



Agenda

City of Kenora Committee of Adjustment

Hybrid Meeting- In-Person and via Zoom

Wednesday, August 20, 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 July 16, 2025
- 5) Correspondence
 - None
- 6) Adjournment requests
 - None
- 7) Consideration of Application for Minor Variance/Permission
 - D13-25-12
- 8) Consideration of Applications for Land Division
 - D10-25-05
- 9) Old Business
 - Official Plan and Zoning By-law Update
 - i. Draft Policy Directions and Recommendation Report
 - ii. Special Meeting September 18, 2025
 - Committee of Adjustment Terms of Reference
 - Property Standards Committee Terms of Reference
- 10) New Business
- 11) Adjournment

Topic: City of Kenora Committee of Adjustment

Time: August 20, 2025 PM 6 CT

Join Zoom Meeting

<https://us06web.zoom.us/j/84840357378?pwd=a7UcaA4a0mAobaw74XmdaBTH0v2zZA.1>

Meeting ID: 848 4035 7378

Passcode: 617013

Phone: +1 204 272 7920 Canada



Committee of Adjustment Meeting Minutes July 16, 2025- DRAFT



City of Kenora
Planning Committee of
Adjustment
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-7797

Minutes
City of Kenora Planning Committee of Adjustment
Hybrid Meeting
Wednesday, July 16, 2025
6:00pm (CST)
Video Recording:

Present:

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

Chair

Vice Chair

Member

Member

Member

Member

Director of Planning and Building

Planner

Director of Planning

Secretary-Treasurer

Minute Taker

Regrets: Keric Funk

i. Call meeting to order:

The meeting was called to Order by the Chair, Tara Rickaby, at 6:00 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: None

iii. Additions to the Agenda: Request by Jeff Loewen that his application D13-25-10 be heard first.

Moved by: Andrea Campbell Seconded by: Renee Robert
Motion: Carried
In Favour: 6 Opposed: 0 Abstained: 0

iv. Approval of the minutes from previous meetings:

i) June 18, 2025

Moved By: Renee Robert Seconded By: Linda Mitchell
In Favour: 6 Opposed:0 Abstained:0

Language Amended to:

1. D13-25-08 - "Donna and William Tait"
2. D13-25-09 - "In Favour: 6 Opposed: 1"

v. Correspondence before the Committee: None

vi. Adjournment Requests – None

vii. Old Business (Amended Application) - Consideration of Applications for Minor Variance:

- i) D13-25-10 – 645 Sixteenth Avenue North – Owner: Jeff Loewen

Jeff Loewen was present to represent the application.

Planner, Ryan Haines, 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 detached second dwelling unit. Relief is requested to align the

proposed secondary dwelling unit with the existing legal non-conforming setback of the

garage. The amended application reduced the relief request to have a slight setback from

the garage, and to preserve the sight triangle of Ninth Street North and the lane. 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.

The Effect of Approval: The requested relief is to permit a secondary dwelling unit with a 1.3 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.

1. The secondary dwelling unit shall be constructed consistently with the amended site plan as shown in Figure 3 of this report.
2. The secondary dwelling unit shall maintain the sight triangle between Ninth Street North and the lane abutting the rear property line.

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 suggested that third and fourth conditions be added and voted upon:

3. That the north side lot line, abutting 9th Street North, and the rear lot line abutting the lane, be established by an Ontario Land Surveyor, to ensure that the new structure is accurately located in accordance with the site plan provided.
4. That the foundation of the new structure be staked by and Ontario Land Surveyor in order to ensure that is located 1.3m from the exterior side lot line and that the sight line triangle, on the east end of the subject property, abutting Ninth St. North and the rear lane, is maintained and that the structure is constructed in accordance with the site plan provided.

Andrea Campbell stated that because the set back would be even with the existing garage that a survey by and Ontario Land Surveyor was not required.

Linda Mitchell commented that previously the City of Kenora Planning Department had suggested that a survey be required. But Janis Pochailo

stated that the Planning Department no longer required it due to the fact that the tiny home would be in line with the existing garage.

Moved By: Andrea Campbell Seconded By: None

Motion: Conditions 3 and 4 was **Defeated**

Decision: 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 1.3 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 secondary dwelling unit shall be constructed consistently with the amended site plan as shown in Figure 3 of this report.
2. The secondary dwelling unit shall maintain the sight triangle between Ninth Street North and the lane abutting the rear property line.

Moved By: Linda Mitchell Seconded by: Robert Bulman

Motion Carried

In Favour: 5 Opposed: 1 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.

- ii) D13-25-11 – 1003 Park St. – Owner: Myles Wilson

Wayne Gauld was present to represent the application.

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

Purpose of Application: The purpose of this minor variance application to request permission under Section 45(2) of the *Planning Act* to enlarge a legal non-conforming residential building by adding to the existing second storey. The City of Kenora Zoning By-law 101-2015 Section 4.2.3 d) requires a 2.5 m interior side yard for 2 storeys. This application is requesting permission to enlarge the existing second storey of the dwelling which has a 1.5 m setback.

The subject property is used residentially and has access via Park Street. The site is serviced by municipal water and sewage services. The subject lands are approximately 367 m². The subject property is designated Established Area in

the City of Kenora Official Plan and zoned "R2" Residential – Second Density Zone in the City's Zoning By-law.

Effect of Approval: The application is proposing to expand the existing second storey of the dwelling on this property to allow the addition of two bedrooms, which is considered to be a reasonable evolution of a legally non-conforming use. This maintains the existing use as a single detached dwelling which is permitted in the R2 zone. The applicant has provided a letter from the abutting property owner to the east, with the legal non-conforming side yard, that they have no issues with the proposed expansion. As a result, the proposed expansion is considered to be desirable and is not expected to result in undue adverse impacts on the surrounding properties and neighbourhood. Undue adverse impacts that have been taken into consideration include potential privacy, shadowing, or overlook concerns with adjacent properties.

Public in Favour of Application: None

Public in Opposition of Application: None

Letters in Favour of Application: 1

Letters in Opposition of Application: 0

Questions or Comments from Committee Members:

Decision: That application D13-25-11 to request permission under Section 45(2) of the *Planning Act* to enlarge a legal non-conforming residential building by adding to the existing second storey, setback 1.5 m from the lot line is approved and subject to the following conditions:

1. The addition to the existing second storey is limited to the proposed 31 m². Any further expansions will require submission and approval of an additional minor variance application.

Moved by: Andrea Campbell

Seconded by: Robert Bulman

Motion Carried

In Favour: 6

Opposed: 0

Abstained: 0

viii. Consideration of Applications for Land Division:

i) D10-25-05 – 35 Whitehead Road – Owner: Thomas & Marjorie Hertz

Thomas and Marjorie Hertz were present to represent the application.

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application:

The Effect of Approval:

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 the Northwest Health Unit needed to permit this application; to which Ryan Haines stated that they had given their permission.

Decision:

That application D10-25-05 for consent, lot creation to enable one (1) new RR- Rural Residential zoned lot of approximately 1.1 ha in size to be created on property legally described as Part 3 23R- 8699, PIN: 421780035 is approved and provisional consent be 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. 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 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).
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 provided 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.

Reasons for Decision: The Committee has evaluated the consent application based on the City of Kenora Official Plan (2015), Zoning By-law No. 101-2015 as amended, the provisions of section 51(24) of the Planning Act and the Provincial Planning Statement, 2024(PPS).

Provincial Planning Statement

The Provincial Planning Statement, 2024 (PPS) contains policies specific to rural lands in municipalities in section 2.6. Specifically, that on rural lands located in municipalities permitted uses are residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services. And that development that can be sustained by rural service levels should be promoted. As this proposed severance is proposed to be supported by on-site services, and the proposed residential use is consistent with these policies, it is supported by these policies of the PPS.

Planning Act

Section 51(24) of the Planning Act outlines the criteria that must be considered when evaluating a proposed severance for approval. 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 proposed severance has been reviewed in the context of these criteria and is found to be consistent with the requirements of the Planning Act.

Moved By: Linda Mitchell Seconded By: Andrea Campbell

In favour: 6

Opposed: 0

Abstained: 0

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

ix. New Business:

i) None

x. Other: Tara Rickaby asked Janis Pochailo if the Committees Terms of Reference had been completed.

Janis responded that Tara's and Melissa's recommendations had been added and that the document was sitting with the lawyer for review.

ix. Adjournment:

Motion for adjournment. **Moved By:** Member Andrea Campbell

In Favour: 6

Opposed: 0

Abstained: 0

Meeting Adjourned at 6:31 P.M. on July 16, 2025.

*Please refer to Planning Committee of Adjustment Video for full details of all questions and responses.

[Kenora Planning Advisory Committee Meeting July 16, 2025 \(youtube.com\)](https://www.youtube.com/watch?v=Cv8b_4EhW0c)

https://youtu.be/Cv8b_4EhW0c

Minutes of the Kenora Planning Committee of Adjustment meeting, July 16, 2025, are approved as of August 20, 2025.

Chair, Tara Rickaby

Secretary-Treasurer, Melissa Shaw

DRAFT



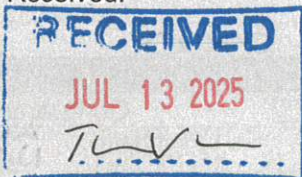
Consideration of Application for Minor Variance/Permission D13-25-12



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: D13-25-12

Roll Number: _____

Application Fee Paid: \$ 800.00

Application Deemed Complete (Date): July 21, 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

☐ Official Plan Amendment

☐ Site Plan Application

☐ Zoning By-law Amendment/Temporary Use

☒ Consent Application

☐ Subdivision Application

☐ Other: _____

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.: 414	Street Name: CONVEY ISLAND	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description	PT LOC 392 PLAN DESIGN AS RP			
Reference Plan Number	23R- 4108 PARTS 1 2 & 3			
Lot No.(s)/Block No.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016 010-062-10306-00000-0000			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: RIVALLIN MACLEOD	First Name: ANDREA NORMAN		
Mailing Address	Street No.: 4812	Street Name: GLAMORGAN WAY SW	Postal Code: T3E 5L3	Unit Num.:
City	CALGARY		Province: ALBERTA	
Contact Information	Phone: 403-615-6554	Fax:		
Email	andrearivallin@hotmail.com drsandy@telus.net			
Acquisition Date of Subject Land	November 21, 2023			
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?				
Rural area				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
Rural residential				

7.0 – Nature and extent of relief required

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
4.5.3(B)	1.0 Ha	0.276	0.724

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

To facilitate a lot addition.

9.0 – Property Characteristics

Frontage (metres): 35 m Depth (metres): 103 Area (m² or Ha.): 0.276

Existing Use of subject land: Seasonal dwelling

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

Proposed Use (if applicable): Seasonal dwelling

The date the subject land was acquired by the current owner: 2002

The date the existing buildings or structures on the subject land were constructed: 2000

Length of time that the existing uses have continued? 23 yrs

Type of Access:

- | | | |
|--|---|---|
| <input type="checkbox"/> Municipal maintained road | <input type="checkbox"/> Seasonally maintained road | <input type="checkbox"/> Provincial highway |
| <input type="checkbox"/> Private road or laneway | <input checked="" type="checkbox"/> Water | <input type="checkbox"/> 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:

Rented dock slip in Norman.

*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.: D102506	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 *	985 sq ft			
Number of Storeys *	1			
Length *	50'			
Width *	38'			
Height				
Front Yard Setback *	20 m			
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				
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				

*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).

Yes

14.0 – Additional information

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

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, Andrea Rivalin & Norman Mackay of the province of Alberta 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 27 day of
June 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.

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 Committee of Adjustment or Council members.

I/We, Andrea Rivalin & Sandy (Norman) Mackay 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.

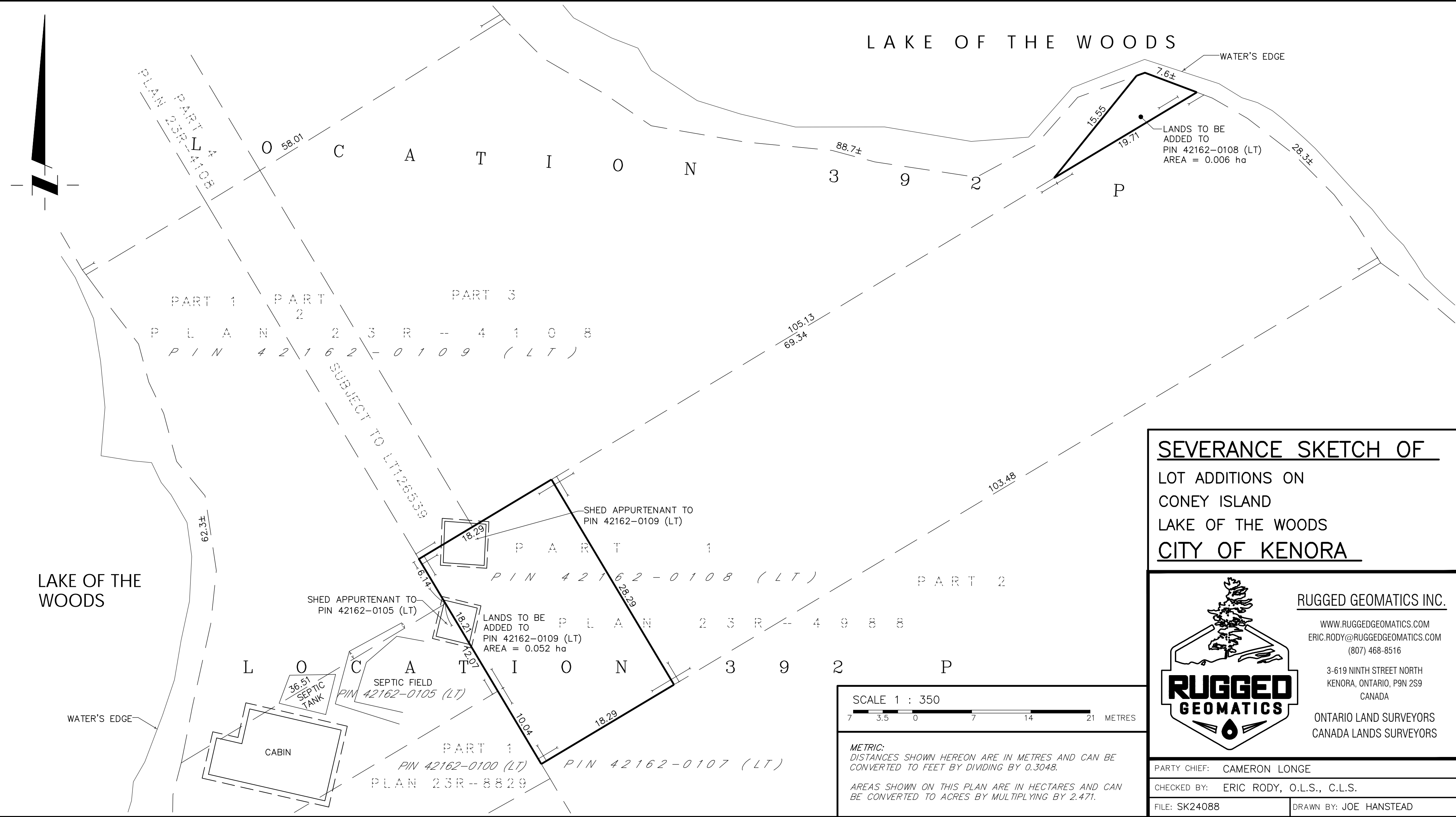
I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in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

Date

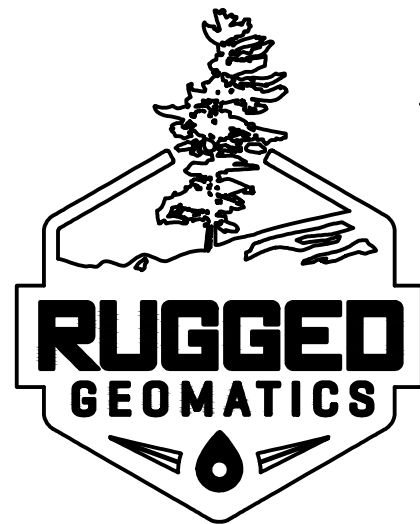
Owner(s) Signature

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.



SEVERANCE SKETCH OF LOT ADDITIONS ON CONEY ISLAND LAKE OF THE WOODS CITY OF KENORA



RUGGED GEOMATICS INC.

WWW.RUGGEDGEOMATICS.COM
ERIC.RODY@RUGGEDGEOMATICS.COM
(807) 468-8516

3-619 NINTH STREET NORTH
KENORA, ONTARIO, P9N 2S9
CANADA

ONTARIO LAND SURVEYORS
CANADA LANDS SURVEYORS

PARTY CHIEF: CAMERON LONGE

CHECKED BY: ERIC RODY, O.L.S., C.L.S.

FILE: SK24088

DRAWN BY: JOE HANSTEAD



The maps provided are graphical representations intended for general informational purposes only, and may not reflect the most current information or conditions.

0 12.5 25 50 Meters

The Land Titles Act

126539

9

3. GERALD AGAR FITZGERALD, of the Town of Kenora,
in the District of Kenora

the registered owner of the freehold land registered in the Land
Registry Office for the Land Titles Division of Kenora,
as Parcel 14663
in the register for the District of Kenora

in consideration of the sum of ---One Dollar and natural love and
affection-----

~~Dollars~~

paid to me **TRANSFER to**
PATRICIA OLIVE PERNSKY

of the Town of Kenora, in the
District of Kenora

the land hereinafter particularly described namely

Part of the North part of Location 392 P, situate on Coney
Island in the Lake of the Woods in the Town of Kenora and being
designated as Parts 1, 2 and 3 on a plan of survey of record
in the Land Registry Office at Kenora, Ontario as 23R-4108.

RESERVING to the owner or owners of Part 4 on said Plan 23R-4108
a right-of-way over, along and upon Part 2 on said Plan 23R-4108.

3 Insert here
4 "the whole"
5 or "a part"
6 according to
7 the fact.
8 Where the
9 whole parcel
10 is transferred
11 a particular
12 description is
13 unnecessary.

being part

of the said parcel 14663

And 3. GEORGENA IRENE FITZGERALD
wife of the said GERALD AGAR FITZGERALD
hereby bar my dower in the said land.

Dated the 8th day of November A.D. 19 77.

Witness:

Ann Linnson

) Georgena Irene Fitzgerald
Georgena Irene Fitzgerald
) Gerald Agar Fitzgerald
Gerald Agar Fitzgerald

AFFIDAVIT OF SUBSCRIBING WITNESS

I, Ann Linnson
of the Town of Kenora,
in the District of Kenora,

make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed
at Kenora, Ontario by Georgena Irene Fitzgerald
and Gerald Agar Fitzgerald.

*See footnote

*See footnote

I verily believe that each person whose signature I witnessed is the party of the same name referred
to in the instrument.

SWORN before me at the Town
of Kenora, in the District
of Kenora,

this 8th day of November 19 77.

LAURA E. JONES, a Commissioner, for
Taking Affidavits in and for the Province
of Ontario, for and by the
County of Kenora, Ontario, 1960.

Ann Linnson

*Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add
"after the instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney
insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I certify believe that the person whose
signature I witnessed was authorized to execute the instrument as attorney for (name)".



IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF
THE LAND SPECULATION TAX ACT, 1974

Affidavit

I, GERALD AGAR FITZGERALD of _____
(print name)
717 Robertson Street, Kenora, Ontario
(print address)

MAKE OATH AND SAY THAT:

- I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:

a disposition of designated land used by the transferor as his principal recreational property not exceeding twenty acres

describe nature
of disposition

as provided for by section 4, clause F, ~~subsection 2~~ of the above Act.

delete this
paragraph if
inapplicable

- I am the transferor making the disposition referred to in paragraph 1 hereof.
Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

delete this
paragraph if
inapplicable

- I am ~~authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit.~~
Since the acquisition of the interest of the transferor in the designated land that is referred to in paragraph 1 hereof and that is ~~being disposed of~~ to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior ~~to the disposition to the said transferee.~~

Sworn before me at the Town
of Kenora,
in the District

of Kenora,

this 8th

day of November 19 77.

Gerald Agar Fitzgerald

LAURA R. JONES, a Commissioner, for
Taking Affidavits in and for the Province
of Ontario, for Jack & Doris, Barrister.
My Commission expires August 12, 1980.

A Commissioner, etc.

Committee of Adjustment / ~~Land Severance Committee~~

CONSENT

The Planning Act, (R.S.O. 1970, chapter 349) section 29

(a) Delete where not applicable.

The (a) Committee of Adjustment/~~Land Severance Committee~~

(b) Name of municipality.

for the (b) Town of KenoraApplication No. B-7-77Applicant's Name Mr. Gerald Agar FitzgeraldType of application ConsentDescription of Land: Part 1 Plan 23R - 4108

(c) Delete where not applicable.

The (c) Committee of Adjustment/~~Land Severance Committee~~

(d) Name of municipality.

for the (d) Town of Kenora

(e) Date of decision.

having decided on (e) May 19 - 77

(f) Delete words in italics where not applicable

to grant its consent to the above application (f) ~~and to require that certain conditions be fulfilled prior to the granting of the consent and these conditions now having been fulfilled to the satisfaction of the Committee~~ and the period for appeal under section 42 of The Planning Act having now expired, no notice of appeal having been received by the secretary-treasurer of the Committee, consent to this transaction is hereby given under authority of section 42 of The Planning Act.

Dated at the 14th Town of Kenora this 14thday of Nov. 19 77.

CERTIFICATION

(g) Delete where not applicable.

I, William S. Strathdee

Secretary-Treasurer of the (g) Committee of

~~Adjustment/Land Severance Committee for the~~ District Townof KenoraCounty of Kenora

certify that the consent of the Committee has been given with respect to the above application and that this Certificate is conclusive evidence that such consent was given and that the provisions of The Planning Act leading to such consent have been complied with.

Dated this 14th day of Kenora Nov. 19 77.

 Secretary-Treasurer of the Committee of Adj.
for the Municipality of the Town of Kenora

Committee of Adjustment / ~~Land Severance Committee~~

CONSENT

The Planning Act, (R.S.O. 1970, chapter 349) section 29

(a) Delete where not applicable. The (a) Committee of Adjustment/~~Land Severance Committee~~
 (b) Name of municipality. for the (b) Town of Kenora
 Application No. B-7-77
 Applicant's Name Mr. Gerald Agar Fitzgerald
 Type of application Consent

Description of Land: Part 2 Plan 23R-4108

(a) Delete where not applicable. The (c) Committee of Adjustment/~~Land Severance Committee~~
 (d) Name of municipality. for the (d) Town of Kenora
 (e) Date of decision. having decided on (e) May 19-77
 (f) Delete words in italics where not applicable. to grant its consent to the above application (f) ~~and to require that certain conditions be fulfilled prior to the granting of the consent and these conditions now having been fulfilled to the satisfaction of the Committee~~ and the period for appeal under section 42 of The Planning Act having now expired, no notice of appeal having been received by the secretary-treasurer of the Committee, consent to this transaction is hereby given under authority of section 42 of The Planning Act.

Dated at the Town of Kenora this 14th
 day of Nov. 19 77

CERTIFICATION

(a) Delete where not applicable. I, William S. Strachdee Secretary-Treasurer of the (g) Committee of
 Adjustment/~~Land Severance Committee~~ for the Town of Kenora
 District Kenora County of Kenora certify that the consent of the Committee has been given with
 respect to the above application and that this Certificate is conclusive evidence that such consent was given
 and that the provisions of The Planning Act leading to such consent have been complied with.

Dated this 14th day of Nov. 19 77

W. S. Strachdee
 Secretary-Treasurer of the Committee of Adj.
 for the Municipality of the Town of Kenora.

Committee of Adjustment / ~~Land Severance Committee~~

CONSENT

The Planning Act, (R.S.O. 1970, chapter 349) section 29

(a) Delete where not applicable.

The (a) Committee of Adjustment/~~Land Severance Committee~~

(b) Name of municipality.

for the (b) Town of KenoraApplication No. B-7-77Applicant's Name Mr. Gerald Agar FitzgeraldType of application ConsentDescription of Land: Part 3 Plan 23R-4108

(c) Delete where not applicable.

The (c) Committee of Adjustment/~~Land Severance Committee~~

(d) Name of municipality.

for the (d) Town of Kenora

(e) Date of decision.

having decided on (e) May 19-77

(f) Delete words in italics where not applicable

to grant its consent to the above application (f) ~~And to require that certain conditions be fulfilled prior to the granting of the consent and these conditions now having been fulfilled to the satisfaction of the Committee~~ and the period for appeal under section 42 of The Planning Act having now expired, no notice of appeal having been received by the secretary-treasurer of the Committee, consent to this transaction is hereby given under authority of section 42 of The Planning Act.

Dated at the Town of Kenora this 14thday of Nov. 19 77

CERTIFICATION

(g) Delete where not applicable.

I, William S. Strathdee

Secretary-Treasurer of the (g) Committee of

Adjustment/~~Land Severance Committee~~ for the Town of Kenora
Distict
Commy of Kenora

certify that the consent of the Committee has been given with respect to the above application and that this Certificate is conclusive evidence that such consent was given and that the provisions of The Planning Act leading to such consent have been complied with.

Dated this 14th day of Nov. 19 77.

Secretary-Treasurer of the Committee of Adj.
for the Municipality of the Town of Kenora.

Amended, Jan. 1975

THE LAND TRANSFER TAX ACT, 1974

AFFIDAVIT OF VALUE OF THE CONSIDERATION

Identify
the parties
to the
conveyance

IN THE MATTER OF THE CONVEYANCE made

by: GERALD AGAR FITZGERALD

to: PATRICIA OLIVE PERNSKY

on the 8th day of November, 1977

I, GERALD AGAR FITZGERALD

of the Town of Kenora,

in the District of Kenora,

MAKE OATH AND SAY THAT:

This affidavit may
be made by the
purchaser or vendor
or by anyone
acting for them
under power of
attorney or by an
agent accredited in
writing by the
purchaser, or vendor
or by the solicitor of
either of them or by
some other person
approved by the
Minister of Revenue.

1. I am the Transferor
named in the within (or annexed) conveyance.
2. I have a personal knowledge of the facts stated in this affidavit.
3. (1) The total consideration for this transaction has been allocated as follows:

(a) Land, building, fixtures and goodwill	\$ 1.00
(b) Chattels — items of tangible personal property (see note)	\$ nil
TOTAL CONSIDERATION \$ 1.00	
- (2) The true consideration for the transfer or conveyance for Land Transfer Tax purposes is as follows:

(a) Monies paid in cash	\$ 1.00
(b) Property transferred in exchange (Detail Below)	\$ nil
(c) Securities transferred to the value of (Detail Below)	\$ nil
(d) Balances of existing encumbrances with interest owing at date of transfer	\$ nil
(e) Monies secured by mortgage under this transaction	\$ nil
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil
(g) Other (Detail Below)	\$ nil
TOTAL CONSIDERATION (should agree with 3(1) (a) above) \$ 1.00	
4. If consideration is nominal, is the transfer for natural love and affection? yes
5. If so, what is the relationship between Grantor and Grantee? Father and Daughter
6. Other remarks and explanations, if necessary nil

All
blanks
must
be filled
in.

SWORN before me at the Town

of Kenora, in the District of

Kenora,

this 8th day of November, 1977.

LAURA E. JONES, a Commissioner
Taking Affidavits and for the Province
of Ontario, for and in the presence of
My Commission expires August 12, 1980.

A Commissioner, etc.

Gerald Agar Fitzgerald

NOTE TO PARAGRAPH 3(1) (b): Chattels: Retail sales tax is payable on the valuation of items shown in 3(1) (b) unless otherwise exempted under the provisions of The Retail Sales Tax Act, R.S.O. 1970, c 415, as amended.
For the purpose of this affidavit insert above only the value of chattels, the total value of which in the opinion of the deponent exceeds \$100.00. This does not exonerate a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction. When chattels are purchased as part of this transaction with a value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario and remitted to the Minister of Revenue.

126539

The Land Titles Act

Dated 26 day of Nov. 1977.

GERALD AGAR FITZGERALD

TO

PATRICIA OLIVE PERNSKY

Address: 303 Eglat St. South,
Kenora, Ontario.

Kenora willmgs.
**Transfer of Freehold Land
WITH DOWER**

UNITED STATIONERY CO. LIMITED
30 PRODUCTION DRIVE, SCARBOROUGH, ONTARIO.

ASSESSMENT ROLL NO.
ADDRESS OF PROPERTY

JACK K. DONER,
Barrister & Solicitor,
Kenora, Ontario

THE LAND TITLES OFFICE
KENORA

NOV 15 1977

REGISTRATION FEE	44.00
LAND TRANSFER TAX	1.00
RETAIL SALES TAX	

+ 126007324008 1001

New Parcel

THIS SPACE TO BE RESERVED FOR CERTIFICATE OF REGISTRATION

NO. 126539
Received at the Office of Land Titles
KENORA at 4:20 O'clock P.M. of the
15 day of November A.D. 1977
and entered in
Folio XX Vol. 333 Parcel 30990
D.K.
DEPUTY LAND REGISTRAR

*Security Part of
Parcel 14663
D.K.*

1208

"Where affidavit made by attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was of majority", and if married, name of spouse), and when he/she executed the power of attorney, he/she had attained the age of majority"

LAURENCE JONES, a Commissioner of the Province of Ontario, for Jack K. Doner, Barrister & Solicitor, Kenora, Ontario, suggests that I do hereby

of Kenora, in the District of Kenora, this 26 day of November, 1977.
(SIGNED) SWORN before me at the Town

Gerald Agar Fitzgerald

I was a resident of Canada within the meaning of Section 116 of the Income Tax Act of Canada.

~~We hold the land as joint tenants / Partnership property~~

We were married to each other.

Georgena Irene Fitzgerald was my wife ~~and~~

I was married / ~~divorced~~ / ~~widowed~~.

I was at least eighteen years old.

make oath and say: When I executed the attached instrument,

of the Town of Kenora, in the District of Kenora,

I was GERALD AGAR FITZGERALD

APPLIAVIT AS TO AGE AND MARITAL STATUS



To: City of Kenora Committee of Adjustment
From: Tara Vader, Associate Planner
Date: August 13th, 2025
Re: Minor Variance Application – File D13-25-12
Location: 360 Coney Island
Owner/Applicant: William Wallace / Andrea Rivalin & Norman Macleod

RECOMMENDATION

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

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 proposed lot addition to correct encroachments of accessory structures. The consent proposes to sever part of the subject lands (360 Coney Island) to be consolidated with the abutting property to the north (414 Coney Island) and severing part of 414 Coney Island to be consolidated with the subject lands.

This application is seeking relief from Section 4.5.3 (b) which requires a minimum lot area of 1 hectare. This application proposes reducing the minimum lot area by 0.724 hectares to permit a minimum lot area of 0.276 hectares.

The subject property is located on Coney Island. It is used for seasonal residential purposes and is serviced by private, on-site sewage services and municipal water services. The subject lands are approximately 0.328 hectares.

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 2024)



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

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

PLANNING REVIEW

The subject property is designated “Rural Area” in the City of Kenora Official Plan and zoned “RR” Rural Residential Zone in the City’s Zoning By-law.

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 is serviced by private, on-site services, it 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 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 seasonal residential purposes, the variance application conforms to 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 “RR” Rural Residential zone. The RR zone allows for the development of low density single-detached, seasonal or permanent housing and compatible uses in a rural setting.

This application is seeking to permit a minimum lot area of 0.276 hectares. This is a relief request of 0.724 hectares from the 1 hectare provision. It is noted that the lot is an existing legal non-conforming lot to the lot area requirement of the Zoning By-law. The existing lot area of the subject lands is 0.328 hectares. The proposed lot addition would result in a reduction to the lot area by ~0.05 hectares. As this application supports a lot addition which would result in the lot area reducing by 0.05 hectares, it is not considered a significant change from the existing legal non-conforming size of the lot. The applicants provided a sketch which identified the location of the septic field of the subject lands, which is not impacted by the proposed severance (Figure 2). As a result, this application maintains the intent of the Zoning By-law.

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

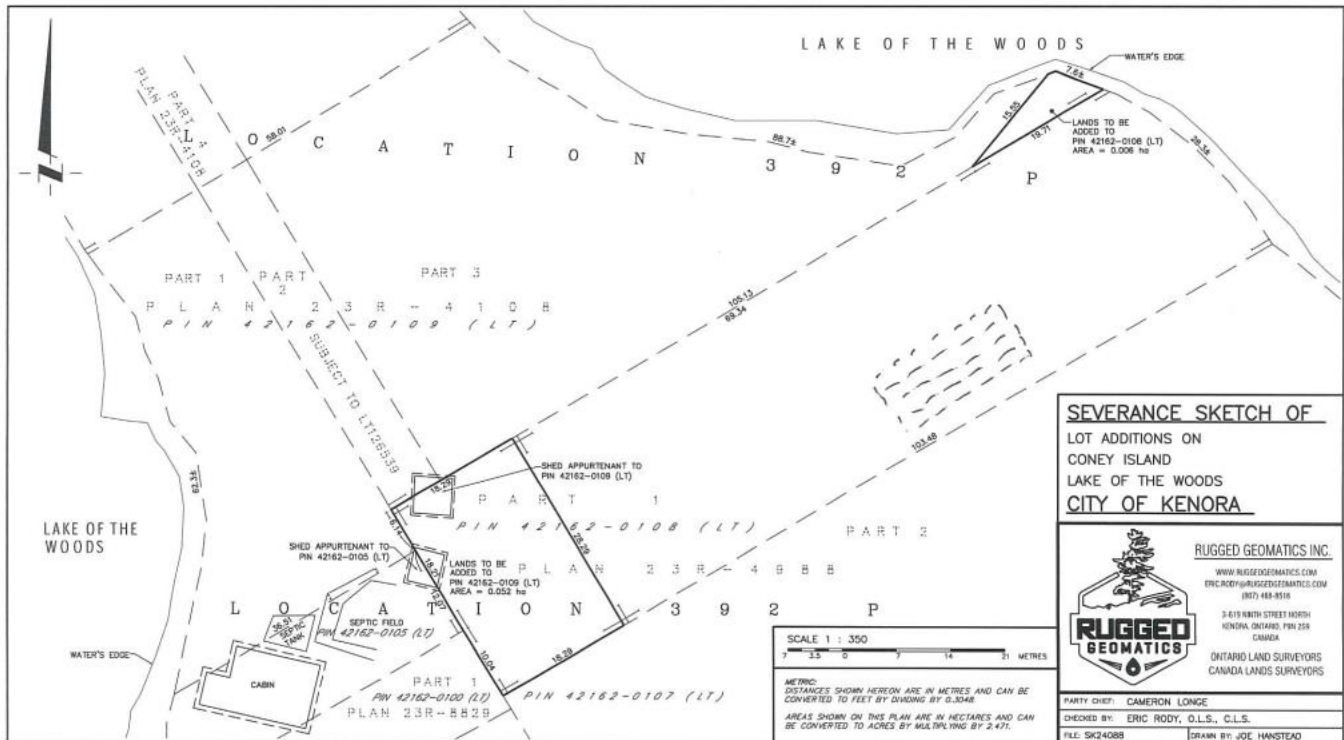
The proposed variance will enable the correction of accessory structures encroachments on the subject lands and the abutting lands to the north. This application does not propose any additional development of the subject lands. The land is currently utilized for seasonal residential purposes and this use is proposed to continue which is desirable for the use of the land.

Is the variance minor?

The requested relief is to reduce the minimum lot area to permit a lot area of 0.276 hectares. 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. As the variance would enable the lot addition resulting in the lot area being reduced

by 0.05 hectares, it is not considered a significant change from the existing legal non-conforming size of the lot. The variance is considered minor in nature and impact.

Figure 2. Site plan (provided by applicant)



Recommendation

As a result, it is recommended that minor variance application D13-25-12 to seek relief from the City of Kenora By-law 101-2015, Section 4.5.3 (b) be approved to permit a minimum lot area of 0.276 hectares for the subject property located 360 Coney Island, subject to the following condition.

1. This variance shall only be valid upon the approval of consent application D10-25-06.

Tara

Tara Vader

Associate Planner

August 13th, 2025



Consideration of Applications for Land Division D10-25-06



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: D10-25-06

Roll Number: _____

Application Fee Paid: \$ 1750.00

Application Deemed Complete (Date): July 21, 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.: 414	Street Name: CONEY ISLAND	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description	PT LOC 392 PLAN DESIGN AS RP			
Reference Plan Number	23R- 4108 PARTS 1 2 & 3			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot				
Part Numbers(s)				
Tax Roll Number	6016 010 - 002 - 10300 - 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: RIVALIN RACLED	First Name: ANDREA NORMAN		
Mailing Address	Street No.: 4012	Street Name: GLAMORGAN WAY SW	Postal Code: T3E 5C3	Unit Num.:
City	CALGARY		Province ALBERTA	
Contact Information	Phone: 403 - 615 - 6554		Fax:	
Email	andrearivalin@hotmail.com drsandy@telus.net			
Acquisition Date of Subject Land	November 21, 2003			
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				
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) –
 Number created: _____
- ☐ Creation of a lot for semi-detached or row housing

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.

land swap with our neighbour Mr. William Wallace.

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.)
<i>23R-4108</i>	<i>LT 126539</i>	<i>Hydro</i>

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>Lot1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u> Retained 414	<u>Retained/ Subject Property</u>
9.1 Description	Frontage (m)	7.6	—		150	28
	Depth (m)	19.71	18.29		142	103
	Area (ha)	0.006	0.052		0.45	0.27
9.2 Use of property	Existing Use(s)					
	Proposed Use(s)					
9.3 Buildings or Structures	Existing					
	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 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 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 checked="" type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Seasonal	<input checked="" type="checkbox"/>

	operated piped water					
	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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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 checked="" 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.

Rent a dock slip in Norman.

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 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

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

Minor variance

☐ No

File Number: 013-25-12

Status: _____

What is the existing use of the subject land?

Seasonal dwelling

What is the proposed use of the subject land?

Seasonal dwelling

What are the uses of the abutting properties?

Seasonal dwelling

How long have the existing uses been present?

As long as we have known.

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

11.0 Contamination**Unknown****Yes No**

Has the grading of the subject land been changed by adding earth or other material?

☐☒☐

Has a gas station ever been located on the subject land or adjacent land at any time?

☐☒☐

Has there been petroleum or other fuel stored on the subject land or adjacent land?

☐☒☐

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.)?

☐☒☐

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.
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:

We are trying to clean up encroachments with our neighbours.

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 _____, am/are the owner(s) of the land that is subject of this application for a consent 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
of owner(s)

Signature

Name and Signature of Witness

17.0 – Affidavit or Sworn Declaration

I, Andrea Rivalin & Norman Mackay of the province of Alberta 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 27
day of June in the year 2025.

T. Nowell
Commissioner of Oaths

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

[Signature]
[Signature]
Applicant(s)

18.0 – Privacy Consent/Freedom of Information Declaration

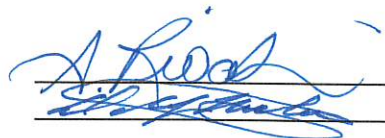
Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Committee of Adjustment.

I/We, Andrea Rivalin & Norman Macleod 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.

June 27, 2005

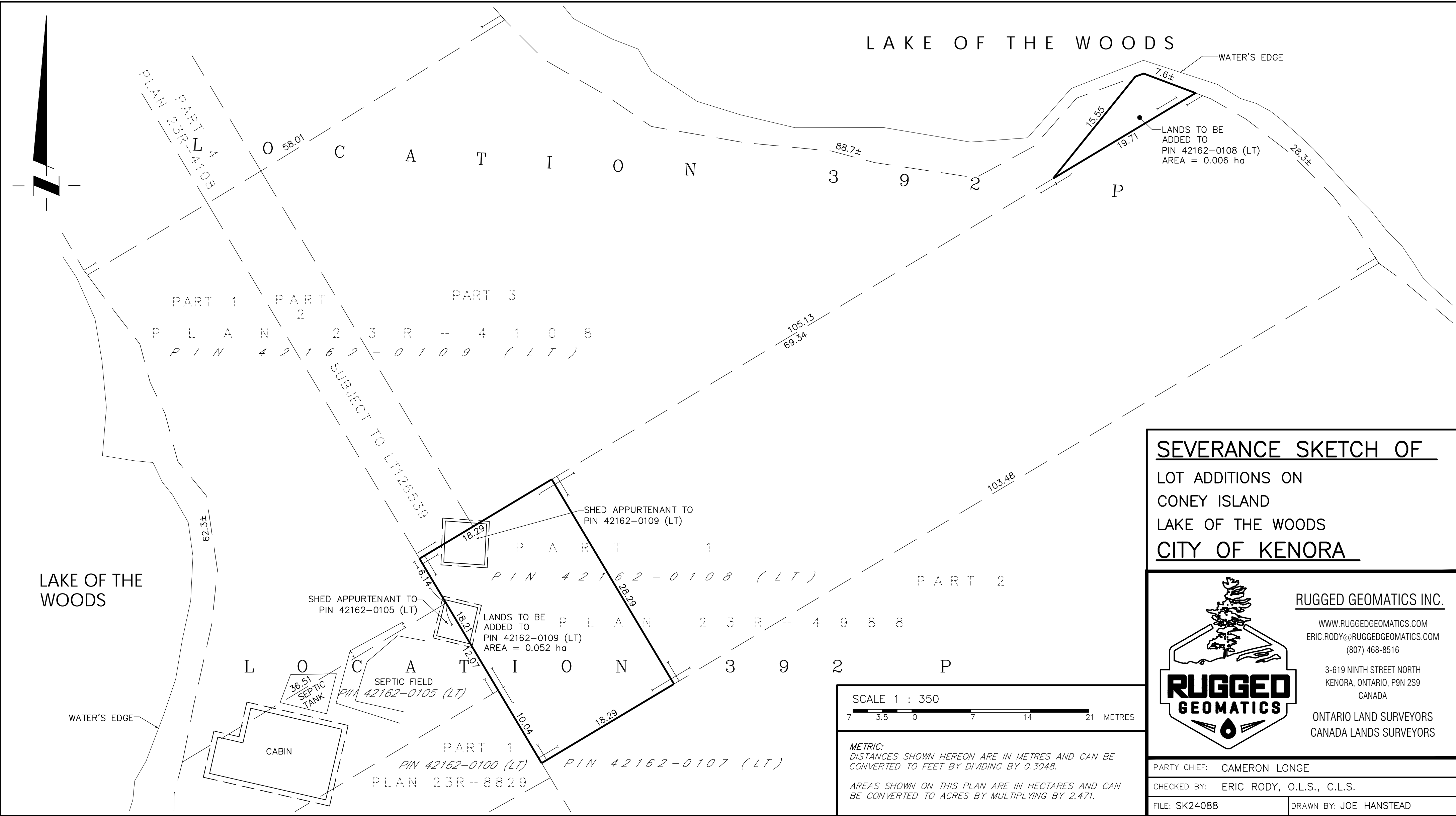
Date



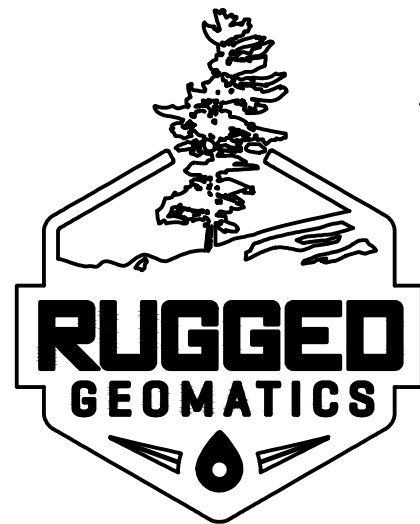
Owner(s) Signature

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



SEVERANCE SKETCH OF
LOT ADDITIONS ON
CONEY ISLAND
LAKE OF THE WOODS
CITY OF KENORA



RUGGED GEOMATICS INC.

WWW.RUGGEDGEOMATICS.COM
ERIC.RODY@RUGGEDGEOMATICS.COM
(807) 468-8516

3-619 NINTH STREET NORTH
KENORA, ONTARIO, P9N 2S9
CANADA

ONTARIO LAND SURVEYORS
CANADA LANDS SURVEYORS

PARTY CHIEF: CAMERON LONGE

CHECKED BY: ERIC RODY, O.L.S., C.L.S.

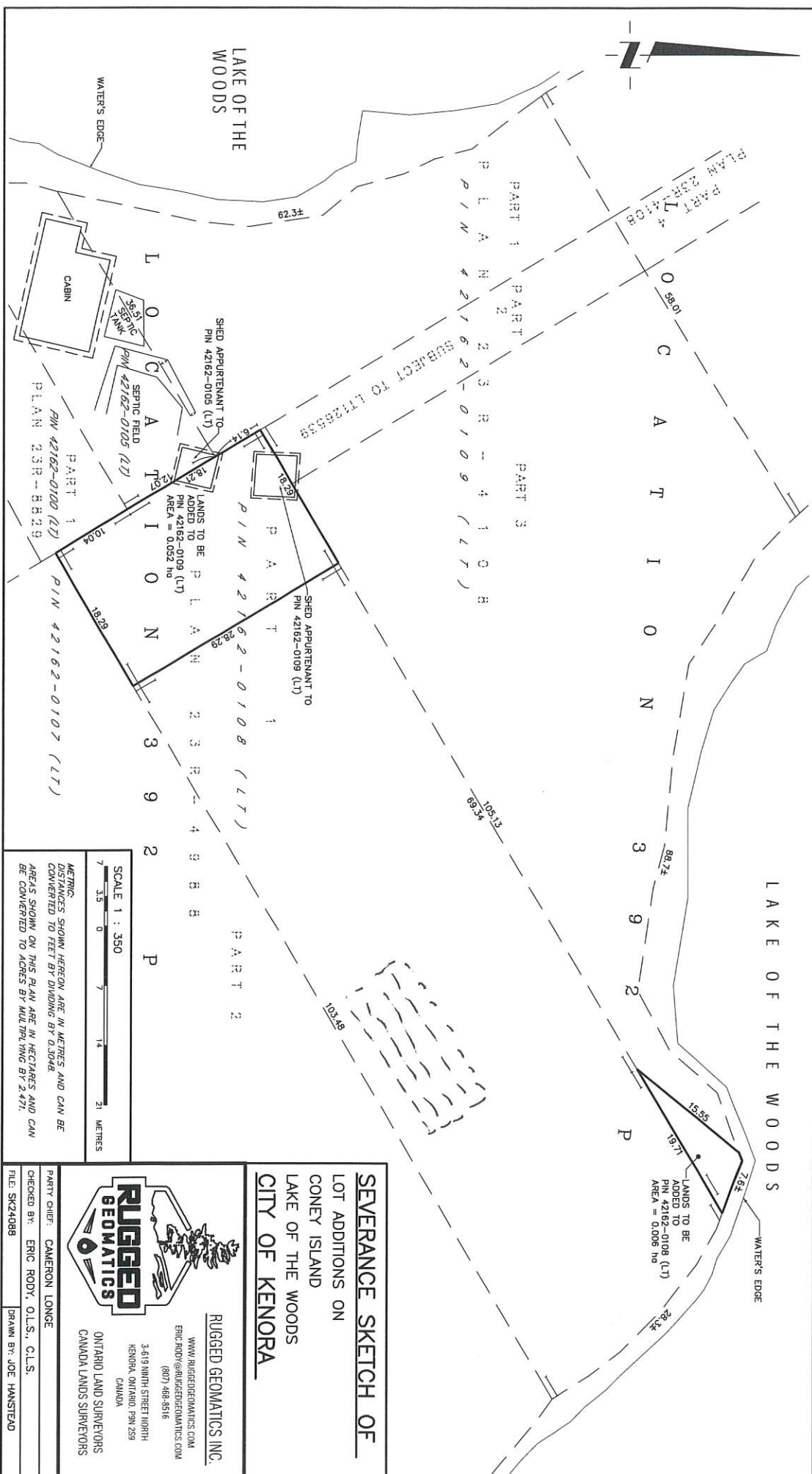
FILE: SK24088

DRAWN BY: JOE HANSTEAD



The maps provided are graphical representations intended for general informational purposes only, and may not reflect the most current information or conditions.

0 12.5 25 50 Meters



The Land Titles Act

126539

9

3. GERALD AGAR FITZGERALD, of the Town of Kenora,
in the District of Kenora

the registered owner of the freehold land registered in the Land
Registry Office for the Land Titles Division of Kenora,
as Parcel 14663
in the register for the District of Kenora

in consideration of the sum of ---One Dollar and natural love and
affection-----

~~Dollars~~

paid to me TRANSFER to
PATRICIA OLIVE PERNSKY

of the Town of Kenora, in the
District of Kenora

the land hereinafter particularly described namely

Part of the North part of Location 392 P, situate on Coney
Island in the Lake of the Woods in the Town of Kenora and being
designated as Parts 1, 2 and 3 on a plan of survey of record
in the Land Registry Office at Kenora, Ontario as 23R-4108.

RESERVING to the owner or owners of Part 4 on said Plan 23R-4108
a right-of-way over, along and upon Part 2 on said Plan 23R-4108.

3 Insert here
4 "the whole"
5 or "a part"
6 according to
7 the fact.
8 Where the
9 whole parcel
10 is transferred
11 a particular
12 description is
13 unnecessary.

being part

of the said parcel 14663

And 3. GEORGENA IRENE FITZGERALD
wife of the said GERALD AGAR FITZGERALD
hereby bar my dower in the said land.

Dated the 8th day of November A.D. 19 77.

Witness:

Ann Linnson

) Georgena Irene Fitzgerald
Georgena Irene Fitzgerald
) Gerald Agar Fitzgerald
Gerald Agar Fitzgerald

AFFIDAVIT OF SUBSCRIBING WITNESS

I, Ann Linnson
of the Town of Kenora,
in the District of Kenora,

make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed
at Kenora, Ontario by Georgena Irene Fitzgerald

and Gerald Agar Fitzgerald.

*See footnote

*See footnote

I verily believe that each person whose signature I witnessed is the party of the same name referred
to in the instrument.

SWORN before me at the Town
of Kenora, in the District
of Kenora,

this 8th day of November 19 77.

LAURA E. JONES, a Commissioner, for
Taking Affidavits in and for the Province
of Ontario, for and by the
County of Kenora, Ontario, 1960.

Ann Linnson

*Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add
"after the instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney
insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I certify believe that the person whose
signature I witnessed was authorized to execute the instrument as attorney for (name)".



IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF
THE LAND SPECULATION TAX ACT, 1974

Affidavit

I, GERALD AGAR FITZGERALD of _____
(print name)
717 Robertson Street, Kenora, Ontario
(print address)

MAKE OATH AND SAY THAT:

- I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:

a disposition of designated land used by the transferor as his principal recreational property not exceeding twenty acres

describe nature
of disposition

as provided for by section 4, clause F, ~~subsection 2~~ of the above Act.

delete this
paragraph if
inapplicable

- I am the transferor making the disposition referred to in paragraph 1 hereof.
Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

delete this
paragraph if
inapplicable

- I am ~~authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit.~~
Since the acquisition of the interest of the transferor in the designated land that is referred to in paragraph 1 hereof and that is ~~being disposed of~~ to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior ~~to the disposition to the said transferee.~~

Sworn before me at the Town
of Kenora,
in the District

of Kenora,

this 8th

day of November 19 77.

Gerald Agar Fitzgerald

LAURA R. JONES, a Commissioner, for
Taking Affidavits in and for the Province
of Ontario, for Jack & Doris, Barrister.
My Commission expires August 12, 1980.

A Commissioner, etc.

Committee of Adjustment / ~~Land Severance Committee~~

CONSENT

The Planning Act, (R.S.O. 1970, chapter 349) section 29

(a) Delete where not applicable.

The (a) Committee of Adjustment/~~Land Severance Committee~~

(b) Name of municipality.

for the (b) Town of KenoraApplication No. B-7-77Applicant's Name Mr. Gerald Agar FitzgeraldType of application ConsentDescription of Land: Part 1 Plan 23R - 4108

(c) Delete where not applicable.

The (c) Committee of Adjustment/~~Land Severance Committee~~

(d) Name of municipality.

for the (d) Town of Kenora

(e) Date of decision.

having decided on (e) May 19 - 77

(f) Delete words in italics where not applicable

to grant its consent to the above application (f) ~~and to require that certain conditions be fulfilled prior to the granting of the consent and these conditions now having been fulfilled to the satisfaction of the Committee~~ and the period for appeal under section 42 of The Planning Act having now expired, no notice of appeal having been received by the secretary-treasurer of the Committee, consent to this transaction is hereby given under authority of section 42 of The Planning Act.

Dated at the 14th Town of Kenora this 14thday of Nov. 19 77

CERTIFICATION

(g) Delete where not applicable.

I, William S. Strathdee

Secretary-Treasurer of the (g) Committee of

~~Adjustment/Land Severance Committee for the~~ Districtof KenoraCounty of Kenora

certify that the consent of the Committee has been given with respect to the above application and that this Certificate is conclusive evidence that such consent was given and that the provisions of The Planning Act leading to such consent have been complied with.

Dated this 14th day of Kenora Nov. 19 77

 Secretary-Treasurer of the Committee of Adj.
for the Municipality of the Town of Kenora

Committee of Adjustment / ~~Land Severance Committee~~

CONSENT

The Planning Act, (R.S.O. 1970, chapter 349) section 29

(a) Delete where not applicable. The (a) Committee of Adjustment/~~Land Severance Committee~~
 (b) Name of municipality. for the (b) Town of Kenora
 Application No. B-7-77
 Applicant's Name Mr. Gerald Agar Fitzgerald
 Type of application Consent

Description of Land: Part 2 Plan 23R-4108

(a) Delete where not applicable. The (c) Committee of Adjustment/~~Land Severance Committee~~
 (d) Name of municipality. for the (d) Town of Kenora
 (e) Date of decision. having decided on (e) May 19-77
 (f) Delete words in italics where not applicable. to grant its consent to the above application (f) ~~and to require that certain conditions be fulfilled prior to the granting of the consent and these conditions now having been fulfilled to the satisfaction of the Committee~~ and the period for appeal under section 42 of The Planning Act having now expired, no notice of appeal having been received by the secretary-treasurer of the Committee, consent to this transaction is hereby given under authority of section 42 of The Planning Act.

Dated at the Town of Kenora this 14th
 day of Nov. 19 77

CERTIFICATION

(a) Delete where not applicable. I, William S. Strachdee Secretary-Treasurer of the (g) Committee of
 Adjustment/~~Land Severance Committee~~ for the Town of Kenora
 District Kenora County of Kenora certify that the consent of the Committee has been given with
 respect to the above application and that this Certificate is conclusive evidence that such consent was given
 and that the provisions of The Planning Act leading to such consent have been complied with.

Dated this 14th day of Nov. 19 77

W. S. Strachdee
 Secretary-Treasurer of the Committee of Adj.
 for the Municipality of the Town of Kenora.

Committee of Adjustment / ~~Land Severance Committee~~

CONSENT

The Planning Act, (R.S.O. 1970, chapter 349) section 29

(a) Delete where not applicable.

The (a) Committee of Adjustment/~~Land Severance Committee~~

(b) Name of municipality.

for the (b) Town of KenoraApplication No. B-7-77Applicant's Name Mr. Gerald Agar FitzgeraldType of application ConsentDescription of Land: Part 3 Plan 23R-4108

(c) Delete where not applicable.

The (c) Committee of Adjustment/~~Land Severance Committee~~

(d) Name of municipality.

for the (d) Town of Kenora

(e) Date of decision.

having decided on (e) May 19-77

(f) Delete words in italics where not applicable

to grant its consent to the above application (f) ~~And to require that certain conditions be fulfilled prior to the granting of the consent and these conditions now having been fulfilled to the satisfaction of the Committee~~ and the period for appeal under section 42 of The Planning Act having now expired, no notice of appeal having been received by the secretary-treasurer of the Committee, consent to this transaction is hereby given under authority of section 42 of The Planning Act.

Dated at the Town of Kenora this 14thday of Nov. 19 77

CERTIFICATION

(g) Delete where not applicable.

I, William S. Strathdee

Secretary-Treasurer of the (g) Committee of

Adjustment/~~Land Severance Committee~~ for the Town of Kenora
Distict
Commy of Kenora

certify that the consent of the Committee has been given with respect to the above application and that this Certificate is conclusive evidence that such consent was given and that the provisions of The Planning Act leading to such consent have been complied with.

Dated this 14th day of Nov. 19 77.

Secretary-Treasurer of the Committee of Adj.
for the Municipality of the Town of Kenora.

Amended, Jan. 1975

THE LAND TRANSFER TAX ACT, 1974

AFFIDAVIT OF VALUE OF THE CONSIDERATION

Identify
the parties
to the
conveyance

IN THE MATTER OF THE CONVEYANCE made

by: GERALD AGAR FITZGERALD

to: PATRICIA OLIVE PERNSKY

on the 8th day of November, 1977

I, GERALD AGAR FITZGERALD

of the Town of Kenora,

in the District of Kenora,

MAKE OATH AND SAY THAT:

This affidavit may
be made by the
purchaser or vendor
or by anyone
acting for them
under power of
attorney or by an
agent accredited in
writing by the
purchaser, or vendor
or by the solicitor of
either of them or by
some other person
approved by the
Minister of Revenue.

1. I am the Transferor
named in the within (or annexed) conveyance.
2. I have a personal knowledge of the facts stated in this affidavit.
3. (1) The total consideration for this transaction has been allocated as follows:

(a) Land, building, fixtures and goodwill	\$ 1.00
(b) Chattels — items of tangible personal property (see note)	\$ nil
TOTAL CONSIDERATION \$ 1.00	
- (2) The true consideration for the transfer or conveyance for Land Transfer Tax purposes is as follows:

(a) Monies paid in cash	\$ 1.00
(b) Property transferred in exchange (Detail Below)	\$ nil
(c) Securities transferred to the value of (Detail Below)	\$ nil
(d) Balances of existing encumbrances with interest owing at date of transfer	\$ nil
(e) Monies secured by mortgage under this transaction	\$ nil
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil
(g) Other (Detail Below)	\$ nil
TOTAL CONSIDERATION (should agree with 3(1) (a) above) \$ 1.00	
4. If consideration is nominal, is the transfer for natural love and affection? yes
5. If so, what is the relationship between Grantor and Grantee? Father and Daughter
6. Other remarks and explanations, if necessary nil

All
blanks
must
be filled
in.

SWORN before me at the Town

of Kenora, in the District of

Kenora,

this 8th day of November, 1977.

LAURA E. JONES, a Commissioner
Taking Affidavits and for the Province
of Ontario, for and in the presence of
My Commission expires August 12, 1980.

A Commissioner, etc.

Gerald Agar Fitzgerald

NOTE TO PARAGRAPH 3(1) (b): Chattels: Retail sales tax is payable on the valuation of items shown in 3(1) (b) unless otherwise exempted under the provisions of The Retail Sales Tax Act, R.S.O. 1970, c. 415, as amended.
For the purpose of this affidavit insert above only the value of chattels, the total value of which in the opinion of the deponent exceeds \$100.00. This does not exonerate a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction. When chattels are purchased as part of this transaction with a value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario and remitted to the Minister of Revenue.

126539

The Land Titles Act

Dated 8th day of Nov. 1977.

GERALD AGAR FITZGERALD

TO

PATRICIA OLIVE PERNSKY

Address: 303 Eglat St. South,
Kenora, Ontario.

Kenora willmgs.
**Transfer of Freehold Land
WITH DOWER**

UNITED STATIONERY CO. LIMITED
30 PRODUCTION DRIVE, SCARBOROUGH, ONTARIO.

ASSESSMENT ROLL NO.
ADDRESS OF PROPERTY

JACK K. DONER,
Barrister & Solicitor,
Kenora, Ontario

THE LAND TITLES OFFICE
KENORA

NOV 15 1977

REGISTRATION FEE	44.00
LAND TRANSFER TAX	1.00
RETAIL SALES TAX	

+ 126007324008 1001

New Parcel

THIS SPACE TO BE RESERVED FOR CERTIFICATE OF REGISTRATION

NO. 126539
Received at the Office of Land Titles
KENORA at 4:20 O'clock P.M. of the
15 day of November A.D. 1977
and entered in
Folio XX Vol. 333 Parcel 30990
D.K.
DEPUTY LAND REGISTRAR

*Security Part of
Parcel 14663
D.K.*

1208

"Where affidavit made by attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was of majority", and if married, name of spouse), and when he/she executed the power of attorney, he/she had attained the age of majority"

LAURENCE JONES, a Commissioner of the Province of Ontario, for Jack K. Doner, Barrister & Solicitor, Kenora, Ontario, suggests that the above be done.

of Kenora, in the District of Kenora, this 8th day of November, 1977.
(SIGNED) SWORN before me at the Town

Gerald Agar Fitzgerald

I was a resident of Canada within the meaning of Section 116 of the Income Tax Act of Canada.

~~We hold the land as joint tenants / Partnership property~~

We were married to each other.

Georgina Irene Fitzgerald was my wife ~~and~~

I was married / ~~divorced~~ / ~~widowed~~.

I was at least eighteen years old.

make oath and say: When I executed the attached instrument,

of the Town of Kenora, in the District of Kenora,

GERALD AGAR FITZGERALD

APPLIAVIT AS TO AGE AND MARITAL STATUS



To: City of Kenora Committee of Adjustment
From: Tara Vader, Associate Planner
Date: August 14th, 2025
Re: Consent Application – File D10-25-06
Location: 360 & 414 Coney Island
Owner: William Wallace (360 Coney Island), & Andrea Rivalin & Norman Macleod (414 Coney Island)
Applicant: Andrea Rivalin & Norman Macleod

RECOMMENDATION

That application D10-25-06, for 360 Coney Island, be **approved** and provisional consent be granted with the attached conditions. And that application D10-25-06, for 414 Coney Island, be **approved** and provisional consent be granted with the attached conditions.

INTRODUCTION

This application proposes two lot additions to correct encroachments of accessory structures. The consent proposes to sever 0.006 hectares of land from 414 Coney Island to be consolidated with 360 Coney Island. As well as severing 0.052 hectares of land from 360 Coney Island to be consolidated with 414 Coney Island.

The subject properties are located on Coney Island. They are used for seasonal recreational purposes and contain seasonal residences. The subject properties are serviced by private, on-site sewage services and municipal water 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 2024)



AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application.

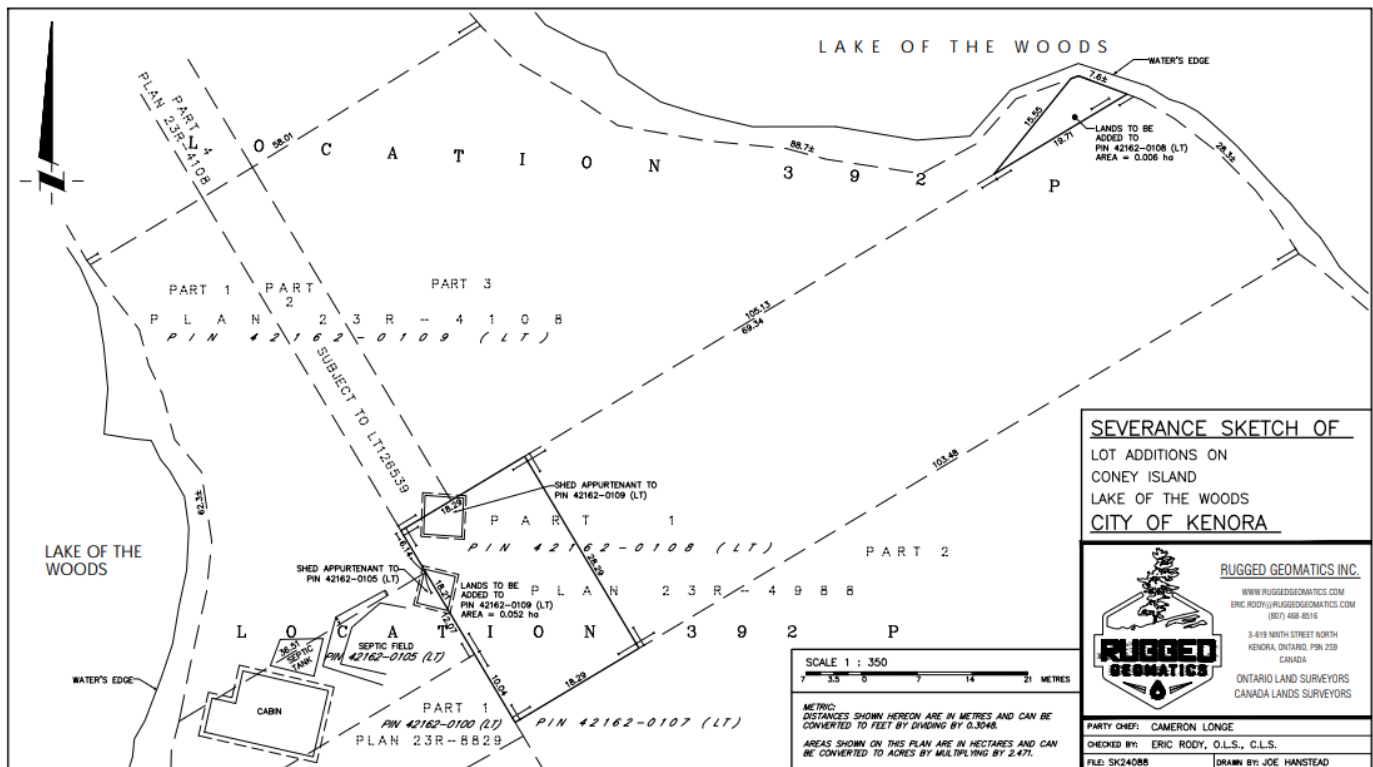
Agency

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.

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 lots 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 properties for seasonal 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 seasonal dwellings are a permitted use in the RR zone. The proposed severance is not an equal land swap, and it

results in 360 Coney Island being further out of conformance with the Zoning By-law provision for minimum lot area. A concurrent minor variance application has been submitted (D13-25-12) to seek relief from this section of the Zoning By-law.

	Required	Severed from 360 Coney	Severed from 414 Coney	360 Coney Island (consolidated)	414 Coney Island (consolidated)
Lot Frontage (minimum)	61 m		7.6 m	~28 m	~150 m
Lot Area (minimum)	1.0 ha	0.052 ha	0.006 ha	0.27 ha	0.45 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

360 Coney Island – Lands to be added to PIN 42162-0109

As a result, it is recommended that the Committee of Adjustment approve this consent, for 360 Coney Island to sever 0.052 ha of land to be consolidated with 414 Coney Island and grant conditional consent approval with 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. 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.
5. That minor variance application D13-25-12 be approved permitting a minimum lot area of 0.276 hectares.

City Requirements

6. That the newly created parcel be consolidated on title with the adjacent lot identified as PCL 30990 SEC DKF; PT LOCATION 392P KENORA PT 1, 2 & 3 23R4108, S/T PT 2 23R4108 AS IN LT126539, S/T THE RIGHT TO USE SO MUCH OF THE SHORES OF THE BAY ON THE WEST SIDE OF THE SAID LOCATION, NOT EXCEEDING TWENTY FEET IN PERPENDICULAR WIDTH MEASURED FROM THE WATER'S EDGE AS MAY BE REQUIRED TO PLACE PERMANENT BOOM FASTENINGS, THE LANDING OF BOATS AND FOR OTHER PURPOSES AS MAY BE REQUIRED FOR THE WORKING OF A STORE BOOM FOR LOGS IN THE ADJACENT WATERS; KENORA, and if recommended on solicitor review, that a merger agreement be entered into.
7. 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.
8. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
9. 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.
10. 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.

414 Coney Island – Lands to be added to PIN 42162-0108

As a result, it is recommended that the Committee of Adjustment approve this consent, for 414 Coney Island to sever 0.006 ha of land to be consolidated with 360 Coney Island and grant conditional consent approval with 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. 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 PCL 33829 SEC DKF; PT LOCATION 392P KENORA PT 1 23R4988; KENORA, 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

August 15th, 2025



Old Business

- DRAFT Committee of Adjustment Terms of Reference
- DRAFT Property Standards Committee Terms of Reference

By-law number:

Enacted:

Being a by-law to govern the procedure of the Committee of Adjustment for the Corporation of the City of Kenora, the calling of meetings and the conduct of its members.

1.0 Definitions

“Chair” means a Member of the Committee appointed as the Chairperson of the Committee;

“Committee” means the Committee of Adjustment;

“Council” means the Council of the City of Kenora;

“Delegation” means a person or group who is not the applicant or their agent, but wishes to address the Committee regarding an application under consideration at a public hearing;

“Meeting” means a meeting of the Committee held for the purpose of considering an application or applications filed pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;

“Member” means a Member of the Committee of Adjustment, appointed by Council;

“Motion” means a resolution of the Committee that is under debate by the Committee;

“Quorum” means a minimum of three (3) Members of the Committee present at a meeting;

“Recorded Vote” means the recording of the name and vote of every Committee member present on an application at the hearing;

“Secretary-Treasurer” means an employee of the City of Kenora and/or their designate, responsible for administering the operations of the committee, including preparing agendas and minutes, managing records, providing procedural advice, and overseeing financial matters in accordance with the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

“Vice Chair” means a Member of the Committee appointed to act from time to time in the place of the Chair when the Chair is absent;

2.0 Role of the Committee of Adjustment

2.1 The Committee of Adjustment is a quasi-judicial body, operating independently from Council, established under the *Planning Act*, R.S.O. 1990, as amended, c. P. 13, to make decisions on minor variances, enlargements to legal non-conforming uses, consents and validation of title, as authorized under the Act.

3.0 General Provisions

3.1 The procedures contained in this by-law shall be observed in all Meetings and shall be the procedures for the order and dispatch of business conducted by the Committee of Adjustment.

3.2 Proceedings of the Committee of Adjustment not specifically governed by the provisions of this by-law shall be regulated in accordance with Council's Rules of Order and Procedures for the Council of the City of Kenora, to the extent of any operational conflict with procedural requirements of the *Planning Act*, R.S.O. 1990, c.P.13 or the *Statutory Powers and Procedures Act*, R.S.O., 1990, c.S.22, as amended, which always prevail.

3.3 In the absence of any statutory obligations, the rules and regulations contained in this by-law may be suspended or altered for a single occasion with not less than a two-thirds majority vote of the Members present at a Meeting.

4.0 Calling of Committee of Adjustment Meetings

4.1 All meetings of the Committee of Adjustment shall be called by the Secretary-Treasurer and notice of any hearing shall be given by mail and the posting of a notice sign, or in a manner that the Committee of Adjustment deems appropriate in accordance with the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and any applicable regulations.

4.2 Meeting dates shall be posted on the City of Kenora website.

5.0 Quorum

5.1 If no quorum is present thirty (30) minutes after the time appointed for the Meeting to commence, the Secretary-Treasurer shall record the names of the Members present and the Meeting will stand adjourned until the next appointed time.

5.2 If, during the course of a Meeting, Quorum is lost, then the Chair may declare that the Meeting stands adjourned, to reconvene at such time and place as the Chair shall then determine, or cancel the balance of the Meeting if, in their opinion, it is not essential to deal with the balance of the agenda before the next regular Meeting.

6.0 Conflict of Interest

6.1 Members of the Committee are expected to render decisions impartially and free from bias. If a Member has any pecuniary interest, direct or indirect, in any matter in which the Committee is concerned, and if that Member is present at a Meeting at which the matter is the subject of consideration, the Member shall disclose the pecuniary interest and shall not take part in the consideration or the discussion of the matter nor vote on any Motion in regard to the matter, per the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended.

6.2 Every Member disclosing a pecuniary interest at a Meeting shall complete and file with the Secretary-Treasurer a written Statement of Disclosure in the prescribed form setting out the interest and its general nature. All disclosures shall be noted in the meeting minutes and a registry for Statements of Disclosure will be made available for public access.

6.3 If a Member is not present at a Meeting and has any pecuniary interest in any matter which is the subject of consideration at that Meeting, the Member shall disclose the interest at the next Meeting in attendance.

6.4 Members shall avoid attitudinal bias and conduct themselves in a manner that maintains public confidence in the Committee's integrity, objectivity, and impartiality. Members shall not engage in private communications regarding an application with other Members or parties to the application, as such communications may give rise to a reasonable apprehension of bias.

6.5 Members are encouraged to seek advice from the Integrity Commissioner or municipal legal counsel regarding their obligations under the Municipal Conflict of Interest Act, the Committee's Code of Conduct, or any situation that may give rise to a real or perceived conflict of interest or bias.

7.0 Meetings

7.1 Meetings of the Committee of Adjustment will take place on the Third Wednesday of each month, at a time and place as posted on the City's website.

1.

- a. Advance notice of every regularly scheduled Meeting shall be provided to each Member no later than the Friday prior to the Meeting. The notice shall include the agenda and all supporting documentation, whether in hard copy or electronic format. This shall be deemed adequate notice for all regularly scheduled Meetings.
- b. All Meetings shall be open to the public and no person shall be excluded from a hearing except for those involved in improper conduct. All Committee of Adjustment meetings shall be open to the public, except where permitted to be closed under the Municipal Act, 2001. Members of the public may attend and make submissions in accordance with the procedures outlined in the Committee's Terms of Reference and the Statutory Powers Procedure Act.
- c. The minutes shall record the place, date and time of each Meeting, names of Members and staff present, the adoption of minutes of previous Meetings, without note or comment.
- d. The record of each Hearing which takes place during each Meeting shall conform to the requirements of the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22.

8.0 Public Notice of Committee of Adjustment Meetings and Applications

8.1 Notice of Applications

In accordance with the provisions of the Planning Act, R.S.O. 1990, c. P.13, notice of a public hearing for an application for a minor variance, permission, or consent (severance) shall be given at least 10 days before the date of the hearing by:

- Mailing a copy of the notice to the applicant, prescribed agencies, and all property owners within 60 metres of the subject land;

- Posting a notice on the subject property in a location visible from the public right-of-way;
- Publishing the notice on the City of Kenora's official website and/or other public notice platforms as may be designated by the municipality.

8.2 Notice of Regular Meetings

Notice of regularly scheduled Committee of Adjustment meetings shall be provided to the public by:

- Posting the meeting agenda and supporting materials on the City of Kenora's website at least 48 hours prior to the meeting;
- Making the agenda available for public inspection at City Hall during regular business hours.

8.3 Notice of Special Meetings

Where a special meeting of the Committee is called, public notice shall be provided as soon as practicable, and in a manner consistent with the City's Procedural By-law, including posting notice on the municipal website and notifying affected parties where applicable.

9.0. Electronic Participation

9.1 At any time,

9.1 A Member of the Committee who is participating electronically in a meeting may be counted in determining whether or not a Quorum of Members is present at any point in time.

9.2 Members shall advise the Secretary-Treasurer of their intent to participate electronically in advance of the meeting so that appropriate arrangements can be made. Where all Members of the Committee participate in a Meeting through electronic means, delegations will not be permitted to appear in person at the Meeting, however, written submissions regarding agenda items will be accepted by e-mail prior to the meeting, and will be distributed to Members of the Committee.

In addition, members of the public who wish to appear as delegations may request to make a virtual presentation during the meeting. Such requests must be submitted to the Secretary-Treasurer in advance, in accordance with established delegation procedures. Approved virtual delegations will be provided with the necessary electronic access to participate in the meeting remotely. 9.3 All votes will be by show of hands or visible verbal consent.

10.0 Chair

10.1 A Chair and Vice-Chair will be elected from within the membership at the first Meeting of each term of Council.

11. Order of Proceedings

11.1 The Secretary-Treasurer shall prepare the agenda for all Meetings of the Committee consisting of the following order of business:

- a. Call to order
- b. Roll call
- c. Land Acknowledgement
- d. Disclosures of pecuniary interest
- e. Additions to the agenda
- f. Approval of previous Committee Meeting Minutes
- g. Correspondence
- h. Hearings re: Consents
- i. Hearings re: Minor Variances
- j. Hearings re: Previously Deferred Matters
- k. Other Business
- l. Adjournment

12. Hearings re: Applications

12.1 All Hearings will be conducted in accordance with the *Planning Act*, R.S.O. 1990, c.P.13 and the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as amended.

12.2 The Secretary-Treasurer shall announce each application in the order in which it appears on the agenda, or at the Committee's discretion.

12.3 The Chair will ask the Planning Department representative to explain the purpose of each application, summarize correspondence received pertaining to the application, and present the planning report.

12.4 The Chair will ask the applicant or agent to speak to the application and provide any additional information. Members may pose questions to the applicant or the agent.

12.5 The Chair will seek any additional input from delegations of the public who are present.

12.6 Following public input, the applicant shall have opportunity to respond to any comments.

12.7 Once all input has been heard, the Committee shall consider the application.

12.8 Once the Committee has closed the hearing of submissions on the application, no further submissions will be considered in reaching its decision on the application.

13. Motions and Voting Procedures

13.1 Each Member of the Committee shall have one vote.

13.2 Motions shall be moved and seconded before being debated or put to a vote.

13.3 A Motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the motion have spoken in accordance with the rules of debate.

Commented [CB1]: Do you want further language regarding not considering information provided after conclusion of the hearing of the application?

13.4 After a Motion is put to a vote by the Chair, no Member shall speak on that Motion, nor shall any other Motion be made until after the result of the vote is announced by the Chair.

13.5 Every Member present at a Meeting when a question is put shall vote thereon, except where the Member is disqualified to vote by reason of pecuniary interest or is absent from the Chamber when the question is put.

13.6 Every Member who is not disqualified from voting by reason of a declared pecuniary interest shall be deemed to be voting against the Motion if the Member declines or abstains from voting.

13.7 All votes shall be by show of hands, except when a Recorded Vote is requested. The manner of determining the decision of the Committee on a Motion shall not be by secret ballot or by any other method of secret voting.

13.8 The Chair shall announce the result of every vote and shall record the results of the vote on the Motion noting the number of Members voting in support of, and against, the Motion. Upon the taking of any vote, if all Members present when the vote is taken vote unanimously, the Chair shall record the vote accordingly.

13.9 If a Member disagrees with the number of votes for and against a Motion as announced by the Chair, that Member may object immediately to the declaration and, with the consent of the Members, the vote shall be re-taken.

13.10 When there is a tie vote on any Motion, it shall be deemed to have been decided in the negative.

13.11 When a motion on an application under consideration by the Committee is lost, a subsequent motion to take an alternate action on the application shall be the next order of business. If the revised motion involves an amended application, following Planning Department and public input, the Committee will determine if the amendments require new notice to be circulated to the public and a new hearing to be held for further public input. If the amendments lessen the impacts of concern to the public or are minor in nature, the Committee may proceed to consider the amended application without fresh notice and a further hearing.

13.12 A Member may call for a Recorded Vote at a Meeting immediately prior to or immediately following the taking of the vote.

13.13 When a Recorded Vote is called by any Member, the Recorded Vote shall be taken by the Secretary-Treasurer in alphabetical order, save and except the Chair, who shall vote last. The Secretary-Treasurer shall announce the vote.

13.14 When a Recorded Vote is taken, the names of those who voted for and those who voted against the Motion shall be entered into the minutes of the Committee.

13.15 In a vote, the number of Members constituting the Committee shall be determined by excluding the number of Members who are present at the Meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M 50, as amended.

Commented [CB2]: Do you want an addition regarding amended applications specifically or is this provision sufficient?

14. Decisions of the Committee of Adjustment

14.1 No decision of the Committee on an application is valid unless it is concurred on by the majority of the Members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, contain a brief explanation of the effect that written and oral submissions had on the decision, and shall be signed by the Members who concur with the decision.

14.2 During a meeting where Members participate by electronic means, an e-mail supporting majority decisions shall serve in place of a Member's signature until such time that the Member can attend and sign to indicate concurrence.

14.3 A copy of the Committee's decision will be prepared and issued in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

14.4 Decisions on applications shall be for approval, refusal or deferral only.

DRAFT

Committee of Adjustment
Declaration of a Pecuniary Interest

(To be completed by the Member and submitted to the Secretary-Treasurer at the same day meeting the pecuniary interest is being declared).

Date: _____

I, _____, am declaring a direct or indirect pecuniary interest as it relates to Agenda Item number _____, regarding

1. My pecuniary interest is: _____ Direct OR Indirect _____

2. Relates to:

_____ Myself | _____ My Spouse | _____ My Child | _____ A Parent

3. The nature of my interest is as follows:-

Print Name _____ Signature _____

Date Submitted to Secretary-Treasurer _____

*This declaration will form part of the Registry following the meeting in which it was declared.

By-law number:

Enacted:

Being a by-law to govern the procedure of the Property Standards Order Appeal Committee for the Corporation of the City of Kenora, the calling of meetings and the conduct of its members.

Purpose

1. To provide procedures for an appeal to the Property Standards Committee of a Property Standards Order and the subsequent proceedings of the Property Standards Committee.

Background

2. The *Planning Act*, R.S.O. 1990, c. P.13, as amended, authorizes a municipality to delegate to a committee of adjustment certain responsibilities in addition to the statutory responsibilities under the Planning Act.
3. The *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, authorizes a municipality to establish a Property Standards Committee.
4. The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires that the powers of a municipality be exercised by its Council and that such powers be exercised by by-law.
5. City Council has established a Committee of Adjustment by by-law (the "Committee of Adjustment By-law").
6. City Council has appointed members to the Committee of Adjustment by Resolution of Council at the commencement of its term and when a vacancy occurs.-
7. The Committee of Adjustment By-law appoints members to act as a Property Standards Committee under the Building Code Act.
8. The Property Standards Committee will hold a hearing for all appeals of a Property Standards Order.
9. The *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, authorizes a Property Standards Committee to make rules governing the practice and procedure before it.
10. Committee of Adjustment matters, Property Standards Appeals, and other matters may be addressed at the same meeting.

Scope

11. This procedure applies to all appeals to the Property Standards Committee of a Property Standards Order.

Definitions

12. For the purposes of this procedure,

“Appeal” means an Appeal to the Property Standards Committee of a Property Standards Order;

“Appellant” means an owner or occupant that has been served with an Order and who has sent a Notice of Appeal to the Secretary within fourteen (14) days after being served with the Order;

“Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23 as amended;

“Business Day” means a day when City Hall is open for business and is not a Statutory Holiday;

“By-law” means the Property Standards By-law of the City in effect at the time of the appeal;

“Chair” means the chair of the Property Standards Committee;

“City” means the City of Kenora, and a reference to the City is a reference to the geographical area or The Corporation of the City of Kenora as the context requires;

“City Clerk” means the Clerk for the City;

“Committee” means the Property Standards Committee of the City;

“Council” means the Council for the City;

“Electronic Hearing” means a hearing held by conference telephone, video conference, or some other form of electronic technology allowing persons to hear one another. For the purposes of these rules “electronic hearing” and “virtual hearing” have the same meaning;

“Hearing” means a hearing in any proceeding of the Property Standards Committee, including an electronic hearing;

“Notice of Appeal” means the City’s prescribed form for Notices of Appeal to the Committee under these rules;

“Occupant” has the same meaning as it has in the City’s By-law;

“Officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1 of the Building Code Act;

“Order” means a Property Standards Order made under the Building Code Act;

“Owner” has the same meaning as it has in the City’s By-law;

“Party” includes the City and the Appellant;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13 as amended;

“Proceeding” means a matter brought before the Property Standards Committee under the provisions of the By-law or the Building Code Act;

“Quorum” means three four of the seven members of the Property Standards

Committee are in physical or virtual attendance and eligible to participate;

“Representative” means a person authorized by an Appellant to represent the Appellant;

“Secretary” means the Secretary for the Property Standards Committee;

“Service” means the effective delivery of the documentation to any Party or, in the case of the Appellant, the Appellant’s Representative;

“Statutory Holiday” means any of the following holidays:

- New Year’s Day
- Family Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- Civic Holiday
- Labour Day
- Truth and Reconciliation Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day
- Any day fixed as a holiday by proclamation of the Governor General or Lieutenant Governor.

“Statutory Powers Procedure Act” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 as amended;

“Vice Chair” means the Vice Chair of the Property Standards Committee; and

“Witness Table” means the location in Council Chambers where the Secretary tells a witness to sit.

Procedure

General

13. These rules apply to all proceedings before the Committee.
14. These rules will be applied in a manner consistent with the *Statutory Powers Procedure Act* (SPPA) and with other legislation governing the Committee.
15. The Committee may, at any time, as it deems necessary, dispense with compliance with any rules, save and except those prescribed as mandatory by the SPPA and any other legislation governing the Committee.
16. If these rules do not provide for a matter of procedure that arises during a Hearing, the procedure will be determined by the Committee at the Hearing.

17. These rules will be liberally construed to secure the just, most expeditious, and cost-effective determination of every proceeding on its merits.
18. Substantial compliance with requirements respecting the contents of forms, notices or documents under these rules is sufficient.
19. The Committee may exercise any of its powers under these rules on its own initiative or at the request of a Party.
20. A minimum of three members of the Committee constitute quorum for a Hearing.
 - a. If no quorum is present 15 minutes after the time appointed for the commencement of the Hearing, the members will stand adjourned, and the Secretary will record the names of the members present upon such adjournment. The Secretary will reschedule the Hearing.
 - b. The Committee must not hear an appeal with an even number of Committee members sitting. Where an even number of Committee members are present, the Committee will follow the Secretary's procedure for selecting the Property Standards Committee Appeal members in effect at the time of the selection.
 - c. The decision of a majority of Committee members is the decision of the Committee.
 - d. Despite Section 20, if, after the commencement of a Hearing, a Committee member becomes unable to act for any reason, the remaining Committee members may continue to hear the appeal and, if Committee members constituting a simple majority of the panel are in agreement on the decision that should be given,
 - i. they may give that decision; and
 - ii. it is the decision of the Committee.
 - e. If, after a Hearing continued under Section 20.d, it appears that no majority decision is possible, the remaining Committee members must order that a new Hearing commence with at least two different committee members.
 - f. Committee members must remain for the entirety of the Hearing. If a Committee member needs to leave the Council Chambers for any reason, the Chair must call a recess until the Committee member returns to their seat.
21. Hearings may proceed in person, by conference telephone, by videoconference, or some other form of electronic technology allowing persons to hear one another, or a combination thereof, at the discretion of the Secretary so long as the manner of Hearing does not cause a Party significant prejudice.

22. Hearings will be open to the public except where the Committee is of the opinion that:
- matters involving public security may be disclosed; or
 - intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or
 - for an electronic hearing it is not practical to hold the hearing in a manner that is open to the public, in which case the Committee may hold the hearing or parts thereof in the absence of the public.
23. A Party may be represented by a Representative, as authorized by the *Law Society Act*, R.S.O. 1990, c.L.8, as amended.

Notice Requesting an Appeal

24. A Notice of Appeal of an Order must be sent to the Secretary within fourteen (14) days after being served with the Order unless specified otherwise in the Order.
25. A Notice of Appeal may be filed by an Owner or Occupant who has been served with a Property Standards Order.
26. A Notice of Appeal must include:
- A completed and signed Notice of Appeal that includes the following:
 - address of property being appealed;
 - order issue date;
 - order appeal deadline date;
 - order compliance date;
 - the name of the person(s) (specifically, the property owner, occupant, and representative) requesting the appeal and their address, telephone number, and email address;
 - the grounds and/or reasons for the appeal;
 - request for an electronic hearing or closed hearing and the rationale for the request (if applicable);
 - an authorization to act as representative for notice of appeal (if applicable); and
 - property standards appeal fee as set out in the City's Tarriff of Fees for Planning Act Applications By-law in effect at the time of the appeal. This fee is non- refundable.
 - A copy of the Order related to the appeal.

Commented [CB1]: Statutory tribunals may only hear from an appellant or an authorized licensee or exception under the LSA. The CoA may also hear from professional planners as one of the exceptions to being a licensee but planners cannot represent at OLT, as another statutory tribunal.

27. Where a person submits a Notice of Appeal that is not substantially in accordance with Section 26, the Secretary will send to the Appellant, or the Appellant's Representative, if represented, an Acknowledgement Letter. The Acknowledgement Letter will:
- specify what additional information is required to complete the Notice of Appeal substantially in accordance with Section 26;
 - request that outstanding information be provided to the Secretary within five (5) business days of receipt of the Acknowledgement Letter; and
 - advise that if the outstanding information is not provided by the deadline date, the Notice of Appeal will be considered abandoned.
28. Where a person submits a Notice of Appeal after the appeal deadline or submits outstanding information after the deadline noted in the Acknowledgement Letter, the Secretary will send to the Appellant, or the Appellant's Representative, if represented, notice that a Hearing will not be scheduled.
29. Where an Appellant has completed a Notice of Appeal in substantial accordance with Section 26, the Secretary will appoint a time and place for the Hearing of the appeal in accordance with Sections 30 and 31.

Notice of Hearing

30. A Notice of Hearing will be sent to the Appellant or Appellant's Representative by the Secretary by electronic mail, regular mail or personal service to all parties affected by the Order at least twenty (20) business days in advance of the Hearing.
31. A Notice of Hearing will include:
- a statement of the time, place and purpose of the Hearing and details about the manner in which the Hearing will be held;
 - a statement that if the Appellant, or Appellant's Representative, does not attend the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding; and
 - if the Hearing is to be an electronic hearing, a statement that if video or audio for the Appellant, or Appellant's Representative, malfunction during the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding; and
 - if the Hearing is to be an electronic hearing, a statement that the party notified may, by satisfying the Committee that holding the hearing as an electronic hearing is likely to cause the party significant prejudice require the Committee to hold the Hearing as an "in person" hearing and provide the rationale for the request.
32. Where Notice of a Hearing has been given to a Party in accordance with this procedure and the Party does not attend the Hearing, the Committee may proceed in the absence of the Party and the Party is not entitled to any further notice in the proceeding.

Hearing Agenda

33. The Secretary will prepare an agenda based on the information to be addressed prior to the Hearing in accordance with the City's Procedural By- law.
34. The Hearing Agenda, along with the Order(s) and any other relevant file information will be emailed to the Committee members for review at least seventy-two (72) hours in advance of the Hearing, as well as posted on the City's website.

Serving and Filing Documents

35. If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one (1) copy of the documents (referred to as the disclosure package) to the Secretary no later than nine (9) business days before the Hearing date.
36. For the purposes of Section 35, "document" includes any report, memorandum, witness list, witness statement, sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.
37. The Secretary will provide the disclosure packages to all Parties no later than seven (7) business days before the Hearing date by the service method identified in the Notice of Appeal.
38. Service is deemed to be effective when delivered:
 - a. Personally to the Party or, in the case of the Appellant, the Appellant's Representative on same day of delivery;
 - b. By electronic mail on the same day as the transmission;
 - c. By regular mail on the fifth (5th) day after the day of mailing; or
 - d. By courier, including Priority Post, on the second full day after the document was given to the courier by the Party serving.
39. Documents delivered after 4:30 p.m. are deemed to have been delivered on the next day, that is not a weekend day or statutory holiday.
40. A person who serves or files a document must include with it a statement of the person's address, telephone number, email address, if available, and the name of the proceeding to which the document relates.
41. Documents may be filed with the Secretary by any of the methods of delivery in Section 38.

42. Documents must be filed with the Secretary at:

City of Kenora
Secretary of the Property Standards Committee
60 14th Street North
Kenora ON P9N 4M9
mshaw@kenora.ca

43. If a Party fails to serve and file a document pursuant to this procedure, the Party may not refer to the document in evidence at the Hearing without the Committee's consent, which may be on terms and conditions as the Committee considers just.

Hearing Procedure

44. The Chair calls the Hearing to order.
45. The Chair explains the purpose of the Committee and the format of the Hearing.
46. For each appeal heard, the Chair calls the name of the Appellant and the municipal address of the property concerned.
47. An "In-Person" Hearing will be held as follows:
- The City may provide an opening statement.
 - The Appellant may provide an opening statement.
 - The City will present its case first. The City will call their witness(es) who may be a By-law Enforcement Officer and/or other witnesses. Once called, a witness is placed at the witness table and is sworn or affirmed. At the conclusion of the testimony of each City witness, the Appellant and then the Committee may ask their own questions of the witness(es).
 - After the City has called all their witnesses, the Appellant will call their witness(es) who may be the Appellant themselves and/or other witnesses. Once called, a witness is placed at the witness table and is sworn or affirmed. At the conclusion of the testimony of each of the Appellant's witnesses, the City and then the Committee may ask their own questions of the witness(es).
 - The City and the Appellant may make their closing statement. The closing statement should include what each party is requesting of the Committee with respect to confirming, modifying, or rescinding the Order and/or extending the time for complying with the Order.
48. An Electronic Hearing will be held as follows:
- The City may provide an opening statement.
 - The Appellant may provide an opening statement.

- c. The City will present its case first. The City will call their witness(es) who may be a By-law Enforcement Officer and/or other witnesses. Once called, a witness will be asked to turn on their video and unmute their microphone and is sworn or affirmed. At the conclusion of the testimony of each City witness, the Appellant and then the Committee may ask their own questions of the witness(es).
 - d. After the City has called all their witnesses, the Appellant will call their witness(es) who may be the Appellant themselves and/or other witnesses. Once called, a witness will be asked to turn on their video and unmute their microphone and is sworn or affirmed. At the conclusion of the testimony of each of the Appellant's witnesses, the City and then the Committee may ask their own questions of the witness(es).
 - e. The City and the Appellant may make their closing statement. The closing statement should include what each party is requesting of the Committee with respect to confirming, modifying, or rescinding the Order and/or extending the time for complying with the Order.
49. An electronic hearing is a hearing event, and this procedure applies. The conduct of a hearing by conference telephone or videoconference and/or other technology does not change the obligation of witnesses and counsel to conduct themselves in accordance with the rules of professional conduct of their applicable professions. The Secretary will mute the microphone and turn off the video of the witness or counsel at the direction of the Chair if they are acting inappropriately.

Evidence

50. Subject to Sections 51 and 52, the Committee may admit as evidence at a Hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court:
- a. any oral testimony; and
 - b. any document or other thing provided in accordance with Sections 35 to 43, relevant to the subject matter of the proceeding and may act on such evidence, but the Committee may exclude anything unduly repetitious.
51. Nothing is admissible in evidence at a Hearing,
- a. that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - b. that is inadmissible by the statute under which the Hearing arises or any other statute.
52. Nothing in Section 51 overrides the provisions of any Act expressly limiting the extent to or purposes of which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

Committee Deliberations

53. The Committee may retire in person and/or electronically to deliberate in the absence of the public, the City, and the Appellant. The Secretary will retire with the Committee to record its decision.

Notice of Decision

54. The Committee will render its decision on the matter in the presence of the public, the City, and the Appellant and/or the Appellant's Representative subject to the following:
- If the Committee determines that additional information is required to render a decision, it may adjourn the matter to a future hearing date; or
 - If the Committee determines that time is required to provide fulsome reasons for the decision, an oral decision will be provided with written reasons to follow.
55. In considering an Appeal, the Committee has all the powers and functions of the Officer who made the Order and in disposing of the matter, the Committee may,
- confirm the Order;
 - modify the Order;
 - rescind the Order;
 - extend the time for complying with the Order;
- if, in the Committee's opinion, the general intent and purpose of the By-law is maintained.
56. The Secretary will, not later than fourteen (14) days from the making of the decision, send one copy of the decision including the reasons for the decision of the Committee, certified by them, to the Appellant by the service method identified in the Notice of Appeal.

Right to Appeal a Property Standards Committee Decision

57. The City or any owner or occupant or person affected by a decision under subsection 15.3 (3.1) of the *Building Code Act*, may appeal to the Superior Court of Justice by notifying the City Clerk in writing and by applying to the Court within fourteen (14) days after a copy of the decision is sent.

Duties of the Secretary

58. The Secretary will:
- keep on file records of all official business of the Committee, including records of all business meetings, Notices of Appeal, minutes of all Hearings, and Decisions, including minutes of any portion of a meeting closed to the public, respecting those Notices of Appeal;
 - prepare minutes of the Committee's business meetings and Hearings;

- c. note the decision of the Committee on any Hearing on the Notice of Decision form, including the reasons for the decision, and ensure that it is signed by the Committee members who concur in the decision;
- d. send a copy of the Notice of Decision to the Appellant and to anyone else who has submitted a written request for the decision at the Hearing by regular mail or electronic mail; and
- e. republish the meeting agenda with the Notice of Decision attached for archival purposes.

Procedure Review

- 59. The City Clerk will review and update this procedure as needed to ensure it reflects current business processes.