined in Section 1 of the MCIA.
- I was appointed as one of the Integrity Commissioners (“IC”) pursuant to s223.3 (1) of the Municipal Act (“MA”), and confirmed by Kenora By-Law.

INVESTIGATION APPROACH

The Investigation was conducted in accordance with the Kenora By-Law 34-2019 - Integrity Commissioner Inquiry Protocol.

In conducting the Investigation, the principles of procedural fairness were applied. These include the following elements:

1. The complaint was provided to the PAC Member (the “Respondent”) whose conduct was questioned, with a request that a written response to the allegation(s) be provided. The IC may review and discuss with the Respondent any information provided in the response to determine the relevance to the matter. A time period for responding was specified with the request.
2. The responses and any accompanying documents and materials provided by the Respondent were provided to the Requestor with a request for a written reply. The IC may review and discuss any information provided in the response to determine the relevance to the matter. A time period for responding was specified with the request.
3. The IC reviewed the information provided by the Respondent and the Requestor and undertook interviews with witnesses to clarify the information received. The IC is entitled to request access to all books, accounts, financial records, electronic data, records, reports files and all other papers, things or property

belonging to or used by the municipality that the IC believes to be necessary for an Investigation.

4. Follow up interviews with the Requestor, Respondent and witnesses took place where the IC considered them to be required.
5. Once the report of the IC was drafted, had the findings been in support of the allegations, the Respondents would have received notice of the findings, the basis of the findings, the recommended sanctions/remedial actions, and would have been provided an opportunity to comment. As the conclusion was otherwise, this step did not occur.
6. When the report was finalized, the Respondent and the Requestor were each advised of the outcome.
7. The report was then submitted in accordance with the Protocol.

It is noted that, at any time during the Investigation process, had the IC believed that there was an opportunity to resolve the matter, and all of the parties had agreed, efforts to achieve an informal resolution may have been pursued.

DOCUMENTS RELIED ON

- Applications as filed by the Requestor;
- Respondents' responses to the Applications;
- Reply submissions of the Requestor;
- Relevant Kenora documents including by-laws, minutes, video footage and staff reports;
- Witnesses with knowledge relating to the matter;
- Relevant case law.

PROCEDURAL ISSUE

Prior to commencing the inquiry, a content review of the Applications was conducted in accordance with Sections 4.4 and 5.3 of Kenora By-Law 34-2019. The review concluded that clarification was required with respect to the content of the Applications.

After discussions, the Requestor submitted a revised MCIA Application on January 10, 2025. The revised Application was compliant with Sections 4.4 and 5.3 and the parties were notified that an Inquiry would be conducted.

ALLEGED VIOLATIONS OF THE MCIA

In the amended application dated January 10, 2025 (originally filed on October 28, 2024) the Requestor alleges they have reasonable and probable grounds to believe that Respondent contravened section 5.2 (1) of the MCIA when they participated in the September 18, 2024 – Planning Advisory Committee (“PAC”) meeting in regard to File D13-24-06 (34 Minnesota Street Mixed-use Development Project).

Information provided by the Requester

The Application states:

“when a member, “the Respondent”, indicated he has “Doctor friends” and then proceeds to act on their behalf in making sure they get what they want in the way of docking, has to be construed as a conflict of interest, no matter if the member receives something in return or not. He is paid by the Taxpayer to be open and honest and therefore should be representing the public only, not the individuals”

Information provided by the Respondent

The Respondent states the “Doctor friends” as referenced were not their spouse, children or parents and as a result had no pecuniary interest in the matter before the PAC.

RELEVANT LEGISLATION & PURPOSE OF THE INQUIRY

The MCIA sets out a framework for when participation in local government decision-making by elected officials is appropriate. The overall goal is to protect the public interest by prohibiting any member of a Municipal Council from having any involvement in any matter being considered by that Council or Local Board if the member has a *pecuniary interest* (commonly referred to as a “financial interest”). The obligation is on the member to comply with MCIA.

Section 5 of the MCIA reads as follows:

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and

is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

5.1 – At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee of local board, as the case may be.

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

The purpose of this inquiry is to determine if the Respondent contravened 5.2 (1) of the MCIA when they participated in the discussions and vote at the September 18, 2024 – Planning Advisory Committee (“PAC”) meeting in regard to File D13-24-06 (34 Minnesota Street Mixed-use Development Project).

CONTEXT OF COMPLAINT / BACKGROUND TO THE DEVELOPMENT PROJECT

At the August 21, 2024 PAC meeting, a presentation occurred regarding the development of a 5-story mixed use building that included a ground floor daycare, apartments located on the upper 4 floors and parking to accommodate 43 stalls. The project also included marina docking on Norman Bay.

The Developers Vision was to create an affordable mixed-use development geared towards essential workers which would provide apartment style homes for rent including a main floor daycare with easy access to walking, cycling and transit.

During the vote held on September 18, 2024, when discussing the issue of re-zoning the property to allow for the proposed development to occur, the Respondent made a

comment indicating he had “doctor friends”. The Respondent then proceeded to participate in the vote in support of the re-zoning.

THE ANALYSIS

Did the Respondent have a pecuniary interest relating to the matter (zoning amendments for File D13-24-06 -34 Minnesota Street Mixed-use Development Project) when they participated in the September 18, 2024 – Planning Advisory Committee (“PAC”) meeting?

After a review of all of the evidence available and the established legal principles, the answer is no.

The Application states “he has “Doctor friends” and then proceeds to act on their behalf in making sure they get what they want in the way of docking, has to be construed as a conflict of interest”.

Based upon the above allegation, the following two issues were examined.

1. Are the “Doctor friends” referenced a Spouse, Parent, Child (an impacted relationship) and if so, does the Spouse, Child or Parent have an interest in the matter before the PAC?
2. If a conflict of interest is established, did the Respondent use their office in any way to attempt to influence any decision or recommendation that results from consideration of the matter?

With respect to question 1.

In this MCIA inquiry, it is important to emphasise that the words “ any pecuniary interest, direct or indirect in any matter” appear in the MCIA s. 5.2 (1). As a result, it must be established that the Respondent had an interest in the matter prior to determining if the Respondent used their office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

A “deemed” interest is an interest which is someone else’s but they are in a close enough relationship with the member, that it is considered an interest to the member.

The impacted relationship includes Spouses, Children and Parents. MCIA s. 3 reads as follows:

3 For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

If there is any pecuniary interest on the part of the impacted relationship, the interest will be a “deemed” interest and attributed to the Respondent. As a result, the Application was evaluated through this lens.

In this inquiry, the evidence confirms that the Respondent’s “Doctor Friends” are not his spouse, children or his parents (no impacted relationship) therefore the Respondent does not have a pecuniary interest in the matter.

With respect to question 2.

As there is no pecuniary interest on the part of the Respondent, question 2 is moot and need not be examined.

SUMMARY OF FINDINGS

For the reasons stated above, it is concluded the Respondent did not contravene 5.2 (1) of the MCIA when they participated in the discussions and vote at the September 18, 2024 – Planning Advisory Committee meeting in regard to File D13-24-06 (34 Minnesota Street Mixed-use Development Project).

As there is no violation of the MCIA, I will not be applying to a Judge under Section 8 for a determination as to whether the Respondent contravened 5.2 (1) of the MCIA.

INTEGRITY COMMISSIONER COMMENTS

The Requestor has been advised of the outcome and that I will not be making an application to a Judge.

The Municipal Act (s 223.6(2))states that the IC may disclose in the report such matters as in the opinion of the IC are necessary for the purposes of the report. The content of this report in my opinion is necessary.

Respectfully Submitted

Darrell Matson *D Matson*

Appointed Integrity Commissioner for the Corporation of the City of KENORA

**Municipal Conflict of Interest Inquiry for the
Corporation of the City of KENORA**

**Report prepared for Municipal Council &
The Planning Advisory Committee**

For information only

Date April 24, 2025

Municipal Conflict of Interest Act complaint against:

Mr. Robert Bulman – Respondent

Ms. Joyce Chevrier-Member of the Public - Requestor

Inquiry conducted by:

Darrell Matson

Thunder Bay, Ontario

Appointed Integrity Commissioner for the Municipality of Kenora

File 4b-2024 - final

BACKGROUND TO LEGISLATION

In 2016 the Ontario government introduced Bill 68 - Modernizing Ontario's Municipal Legislation Act. Bill 68 contained a number of amendments to the *Municipal Act, 2001*, S.O. 2001, c. 25 (MA), the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* (MCIA) the *Municipal Elections Act, 1996*, and various other Acts. These changes imposed new and important obligations on municipalities. The Bill received Royal Assent on May 30th, 2017. It is important to note that the changes to the Acts came into force over a period of time. Some of the changes included:

- Requiring municipalities to establish codes of conduct for members of municipal council and certain local boards, which could include rules that guide the ethical conduct of those members;
- Requiring municipalities to give the public and municipal councillors access to an integrity commissioner, with broadened powers to investigate conflict of interest complaints and provide advice to councillors;
- Providing for a wider range of penalties for contraventions of the MCIA;
- Updating the definition of “meeting” in the MA;
- Requiring municipalities to maintain a register recording all declarations of interest submitted by members of their councils; and
- Setting out how municipalities may allow for electronic participation by council, local board and committee members at meetings that are open to the public. Participants would not be counted towards quorum and members would not be able to participate electronically in meetings that are closed to the public. (Note this was later amended to first allow full participation during the COVID 19 provincial emergency, and again, later, to allow municipalities to choose whether or not to continue to allow full electronic participation.)

The Code of Conduct for members of council, and its local boards, sets out behaviors that members of council are expected to abide by and follow in support of the good governance of the municipality, and more particularly the confidence of the public in their local government.

The Municipal Conflict of Interest Act as referenced in the code of conduct sets out a framework for when participation in local government decision-making is appropriate. The overall goal is to protect the public interest by prohibiting any member from having any involvement in any matter being considered by Council or Local Board if the member has a pecuniary (financial) interest in the matter.

MANDATE

As the result of an Integrity Commissioner Application for Inquiry ("Application") filed by the Requestor, I was retained to conduct an inquiry into the alleged contravention of the Municipal Conflict of Interest Act ("MCIA").

The authority to proceed with this inquiry is as follows:

- By-Law 34-2019 establishes an Integrity Commissioner Inquiry Protocol.
- The Planning Advisory Committee is a Local Board as defined in s.1 of the MCIA.
- I was appointed as one of the Integrity Commissioners ("IC") pursuant to s. 223.3 (1) of the Municipal Act ("MA"), and confirmed by Kenora By-Law.

PROCEDURAL ISSUE

Prior to commencing the inquiry, a content review of the Application was conducted in accordance with Sections 4.4 and 5.3 of Kenora By-Law 34-2019. The review concluded that clarification was required with respect to the content of the Application.

After discussions, the Requestor submitted a revised MCIA Application on January 10, 2025. The revised Application was compliant with Sections 4.4 and 5.3 and the parties were notified that an Inquiry would be conducted.

ALLEGED VIOLATIONS OF THE MCIA

In the amended application dated January 10, 2025 (originally filed on October 28, 2024) the Requestor alleges they have reasonable and probable grounds to believe the Respondent contravened s. 5 (1) a & b of the MCIA when they participated in the August 21, 2024 – Planning Advisory Committee ("PAC") meeting in regard to File D13-24-06 - 34 Minnesota Street Mixed-use Development Project.

Information provided by the Requestor

In reference to August 21, 2024 PAC meeting:

The Respondent participated in the meeting and asked a question but before the September 18, 2024 meeting, he sent in a letter stating he had a conflict and did not attend the meeting. He received information before the August 21st meeting regarding

his supposed conflict during the presentation for D13-24-06 but did not declare a Conflict of Interest until the September 18th meeting. He was definitely out of order participating in the August meeting and since every member receives a package of information ahead of all PAC meetings, he knew beforehand that he had a conflict but did not declare.

The Respondent had received all information prior to the meeting of August 21st, and did not declare a conflict of interest at that meeting, but then decides at the next meeting, September 18th that he suddenly has a conflict. He should have declared immediately at the beginning of the meeting on August 21st. He broke the rules on August 21st, by not declaring immediately.

The Requestor also clarified as a result of reviewing the Respondents response to the allegations that she had no idea he was on the Lake of the Woods District Hospital Board. His confession to same only makes the matter with the contravention to the conflict-of-interest guidelines ever more egregious.

Respondent- response to the allegations

In response to the following allegation:

“The Respondent participated in the meeting and asked a question but before the September 18th meeting, he sent in a letter stating he had a conflict and did not attend the meeting. He received information before the August 21st meeting regarding his supposed conflict during the presentation for D13-24-06 but did not declare a Conflict of Interest until the September 18th meeting. He was definitely out of order participating in the August meeting and since every member receives a package of information ahead of all PAC meetings, he knew beforehand that he had a conflict but did not declare.”

1) As noted in the allegation I did receive information before the August 21st meeting but this information did not, in my review of it, include any mention that the Lake of the Woods District Hospital or other health care facilities supported this application. As such I saw no need to express a Conflict of Interest at that time.

2) While one of the markets the applicant was targeting was essential workers, it was only made clear to me at the end of the discussions on August 21 in response to a question that I asked about parking that health care workers at the hospital were a primary audience.

3) Due to time limitations the August 21 meeting was adjourned before any vote was taken on this application.

4) Based on my question at the August 21 meeting regarding parking and hearing that employees of the hospital were a primary audience I approached “name” of the Lake of the Woods District Hospital, to ask if she was aware of this project. In response, she said that she was aware and the hospital –as well as other health care facilities -had provided letters of support for the project. I was unaware that these letters existed until that meeting with “name” following the August 21 PAC meeting and have not seen their content.

5) Based on this knowledge that I obtained following the August 21 meeting and the fact that I am on the board of the Lake of the Woods District Hospital and Chair of their Finance and Audit committee I declared a Conflict of Interest and did not participate in the September 18th meeting.

6) In summary, the allegation that I was aware I had a conflict of interest prior to the August 21 meeting is unfounded. I did not declare a Conflict of Interest until the September 18th meeting since I was unaware that the Lake of the Woods District Hospital supported the application D-13-24-06 until following the August 21 meeting. As a Board Member of the LWDH, I felt I had no option but to declare this conflict as soon as I was made aware of it.

RELEVANT LEGISLATION & PURPOSE OF THE INQUIRY

The MCIA sets out a framework for when participation in local government decision-making by elected officials is appropriate. The overall goal is to protect the public interest by prohibiting any member of a Municipal Council from having any involvement in any matter being considered by that Council or Local Board if the member has a *pecuniary interest* (commonly referred to as a “financial interest”). The obligation is on the member to comply with MCIA.

Section 5 of the MCIA reads as follows:

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

5.1 – At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee of local board, as the case may be.

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

The purpose of this inquiry is to determine if the Respondent contravened s. 5 (1) a & b of the MCIA when they participated in the discussions at the August 21, 2024 – Planning Advisory Committee (“PAC”) meeting in regard to File D13-24-06 - 34 Minnesota Street Mixed-use Development Project.

INVESTIGATION APPROACH

The Investigation was conducted in accordance with the Kenora By-Law 34-2019 - Integrity Commissioner Inquiry Protocol.

In conducting the Investigation, the principles of procedural fairness were applied. These include the following elements:

1. The complaint was provided to the Member whose conduct was questioned, with a request that a written response to the allegation(s) be provided. The IC may review and discuss with the Respondent any information provided in the response to determine the relevance to the matter. A time period for responding was specified with the request.
2. The responses and any accompanying documents and materials provided by the Respondent were provided to the Requestor with a request for a written reply. The IC may review and discuss any information provided in the response to

determine the relevance to the matter. A time period for responding was specified with the request.

3. The IC reviewed the information provided by the Respondent and the Requestor and undertook interviews with witnesses to clarify the information received. The IC is entitled to request access to all books, accounts, financial records, electronic data, records, reports files and all other papers, things or property belonging to or used by the municipality that the IC believes to be necessary for an Investigation.
4. Follow up interviews with the Requestor, Respondent and witnesses took place where the IC considered them to be required.
5. Once the report of the IC was drafted, had the findings been in support of the allegations, the Respondents would have received notice of the findings, the basis of the findings, the recommended sanctions/remedial actions, and would have been provided an opportunity to comment. As the conclusion was otherwise, this step did not occur.
6. When the report was finalized, the Respondent and the Requestor were each advised of the outcome.
7. The report was then submitted in accordance with the Protocol.

It is noted that, at any time during the Investigation process, had the IC believed that there was an opportunity to resolve the matter, and all of the parties had agreed, efforts to achieve an informal resolution may have been pursued.

DOCUMENTS RELIED ON

- Applications as filed by the Requestor;
- Respondents' responses to the Applications;
- Reply submission of the Requestor;
- Relevant Kenora documents including by-laws, minutes, video footage and staff reports;
- Interviewed witnesses with knowledge relating to the matter;
- Relevant case law.

BACKGROUND TO THE DEVELOPMENT PROJECT

The project overview as presented at the August 21, 2024 PAC meeting detailed a 5-story mixed use building that included a ground floor daycare, apartments located on the upper 4 floors and parking to accommodate 43 stalls. The project also included marina docking on Norman Bay.

The Developers Vision was to create an affordable mixed-use development geared towards essential workers which would provide apartment style homes for rent including a main floor daycare with easy access to walking, cycling and transit.

The Developers rationale for the projects were related to the City of Kenora's planning documents and policies that support the priority development of greater diversity and more affordable housing types. Provincial Policy is also referenced.

INFORMATION OBTAINED FROM DOCUMENTS AND WITNESSES

On July 18, 2024 the Developer produced a document titled "Planning Rationale for 34 Minnesota Street Mixed Use Development – Minor Variances". The document does not reference the Lake of the Woods District Hospital ("LWDH") by title but does reference in Section 5.2.1 under the heading PARKING MANAGEMENT PLAN the following:

"Given that most of the units will be leased to hospital or other essential service employees who will be shuttled to and from work, it is felt that one stall per dwelling unit will be sufficient."

The July 18, 2024 document was not provided to the PAC members or included in the August 21, 2024 PAC meeting agenda information package.

On August 13, 2024 Kenora posts to its website the "Planning Notice" for 34 Minnesota Street Development. The "Planning Notice" provides an overview of the project and the requested variances. The Notice does not reference essential workers, the hospital or LWDH by name. This document was not provided to the PAC members or included in the August 21, 2024 PAC meeting agenda information package.

August 21, 2024 PAC meeting

The August 21, 2024 PAC meeting agenda information package included a number of documents relating to item D13-24-06 34 Minnesota Street mixed use development. The following is a listing of the documents received:

- Slide Deck presentation (Kenora Planner) - No reference to health care/essential service workers or the LWDH.
- Aug 21 correspondence – “NAME”;
- Minnesota presentation final Aug 21;
- PAC report – 34 Minnesota Street (Planner) – final;
- Public comments;
- D 13 -24-06 – PAC report;
- Notice of Complete application and public meeting Amended;
- Minnesota St colored variance Plan – Final;
- Minnesota St conceptual Layout Plan – Final;
- Notice of complete Application and Public meeting;
- Deemed Complete – Minor variance application;
- Height Minnesota- DWG;
- Parkade and Apt – DWG.

The Slide Deck presentation by the Developer – states the following:

- “Create an affordable mixed-use development geared towards essential workers which will provide apartment style homes for rent including a main floor daycare with easy access to walking, cycling and transit”.
- “Given that most of the units will be leased to essential service employees who will be shuttled to and from work, it is felt that one stall per dwelling unit will be sufficient”

The PAC report – 34 Minnesota street by the Kenora Planner states the following:

- “The provision of one parking stall per residential unit is intended to meet the needs of the anticipated tenant profile primarily essential service employees who will be shuttled to and from work”.

In the agenda package 75 public comments were received. The comments in support of or objection to the development were based on the July 18, 2024 Developers Planning Rationale document. Five of the seventy-five public comment documents made

reference to shuttle service for health care/essential service workers and/or the planning rational relating to the validity of the lease with the hospital.

None of the Public comment letters or the documents provided to the PAC members referenced LWDH by name.

The minutes to the August 21, 2024 PAC meeting confirm there were no declarations of interest recorded. The Respondent was in attendance.

The video recording of the August 21, 2024 PAC recorded the following with respect to the questions from the Respondent after the presentations were concluded:

Q1 Respondent– Asked a question on a discrepancy in zoning (HC zone)

Kenora Planner - provided a response

Q2- Respondent - “In your proposal you said there would be shuttle service that’s taking people to work or whatever, which would suggest they would not need cars and also this is going to be a residence for health care type workers how did you come up with that conclusion”.

Developer – garbled audio but the general premise of the response was...the developer has been in discussion with the hospital and they were in support of 24 units and the genesis of this whole project has been generated by a conversation with the hospital.....

Q3- Respondent – “How can you justify 8 dock spots for 32 units or whatever”?

Developer - garbled audio but the general premise of the response was...they are hospital staffdoctors on locum.....transient population at a professional level.

The PAC meeting adjourned at 8.58 p.m.(based on a procedural requirement). The decision relating to D13-24-06 would be rescheduled to a special meeting or the regular PAC meeting in September.

Involvement of the LWDH

There were several discussions between the Developer and Management/Executive staff of LWDH prior to the August 21, 2024. These discussions involved the potential for LWDH to lease space from the Developer, with an idea to have a daycare and residential units in the new building.

The LWDH did provide letters (2) of support to the Developer that described the need for both housing and day care facilities in the community, particularly for professionals servicing the medical field. The letter also emphasised they will take an active role in this building by renting the main floor for day care services, to be managed and operated by the Kenora District Services Board, as well as lease potentially up to 24 apartments to accommodate housing needs.

As of August 21, 2024, the letters provided to the Developer had not been provided to the PAC, LWDH Board or Committees. The hospital interest in the project was being managed by LWDH Management/Executive staff.

The LWDH confirms the Respondent was a member of the LWDH Board of Directors and the Audit Committee on August 21, 2024.

On August 26, 2024 the Respondent spoke to a LWDH official to clarify the association between the LWDH and the Developers project for 34- Minnesota street. It was at this time the Respondent became aware of and received confirmation of the LWDH's interest and support for the project.

The Respondent declared a conflict of interest on August 26, 2024 via an e- mail to the Chair of the PAC. The Respondent stated "I am on the Board of the Lake of the Woods District Hospital and discovered today that the hospital has provided a letter of support for the 34 Minnesota Street project. As such I don't believe I have any choice but to step back from the PAC on this file."

As of March 7, 2025, there were no rental/lease agreements in place between the Developer/Owner and the LWDH for the rental/lease of the apartments or daycare spaces.

The September 18, 2024 PAC meeting

The minutes acknowledge receipt of a letter of regret stating a conflict of interest pertaining to file D13-24-06 from the Respondent.

The minutes also record the Respondent was not in attendance the September 18, 2024 PAC meeting.

MCIA CASE LAW

The purpose of the MCIA is often set out in decisions by judges and integrity commissioners who have to consider allegations of its breach. As stated in the case of *Adamiak v. Callaghan* (2014 ONSC 6656) at paragraph 31:

The *Municipal Conflict of Interest Act* is legislation enacted by the Province of Ontario to maintain transparency in municipal decision making. The purpose and objective behind the *MCIA* is to ensure that elected municipal officials do not profit or seek an unfair benefit because of the office they hold when called upon to vote on matters in which they may have a direct or indirect interest.

In the decision in *Lorello v. Meffe* [(2010), 99 M.P.L.R. (4th) 107 (Ont. S.C.J.)], the Court held that the question of a potential pecuniary interest was not to be determined based on a threshold of “possibility” but rather on a standard of “probability”. The Court concluded:

Having in regard to these considerations, in my view, the appropriate test to determine whether a contingent interest constitutes a pecuniary interest for the purposes of the MCIA is whether it is probable that the matter before council will affect the financial or monetary interests of the member.

In the decision in *Bowers v. Delegarde* [2005 Can Lii 4439 (Ont. S.C.)], in paragraphs 76-78, the court determined that possible future plans do not qualify as a pecuniary interest under the *MCIA*. There must be a real issue of actual conflict or, at least, there must be a reasonable assumption the conflict will occur.

In the decision in *Rivett v. Braid et al* , [(2018) ONSC 352] in paragraphs 64-67, the court determined where the outcome of a vote on a matter before council does not entail or cannot be linked to an immediate financial outcome, other than hypothetically, there is no pecuniary interest.

In *Yorke et. al. v. Harris* [2020 ONSC 7361] states at paragraph 47:

Possible future outcomes do not qualify as pecuniary interests in the ACT. There must be a real or actual conflict or, at least, a reasonable assumption that conflict will occur. The pecuniary interest must be definable and real rather than hypothetical.

Case law is also clear that the interest cannot be “speculative” or “hypothetical” (*Gammie v. Turner* (2013 ONSC 4563 CanLii)). This case goes on to state:

Our courts have often cautioned against relying on speculation based on hypothetical circumstances to support an allegation that the benefit a politician may derive, in common with others, from a decision of his or her council, amounts to a pecuniary interest sufficient to give rise to a conflict of interest.

Case law is clear that the interest addressed by the legislation must be "probable" and not "hypothetical" or "speculative".

ANALYSIS AND FINDINGS

As the information provided to the PAC for the August 21, 2024 meeting was vague in regard to the LWDH involvement in the zoning application for D13-24-06 34 Minnesota Street mixed use development project and the fact the Respondent was a member of LWDH Board and Finance and Audit committee, the inquiry proceeded based upon the examination of the following questions:

1. Did the Respondent have a pecuniary interest in the matter being considered? (If there is no pecuniary interest, the matter can be considered closed).
2. If there is a pecuniary interest, do any of the exemptions in Section 4 of the MCIA apply? (If one or more exemptions apply, the matter can be considered closed).
3. If there is no exemption, did the Respondent disclose their interests (and the general nature of their interests) at the meeting and prior to the vote?
4. If there is no exemption, then, either before or after the meeting, was there any attempt in any way to influence the vote?
5. If there is no exemption, then, after the meeting, was the necessary written declaration completed and submitted to the Clerk?

With respect to question 1.

In relation to this Inquiry, the Respondent may, at first glance, have an indirect pecuniary interest under s. 2(a)(i) of the MCIA. This section states:

2 For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

- (iii) is a member of a body,
that has a pecuniary interest in the matter; or
- (b) the member is a partner of a person or is in the employment of a person or
body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

The Respondent confirmed that they are a member of the PAC and a Director of the LWDH Board and Audit Committee.

The Respondent is not a member of the Kenora District Services Board as referenced in the letters of support provided by the LWDH.

The LWDH does not offer securities to the public.

As such, the interest is within the scope of s. 2(a)(i) of the MCIA.

If there is any pecuniary interest on the part of LWDH, it will be attributed to the Respondent also. As such, the Application will be evaluated through this lens.

When the zoning amendments appeared on the August 21, 2024 agenda, was it probable that the matter before the PAC would affect the financial or monetary interests of the LWDH or was the interest hypothetical?

The LWDH did provide letters of support to the Developer that described the need for both housing and day care facilities in the community particularly for professionals servicing the medical field. The letter also emphasised they will take an active role in this building by renting the main floor for day care services, to be managed and operated by the Kenora District Services Board, as well as lease potentially up to 24 apartments to accommodate housing needs.

The zoning amendments were one step in the planning process. They were a requirement of the Kenora by-laws to allow the 34 Minnesota project to be constructed on the property.

The PAC has the delegated authority (by Kenora Council) to approve or deny the zoning amendment requests as submitted by the Developer. The LWDH does not have any role or any authority in the decisions of the PAC. The LWDH could have submitted comments in support of, or in opposition to the project as part of the Public Comment process however none were received.

In a development of this nature there are other factors that need to be considered and approvals sought to bring the project to fruition. The project is dependent on factors

including financing, obtaining permits, contract tender/award, construction, inspections and occupancy permits and final project costs. Securing a lease/rental agreement with the LWDH was not a factor. If so, the Developer would have negotiated a lease/rental agreement with the LWDH prior to the PAC's consideration of the requested zoning amendments.

On August 21, 2024 there was no lease/rental agreement in place between the developer and the LWDH nor was there any agreement that committed the LWDH to negotiate a lease/rental agreement with the Developer in the future. The LWDH could continue to support the project but had no current or future obligations to enter into a lease/rental agreement.

As there was no lease in effect on August 21, 2024, it was unknown if the terms of the lease would provide any financial or economic benefits to the hospital.

The Requestor did not provide any information or evidence in the Application in support of the pecuniary interest of the LWDH or the Respondent.

Based upon the balance of probabilities, I have to conclude that the matter would not affect the financial or monetary interests of the LWDH as the interest was more hypothetical than probable. There was no lease in effect on August 21, 2024, many stages of the project would have to unfold before the lease costs were determined, the LWDH was not bound in any way to enter into a lease agreement with the Developer and it was unknown if a lease/rental agreement would provide any financial or economic benefit to the LWDH.

As there is no pecuniary interest on the part of the LWDH there is no indirect interest on the part of the Respondent. The Respondent did not have to declare their interest in the issue.

The Respondent did not violate s. 5(1) a of the MCIA.

As there was no violation of s. 5 (1) of the MCIA there is no violation of s. 5(1) b of the MCIA.

With Respect to Question 2

In the event there is room for dispute under the analysis and conclusion at question 1, I also examined the issue presented in question 2.

Do any of the Exemptions apply?

Eleven exemptions are articulated in Section 4 of the MCIA. If any one or more of them apply, then the elected official need not declare a pecuniary interest in the relevant matter, and can participate in debate and consideration of the matter.

Most of the exemptions are very fact-specific (i.e., public utility use, owning certain land, etc.). Two of them are more general in nature. These are in paragraphs (j) (involving interests that are in common with the general electorate) and (k) (involving interests that are either too “remote” or too “insignificant” to be likely to influence the member’s decision-making).

The general exemptions are those that align more closely with the issue here and for that reason I only focus on those. As this matter involves specific business interests that are not in “common” with the rest of the electorate, the exemption in paragraph (j) does not apply. This leads to a consideration of the exemption in paragraph (k).

Case law analysis relating to the exemption in paragraph 4(k) outlines the question to be asked as follows:

Would a reasonable elector, being apprised of all the circumstances, be more likely than not to regard the interest of the councillor as likely to influence that councillor’s action and decision on the question? In answering the question set out in this test, such elector might consider whether there was any present or prospective financial benefit or detriment, financial or otherwise, that could result depending on the manner in which the member disposed of the subject matter before him or her, [Whiteley v. Schnurr at paragraph 10].

Was the Respondents pecuniary interest (through the interest of the LWDH) in the Development project either so “remote” or so “insignificant” that it cannot reasonably be regarded as likely to have influenced them?

Most cases dealing with this section of the MCIA analyze “remote” and “insignificant” together, using this test. A decision from the Saskatchewan Court of Queen’s Bench, however, states that “remote” relates to the “directness” of the financial benefit, while “insignificant” relates to its size or amount (Kruse v. Santer, 2015 SKQB 376, CanLii).

Very few cases actually examine the amount of a financial benefit, and whether or not the amount results in “insignificance”, however, an Ontario General Division Court case from 1991 determined that a \$300 profit was not to be considered “insignificant” (Mino v. D’Arcey, 1991 OGD 7293, CanLii). In any event, the actual amount of profit or loss associated with the LWDH is unknown and cannot be analyzed.

The LWDH Board members or a member of the LWDH Audit Committee do not receive a stipend or honorarium.

PAC members do receive an honorarium. By Law 74-2021 – being a By-law to establish a Terms of Reference and Rules of Order and Procedure for the City of Kenora Planning Advisory Committee at section 15 states – “an honorarium will be established by Council”. Kenora City Council approves the honorarium as part of a line item in the annual budget process (By-Law 17-2025).

If the Respondent was found to have an indirect pecuniary interest, the interest is too remote as there is no present or prospective financial benefit or detriment, financial or otherwise to the Respondent. As a LWDH Board member there is no remuneration paid and the honorarium paid to a PAC member is decided by Kenora Council as part of the budget process.

It my opinion a reasonable elector, being apprised of the project benefits to the community, the planning requirements of the Kenora zoning by-laws and that the Respondent would not receive or lose any compensation would be more likely than not to regard the interest of the Respondent as not likely to influence their actions and decision on the matter.

Accordingly, the exemption in paragraph 4(k) of the MCIA would have applied, and it would have not been necessary for the Respondent to declare an interest and refrain from participation in the matter.

SUMMARY OF FINDINGS

For the reasons stated above, it is concluded the Respondent did not contravene s. 5 (1) a and b of the MCIA when they participated in the August 21, 2024 PAC meeting in regard to File D13-24-06 - 34 Minnesota Street Mixed-use Development Project.

As there is no violation of the MCIA, I will not be applying to a Judge under Section 8 for a determination as to whether the Respondent contravened s. 5(1) of the MCIA.

INTEGRITY COMMISSIONER COMMENTS

As a result of this Inquiry, it became evident the PAC does not have a “Declaration of Interest” form that requests the information as required by s. 5.1 of the Municipal Act, 2001. A form of this nature would benefit the committee members and serve as a consistent method of compiling and publishing member conflicts.

The Requestor has been advised of the outcome and that I will not be making an application to a Judge.

The Municipal Act (s. 223.6(2)) states that the IC may disclose in the report such matters as in the opinion of the IC are necessary for the purposes of the report. The content of this report in my opinion is necessary.

RECOMMENDATIONS

Having concluded that there are no violations of the MCIA, no recommendations flow as a result of this Inquiry.

Respectfully Submitted

D Matson

Darrell Matson

Appointed Integrity Commissioner for the Corporation of the City of KENORA
