



REVISED

The Corporation of the Municipality of Whitestone

**Agenda of Special Council Meeting
Monday, January 17, 2022**

Join Zoom Meeting (Video)

<https://us02web.zoom.us/j/81774003946>

Meeting ID: 817 7400 3946 (Phone Call Only)

Dial +1 647 558 0588 then Enter Meeting ID: 817 7400 3946#

1. Call to Order and Roll Call

6:30 p.m.

National Anthem

Indigenous Land Acknowledgement Statement

The Municipality of Whitestone recognizes all of Canada resides on traditional, unceded and/or treaty lands of the Indigenous People of Turtle Island.

We recognize our Municipality on The Robinson Huron Treaty territory is home to many past, present and future Indigenous families.

This acknowledgment of the land is a declaration of our commitment and collective responsibility to reconcile the past, and to honour and value the culture, history and relationships we have with one another.

2. Disclosure of Pecuniary Interest

3. Approval of Agenda ®

4. Presentations and Delegations - None

Move into Committee of the Whole ®

5. Planning Items

5.1 Consent Application B45/2021(W) – BUZCYNski et al ®

- Memorandum from John Jackson, Planner dated November 24, 2021

5.2 Group Applications to Close and Convey a Shore Road Allowance

- MERRITT, Gary ®
Lot 5, Plan 42-628, geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound
- POTTINGER, Marilyn ®
Part Lot 28, Concession 5 being Part 2, PSR2324, geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound ®
- RICE, Lisa Jane ®
Lot 4, Plan 42-628, geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound ®
- BURRELL, Drew ®
Lot 3, Plan 42-628, geographic Township of McKenzie, now Municipality of Whitestone, District of Parry Sound
 - Memorandum from John Jackson, Planner dated December 29, 2021

5.3 Application to Purchase and Close Municipal Road Allowance – ROOT, Christopher and Suzanne ®

- Memorandum from John Jackson, Planner dated January 12, 2022
- Christopher and Suzanne Root correspondence.

Reconvene into Regular Meeting ®

Matters Arising from Committee of the Whole

6. Public Meeting

Adjourn to Public Meeting ®

- 6.1 ANDERSON, James and PATTERSON, Sandra - Proposed Zoning By-Law amendment is to rezone Part of Lot 32, Concession 1, geographic Township of McKenzie, now in the Municipality of Whitestone from the Rural (RU) Zone to a Rural Residential (RU) Exception Zone.

Close Public Meeting ®

Matters Arising from Public Meeting

7. By-Laws

- 7.1 By-Law No. 01-2022, being a By-Law for a Zoning By-Law amendment to rezone Part of Lot 39, Concession A, geographic Township of Hagerman, now in the Municipality of Whitestone from the Rural (RU) Zone to a Rural Residential (RR) Zone – ANDERSON/PATTERSON ®
- 7.2 By-Law No. 02-2022, being a By-Law to enter into an Agreement for Conditions of Approval of Consent B02/2021(W) – MEIN ®

7.3 By-Law No. 03-2022, being a By-Law to authorize the sale of Lot 12, Plan 305 – COSTELLO ®

8. Councillor Items

9. Questions from the Public

10. Confirming By-law ®

11. Adjournment ®

PLANNING ITEMS



CONSENT APPLICATION No. B45/2021(W)
Part of Lots 57 & 58, Concession A
Geographic Township of Hagerman
Roll # 4939-010-207-0290
Highway No. 124 and Moore Drive
Village of Dunchurch

Applicant: John Buczynski
November 24, 2021

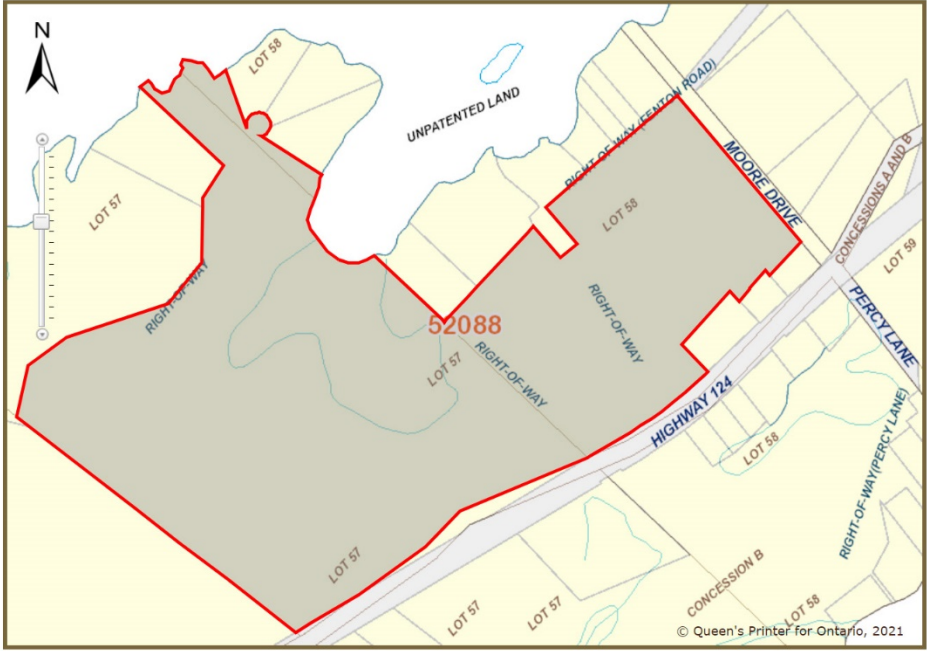
BACKGROUND/PURPOSE

John Buczynski is representing a family property in the community of Dunchurch where he is proposing to create four new lots: two on Moore Drive and two having access off Highway No. 124.



The property is in the name of Mr. Buczynski as well as his three children.

The property is 35.7 hectares and has frontage on Whitestone Lake, Highway No. 124 and Moore Drive.



PROPERTY DESCRIPTION

The property has a large variety of conditions with shoreline, highway frontage, wetlands and open fields. The Buczynski family cottage is on the lake while the balance of the property is vacant. The cottage is accessed off Anki Rock Road.

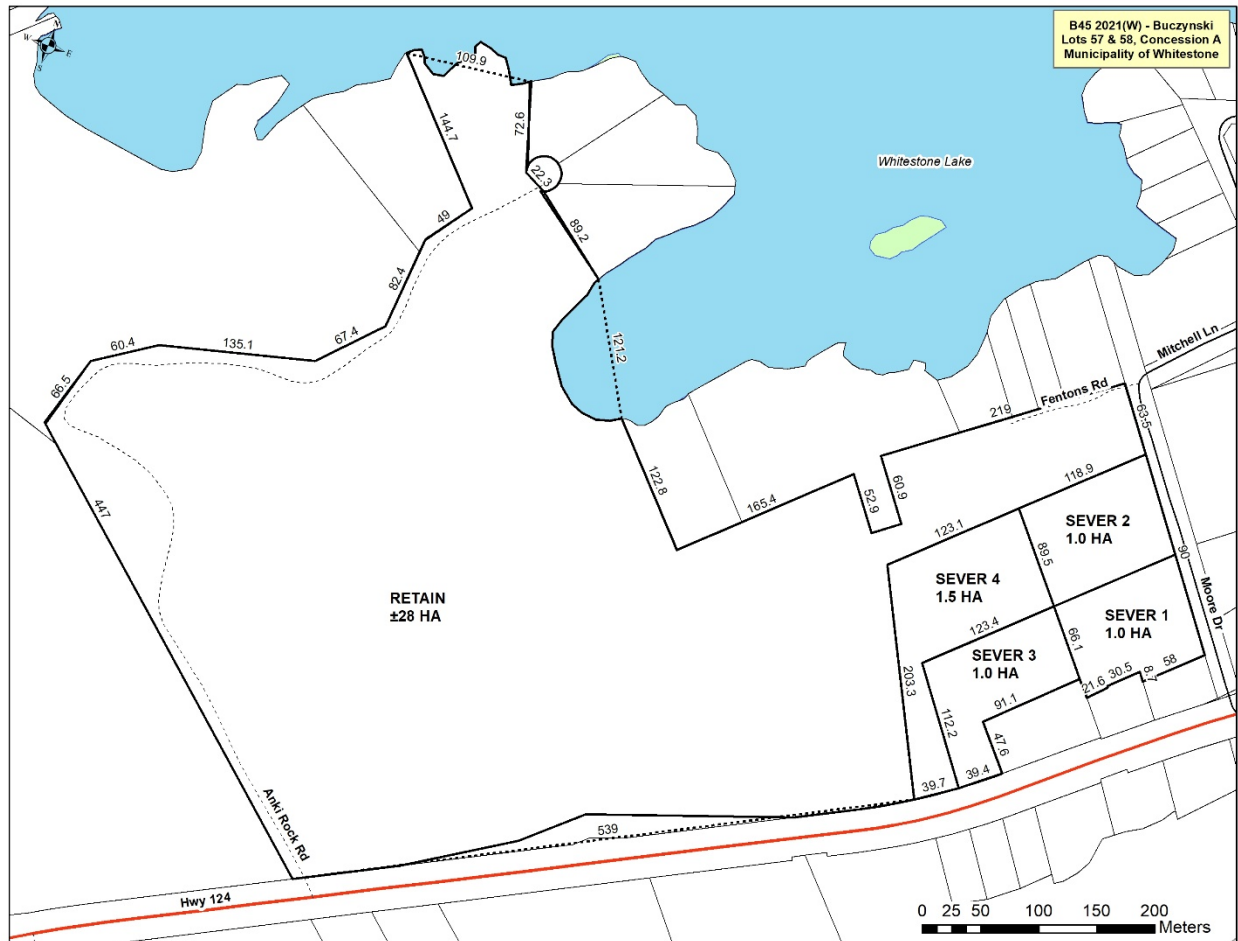


The portion of the lands that are proposed to be developed are heavily forested between the highway, the lake front properties and Moore Drive.

The over all drainage is to the north through a wetland to Whitestone Lake.

PROPOSED LAND DIVISION

The sketch below illustrates the extents of the four new lots proposed to be created.



Moore Drive Lots

Lot 1	Lot frontage 90 Metres	Lot area 1.0ha
Lot 2	Lot frontage 90 Metres	Lot area 1.0ha
Remaining Moore Drive Frontage	63.5 metres	

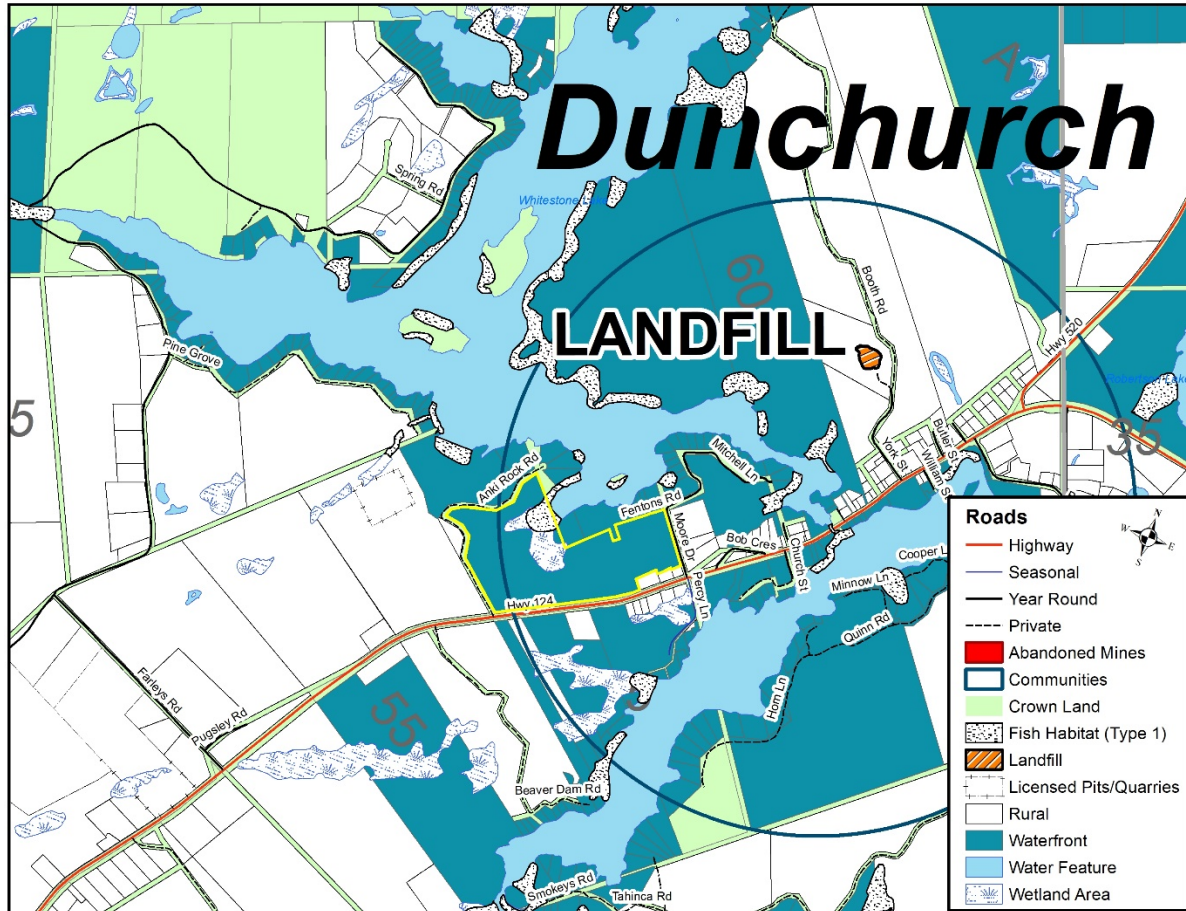
Highway No. 124 Lots

The proposed lots off Highway No. 124 would be designed to have separate frontages but likely share in the current entrance. This design would need M.T.O approval.

OFFICIAL PLAN

The subject lands are designated Waterfront because of the presence of existing waterfrontage on the whole of the property.

More practically, the lands that are away from the lakefront may be considered as Rural Lands.



The majority of the lands do not function as waterfront lands. It is entirely appropriate to consider the lands as Rural lands and part of the Dunchurch Community.

Section 18.0 – Community Areas

18.01 The Municipality of Whitestone has four distinct communities. These include Dunchurch, Maple Island, Whitestone village and the village of Ardbeg. These communities vary in size but they all function similarly in terms of identifying a community of interest, provide a number of non residential service-type uses and having a concentration of smaller lot sizes distinct from the rural areas around the communities. In the case of Maple Island and Dunchurch, the communities are partly located on recreational waterbodies.

18.02 The predominant use for community areas will be single detached dwellings and local commercial uses, institutional uses including churches, schools and community centres. Home occupations and bed and breakfasts will be permitted in the Community designation.

18.04 The minimum lot size for new development in the residential areas will be 1.0 hectares with a minimum frontage of 45 metres on a year round municipal road.

18.05 No traffic hazards shall be created by the establishment of new driveways on major roadways due to increased traffic or limited sight lines on curves or grades. It is clear that the policy for community areas is supportive of new lot development.

The standards for new lots in the rural communities allows for 45 metres of frontage and 1.0 hectares in lot area. Because of the circumstances in the application, the lot standards are generally consistent with the intent of the policy. That intent is that the lots have public road frontage and sufficient lot area to be able to provide private services to the lots.

Land Division Policy

Generally, the consent policy for the Municipality of Whitestone considers a limit of three (3) new lots. There are exceptions.

“8.01.4 The land division authority would generally interpret the consent policy on any given application to limit the creation of up to 3 new lots and a retained lot. Subsequent applications for consents for these lands may be considered so long as the general principles and standards respecting new lot creation are maintained. Any exceptions to this practise, up or down, may be made in special circumstances where the purpose and intent of the above policy is maintained and the land division authority is satisfied that there is no need, benefit or public interest in proceeding by registered plan of subdivision.”

It is believed that the proposed application can qualify for an exception given the nature of the consent, the separate access arrangements and the location within the Dunchurch Community.

Lot Standards

The standards for new lots are generally set out in the Municipality's zoning By-Law.

8.02 New lot standards will be set out in the implementing zoning by-law based upon the policy provisions for the various waterfront, rural and community neighbourhoods. The lot standards will reflect the appropriate minimum standards for new lots. These minimum standards will not necessarily be the maximum dimension or areas of any proposed new lots. New lots proposed to be created must comply with the policies of this Plan, the criteria under the Planning Act, applicable provincial policies and sound planning practises.

There is sufficient flexibility in the recommended standards to consider the proposed lot development.

ACCESS POLICIES

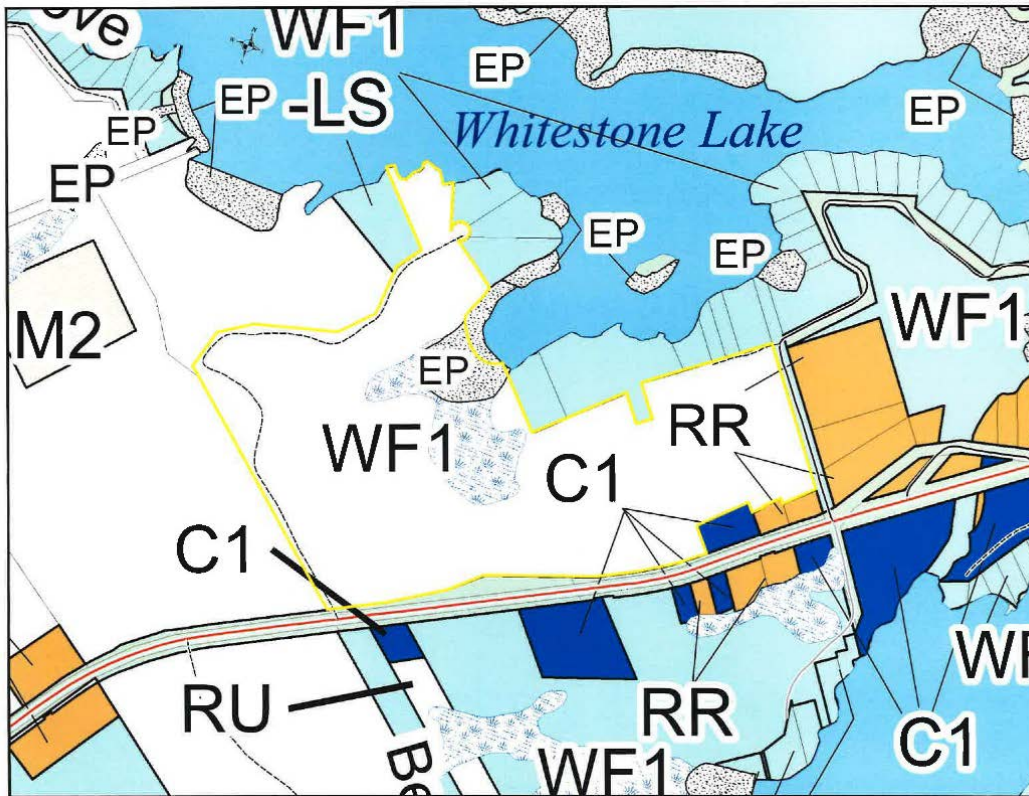
The two lots proposed to have access off Moore Drive will have no difficulty with entrance requirements.

The shared access off Highway No. 124 may have difficulty complying with M.T.O. entrance requirements.

M.T.O. will be circulated the application to determine it's willingness to support the new lots off the existing 124 access.

ZONING BY-LAW

The lands that are the subject of the consent are zoned Waterfront Residential 1 (WF1) as a result of the current frontage on Whitestone Lake.



The lands adjoining the lands proposed to be created that are non-waterfront lots are zoned Rural Residential. It is appropriate to apply the RR Zoning to the subject consent lands through a rezoning that would have a site-specific recognition of the lesser frontage off Highway No. 124.

CONCLUSION/RECOMMENDATION

That the consent application by John Buczynski et al for 4 new lots as applied for in Application No. B45/2021(W) be approved subject to the following conditions.

1. The newly created lots be rezoned to the Rural Residential (RR) Zone
2. That the applicant meets the requirements for parkland dedication as set out by the Municipality.
3. That a clearance letter be obtained from the Ministry of Transportation.
4. That the new lots be assigned 911 addressing.
5. Payment of all applicable planning fees.

Respectfully,



John Jackson M.C.I.P., R.P.P.

JJ : jc

REPORT TO COUNCIL

APPLICATION TO STOP UP AND SELL SHORE ROAD ALLOWANCE

PART OF LOT 28, CONCESSION 5

Geographic Township of McKenzie

28207 Lake Wahwashkesh (Burrell)

28237 Lake Wahwashkesh (Rice)

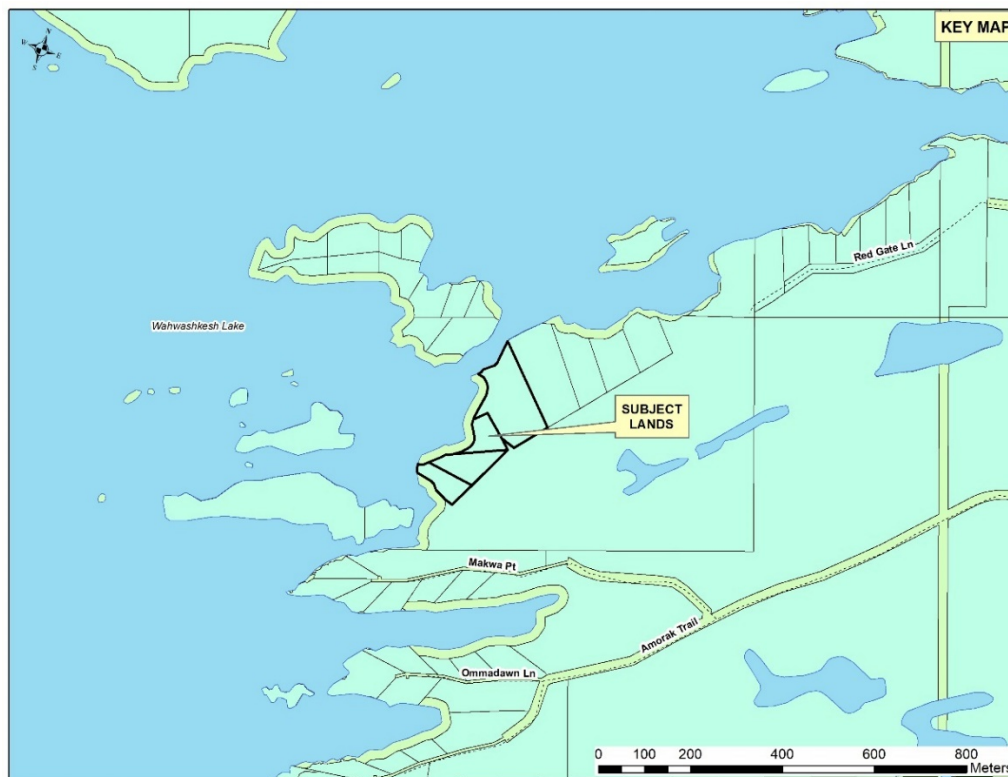
28277 Lake Wahwashkesh (Pottinger)

28307 Lake Wahwashkesh (Merritt)

December 29, 2021

BACKGROUND

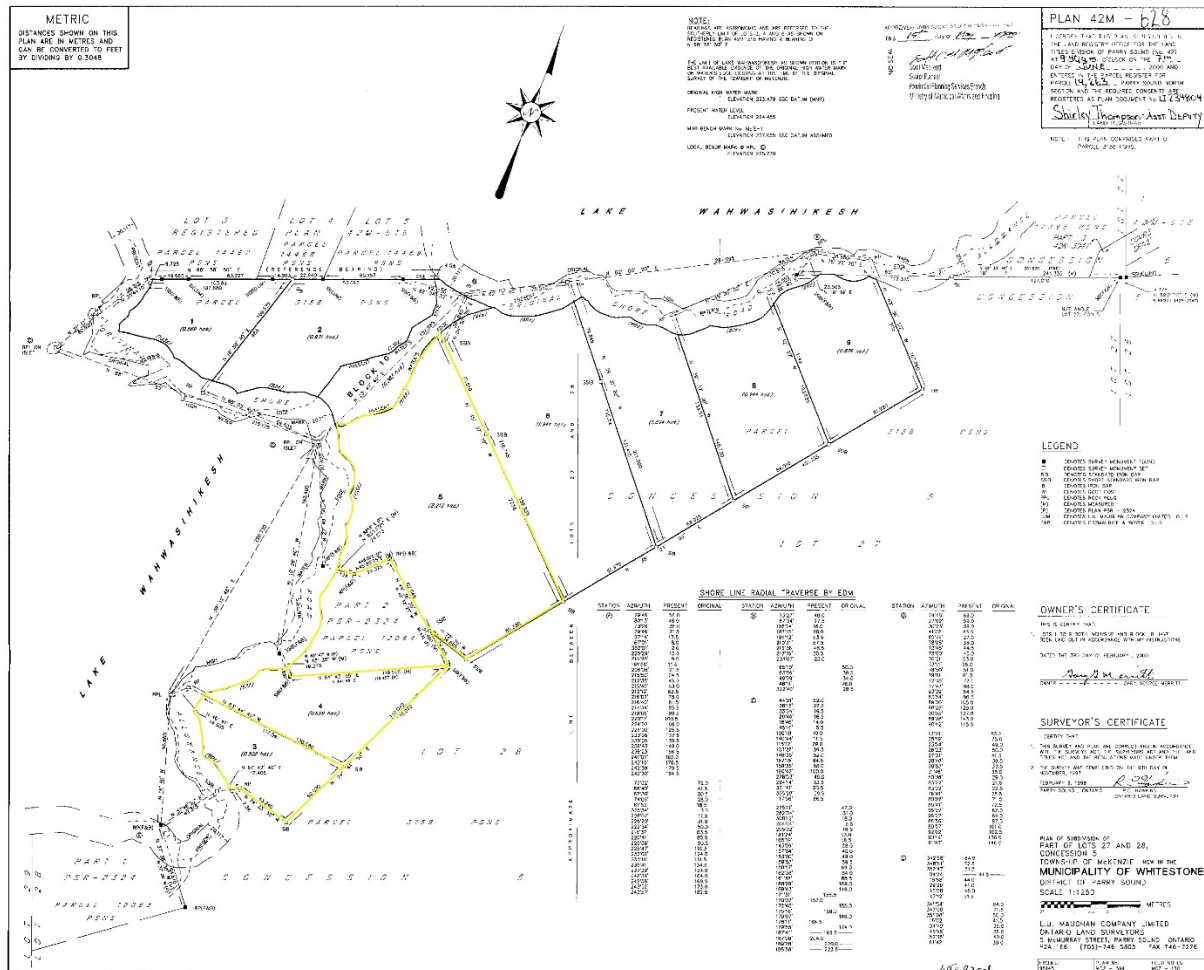
Four adjoining property owners on Lake Wahwashkesh have applied as a group to close their shore road allowances and have them attached to their respective properties.



The applicants include:

NAME	P.I.N #	CIVIC ADDRESS	PROPERTY DESCRIPTION
Drew Burrell	52250-0078	28207 Lake Wahwashkesh	Lot 3, M628
Lisa Rice	52250-0079	28237 Lake Wahwashkesh	Lot 4, M628
Marilyn Pottinger	52250-0074	28277 Lake Wahwashkesh	Part 2, PSR-2324
Gary/Pamela Merritt	52250-0080	28307 Lake Wahwashkesh	Lot 5, M628

A copy of the surveys are attached below to illustrate the lands in more detail.



OFFICIAL PLAN POLICY

The Municipality of Whitestone has a policy that supports the stopping up of shore road allowances and conveying the land to the adjacent lot owners under a number of circumstances.

Section 9.08 states:

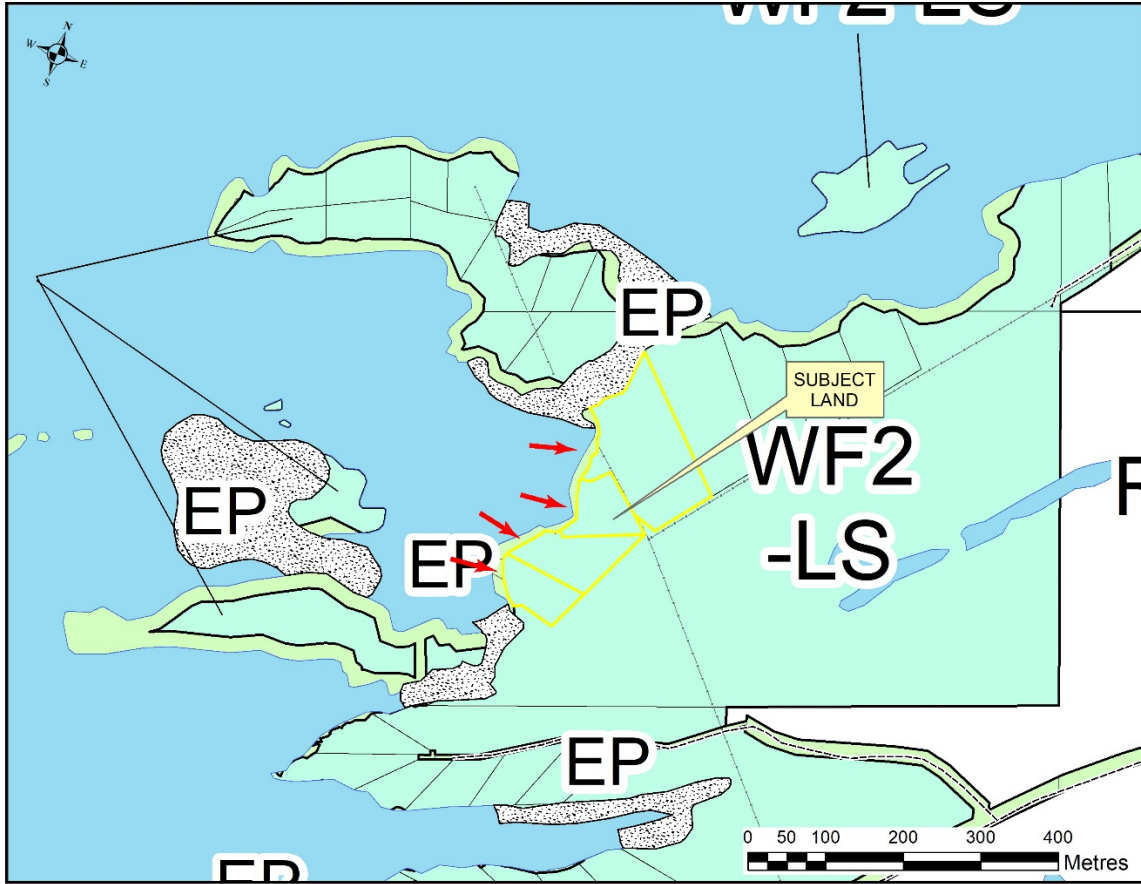
9.08 Shore Road Allowances

- 9.08.1 Shore road allowances are present on a number of lakes in the Municipality. The Municipality is prepared to stop and sell these shore road allowances to the riparian land owners.
- 9.08.2 That part of the shore road allowance below the controlled high water mark will be retained by the Municipality.
- 9.08.3 That part of the shore road allowance identified as having any environmental feature may be retained by the Municipality.
- 9.08.4 No shore road allowance will be stopped up and sold to the riparian land owner where it is used for access by an adjoining property owner or where the sale will have a negative impact on an adjoining property owner.

The above surveys indicate that part of the shore road allowance is above the controlled highwater mark.

The zoning by-law identifies the areas of Type 1 Fish Habitat that are generally not conveyed to adjoining property owners.

The most northerly lot (Merritt) received the preliminary consent from MNR stating that they have no objection to the closing of the shore road allowance.



The aerial imagery confirms that the shoreline of the applicant's land are free from critical fish habitat.



CONCLUSION/RECOMMENDATION

The Council of the Municipality of Whitestone approves in principle, the closure and acquisition of the shore road allowance as applied for by Burrell, Rice, Pottinger and Merritt and subject to:

- 1) Practices, procedures and fees of the Municipality for closing of Shore Road Allowances.

Regards,



John Jackson M.C.I.P., R.P.P.

JJ : jc

MEMO TO COUNCIL

Proposed Road Allowance Purchase

Road Allowance Between Concessions 4&5, Lot 11

Geographic Township of Hagerman

Shawanaga Lake

Roll # 4939-010-001-06001

66 Beach Road

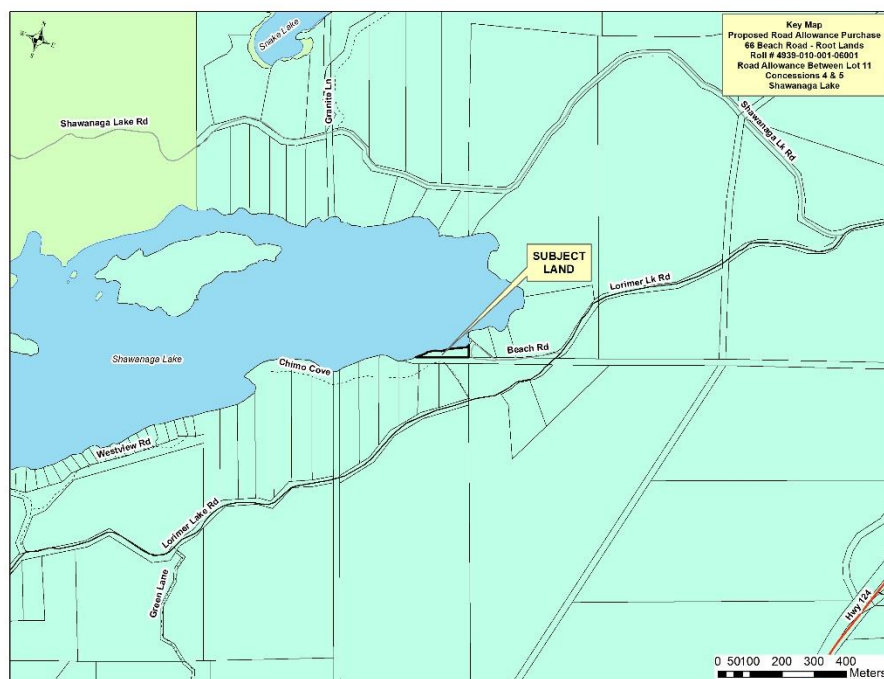
Applicants: Sue and Chris Root

October 21, 2021

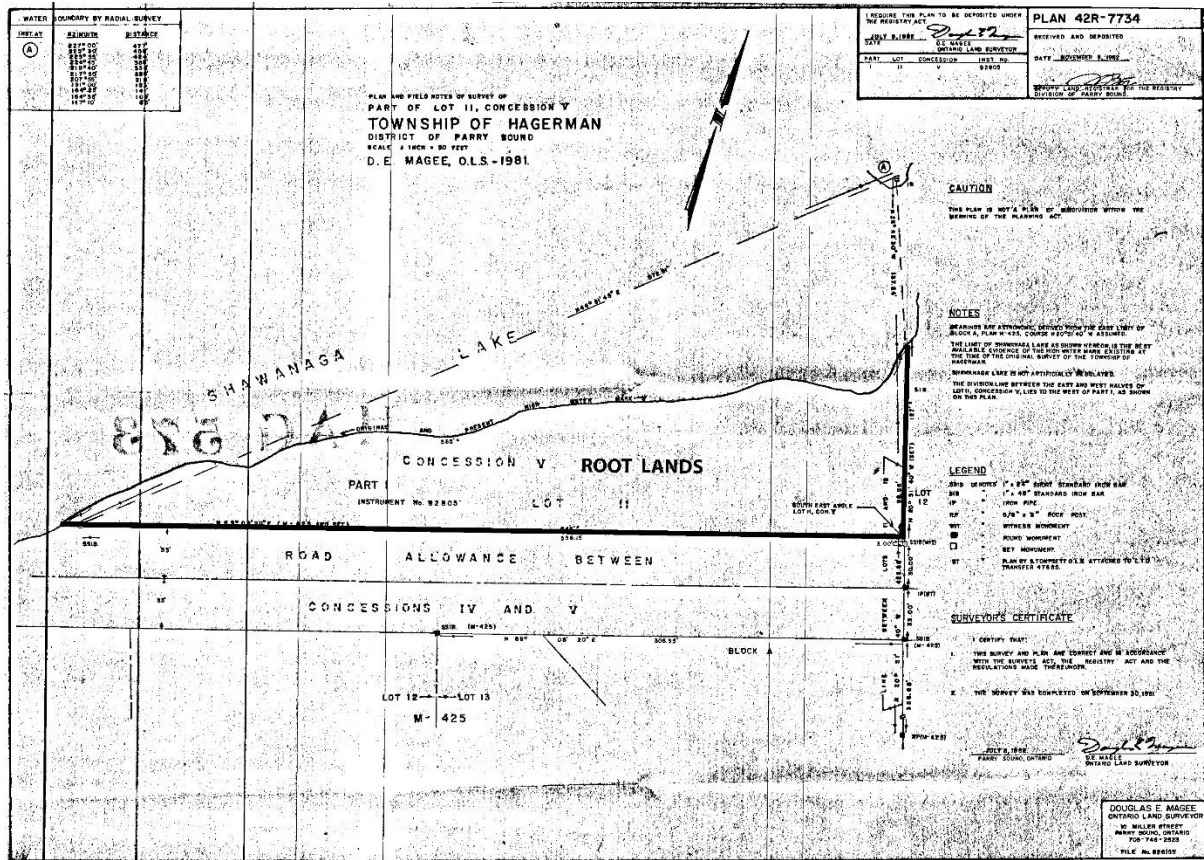
BACKGROUND

Sue and Chris Root own a cottage property on the east end of Shawanaga Lake next to the boat launch on Beach Road.

Their property is shallow in terms of depth and backs on to an original concession road allowance.



The Roots wish to replace their septic system but because of building locations, shallow depth of the property and topography, they are hoping to acquire some of the road allowance at the rear of their property.



The challenge is the fact that the subject road allowance is one that leads to water.

Currently the road allowance is 66 ft wide along the entirety of the south lot line. The subject road allowance leads to the water. The Roots are not applying to close or stop up the road allowance. The Roots are requesting that a portion of this road allowance be conveyed to allow the installation of a septic system. A septic system cannot be installed to meet current municipal regulations due to the irregularity of the property, and the location of the main residence.

The Roots seek to purchase, at a minimum, enough land to build a septic system that can meet all applicable regulations as shown below:

Under section 10.01 Parkland Policy,

“Council will generally discourage the stopping up and transferring of road allowances that lead to a recreational waterbody unless the use of the road allowance, either now or in the future could not feasibly serve as a public access.”

As the air photo shows below, the boat launch is next to the Root property.



In addition, it looks like the property owner to the west of the Root property where the road allowance reaches the lake, is being used as part of the neighbours waterfront.

OPTIONS

1. The Municipality could deny the request. However, it would seem to be generally beneficial to have an upgraded septic system.
2. Rather than sell a portion of the road allowance, council could enter into an encroachment agreement to allow the use of the road allowance for a new septic system.
3. The Council of the Municipality could rationalize that there will be no need for this road allowance to the lake because of the adjacent landing and boat launch and agree to the sale of a part of the road allowance to the Roots as requested.

4. Council may wish to obtain details on the septic system design to determine what method of authority (lease or ownership) is appropriate. The Roots should file a site plan with sufficient detail to allow for a more fulsome review.

Regards

A handwritten signature in blue ink that reads "John Jackson". The signature is written in a cursive, flowing style.

John Jackson

Application to Convey a Portion of Municipal Road Allowance
Abutting 66 Beach Road, Dunchurch ON.

Roll number: 49 39 010 001 06001
Location: 66 Beach Road
Property Description: Seasonal/recreational dwelling – first tier on water
Municipality: Whitestone Municipality
Economic/homogenous neighbourhood: 1437/A70
Legal description: CON 5 PT LOT II RP 42R7734
Property type: Residential
Access: Summer or Seasonal Access Only.

We are petitioning to purchase municipal land abutting our property at 66 Beach Road, to enable installation of a septic system for our 3 season cottage and create the possibility to allow planning for a larger permanent residence.

This was only considered after discussions this year with a neighbour at 1748 Lorimer Lake Road and former neighbour (and past Whitestone Council person) at 1700 Lorimer Lake Road who informed us that these lands had been discussed in council and had been offered for purchase to previous owners of 66 Beach Road.

After reviewing the Application and the policies outlined in the Municipality of Whitestone Document, “Application to Close and Convey Municipal Road Allowances”, it is our hope that we can come to an agreement that complies with all the policies that council considers during its deliberations.

As per the policies (see additional documents in this package)

1. We are the abutting landowners to the road allowance in consideration.
2. We are not applying to close or stop up the road allowance. Currently the road allowance is 66 ft wide along the entirety of our south lot line. We are requesting that a portion of this allowance be conveyed to allow the installation of a traditional septic system. A traditional septic system cannot be installed to meet current municipal regulations due to the irregularity of our property, and the location of the main residence.
 - 2.1. We seek to purchase, at a minimum, enough land to build a septic system that can meet all applicable codes. See appendix map 1.
 - 2.2. We will consider any larger conveyance of road allowance if that is the determination/requirement of Whitestone Municipal Council see Appendix map

2, as long as it abuts and includes the section applied for and shown in Appendix Map 1.

3. We are not aware at this time of any conflicts with any Municipal by-laws or regulations regarding this potential conveyance.
4. The road allowance does lead to water, we are not specifically applying for any portion of the waterfront or to close or stop public access now or in the future.
5. This entire road allowance abutting 66 Beach road does not currently become flooded or seasonally inundated with water.
6. Policy to circulate this application to adjacent property owners and others is encouraged by the applicants.
7. No issue or comment with Policy no. 7
8. No issue or comment with Policy no. 8
9. No issue with Policy no. 9, attached are copies of survey's including the separate part number requested. See Appendix Surveys 1 and 2.

Procedures

1. Attached is the application form, our Deed of land for 66 Beach Road and the \$2000 application and administration fee was deposited via bank transfer on August 27, 2021.
2. No issue or comment for Procedure no. 2
3. No issue or comment for Procedure no. 3
4. No issue or comment for Procedure no. 4
5. Attached are a number of plans and options for Council's consideration, all will allow us to proceed with a septic system installation. See appendix maps 1, 2.
6. No issue or comment for Procedure no. 6

We appreciate Council's consideration of our application and if there is any additional information or clarification of this application, please contact Sue and Chris Root at your convenience. All documents in this application are available in PDF.

Chris Root email: c.root@zarpac.com
Sue Root email: suemuir.root@gmail.com

Sue and Chris Root
134 Markland St.
Hamilton, ON L8P 2K1

PUBLIC MEETING



**NOTICE OF COMPLETE APPLICATION AND
NOTICE OF A PUBLIC MEETING CONCERNING
A PROPOSED ZONING BY-LAW AMENDMENT (ANDERSON/PATTERSON)**

Take Notice that the Corporation of the Municipality of Whitestone has received a complete application to amend the Municipality's Zoning By-Law No. 07-2018, pursuant to Section 34 of the *Planning Act*, as amended.

And Take Notice that the Council for the Corporation of the Municipality of Whitestone will be holding a public meeting under Section 34 of the *Planning Act* as amended, to allow the public to comment on an application for a proposed Zoning By-Law amendment.

The public meeting is being held for the application described below to enable interested members of the public to understand and comment on the proposed Zoning By-Law amendment.

Date and Location of Public Meeting

Date: Monday, January 17, 2022

Time: 6:30 p.m.

Location: The Council meeting will be held by Zoom video conferencing with an option for 'call in' only. The Public is welcome to access the meeting and instructions will be placed on the Council agenda and the agenda will be posted on the Municipal website.

Details of the Zoning Bylaw Amendment

The purpose of the proposed Zoning By-law amendment is to rezone Part of Lot 32, Concession 1 geographic Township of McKenzie, now in the Municipality of Whitestone being PIN No. 52250-0573 from the Rural (RU) Zone to a Rural Exception Zone.

The effect of the proposed Zoning By-Law amendment is to permit the construction of a garage/storage building up to 150 m².

Additional Information and Map of Land Subject to the Application

Any person may attend the Public meeting and make written and/or verbal representation either in support of or against the proposed Zoning By-Law amendment.

If you wish to be notified of the decision of the Municipality of Whitestone on the proposed Zoning By-Law amendment, you must make a written request to Municipality of Whitestone, 21 Church Street, Dunchurch, ON P0A 1G0.

If a person or public body would otherwise have an ability to appeal the decision of the Municipality of Whitestone to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Whitestone before the by-law is passed, the person or public body is not entitled to appeal the decision.

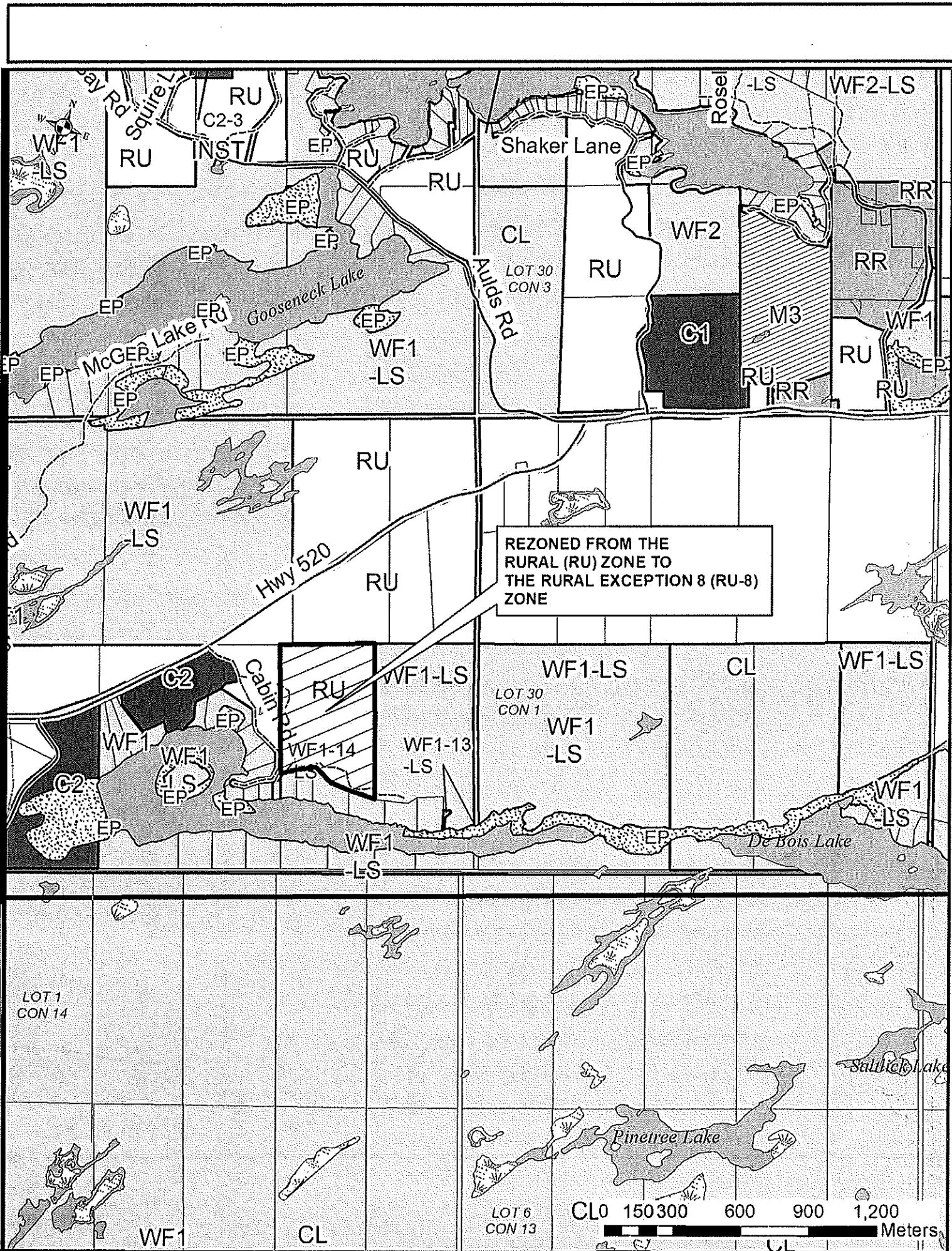
If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Whitestone before the zoning by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

A key map showing the land to which the proposed amendment applies is provided below this Notice.

Due to the Covid-19 pandemic and the closure of the Municipality of Whitestone Municipal Offices, any other additional information can be provided electronically. Please contact Paula Macri, Planning Assistant, at 705-389-2466, ext. 122 or at paula.macri@whitestone.ca during regular office hours, 8:30 a.m. to 4:30 p.m., Monday to Friday.

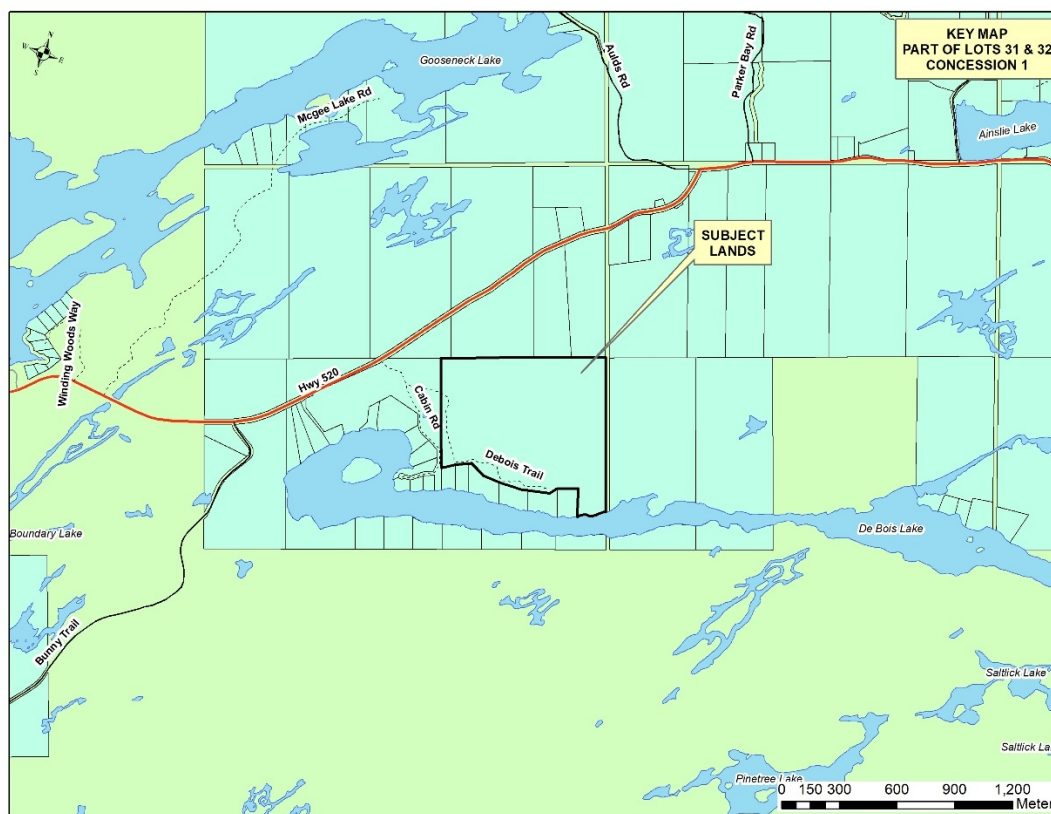
DATED at the Whitestone Municipal Office this 22nd day of December, 2021.

Michelle Hendry, CAO-Clerk
Municipality of Whitestone
21 Church Street
Dunchurch, Ontario P0A 1G0
Phone: (705) 389-2466
Fax: (705) 389-1855



MEMO**TO: Municipality OF WHITESTONE****SUBJECT: PROPOSED REZONING – JAMES ANDERSON****DEBOIS TRAIL LANDS****PART OF LOTS 31 & 32, CONCESSION 1,****GEOGRAPHIC TOWNSHIP OF MCKENZIE****January 12, 2022****BACKGROUND**

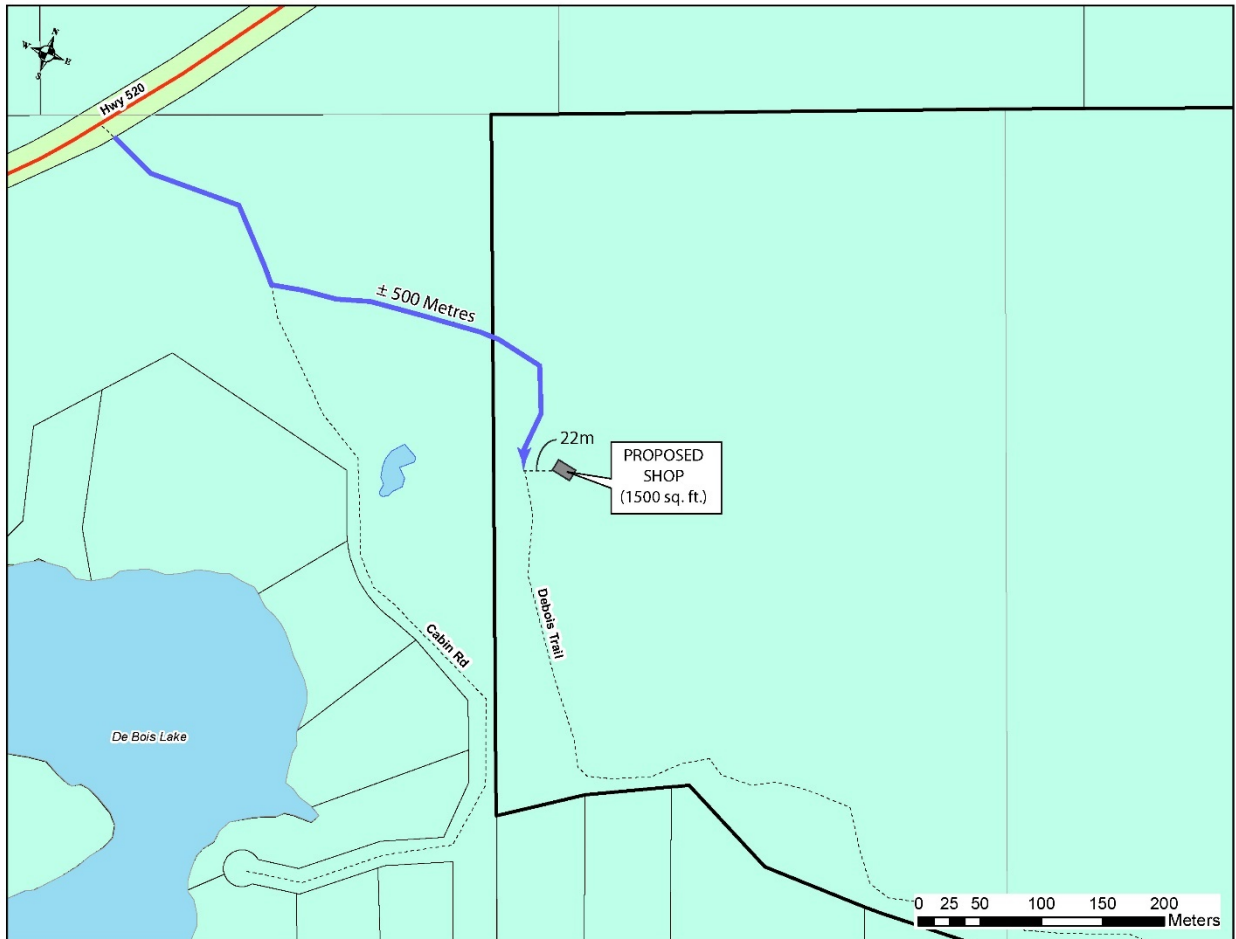
James Anderson has a property that is located on Debois Lake accessed by a private right-of-way off Debois Trail. Mr. Anderson wishes to construct a storage building on the subject property prior to developing any residential use on the property.



PURPOSE OF THE REZONING APPLICATION

The purpose of the application is to allow for an accessory building prior to a principal building.

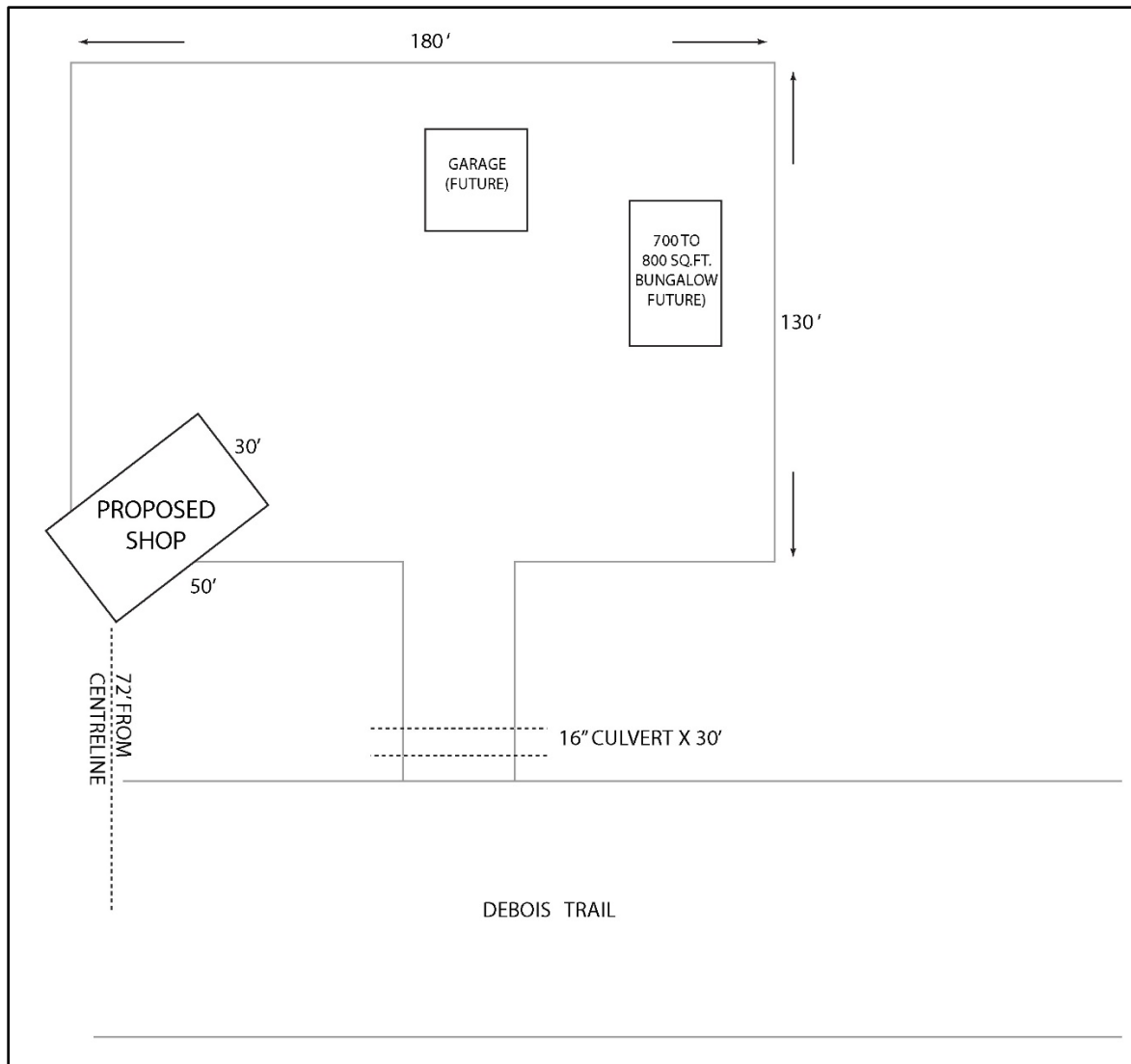
The location of the property to be used for the 1500 square foot steel building is about ± 0.5 km of Highway No. 520 along Debois Trail.



Mr. Anderson owns a large acreage along Debois Trail including frontage on Debois Lake.

The building is to be set back 72 feet from the trail.

Mr. Anderson was requested to provide future plans for the site and he enclosed the attached drawings.



A copy of the draft By-Law and notices are enclosed.

Respectfully,

John Jackson M.C.I.P., R.P.P.

JJ; jc

BY-LAWS

**THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE
BY-LAW NO. 01-2022**

**Being a By-Law to amend Zoning By-Law No. 07-2018
For Part of Lot 32, Concession 1, geographic Township of McKenzie
ANDERSON, James
PATTERSON, Sandra
(Assessment Roll No. 49 39 050 004 01500)**

WHEREAS the Council of the Municipality of Whitestone has the authority to enact zoning by-laws under section 34 of the Planning Act;

AND WHEREAS The owner of the lands located in Part of Lot 32, Concession 1 in the geographic Township of McKenzie accessed by Debois Trail has applied to rezone his lands to permit the construction of a garage/storage building on the property prior to any principal use like a main dwelling;

AND WHEREAS the Council of the Municipality of Whitestone deem it appropriate to rezone the subject land.

NOW THEREFORE the Council of the Corporation of the Municipality of Whitestone,

ENACTS AS A By-Law OF THE CORPORATION AS FOLLOWS:

1. Schedule 7 of Zoning By-Law No. 07-2018 as amended is hereby further amended by rezoning Part of Lot 32, Concession 1 located in the geographic Township of McKenzie from the Rural (RU) Zone to the Rural Zone Exception No. RU-8 as shown on a copy of Part of Schedule 7 attached to this By-Law as Schedule "1" and more particularly shown on a copy of Reference Plan 42R-9793 attached to this By-Law as Schedule "2";
2. Section 4.04 of Zoning By-Law No. 07-2018- Special Exception Regulations- Rural (RU) Zone as amended is hereby further amended by adding the following paragraph after section 4.04.7:

"4.04.8...A garage/storage building up to 150 m² may be permitted on Part of Lot 32, Concession 1 in the geographic Township of McKenzie subject to a minimum set back from Debois Trail of 20 metres and all other applicable requirements for the Rural (RU) Zone"

Read a First and Second time this 17th day of January, 2022.

Mayor George Comrie

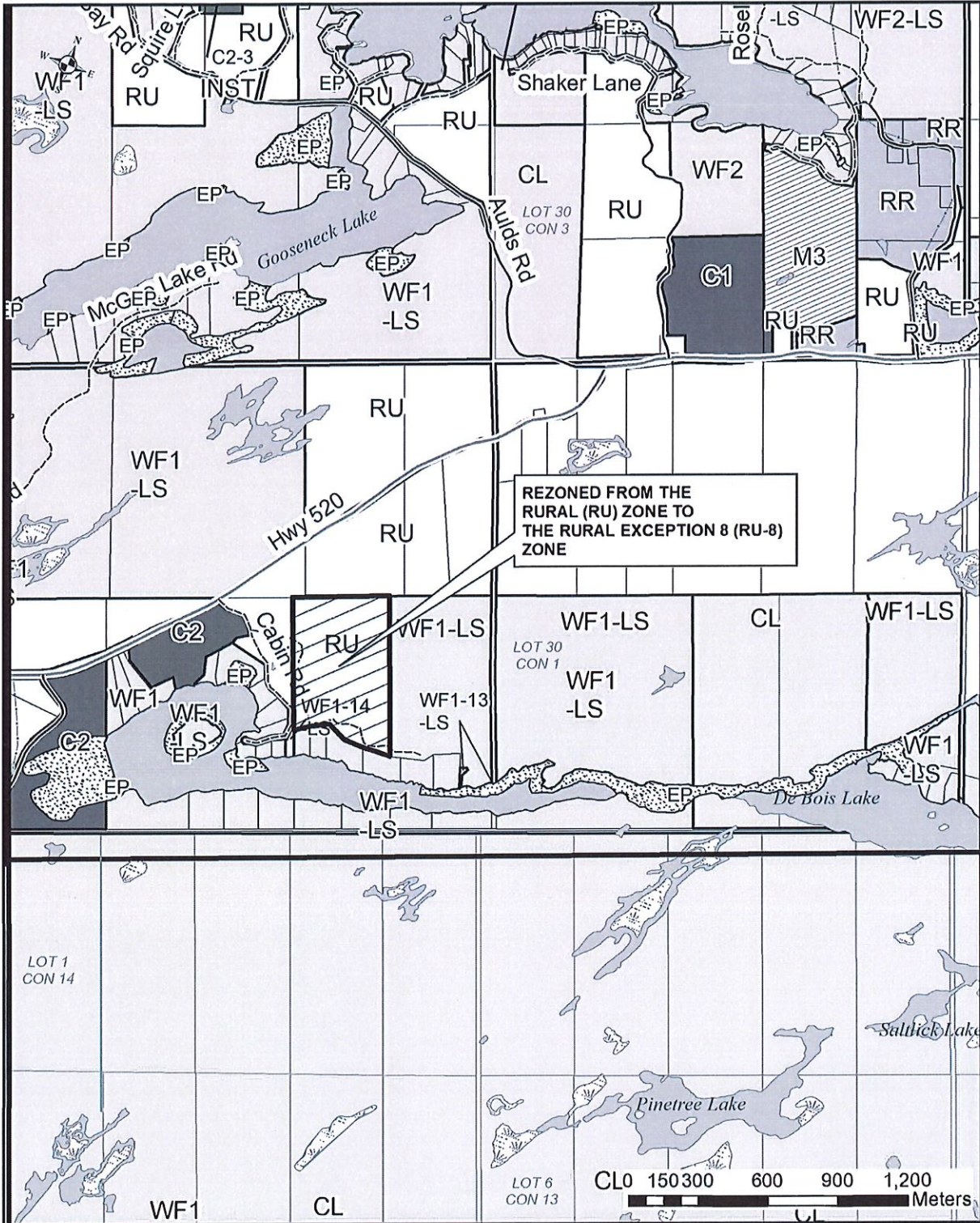
CAO/Clerk Michelle Hendry

Read a Third time and Passed, Signed and Sealed this 17th day of January, 2022.

Mayor George Comrie

CAO/Clerk Michelle Hendry

This is Part of Schedule 7 to Zoning By-law No. 07-2018



THIS IS SCHEDULE "1" TO BY-LAW No. 01-2022

MUNICIPALITY OF WHITESTONE

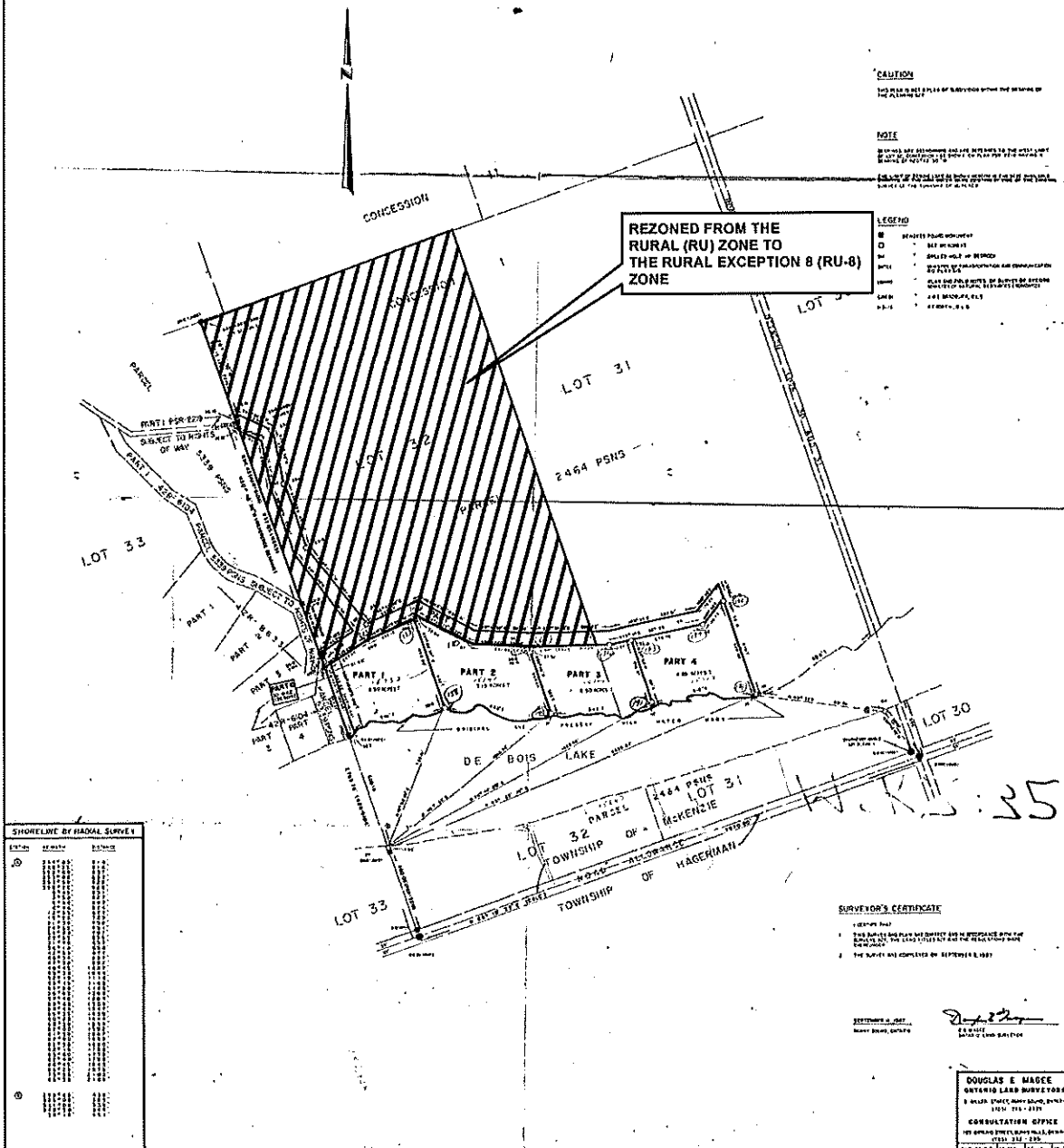
PASSED THIS 17TH DAY OF JANUARY, 2022

GEORGE COMRIE, MAYOR

MICHELLE HENDRY, CAO-CLERK

PART OF LOTS 31 AND 32, CONCESSION 1
TOWNSHIP OF MCKENZIE
 DISTRICT OF PARRY SOUND
 MADE 17 NOV 2021
D E MAGEE O.L.S. - 1987

PLAN 42R-9793	
DATE: 17 NOV 2021	BY: D.E. MAGEE
SCALE: AS SHOWN	PROJECT: 2484 PARCEL OF MCKENZIE
DATE: 17 NOV 2021	BY: D.E. MAGEE



THIS IS SCHEDULE "2" TO BY-LAW No. 01-2022

MUNICIPALITY OF WHITESTONE

PASSED THIS 17TH DAY OF JANUARY, 2021

GEORGE COMRIE, MAYOR

MICHELLE HENDRY, CAO-CLERK

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

By-Law No. 02-2022

**A By-Law to Enter into an Agreement
for Conditions of Approval of Consent B02-2021(W) (MEIN. Shirley)
(Assessment Roll No. 49 39 010 006 04700)**

WHEREAS Section 9 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended provides for powers of a natural person whereby a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 51(26) of the *Planning Act* authorizes municipalities to enter into agreements as a condition of approval of a consent;

AND WHEREAS it is deemed desirable that the Corporation of the Municipality of Whitestone enter into an agreement with Shirley Mein for the purposes of fulfilling conditions of an approved Consent Application B02/2021(W);

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Municipality of Whitestone hereby enacts as follows:

1. THAT the Mayor and CAO/Clerk of the Corporation of the Municipality of Whitestone are hereby authorized to execute under seal of the Corporation an Agreement between the Municipality of Whitestone and Shirley Mein.
2. THAT the said Agreement is attached hereto and shall form part of this By-Law as Schedule "A".
3. THAT this By-Law shall come into effect upon the date, and at the time of its passing.

Read a **First** and **Second** time this 17th day of January, 2022.

Mayor George Comrie

CAO/Clerk Michelle Hendry

Read a **Third** time and **Passed, Signed** and **Sealed** this 17th day of January, 2022.

Mayor George Comrie

CAO/Clerk Michelle Hendry

Schedule 'A' to By-Law 02-2022

CONSENT AGREEMENT

THIS AGREEMENT made in triplicate this 17th day of January, 2022.

BETWEEN:

SHIRLEY MEIN

hereinafter called the "Owner"
of the First Part

-and-

THE CORPORATION OF THE Municipality OF WHITESTONE

hereinafter called the "Municipality"
of the Second Part

WHEREAS Section 51(26) of the *Planning Act* authorizes municipalities to enter into agreements as a condition of approval of a consent;

AND WHEREAS the Parry Sound Area Planning Board approved a consent for one (1) new rural residential lot fronting on Gibson Bay Road in Consent Application No. B02/2021(W);

AND WEREAS the application was approved with a number of conditions including the requirement that the applicant enter into an agreement to fulfill the conditions;

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT, in the consideration of other good and valuable consideration and the sum of One Dollar (\$1.00) of lawful money of Canada now paid by the Municipality to the Owner, the receipt whereof is hereby acknowledged, the Owner and the Municipality, covenant, declare and agree as follows:

PART A – GENERAL

1. The lands to be bound by the terms and conditions of this Agreement referred to as "the subject lands" are located in the Municipality and more particularly described in Schedule 'A' hereto.
2. The survey plan describing the severed land is 42R-_____.
3. This agreement shall be registered on title to the subject lands as provided for by Section 51(26) of the *Planning Act*, R.S.O. 1990, as amended, at the expense of the Owner.
4. This agreement will not be amended or removed from the title of the subject lands except where agreed upon by the Municipality and the Owner.

PART B – PURPOSE OF THE DEVELOPMENT

5. The Owner has applied for and received approval by the Parry Sound Area Planning Board under File No. B02/2021(W) for a consent for one (1) new rural residential lot fronting on Gibson Bay Road.

PART C – ACCESS

6. The Owner hereby acknowledges and recognizes that access to the subject lands is the unopened municipal road allowance legally described as the road allowance between Lots 34 and 35, in the geographic Township of Hagerman, north of Gibson Bay Road, now in the Municipality of Whitestone.
7. The Owner acknowledges that the roadway over the municipal road allowance is not to be considered a publicly maintained road.
8. The Owner hereby recognizes and agrees that the Municipality is not responsible or liable for the non repair of the roadway identified in paragraph 6 above.
9. The Owner hereby acknowledges and understands that the Municipality is not responsible for providing emergency services to the subject lands accessed by the road over the municipal road allowance.

PART D – EXPENSES TO BE PAID BY THE OWNER

10. Every provision of this Agreement by which the Owner is obligated in any way shall be deemed to include the words “at the expense of the Owner” unless the context otherwise requires.
11. The Owner shall pay such reasonable fees as may be invoiced to the Municipality by its solicitor, its planner, and its Municipal Engineer in connection with all work to be performed as a result of the provisions of this Agreement.

PART E – INDEMNIFICATION FROM LIABILITY AND RELEASE

12. The Owner covenants and agrees with the Municipality, on behalf of itself, its successors and assigns, to indemnify and save harmless the Municipality, its servants and agents from and against any and all actions, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of the negligent or unlawful performance of or failure to perform any work by the Owner or on behalf in connection with the carrying out of the provisions of this Agreement provided that such default, failure or neglect was not caused as a result of negligence or breach of this Agreement on the part of the Municipality, its servants or agents.
13. The Owner further covenants and agrees to release and forever discharge the Municipality from and against all claims, demands, causes of actions, of every nature and type whatsoever that may arise either as a result of the failure of the Municipality to carry out any of its obligations under this Agreement, or, as a result of the Municipality performing any municipal work on the said lands or the adjacent properties which may damage or interfere with the works of the Owner, provided that such default, failure or neglect was not caused as a result

of negligence or breach of this Agreement on the part of the Municipality, its servants or agents.

PART F – ADMINISTRATION

INDEMNIFICATION FROM LIABILITY AND RELEASE

14. The Owners covenants and agrees with the Municipality, on behalf of itself, its successors and assigns, to indemnify and save harmless the Municipality, its servants and agents from and against any and all actions, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of the negligent or unlawful performance of or failure to perform any work by the Owners or on behalf in connection with the carrying out of the provisions of this Agreement provided that such default, failure or neglect was not caused as a result of negligence or breach of this Agreement on the part of the Municipality, its servants or agents.
15. The Owners further covenants and agrees to release and forever discharge the Municipality from and against all claims, demands, causes of actions, of every nature and type whatsoever that may arise either as a result of the failure of the Municipality to carry out any of its obligations under this Agreement, or, as a result of the Municipality performing any municipal work on the said lands or the adjacent properties which may damage or interfere with the works of the Owners, provided that such default, failure or neglect was not caused as a result of negligence or breach of this Agreement on the part of the Municipality, its servants or agents.

PART G – ADMINISTRATION

17. The Owners acknowledges that this agreement is entered into under the provisions of Section 51(26) of the *Planning Act*, R.S.O. 1990, as amended and that any expense of the Municipality arising out of the administration and enforcement of this agreement may be recovered as taxes under Section 326 of the *Municipal Act*, 1990 as amended and further that the terms and conditions of this agreement may be enforced under conditional building permits under the *Building Code Act* and regulations thereunder.
18. The Owners and the Municipality acknowledge that the provisions of Section 67 of the *Planning Act*, R.S.O. 1990, as amended that provides that persons who contravene Section 51 and 52 of the *Planning Act* are liable on a first conviction to a fine of not more than twenty-five thousand dollars and on a subsequent conviction of not more than ten thousand dollars for each day or part thereof upon which the contravention has continued after the day in which the person was first convicted.
19. This Agreement shall enure to the benefit of and be binding upon the respective successors and assigns of each of the parties hereto.
20. This agreement shall come into effect on the date of execution by the Municipality and the Owners.

IN WITNESSETH WHEREOF the Municipality has caused their Corporate seal to be affixed over the signature of the respecting signing officers.

THE CORPORATION OF THE
MUNICIPALITY OF WHITESTONE

Date: January ____, 2022

George Comrie, Mayor

Michelle Hendy, Shirley Mein

Date: January_____, 2022

Witness

Shirley Mein

SCHEDULE 'A'

TO A CONSENT AGREEMENT BETWEEN:

SHIRLEY MEIN AND THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

Part of PIN#: 520881248

Legal Description: TBA

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 03-2022

Being a By-Law to authorize the sale of all of Lot 12, Registrar’s Compiled Plan 305 COSTELLO, Kathleen (Assessment Roll No. 49 39 010 001 05114)

WHEREAS pursuant to Sections 8 and 9 of the Municipal Act, 2001, as amended, the Corporation of the Municipality of Whitestone (the “Municipality”) has authority to sell land that is no longer required for municipal purposes;

AND WHEREAS the Municipality proposes to complete the sale of the lands more particularly described in Schedule “A” attached hereto pursuant to an Offer to Purchase from Kathleen Costello;

AND WHEREAS the Municipality has complied with its procedures for the sale of land and for giving notice of intent to pass a by-law authorizing the sale;

AND WHEREAS no comments were received with respect to the sale;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE HEREBY ENACTS AS FOLLOWS:

- 1. Surplus – The lands described in Schedule “A” attached hereto are hereby declared to be surplus to the requirements of the Municipality.
2. Authorization of Sale – The Municipality is authorized to accept the Offer to Purchase of Kathleen Costello and sell the lands described in Schedule “A” attached hereto substantially in accordance with the terms of the Offer to Purchase for the sum of \$3,950.00 plus HST.
3. Execution of Documents – The Mayor and the Clerk are hereby authorized to accept the Offer to Purchase and to take all action and execute all documents necessary to complete the sale transaction and give effect to this by-law.

Read a First and Second time this 17th day of January, 2022.

Mayor George Comrie

CAO/Clerk Michelle Hendry

Read a Third time and Passed, Signed and Sealed this 17th day of January, 2022.

Mayor George Comrie

CAO/Clerk Michelle Hendry

SCHEDULE "A"
To By-law 03-2022

All of Lot 12, Registrar's Compiled Plan 305; Whitestone;
being all of PIN 52090-0229 (LT)