

Oct 21, 2024

CAO Report to Council– INFORMATION: 2025 Ontario Community Infrastructure Fund (OCIF) 2025 allocation

PURPOSE:

To Provide Council with information about the 2025 budget year OCIF allocation

BACKGROUND:

OCIF was launched in 2013. In 2025, the Province will provide \$400 million to 423 small, rural and northern communities across Ontario.

Communities don't need to apply for the funding but will need to provide planning and reporting documents to the government to receive the grants.

Under the formula-based component (Current Replacement Values to approximate requirements to maintain municipal core infrastructure assets), eligible recipients receive annual allocation notices specifying OCIF funding for the calendar year, may accumulate annual formula-based grants for up to five years to address larger infrastructure projects, and are guaranteed to receive a minimum of \$100,000 per year.

During 2025 budget discussions, as usual, Staff will make recommendations to Council with respect to the use of these funds.

Eligible activities include capital expenditures on core infrastructure projects (such as roads, bridges, water and wastewater, including sanitary and stormwater facilities) that are part of an asset management plan are eligible, including: a) capital construction of new core infrastructure to be owned by the recipient that addresses an existing health or safety issue, b) capital maintenance for the renewal, rehabilitation and replacement of core infrastructure owned by the recipient (this may include municipally owned infrastructure assets that are owned by a municipality's municipal services corporation), c) debt-financing charges specifically associated with the capital construction and maintenance of core infrastructure. Eligible expenditures for the development, updating and improvement of asset management plans for any asset type(s), include, a) asset management software, b) conferences and training for municipal staff that are 100% related to asset management planning, including reasonable related travel, meal and accommodation expenses, c) third-party condition assessments, d) third-party consultants whose responsibilities are limited to asset management planning.

Ineligible activities include infrastructure expansion projects to accommodate future employment or residential development on greenfield sites, acquisition and/or leasing of land, buildings and other facilities, legal fees, rolling stock (for example, trucks, graders, etc.), movable/transitory assets (for example, portable generators, etc.), the costs of completing any application for a provincial funding program, all taxes, stand-alone street-light projects, costs for recreational trails.

More information about OCIF can be located at <https://www.ontario.ca/page/ontario-community-infrastructure-fund>

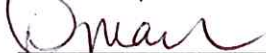
UPDATE:

On October 21, 2024, the Ministry of Infrastructure notified Municipalities through their senior staff in writing that information about 2025 budget allocations can be released. The Corporation of the Municipality of Calvin's 2025 allocation is \$100,000.

RECOMMENATION:

That Council for the Corporation of the Municipality of Calvin receive the CAO report dated Oct 21, 2024 titled INFORMATION: 2025 Ontario Community Infrastructure Fund (OCIF) 2025 allocation.

Submitted by: Donna Maitland, CAO





Date Prepared: October 14, 2024

Reporting period: September 2024

Submitted by Chief Labreche

First and far most I want to Thank Council for the Utility Terrain Vehicle approval which arrived on October 17, 2024. We are all so proud of this new acquisition. We are currently retrofitting this unit with warning and ground lighting, with the addition of a radio.

1. Department Volunteer Status:

Nothing to report

2. Incidents Attended This Reporting Period

During the month of September we had 2 fire emergency a remote rescue and a BBQ fire near a the home, potential for a house fire but quick thinking retired Firefighter he extinguished it prior to our arrival,

3. Dept. Training Activities

We organized a joint hydrant training with Mattawa Fire Department, the firefighters had the opportunity to flow water via hydrant and learn the protocols with Aqua in the event we do Mutual Aid within the town but this is a valuable training as the Canadian Ecology Centre and Columbia both have hydrant on site. The networking between all departments was a remarkable, all firefighters had the opportunity to familiarize themselves with other departments fire apparatus.

b.Future planned training:

Two courses are required for the responses to Hazardous Materials Incidents, where firefighters will gain knowledge in regards to Analyzing the incident, Recognizing and Identifying the Presence of Hazardous Materials, Estimating Potential Harms and Planning a Response, Implementing the Planned Response and the Health and Safety of the Responders, having said this the first of two courses is being offered through Ontario Fire Academy on December 1, 2024. We plan to register 10 firefighters as this is an online course.

NFPA 1072: Hazardous Materials Awareness: firefighters will gain knowledge on how to recognize potential problems, take appropriate actions to protect themselves and others, collect hazard information from the current Emergency Response Guidebook

NFPA 1072 Hazardous Materials Operations: firefighters will gain knowledge on PPE, surveying an incident, characteristics of hazardous materials, decontamination, and product control

4. Social/Recreational/Fundraising Activities

The firefighters are planning the Halloween Event at the fire station, if any of the residents within our community want to donate candies we are accepting.

Other:

- On April 9, 2024 Council passed the resolution to purchase SCBA mask, I was pleased that Council was invested in the safety of each firefighter serving the municipality, having said that I was aware the SCBA were reaching the expiration date within 2 years. While networking with other departments, a Chief mentioned his department had a surplus therefore we acquired 5 masks at no cost saving the municipality approximately

\$6600.00, firefighters were fit tested to ensure the masks were in good working order and all passed.

- As mentioned above within the next 2 years the Self Contained Breathing Apparatus will require to be replaced at an approx. cost of \$10 000.00 per unit, this will be discussed during budget deliberation.

Submitted to the CAO on Oct 24, 2024 by email

May 16, 2024

The Honourable Sylvia Jones
Minister of Health
5th Floor
777 Bay St.
Toronto, ON M7A 2J3
sylvia.jones@ontario.ca

Sent by Email

Re: Recommended phase-out of free well-water testing in the 2023 Auditor General's Report

Dear Minister Jones,

The Kettle Creek Conservation Authority (KCCA) is concerned with Public Health Ontario's recommendation of phasing out free water testing.

While you have indicated that the Ministry has not made any decisions about changes to the provincial well water testing program and that individuals will continue to be able to get their private well water tested, members wanted to express their resolve in ensuring testing will continue and will continue to be free.

Consequently, at the May 15, 2024 Full Authority meeting, the following motion was passed:

FA78/2024

Moved By: Lori Baldwin-Sands

Seconded By: Todd Noble

WHEREAS: private water systems (e.g., wells) are not protected through legislated requirements under The Safe Drinking Water Act 2002 and The Clean Water Act 2006, but are more likely to contribute to cases of gastrointestinal illness than municipal systems;

AND WHEREAS: the 2023 Ontario Auditor General's value-for-money audit of Public Health Ontario (PHO) recommended that PHO, in conjunction with the Ontario Ministry of Health, begin the gradual discontinuance of free private drinking water testing;

AND WHEREAS: in the jurisdiction of KCCA, many households do not receive water from municipal systems, with many relying on a private drinking water system, including wells;

AND WHEREAS: the Walkerton Inquiry Report Part II, concluded the privatization of laboratory testing of drinking water samples contributed directly to the E. coli outbreak in Walkerton, Ontario in May 2000;

AND WHEREAS: all Ontarians deserve safe, clean water, and free well-water testing is a way to help ensure that residents on private wells continue to have barrier-free access to well water testing.

THEREFORE, BE IT RESOLVED THAT: the Board of Directors calls on the Province to not phase out free well-water testing as part of the proposed streamlining efforts of public health laboratory operations in the province;

AND FURTHER THAT: this resolution be circulated to the Hon. Sylvia Jones, Minister of Health; Hon. Lisa Thompson, Minister of Agriculture, Food and Rural Affairs; Hon. Andrea Khanjin, Minister of the Environment, Conservation and Parks; local MPPs; and Conservation Ontario and Ontario's conservation authorities.

Carried

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Grant Jones', written in a cursive style.

Grant Jones
Chair

CC:

The Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
The Honourable Andrea Khanjin, Minister of the Environment, Conservation and Parks
Mr. Rob Flack, Member of Provincial Parliament, Elgin - Middlesex - London
Conservation Ontario
Ontario's 36 Conservation Authorities

Oct 21, 2024

CAO Report to Council– Follow Up: Bonfield Public Library Services Agreement

PURPOSE:

To provide Council with an update on the status of the 2025-26 Library Services Agreement with the Township of Bonfield.

BACKGROUND:

By Resolution 2024-328, at its September 24th 2024 Regular Meeting of Council, Council directed staff to enter into an Agreement with the Bonfield Public Library for the 2025-2026 fiscal year and request from the Province that as a result of the Agreement, Ontario Library Service Grant funds be directed to the Bonfield Public Library.

This Agreement would be reviewed for renewal prior to March 21, 2025.

UPDATE:

Mid October 2024, Ontario Library Services recognized the Municipality of Calvin does not have a Library Services Agreement with any library this fiscal year to date (April 01st, 2024 to present). Their representative advised Calvin CAO that it would be prepared to honor an Agreement entered into between now and year end (March 31, 2025), providing the 2024-25 Public Library Operating Grant for 2024-25 was submitted by the Oct 24th deadline. An Agreement signed off by both parties could be submitted once fully executed. This would mean that residents of Calvin could receive, at no cost to them or to the Municipality, library services sooner than April 01, 2025.

CAO apprised the Bonfield Chief Librarian of the situation, and she was agreeable that we proceed accordingly. The Ontario Library Service Grant for 2024-25 was submitted by Calvin CAO prior to the deadline.

CAO Calvin drafted the terms and conditions of a Library Agreement and submitted it to the Bonfield Public Library and Township CAO for review. It was accepted and the Agreement is being brought to the library board for their consideration.

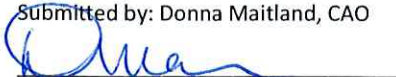
RECOMMENATION:

Whereas by Resolution 2024-328, Council for the Corporation of the Municipality of Calvin directed staff to enter into an Agreement with the Bonfield Public Library for the 2025 fiscal year and request from the Province that as a result of the Agreement, Ontario Library Service Grant funds be directed to the Bonfield Public Library,

And whereas, the granting of these funds is conditional upon Ontario Library Services (OLS) receiving and accepting a fully executed Library Service Agreement between the Corporation of the Municipality of Calvin and the Bonfield Public Library for the balance of 2024-25 fiscal year, and for the 2025-26 fiscal year, with renewal and cancellation options, effective the date it is fully executed by both parties,

That Council for the Corporation of the Municipality of Calvin hereby accept the CAO's recommendation to enter into a library services agreement with the Bonfield Public Library, the terms and conditions outlined in the Agreement presented to Council this 29th day of October 2024 and attached hereto.

Submitted by: Donna Maitland, CAO





Corporation of the Municipality of Calvin

Council Resolution

Date: October 29, 2024

By-Law 2024-63

Resolution Number: 2024-

Moved By: Councillor

Seconded By: Councillor

Whereas by Resolution 2024-328, Council for the Corporation of the Municipality of Calvin directed staff to enter into an Agreement with the Bonfield Public Library for the 2025 fiscal year and request from the Province that as a result of the Agreement, Ontario Library Service Grant funds be directed to the Bonfield Public Library,

And whereas, the granting of these funds is conditional upon Ontario Library Services (OLS) receiving and accepting a fully executed Library Service Agreement between the Corporation of the Municipality of Calvin and the Bonfield Public Library for the balance of 2024-25 fiscal year, and for the 2025-26 fiscal year, with renewal and cancellation options, effective the date it is fully executed by both parties,

That Council for the Corporation of the Municipality of Calvin hereby accept the CAO's recommendation to enter into a library services agreement with the Bonfield Public Library, the terms and conditions outlined in the Agreement presented to Council this 29th day of October 2024 and attached hereto.

NOW THEREFORE BE IT RESOLVED, Council of the Corporation of the Municipality of Calvin hereby approves this By-Law 2024- 63 to be read, enacted and passed this 29th day of October 2024.

1. That the Mayor and CAO are designated as the Signing Officers and are authorized to execute on behalf of the Corporation of the Municipality of Calvin.
2. That the attached Agreement be hereto and form part and parcel of this By-Law.
3. That any other By-law inconsistent with this By-Law is hereby repealed.
4. This By-Law shall be enacted and in effect upon the signing thereof.

X _____ Mayor X _____ CAO

Results:

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Grant	<input type="checkbox"/>	<input type="checkbox"/>
Latimer	<input type="checkbox"/>	<input type="checkbox"/>
Manson	<input type="checkbox"/>	<input type="checkbox"/>
Moreton	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Gould (Absent)	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED
2023/24

Signed by BPL
DM

AGREEMENT

**Between: The Bonfield Public Library
365 ON-531, Bonfield, ON P0H 1E0
("the Public Library Board")**

**And the Corporation of the Municipality of Calvin
1355 Peddlers Drive, Mattawa, ON P0H 1V0
("the Municipality")**

The Municipality and the Public Library Board agree as follows:

1.0 Description of services:

- 1.1 The Public Library Board shall endeavor to provide, in cooperation with other public library boards, a comprehensive and efficient library service to the residents of the Municipality.
- 1.2 The Public Library Board shall operate a library open a minimum 27 hours per week and shall not make a charge for admission to the library or for use in the library of the library's materials by the residents of the Municipality.
- 1.3 The Public Library Board shall allow the residents of the Municipality to:
 - a) borrow circulating books and other materials;
 - b) access the library's online resources and services;
 - c) use reference and information services as the Public Library Board considers practicable, without making any charge
- 1.4 The Public Library Board may impose such fees as it considers proper for services not referred to in sections 1.2. and 1.3 above.

2.0 Public Library Board Warranties:

- 2.1 The Public Library board is a corporation duly established under the *Public Libraries Act, R.S.O 1990, c. P.44.*

Contracting for Library Services

Contract for Library Service (continued)

2.2 To ensure quality service under this Agreement, the Public Library Board shall:

- a) Ensure that all materials are available for use outside the library except for rare and fragile items.
- b) Ensure circulation policies of greatest convenience to the user and maximum use of materials.
- c) Ensure that information provided to public library users is accurate, up-to-date and is coordinated with other appropriate organizations.
- d) Provide resources, programs, and services to meet defined community needs.
- e) Promote library services and requests for citizen input on library services to Calvin residents via the same methods of communicating with Bonfield residents. It is requested by the Municipality that Facebook posts tag "Municipality of Calvin" so that posts can be shared by the Municipality on its Facebook page. In the case of mass mailouts to residents, the Library shall supply the Municipality with an electronic or hard copy of the document and the Municipality will be responsible for all costs associated with disseminating the information to citizens of Calvin.

3.0 Cost

3.1 In return for the services to its citizens outlined in this Agreement, the Municipality shall pay the Public Library Board all monies paid to the Municipality by the Province for library services through the Public Library Operating Grant (PLOG) program.

4.0 Representation for the Municipality on the Public Library Board

4.1 Beginning for the period 2024-25, the Municipality may recommend one of its residents to the appointing council for the purposes of consideration as a member of the Public Library Board. The Public Library Board shall provide the Municipality with all information required to promote and appoint such a member, including as it relates to qualifications under the **PLA**. This representative shall be a member of the public library board for the term concurrent with the term of the appointing council.

5.0 Reports

5.1 Both the Public Library Board and the Municipality shall make an annual report to the Ministry by completely the **Annual Survey of Public Libraries**. No later than 3 weeks in advance of annual reports due to the Ministry, Library staff shall provide Municipal Staff with any information required to be able to do so.

5.2 Regardless of whether there is a Calvin nominated member appointed to the Library Board, through the Representative, the Bonfield Public Library shall provide the Municipality's Representative with the same reports it provides to the Township of Bonfield Council.

Contracting for Library Services

Contract for Library Service (continued)

6.0 Limitation of Liability

- 6.1 The Municipality shall not be liable for any injury, death or property damage to the Public Library Board, its employees or agents or for any claim by any third party against the Public Library Board, its employees or agents.
- 6.2 The Municipality shall not be liable for any incidental, indirect, special or consequential damages or loss of use, revenue or profit of the Public Library Board arising out of or in any way related to this Agreement or the services.

7.0 Cancellation

- 7.1 This initial Agreement will run for the balance of 2024-25 fiscal year ending March 31, 2025 as well as the entire fiscal year 2025-26 and is renewable via Board and Council motions, if requested by both parties.
- 7.2 Either the Municipality or the Public Library Board may terminate or renew this Agreement at any time with a minimum of 90 days' notice.

8.0 Notices

- 8.1 Notices under this Agreement shall be given in writing by personal delivery, email or mail.

9.0 Representatives

- 9.1 For the Purposes of this Agreement, The Municipality's Representative shall be the Chief Administrative Officer. The Public Library Board's Representative shall be the Chief Executive Officer. Each party may designate a different representative by notice in writing.

10.0 Inspections

- 10.1 In accordance with Section 28 of the *Public Libraries Act, R.S.O 1990, c. P.44*, the Municipality shall be entitled, at all reasonable times to review records, books, accounts and documents in the possession or under the control of the Public Library Board. In accordance with the Privacy Commissioner of Ontario, these records, copies or excerpts of these records, may not be removed from the Library premises.

Contracting for Library Services

Contract for Library Service (continued)

11.0 Entire Contract

11.1 This Agreement constitutes the entire Agreement between the parties. There are no other agreements or understandings.

Date:

Mayor for The Municipality

CAO for the Municipality

Oct 23, 2024
Date:

[Signature]
The Public Library Board

BONFIELD PUBLIC LIBRARY
Re: Service Agreement with Calvin Township
Via: Email

MOVED BY: Storme VanRassel

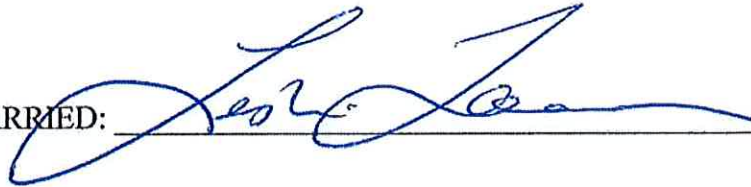
DATE: October 23, 2024

SECONDED BY: Britney Morin

MOTION # 24-55

Therefore be it resolved that the Bonfield Public Library Board agrees to enter into a Service Agreement with the Municipality of Calvin for Library Services with a term ending March 2026 with possible extension, effective immediately once the Agreement fully executed by both parties.

CARRIED: _____



Mattawa and Area Police Services Board

C/O Ontario Provincial Police - Mattawa, 520 ON-17, P0H 1V0

October 16, 2024

Mayor Gould and Members of Council, Township of Calvin
1355 Peddlers Drive, R.R.#2
Mattawa, ON P0H 1V0

Dear Mayor Gould and Members of Council,

Subject: Levy Payment for the 2024-2025 Fiscal Year

I am writing on behalf of the Mattawa and Area Police Services Board (MAPSB) regarding the levy payments previously requested for the 2024-2025 fiscal year. Following extensive debate and deliberation, a resolution was passed during our September 2024 Board Meeting, amending each municipality's contribution. The funding formula has been revised to a population-based approach, better aligning municipal levy payments with OPP service volumes.

Please refer to the attached operating budget and workplan for further details regarding the updated contributions and financial breakdowns. As outlined in the workplan, the MAPSB has outstanding expenses that are past due, and we respectfully request that you process the levy payment promptly.

As the Board Chairperson, I would like to take this opportunity to emphasize that this year represents a pivotal period for the MAPSB as we adjust to new mandates and requirements introduced under the Community Safety and Policing Act, 2019. We are actively collaborating with the Ontario Association of Police Services Boards to meet these new standards, and we will strive to keep you well informed of our progress. From time to time, we may also reach out to you for consultation and support as we work through these changes.

Should you have any questions or concerns regarding the levy changes or any other issues, please do not hesitate to contact me directly. My contact details are provided below.

Thank you for your attention to this matter, and we look forward to your continued cooperation.

Sincerely,

Teresa Taillefer, BASc, MHS
Chairperson, Mattawa and Area Police Services Board
Teresa.Taillefer@gmail.com
Mobile: 249-360-3999

Updated Mattawa and Area Police Services Board Operating Budget 2024-2025

Revenue

Category	Township	2021 Census Population	Percentage of total based on population (as per the 2021 Census Data)	Amount (\$)
Township Levies	Calvin	557	16.3	815.00
	Papineau-Cameron	982	28.8	1440.00
	Mattawa	1721	50.4	2520.00
	Mattawan	153	4.5	225.00
Total		3413	100	5000.00

Expenses

Category	Expense Description	Amount (\$)
OAPSB Expenses	Membership (1)	879.83
	Conference fees/expenses (2)	1,500.00
Awareness and Appreciation Campaigns	English high school scholarship (3)	150.00
	French high school scholarship (3)	150.00
	OPP Officer Appreciation (4)	500.00
Honorariums	Secretary-Treasurer honorarium (5)	600.00
	Non-council member honorarium (6)	500.00
	Government appointed member (7)	n/a
Education Expenses	Mandatory education (non-council members) (8)	300.00
Office Supplies	Photocopying and supplies (9)	100.00
Networking	Networking event with other area OPP detachments boards (10)	220.17
Insurance	Board Liability Insurance (11)	n/a
Travel	Travel (12)	100.00

Updated Mattawa and Area Police Services Board Operating Budget 2024-2025

Summary

Revenue	\$5000.00
Expenses	\$5000.00
Net Balance	\$0.00

Footnotes

1. Required Ontario Association of Police Services Board (OAPSB) membership.
2. Estimate amount. To be eligible for the early registration reduced rate this expense is included in this budget. Participation of at least one board member is recommended by the OPP.
3. School scholarships provide an opportunity for a detachment officer to be visible in the schools.
4. New activity encouraged by OAPSB.
5. As approved at the May 2024 Board of Directors Meeting (4 regular meetings, handover meeting and archive review at \$100.00 per meeting)
6. As approved at the May 2024 Board of Directors Meeting (4 regular meetings and archive review)
7. Placeholder for the required government appointed Board Director. The position has not been assigned this fiscal year. Most likely the position will be filled in fiscal year 2025 – 26.
8. Estimated amount. At the May 2024 Board of Directors Meeting, it was approved that non-council members will receive \$75 to participate in mandatory education sessions.
9. Cost of packages for each meeting and two data sticks
10. New activity encouraged by OAPSB.
11. Placeholder for the required Board liability Insurance. It is estimated that this will cost \$300.00 annually.
12. Estimate amount. Previous year, Chairperson or representative requested to attend 2 OPP events.

Mattawa and Area Police Services Board Work Plan for 2024-2025

June 2024

- Approve budget for 2024-2025
- Approve work plan for 2024-2025
- Approve terms of reference

Meeting:

As called by the Chair at 630 pm held at the Mattawa OPP Detachment Office Meeting Room

September 2024

- Review OPP Detachment Action Plan (Current)
- Review each of the four Municipal Safety and Wellness Plans
- Approve plan for networking event
- Approve plan for the OPP appreciation event
- Approve board policies drafted to date

Meeting:

September 25th, 2024 at 630 pm held at the Mattawa OPP Detachment Office Meeting Room

November 2024

- Host networking event

December 2024

- Host OPP appreciation event
- Review budget and work plan for 2025-2026 fiscal year

Meeting Date:

December 4th, 2024 at 630 pm held at the Mattawa OPP Detachment Office Meeting Room

March 2025

- Approve report to Municipalities

Meeting:

As called by the Chair at 630 pm held at the Mattawa OPP Detachment Office Meeting Room

Summary of Meeting Dates:

June 2024: As called by the Chair

September 25th, 2024: Regular meeting

December 4th, 2024: Regular meeting

March 2025: As called by the Chair

October 22, 2024

CAO report to Council – Emergency Management Ontario and Annual Table Top Exercise

PURPOSE:

To advise Council of an upcoming training event impacting service delivery to the public so that it can plan accordingly.

BACKGROUND:

Municipalities in Ontario are required to conduct an annual table top exercise, a discussion-based session in which a team discusses their roles and responses during an emergency, walking through one or more example scenarios

The purpose of these exercises is to:

- Evaluate emergency plans and preparedness.
- Clarify roles and responsibilities (e.g., make sure everyone knows what to do)
- Identify problem areas in existing plans and procedures.
- Resolve issues and document best practices.
- Evaluate current resources and identify needs.

This year, Emergency Management Ontario (EMO) is planning to lead a full day, regional table top exercise on Nov 20 - 21, 2024.

Note: Three members of our committee indicated to EMO staff they had prior engagements on Nov 21st and would only be able to attend a Nov 20th training event.

FINDINGS: Since the training will take place one full day during regular office hours, once Emergency Management Ontario announces with surety the date of this training, to allow for staff participation in this exercise, the Municipal Office will need to be closed.

RATIONALE: All personnel who work in the office are members of the Emergency Control Group and their participation along with most other staff who are also members of the Emergency Control Group at the annual table top exercise is mandatory. The timing of this year's table top exercise therefore necessitates the office to be closed, for training purposes.

LEGAL AUTHORITY: Emergency Management and Civil Protection Act (EMPC) and its supporting Regulation 380/04 (O Reg 380/04).

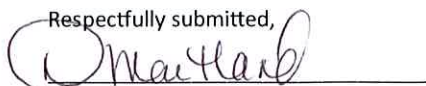
ANALYSIS and OPTIONS – Recommendation to Council

Whereas Emergency Management Ontario will be facilitating a full day, regional table top exercise, one which requires the participation of all personnel who work in the office,

And whereas there will be no backup for this staff to attend to telephones or in-person visitors,

Now therefore it be resolved, that once Emergency Management Ontario confirms the training date, that public notice be posted to notify residents of the office closure on the training date.

Respectfully submitted,



Donna Maitland, CAO



THE MUNICIPALITY OF CALVIN

PUBLIC WORKS DEPARTMENT

8.5

To: Council

Subject: Road Use Agreements

Author: Ann Carr, Public Works Superintendent

Date: October 29th, 2024

PURPOSE:

The Municipality of Calvin is currently reviewing the policies and by-laws that are in place to make transparent decisions regarding the consideration of Road Use Agreements.

BACKGROUND:

1. Resolution 2024-77 February 27, 2024, was passed and carried.

That Council discontinue the practice of receiving requests for and issuing road use or maintenance agreements.

2. Resolution 2024-98 March 12, 2024, was passed and carried.

WHEREAS by resolution 2024-77 passed February 27, 2024, Council agreed to discontinue the practice of receiving requests for and issuing road use maintenance agreements,

AND WHEREAS while the Municipality has issued road use agreements for the maintenance of seasonally maintained roads and citizens in the past, including recently, these have been considered and or issued by Councils of the Municipality without any formal or transparent processes,

NOW THEREFORE be it resolved that in the absence of any process, policy or by-law that outline the circumstances under which Council will receive or consider requests for seasonal road use or maintenance agreement for municipal roads not maintained all year long by the Municipality, that staff be directed to research and bring forth to Council before August 2024, guidelines and policies which would establish formal processes and conditions under which the Council might consider such requests, it is understood this research will be comprehensive and will necessitate staff collaboration with our insurer, planner of record and legal department.

LEGAL AUTHORITY/HISTORICAL AND PRESENT:

Municipal Act, 2001, SO 2001, c 25

By-law necessary

(2) After January 1, 2003, land may only become a highway by virtue of a by-law establishing the highway and not by the activities of the municipality or any other person in relation to the land, including the spending of public money. 2001, c. 25, s. 31 (2); 2006, c. 32, Sched. A, s. 16 (2).

Certain highways not affected

(3) Subsection (2) does not apply to highways described in paragraphs 3, 4 and 5 of section 26. 2001, c. 25, s. 31 (3).

35 Without limiting sections 9, 10 and 11, a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway. 2006, c. 32, Sched. A, s. 18



THE MUNICIPALITY OF CALVIN

PUBLIC WORKS DEPARTMENT

Maintenance

44 (1) The municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge. 2001, c. 25, s. 44 (1).

Liability

(2) A municipality that defaults in complying with subsection (1) is, subject to the Negligence Act, liable for all damages any person sustains because of the default. 2001, c. 25, s. 44 (2).

Defence

(3) Despite subsection (2), a municipality is not liable for failing to keep a highway or bridge in a reasonable state of repair if,

- (a) it did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge;
- (b) it took reasonable steps to prevent the default from arising; or
- (c) at the time the cause of action arose, minimum standards established under subsection (4) applied to the highway or bridge and to the alleged default and those standards have been met. 2001, c. 25, s. 44 (3).

O. Reg. 239/02: MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS

(2) For the purposes of this Regulation, every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified in the Table to this section as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average daily traffic on it. O. Reg. 239/02, s. 1 (2); O. Reg. 366/18, s. 1 (3).

(3) For the purposes of subsection (2) and the Table to this section, the average daily traffic on a highway or part of a highway under municipal jurisdiction shall be determined,

- (a) by counting and averaging the daily two-way traffic on the highway or part of the highway; or
- (b) by estimating the average daily two-way traffic on the highway or part of the highway. O. Reg. 239/02, s. 1 (3); O. Reg. 23/10, s. 1 (2); O. Reg. 366/18, s. 1 (3).

(4) For the purposes of this Regulation, unless otherwise indicated in a provision of this Regulation, a municipality is deemed to be aware of a fact if, in the absence of actual knowledge of the fact, circumstances are such that the municipality ought reasonably to be aware of the fact. O. Reg. 366/18, s. 1 (4).



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Application

2. (1) This Regulation sets out the minimum standards of repair for highways under municipal jurisdiction for the purpose of clause 44 (3) (c) of the Act. O. Reg. 288/03, s. 1.

(2) REVOKED: O. Reg. 23/10, s. 2.

(3) This Regulation does not apply to Class 6 highways. O. Reg. 239/02, s. 2 (3).

Purpose

2.1 The purpose of this Regulation is to clarify the scope of the statutory defence available to a municipality under clause 44 (3) (c) of the Act by establishing maintenance standards which are non-prescriptive as to the methods or materials to be used in complying with the standards but instead describe a desired outcome. O. Reg. 366/18, s. 2.

What is a Zoning By-Law?

A zoning bylaw controls the use of land in your community. It states exactly:

- how land may be used
- where buildings and other structures can be located
- the types of buildings that are permitted and how they may be used
- the lot sizes and dimensions, parking requirements, building heights and densities (the number of people, jobs and building floor area per hectare), and setbacks from the street

An official plan sets out your municipality's general policies for future land use. Zoning bylaws put the plan into effect and provide for its day-to-day administration. They contain specific requirements that are legally enforceable. Construction or new development that doesn't comply with a zoning bylaw is not allowed, and the municipality will refuse to issue a building permit.

Many municipalities have a comprehensive zoning bylaw that divides the municipality into different land use zones, with detailed maps. The bylaw specifies the permitted uses (for example, commercial or residential) and the required standards (for example, building size and location) in each zone.

Some rural municipalities may have a free-standing zoning bylaw that covers only a specific property that an owner proposes to develop.

Why you need a zoning bylaw.

A zoning bylaw:



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- implements the objectives and policies of a municipality's official plan (See section 2, Official plans)
- provides a legal and precise way of managing land use and future development
- in addition to the official plan, protects you from conflicting and possibly dangerous land uses in your community

Zoning By-Law 2000-011

4.11 Frontage on a Public Street or Private Road

4.11.1 No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a public street or private road as per the requirements of the respective zone within which the lot is situated except:

- (a) for any permitted use on an island provided a public access point is available on the main land
- (b) infill on a private road existing on the day of the passing of this by-law
- (c) a camp
- (d) a resource related use on Crown Land
- (e) a communications facility
- (f) a public utility
- (g) a wayside pit or quarry
- (h) a passive outdoor recreational use of activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.

4.11.2 Exception for Existing Agreements

- (a) Despite Section 4.11.1, where a maintenance agreement exists between the municipality and a land owner and is registered on title, frontage on an unopened road allowance or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the standards set out in the corresponding zone or any exception thereto.
- (b) Despite Section 4.11.1, where an access agreement registered on title between or amongst landowners that provides for a right-of-way to an existing lot which is developed for a single detached dwelling or seasonal dwelling as of the date of the passing of this By-Law, such uses shall be deemed to conform with the provision for access of this By-Law.



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Zoning By-Law 2010

Definitions

Dwelling Unit-Seasonal means a dwelling constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof. A seasonal dwelling shall include a Park Model Trailer.

Private Road-means a private right-of-way over private property which affords access to at least two abutting lots and which is not maintained by the public authority.

Public Street- means a public or common highway affording the principal means of access to abutting properties which has been assumed by the public authority.

Street Line-means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

4.11 Frontage on a Public Street or Private Road

4.11.1 No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a public street or private road as per the requirements of the respective zone within which the lot is situated except:

- (a) For any permitted use on an island provided a public access point is available on the main land;
- (b) Infill on a private road existing on the day of the passing of this by-law;
- (c) **A Camp;**
- (d) A resource related use on Crown Land;
- (e) A communications facility
- (f) A public utility
- (g) A wayside pit or quarry; and
- (h) Any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.

4.11.2 Exception for Existing Agreements

- (a) Despite Section 4.11.1, where a maintenance agreement exists between the municipality and a land owner and is registered on title, frontage on an unopened or unmanitained public right-of-way shall be deemed to conform with the provisions of this section, provided; that such frontage is in conformity with the standards set out in the corresponding zone or any exception thereto;
- (b) Despite Section 4.11.1, where an access agreement registered on title between or amongst landowners provides for a right-of-way to an existing lot of record, or the lot of record, or the lot of record has water access only, the access requirements shall be deemed to conform with the provisions for access of this By-Law.



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Zoning By-Law 2022-19

Definitions:

Street Means an improved public thoroughfare, lane, road or highway affording principal means of access or entrance to abutting properties, and which has been assumed and is maintained year-round by a public authority.

Dwelling – Seasonal Means a dwelling constructed as a secondary place of residence which is not intended for, or used for, or constructed for year-round living (i.e. is not winterized or insulated) and is not the principal place of residence of the owner or occupier thereof (e.g., cottage) and such dwelling shall only receive seasonal road maintenance where located on a Municipal road classified for seasonal maintenance only.

Camp (Hunt Camp, Fishing Camp) Means a building or structure intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation but **does not include a seasonal dwelling.**

Section 1 ADMINISTRATION

1.2 Application and Building Permits In addition to the requirements of the Municipality of Calvin Building By-law, every planning application or application for a building permit shall be accompanied by information required to determine compliance with this By-law. The regulations of this By-law must be met before a building permit is issued by the Municipality for the erection of any building or structure.

1.3 Defined Area The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Municipality of Calvin.

1.4 Enforcement This By-law shall be enforced by the Clerk or such other persons as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any building or structure or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-law.

1.5 Penalty Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided for under the Planning Act, R.S.O., 1990, c. P.13, as amended.

2.1 Compliance No land, building or structure shall be used, and no building or structure shall be erected or enlarged, altered or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.

4.11 Frontage on a Public Street or Private Road

No person shall erect any building or structure or use any land in any zone unless the lot upon which such building or structure is to be erected or the land to be used has access to and meets the minimum lot frontage on a street.

4.11.1 Exceptions Despite the above, access to a lot shall be permitted:



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1. For a permitted use located on an existing private road, existing easement and for a permitted use located in a registered condominium located on an internal private road;
2. For any permitted use on an island provided a public access point is available on the main land;
3. Infill on a private road existing on the day of the passing of this by-law;
4. **A camp;**
5. For a farm field;
6. For a resource related use located on Crown Land;
7. For a communications facility;
8. For a public utility;
9. For a wayside pit or quarry;
10. For a water access lot;
11. For any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities, and
12. Provided all other applicable zone regulations are met.

4.11.2 Road Maintenance Agreements

1. In addition to Section 4.11.1, development including the issuance of a building permit shall only be permitted where frontage is on a road that is defined in By-law No. 2016-020 and is maintained by the Municipality or is maintained under a road maintenance agreement approved by the Municipality.

2. In addition to Section 4.11.1, where a road maintenance agreement **exists** between the municipality and one or more land owner and **is registered on title**, frontage on a private road, a private unassumed road, an unassumed road or unopened road allowance shall be deemed to conform to the provisions of this section, **provided that such frontage is in conformity with the standards set out in the corresponding zone or any exception thereto;**

4.11.3 Exception for Access Despite Section

4.11.1, where an access easement **registered on title** between or amongst one or more landowners provides for a right-of-way to an existing lot of record, or the lot has water access only, the access requirements shall be deemed to conform to the provisions for access of this By-law.

Example: a road classified as a “seasonal road” will only be maintained on a seasonal basis (i.e., summer season) and development on the road shall only be permitted where the road is maintained by the Municipality or under an authorized road maintenance agreement approved by the Municipality. The Municipality assumes no responsibility for providing maintenance or emergency services in the off-season.



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What is an Official Plan?

An official plan describes your upper, lower or single tier municipal council or planning board's policies on how land in your community should be used. It is prepared with input from your community and helps to ensure that future planning and development will meet the specific needs of your community.

An official plan deals mainly with issues such as:

- where new housing, industry, offices and shops will be located
- what services like roads, watermain, sewers, parks and schools will be needed
- when, and in what order, parts of your community will grow
- community improvement initiatives

East Nipissing Planning Board Official Plan-2021

1.2 Growth and Development Concept

The intent of the Plan is to plan for a stable population over the planning period (2021-2046). The population of the Planning Area has marginally declined by 120 over the last decade (2006-2016) from 1,813 to 1,693. However, the number of dwellings increased by 80 over the same period. New housing starts have ranged from 7-11 per year (2011-2015) based on Municipal building permit records and is projected to continue at this rate of growth. The land supply for housing remains constant at about 150 rural residential building lots ranging from 0.4 ha to 2 ha. The intent of the Plan is to maintain is to maintain the rural character of the Planning Area where low density residential development will prevail intermixed with resource-based activities, resource-based recreational uses, and other rural land uses.

Development is intended to occur on large lots (having a minimum of 0.8 ha) with large frontages of 30 meters. **The focus of new development in the Rural Policy Area will be infill on vacant lots of record and in areas serviced by existing roads and municipal services.**

Waterfront development will continue as a mainstay activity on the Ottawa and Mattawa Rivers and on inland lakes where such development is proven to be sustainable with respect to the biological capacity of a lake, the retention and or restoration of shorelines and the conservation of the cultural heritage landscapes and archaeological resources in and adjacent to these waterbodies. The designated Rural Mixed-Use Area will continue to be the focus for new major commercial and industrial development. Home base business will continue to provide local services to residents through out the Rural Policy Area. Four-season tourist facilities and services are land uses that are location-sensitive for their success and the intent of the plans is to leverage rural amenities and assets to their benefit. The development of the former CPR rail line as a multi-use recreational trail will act as an anchor to potential new tourism development in the Planning Area and will continue to depend on the public service facilities of Mattawa and North Bay in meeting the educational, health care and to a lesser extent recreational and social services needed by area residents and businesses.

Emergency and protective services will continue to be delivered individually and on a cost-shared basis among area Municipalities. **Development will continue to be directed to the existing network of roads whose service levels, life-cycle maintenance, and reconstruction is governed by Municipal Asset Management Plans.**



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2.6 Lot Access Criteria

Access to development shall be by one of the following means:

Frontage on an improved road year-round maintained municipal road;

Frontage on a seasonally maintained Municipal Road for seasonal land uses only;

Frontage on a provincial highway subject to obtaining all required approvals from MTO for land use, entrances, drainage and implementing any highway or entrance improvements resulting from any required traffic or drainage or stormwater management studies;

Applicants shall pre-consult with the North Bay Mattawa Conservation Authority in planning, design and review of site conditions for any sewage and stormwater facilities on lands affected by Conservation Authority regulations. See also 2.7 of the East Nipissing Official Plan Page 21.

Wherever feasible, access shall be via an interconnecting improved Municipal Road.

Frontage for infill development on an existing private road or legal right-of-way/easement, or unassumed road allowance, which meets appropriate maintenance standards right-of-way width, travelled surface width, height clearances and slope required for regular and emergency vehicle use. A Municipality of the Planning Board may require a maintenance agreement or may govern any matters under Section 35 of the Municipal Act as a condition of development.

Municipal Act Section 35:

Restricting common law right of passage

35 Without limiting sections 9, 10 and 11, a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway. 2006, c. 32, Sched. A, s. 18

Frontage on a private road servicing a condominium where a private road connects directly with an improved public road and meets appropriate construction and maintenance standards.

Frontage may be exempted for land uses for infrequent or private access. (i.e. Farm fields, hunt/fish camps, public utilities, communications facility, passive recreation use)

Landlocked access for new development shall not be permitted.

Access may be exempted for development on an island or water access only where access to a parking area on the mainland or same lake, owned or described in a registered easement and being in the same name and interest as the island or water-access lot.

A Municipality may establish a by-law to classify roads for the purposes of controlling access. For the purposes of the Plan, the road classification for the Township of Papineau-Cameron and the Municipality of Calvin is set out in the Appendix 4 to this Plan.



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5.3.2 Township Roads

1. In addition to the policies of Section 2.6, **the primary access for development in the Planning Area will be via the existing Municipal Road network. Municipalities are authorized to classify roads and restrict or control access for any development or a change of land use on the basis of the classification** (see road classification for the Township of Papineau-Cameron and the Municipality of Calvin in Appendix 4). The classification may include the designation of roads for scenic or cultural resource purposes including measures to govern or conserve a cultural heritage landscape. The land use schedules to the official plan set out a road classification system which generally coincides with the road classification set out in by-laws passed by the Municipality of Calvin (By-Law 2016-020) and the Township of Papineau-Cameron (By-Law 2018-04) For the purposes of the official plan, the by-laws shall be used in correlating land use decisions with the accessibility requirements and standards of the respective Municipality.
2. Municipalities may exercise any authority granted by the Municipal Act for the design and use of roads as a means to convey people and goods, provide emergency and public services and serve as infrastructure corridors. Municipalities may govern the use of road rights-of-way traffic, sidewalks, crosswalks, boulevards, street signs, private signage, garbage collection, snow plowing, parking and loading, and utilities.
3. Entrance permits may be required for the design and construction of entrances and the installation of culverts. Culverts may be installed by a Municipality at the owner's expense or by the owner under Municipal supervision.
4. **Municipalities may require or undertake a traffic impact study, drainage study or heritage impact study prior to the approval of any road construction including new roads, road lane, intersection and entrance improvements, road widening, cycling lanes, car parks for carpooling, and landscaping or right-of-way improvements.**
5. Standards, timing, phasing for the maintenance and reconstruction shall be in accordance with the respective Municipal Asset Management Plan using the life-cycle costing.
6. **Municipalities may require a cost-benefit analysis including lifecycle costing prior to considering the acquisition of any private or other road proposed for public use for the construction of any new road proposed for dedication and assumption to a Municipality.**
7. **Municipalities may require land to be conveyed to the appropriate road authority at no cost for the purpose of widening an existing road as a condition of severance, subdivision or site plan approval. Land for widening of a road right-of-way shall generally be sought equally from both sides of the right-of-way be exempted or modified to reflect constraints such as natural heritage or cultural resources, existing physical development or encroachments, placement of buildings, scale of the proposed development and pedestrian safety.**
8. Municipalities may establish a road, street or highway under the 5% reserve provision of Section 64 of the Municipal Act where there is a 5% reserve in the patent for the original parcel that has not already been used and without compensation to the abutting landowner. Such acquisition may be registered and may be for the benefit of providing access to landlock parcels.



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5.3.3 Unopened Road Allowances

An unopened road allowance means a road, street or lane owned by the Municipality. Municipalities under Section 35 of the Municipal Act may remove or restrict the common law right-of-passage and access of an unopened road allowance and are authorized to regulate any improvements, maintenance, access, cross-over, land use or encroachments, or cutting of trees, removing obstructions, grading and hosting social or any social, recreational or sporting events/use of an unopened road allowance.

Municipalities may as a condition of use, require a legal plan of survey, may enter into an agreement, may require liability insurance, may provide that permission for use may be cancelled, that permission is not assignable and may be exclusive, and may require installation of signage cautioning use or access to the road allowance. Municipalities may also provide input from neighbours or other users of the road before granting use and may require the right to inspect for compliance with any conditions imposed in the use of the unopened road allowance. See appendix 4 for Municipal Road Classifications.

5.3.4 Private Roads

1.A private road is defined as a road or easement under private ownership which serves two or more legally conveyable lots. The locations and the rights of use must be sufficiently identifiable including the owner of the land (servient tenement or one over whose land the easement or right-of-way will extend), the user (dominant tenement or the one benefitting from the easement) the location of the route or alignment on the landscape (to excluding the notion of wandering at large), and the rights conferred on the use (e.g. type of traffic permitted, exclusive or shared use), width and height clearances of the road, material use, maintenance, what can be constructed on the easement (i.e. utilities, fences, poles, drains), also how the parties are to notify each other, the right of Municipal access and level of services which may or may not be offered, tree removal or trimming, signage and speed controls and indemnity of a Municipality from actions. Note: A driveway provides access to only one property or legally conveyable lot, despite the length of the driveway.

2.A Municipality has no legal obligation to maintain or repair any private road or otherwise provide services to any development located on a private road nor is there any responsibility acknowledged for the provision of school bussing.

3.New private roads shall not be permitted except for a condominium where the internal private road has direct access to a public road.

4.Municipalities or the Planning Board may permit new lot creation or development on an existing lot on an existing private road and may as a condition of approval require the upgrading and maintenance of the private road to an acceptable municipal standard and a standard which meets the access requirements for emergency vehicles in accordance with the Ontario Building Code, and may require one or more signs to be installed indicating that the road is used at the risk of the user. The Municipal Act may be used for any agreements related to the construction, maintenance and use of the private road.

5.A private road may be dedicated and assumed by a municipality subject to Section 5.3.2.6.

6.A lot may be used or developed for a use permitted by this Plan and the zoning by-law which does not have frontage on a public road provided the lot has an existing legal access.



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7. The provisions of this section shall not be deemed to prohibit the blockage of an existing road over one person's land which provides the only motor vehicle access to another person's land or boat docking facility where otherwise permitted under the auspices of the Road Access Act. The Road Access Act does not apply to land not owned by a Municipality.

5.3.5 Roads on Crown Land

Roads across crown land are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction, subject to approval by MNRF, and do not have guaranteed maintenance, consequently Crown Land Roads are not considered acceptable access for the purposes of providing or approving access to residential or commercial land uses.

5.3.6 Shoreline Road Allowances

1. Shoreline road allowances are intended to be kept in the public domain but may also be sold to an abutting shoreline property owner to provide riparian rights and access to the abutting water body.
2. This Plan is not deemed to convey any right by a property owner for the construction of any dock, building or structure on a shoreline road allowance without prior permission from a Municipality. Municipalities may enter into encroachment agreements for any use of a Municipally owned shoreline road allowance.
3. Shoreline road allowances are intended to be retained in the public domain where they conserve a public access to a waterbody, serve to conserve a cultural heritage landscape or are required to protect a natural heritage feature and area or a vulnerable or sensitive ground water feature.

7.20 Land Division, Part-Lot Control and Deeming (Sections 50-53, Planning Act)

The creation of all new lots by plan of subdivision or consent shall comply with the following general requirements and the specific requirements of the applicable land use designation of this Plan (see Sections 2.3 - 2.7)

6. Lots shall have frontage on and direct access to a year-round maintained public road, except for islands or water access only lots and where applicable to a provincial highway or as otherwise provided by Section 2.6 of this Plan.

8. Adequate infrastructure shall be available (see Sections 2.7 and 5.3).

PLANNING ACT, PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. **For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.**



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Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Certificates of occupancy

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law. R.S.O. 1990, c. P.13, s. 34 (6).

Occupier's Liability Act, R.S.O. 1990, Chapter 0.2

Definitions

1. In this Act, "**occupier**" includes;
 - a) A person who is in physical possession of premises, or
 - b) A person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises.

Occupier's Duty

3.(1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that person entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

Idem

(2) The duty of care provided for in subsection (1) applies whether the danger is caused by the condition of the premises or by an activity carried on the premises.

Premises referred to in subs. (3)

(4) Premises referred to in subsection (3) are;



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(d) unopened road allowances.

(e) private roads reasonably marked by notice as such.

Restriction of duty or liability

5 (1) The duty of an occupier under this Act, or the occupier's liability for breach thereof, shall not be restricted or excluded by any contract to which the person to whom the duty is owed is not a party, whether or not the occupier is bound by the contract to permit such person to whom the duty is owed is not a party, whether or not the occupier is bound by the contract to permit such person to enter or use the premises.

Extension of liability by contract

(2) A contract shall not by virtue of this Act have the effect, unless it expressly so provides, of making an occupier who has taken reasonable care, liable to any person not a party to the contract, for dangers due to the faulty execution of any work of construction, maintenance or repair, or other like operation by persons other than the occupier, employees of the occupier and persons acting under the occupier's direction and control.

Liability where independent contractor

6(1) Where damage to any person or his or her property is caused by the negligence of an independent contractor employed by the occupier, the occupier is not on that account liable if in all the circumstances the occupier had acted reasonably in entrusting the work to the independent contractor, if the occupier had taken such steps, if any, as the occupier reasonably ought in order to be satisfied that the contractor was competent and that the work had been properly done, and if it was reasonable that the work performed by the independent contractor should have been undertaken.

Idem

(2) Where there is more than one occupier of the premises, any benefit accruing by reason of subsection (1) to the occupier who employed the independent contractor shall accrue to all occupiers of the premises.

Russel On Roads

W.D. (Rusty) Russel, Q.C., B.A., L.L.B., of the Ontario Bar, was the founder and Senior Member of the Orillia law firm of Russell, Christie, LLP. He had wide experience in municipal and planning law. In 2005, he was the recipient of the Award of Excellence in Municipal Law awarded by the Municipal Law Section of the Ontario Bar Association. He was a frequent speaker at municipal conferences across the province of Ontario. He would often work with Law Society of Upper Canada, Ontario Land Surveyors, Ontario Good Roads Association and various municipal associations.



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Rusty Russel was the “guru” of legislation, planning and roads. He developed 3 editions of books titled “Russell on Roads”. In these books he discusses the principles of roads and uses case law to teach municipalities what and what not to do and what legislation can be used to protect the municipality.

Road Principle 3 Highways: Ownership and Jurisdiction

3.10 “Ownership” does not mean an “Assumption”

Municipal “ownership” of the soil and freehold of a highway is one thing, “assuming” the highway for maintenance purposes is another. Most non-urban municipalities have many kilometers of unopened, unassumed road allowances that were laid out in the original Crown surveys, or a Registered Plan of Subdivision.

These are, nevertheless, public highways. It has been long established that a municipality has no obligation to open or “assume” original road allowances, or roads on Registered Plans of Subdivision, or to make passage over them easier for the public. This is set out in the Municipal Act section 31 (4).

Road Principle 28-Building Permits and Road Requirements

28.1 Official Plans and Comprehensive Zoning By-Laws

An organized municipality, under section 16 of the Planning Act, can prepare an Official Plan setting out its goals, objectives and policies. These policies are implemented in detail in a Comprehensive Zoning By-Law under Section 34 of the Planning Act.

Official Plans (occasionally) and Comprehensive Zoning By-Laws (always) have provisions specifying the type of road that a building lot must abut in order to be eligible for a building permit. For the purpose of issuing building permits, the wording contained in these documents is critically important. In some municipalities the wording is poorly drafted (a recipe for problems), resulting in the municipality having to issue permits for buildings on roads they had not intended to maintain.

28.2 For building permit purposes, these planning documents usually address three categories of roads.

Category 1	Category 2	Category 3
Roads assumed by the municipality for year-round maintenance.	Roads assumed by the municipality for part-year maintenance (usually excludes winter maintenance)	Roads owned but not assumed by the municipality for maintenance purposes.
Chief Building Official (CBO) must issue permit if Application complies with “all applicable law” i.e. zoning category, setbacks, lot area, frontage etc.	CBO may or may not issue building permit depending on the wording in the Official Plan or Zoning By-Law.	CBO under no obligation to issue a building permit.



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	If verbiage is vague, this can be “iffy”, in terms of the CBO being able to refuse a building permit.	This too could be “iffy” if the wording is not precise in saying that no building permits will be issued on unassumed roads.
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28.3 The following are examples of the wording often found in comprehensive zoning by-laws:

Example One:

.... No person shall erect or use any building or structure for permanent year-round or full time use on any lot or parcel that has frontage on municipally owned road.

The wording “municipally owned road” is useless. Excluding private roads, provincial highways, local municipalities own many kilometers of roads-some assumed for maintenance purposes, and others not assumed. Nevertheless, they are all owned by the municipality. This wording gives no protection to a municipality that chooses not to issue a building permit for a lot on an unmaintained road.

Example Two:

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon which such building or structure is to be erected fronts upon an improved public street or road.

In cities and towns, this verbiage is probably sufficient to protect the municipality should it wish to refuse a building permit. However, in rural areas, roads may be maintained in the spring, summer and fall, but not in the winter. In those situations, the use of the word “improved” is a little benefit to a municipality unless the word is defined more precisely in the by-law, such as meaning “a year-round maintained road.”

Example Three:

No person shall erect any building or structure unless the lot upon which building or structure is to be erected fronts upon, and is directly accessible from, an improved public street or road-maintained year-round by the municipality or the province.

Now this terminology has teeth. The Chief Building Official knows exactly where they stand in determining whether to issue a building permit. Keep in mind that the standard of maintenance is that which is reasonable in the circumstances, having regard to the character and location of the highway. Naturally, as more building permits are issued on the subject road, and traffic increases, the required maintenance standard also increases. Plans of Subdivision and plans of condominiums are exempt as they are a separate legal agreement of development.

Judicial Decisions

Sauder v. Scugog (2004)



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FACTS: The Chief Building Official refused to issue a building permit for the construction of a dwelling on a road that was not municipally maintained in the winter.

The Township of Scugog zoning by-law stated (emphasis added) : “No person shall erect any building on a lot unless the lot fronts upon a improved public street maintained year round.”

The Term “improved public street” was defined in the same by-law as meaning:

A street or road under the jurisdiction of the Township of Scugog which is maintained as to allow normal vehicle access to adjacent properties throughout all seasons of the year.

The subject road was municipally maintained, but not in the winter. The evidence was that, in the wintertime, the applicants could reach their place by snowmobile on a trail located on the road allowance. The court held that snowmobile trails were not maintained by the municipality, but rather by the snowmobile club; and this did not constitute year-round maintenance. The court further noted that “normal vehicle access” would include use by school buses and large transport trucks, and there was no intention that these service standards would be available in the winter months.

Sidebar: The use of the words “improved public street or road” can have one interpretation under the Municipal Act, R.S.O. 1990, and a much different interpretation under the Municipal Act, 2001.

Under the Municipal Act, R.S.O. 1990 and its predecessors, if a municipality spent public monies “improving” an unassumed road (something greater than “an isolated act” of maintenance, the court could “deem” that the municipality had “assumed” the road for permanent maintenance purposes.

Under section 31(2) of the Municipal Act, 2001 (slightly changed in the Amendment of 2006), a municipality could spend large sums of public money improving part of an unassumed road, but, unless it passes a by-law saying that it intends to “assume” the road for “permanent maintenance”, it remains an “unassumed” road.

If a municipality plays games with Section 31(2) of the Municipal Act, 2001 as amended, by doing extensive work on a road and then refusing to pass a by-law to “assume it for year-round maintenance”, the court may still be able to make an Order declaring the road to be “assumed” for maintenance purposes. Again, it is a question of the facts in the case.

ANALYSIS:

Firstly, it should be recognized that municipal assets are in the nature of a public trust and are to be used for the benefit of the public. The question needs to be asked, does the granting of a particular agreement in some way impair a municipality’s ability to do its job or restrict it from providing some service that it considers necessary or desirable for the public?



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Secondly, is the municipality assuming some additional liability by granting the agreement?

Municipalities are sometimes asked to allow for special circumstances to occur on unopened road allowances, such as gates to prevent recreational use of off-road vehicles. Liability for highways that have been assumed by the municipality is governed by the Municipal Act; however, for unassumed highways or other property owned by a municipality the Occupier's Liability Act needs to be considered. Municipalities are "occupiers" as defined in that Act. If they are in physical possession of certain premises or have control of premises or control of the activities permitted on the premises. Municipalities are occupiers and are subject to a lower standard of care with respect to unopened road allowances and recreational trails, however By-Law 2016-020, "Being a By-Law to Provide for Highway (Road) Classifications, Definitions and Signage and For Adopting Of Minimum Maintenance Standards for Highways (Roads) Under the Jurisdiction of the Municipality of Calvin" (which is attached to the Zoning By-Law as an appendix) has provided that the Municipality has jurisdiction over the highways that have been identified within the By-Law including that of seasonal maintained roads.

The Municipal Act, 2001, Section 44, "the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge." Therefore, the municipality would be required to the standard of maintenance that would be sufficient for the requirements of the traffic going over it.

The Municipality has indicated in By-Law 2016-020 that "seasonal roads" are classified as Class 6 roads and the Maintenance Standards identified in Ontario Regulation 239/02 Section 2(3) "This regulation does not apply to Class 6 Highways". Which provides for the third question, what is expected for the municipality to ensure that it is carrying out its statutory duty?

To confuse matters, agreements and easements have similar characteristics. In both cases they grant limited use of property and are not exclusive such as a lease. Easements are more permanent than an agreement and can be registered to the title. Easements are commonly used to allow for municipal and utility services and for rights-of-way. The document may be called a Road Use Agreement but if it has the characteristics of an easement such as benefitted lands and servient lands, then it can create an interest in the lands and be registered on title if it has a proper legal description.

Permitting residential development on seasonal or unassumed roads is not good planning. Once the landowners start to pay taxes on the assessment value, the ratepayer feels that they pay taxes for no services and begin to approach Council for the assumption of the road as well as the maintenance thereof. The current language associated with the current zoning by-law makes for confusion for the Chief Building Official as referred to in 28.2 of the "Russel on Roads" included in this report.

Since 2000 the Zoning By-Law has provided the requirements for residential development to occur on municipally year-round maintained roads. The only permitted building/use was that of a camp or passive recreational use. The Zoning By-Laws for 2000, 2010 and the current by-law adopted in 2022, have provided the same language, "No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a public street or private road as per the requirements of the respective zone within the lot is situated except: a camp.



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The Zoning By-Laws also provided that there was an exception for existing agreements that were registered on title. This provision is for the purpose of allowing conformity to the by-law where previous agreements were in place. It was not for the provision to continue the practice of allowing road use agreements to continue.

In the 2022 Zoning By-Law (current) the definition of street is defined as “an improved public thoroughfare, lane, road or highway affording principal means of access or entrance to abutting properties, and which has been assumed and is **maintained year-round by a public authority.**”

The one change that occurred in the 2022 Zoning By-Law is under the provision of 4.11.2.1 **“In addition to section 4.11.1, (a permitted camp), development including the issuance of a building permit shall only be permitted where frontage is on a road that is defined in By-Law 2016-020 and is maintained by the Municipality or is maintained under a road maintenance agreement approved by the Municipality.”** Further exceptions, like the previous zoning by-laws, provide for existing agreements to ensure conformity to the current zoning by-law.

The East Nipissing Planning Board Official Plan adopted in 2021 further stipulates that development will only be permitted on existing roads and municipal services. 2.6 describes Lot Access Criteria. **“Frontage on a improved road year-round maintained municipal road and frontage on a seasonally maintained Municipal Road for seasonal land uses only.”**

The above provisions in the Official Plan as well as the Zoning By-Law have created uncertainty for the Chief Building Official and the Planning Board. The zoning by-law and the Official Plan has the guidelines for what is permitted and should have been considered by Council when allowing the continued use of road use agreements. What is permitted to be built on a “seasonal road” and the provided language could be challenged through the Ontario Land Tribunal if the Chief Building Official was to not permit a residential building on a “seasonal road”.

OPTIONS FOR COUNCIL CONSIDERATION:

Cease permitting road use agreements. The provisions in the Zoning By-law and the Official Plan regarding seasonal roads provide recreational uses/development only. The wording “shall” should not be used with an exception for road use agreements. Existing road use agreements conform to the zoning by-law, however, were not permitted to be continued to be granted until the zoning by-law adopted in 2022. (It is like the municipality is saying that we shall not permit residential buildings on seasonal roads...BUT...) Not clear for municipal staff nor the public and could be challenged at the Ontario Land Tribunal.

Zoning and Official Plan Amendments for the current zoning and official plan to amend them to not issue road maintenance agreements for residential development on seasonal maintained roads moving forward. The permitted use only being that of a camp which provides a recreational “seasonal” use.

Stop Up and Close the current seasonal roads. The Municipal Act provides in Section 35 Without limiting sections 9, 10 and 11, a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an



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owner of land abutting a highway. 2006, c. 32, Sched. A, s. 18. This by-law could prevent the public use of the allowance. Sometimes if the permitted use is intended to be permanent a municipality may consider actually carrying out a road closing and conveyance of the road allowance to the abutting landowners. However, this is expensive and in particular, the requirement of a survey for the portion of the road allowance to be closed so that the road closing by-law can be registered on title and rights-of-way issued to the servient tenants of the lands.

Assume Stewarts Road and Latimer Road up to the residential developments for year-round maintenance. This would mitigate the risk and liability to the Municipality and should only be executed after the amendments to the Official Plan and Zoning By-Law. This option is expensive, and a discussion would need to be had with the Council as well as the abutting landowners as there is a current by-law, 2017-015 "Being a By-Law to Establish Guidelines for Property Owners Requesting Year-Round Municipal Road Services on Existing Gravel Seasonal Roads, Unassumed Road Allowances or Private Roads. This by-law describes the Policy and Guidelines to request year-round maintenance and would need to be further discussed.

Keep the Road Use Agreements that exist to this date and not provide winter maintenance. The Municipality can not undo what is done by permitting residential development on seasonal roads. The Council should direct staff to ensure a new agreement is written to reduce or manage the risk of liability to the municipality. Standard provisions should be implemented into the agreement:

1. The permitted use
2. The term of the agreement
3. A fee to provide cost recovery of administration
4. Restrictions on Use
5. Required Signage
6. Construction to be approved including alterations and additions
7. Maintenance and Repair
8. Indemnity Clause
9. Insurance naming the Township as a third party and proof thereof
10. Assignment and Transfer of the agreement
11. Early Termination
12. Registration of the Licence and proof thereof.
13. Notice of default or termination
14. Legal Costs

RECOMMENDATION:

WHEREAS resolution 2024-98, passed and carried at the Council meeting on March 12th, 2024 **resolved** that in the absence of any process, policy or by-law that outline the circumstances under which Council will receive or consider requests for seasonal road use or maintenance agreements for municipal roads not maintained all year long by the Municipality, that staff be directed to research and bring forth to Council before August 2024, guidelines and policies which would establish formal processes and conditions under which the Council might consider such requests, it is understood this research will be comprehensive and will necessitate staff collaboration with our insurer, planner of record and legal department,



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AND WHEREAS in the absence of a Public Works Superintendent the time allowed to produce such guidelines was extended into October, 2024;

AND WHEREAS the Public Works Superintendent in collaboration with the CAO has investigated the issuance of road use maintenance agreements on seasonal roads,

AND WHEREAS the Zoning By-Law 2022-19 and the East Nipissing Planning Board Official Plan provides direction that shall not permit residential development on a street that is not maintained year-round by a public authority;

AND WHEREAS mention for exceptions of road use agreements in the Official Plan and Zoning By-Law creates ambiguity for the East Nipissing Planning Board, the Chief Building Official and the Council of the Municipality of Calvin;

THEREFORE the Public Works Superintendent recommends to Council to apply for a Zoning Amendment and an Official Plan amendment to remove language in the East Nipissing Planning Board Official Plan and the Comprehensive Zoning By-Law 2022-19 for the Municipality of Calvin to remove the language to allow road use agreements for providing future residential development on seasonal, unassumed or private roads;

AND FURTHERMORE, that existing road use agreements be amended to provide less exposure of risk to the Municipality and be reviewed by the Municipal Lawyer;

AND FURTHERMORE, the Council directs staff to seek cost/benefit analysis of assuming the "seasonal roads" that have residential development for year-round maintenance;

BE IT HEREBY RESOLVED that the Council of the Municipality of Calvin accepts this recommendation.

Respectfully yours,

Ann Carr

Public Works Superintendent

I concur with this report,

Donna Maitland

CAO, Clerk

Appendix: Frequently asked Questions for Seasonal and Summer Roads by Risk Management Centre of Excellence-Intact Insurance



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Frequently Asked Questions for Seasonal and Summer Roads

What is the definition of a Seasonal/Summer Road?

- There is no definition of a "Seasonal/Summer Road" in the *Municipal Act*. Many municipalities have roads that are considered seasonal/summer and no winter maintenance is performed. Traditionally they are a Class 6 category with AADT less than 49 vehicles per day.

What happens when they are closed for the winter season?

- Most municipalities pass a by-law declaring which roads are seasonal/summer roads. Here is a sample of a clause we have seen: *"All Municipal maintenance that applies to seasonal/summer roads will cease November 1 to April 30."*
- We often see a remedial action clause: *"Remedial action by the Municipality on a seasonal/summer road from November 1 to April 30 will only be performed when there is an immediate danger or hazard that may cause personal injury, loss or damage to public or private property."*

Can the municipality be sued if someone is injured during the time the road is closed?

- Yes, the municipality can be brought into a law suit if someone is injured during the time when the road is

closed. Our defence is to look at the risk management steps the municipality took to make sure everyone is aware that the roads are not maintained during the specified time frame.

What should the municipality do to protect themselves?

- Have a by-law declaring and naming your seasonal/summer road policy.
- In the by-law outline the affected roads.
- The level of service policy should outline what roads are not maintained.
- All seasonal /summer roads need to be signed by the municipality indicating the status of the road and the duration of the closure. Without signage you could have visitors to your community and they would not be aware of the closures.
- Regular inspections, at least annually should be performed to make sure these signs are visible. Document all inspections that have been performed.
- A notice should go out to all affected landowners before the winter season begins, publish the information in the local newspaper and your website. This needs to be done every year because landowners can change.

What should the municipality do to protect themselves if the individuals wish to provide their own winter maintenance on these roads?

- Landowners should make written application to the corporation for permission.
- Once permission is granted landowners will be made aware that they will be held responsible for any damages that occur on municipal property because of the actions of private snow removal equipment.
- A waiver should be signed by the landowners. Have your legal counsel draft the appropriate waiver.
- A contract should be in place between the landowner and the snow plough contractor and if possible have the municipality's name added as an additional insured.



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8.6

To: Council

Subject: Beaver Management By-Law 2024-064

Author: Ann Carr, Public Works Superintendent

Date: October 29th, 2024

Purpose:

The Municipality of Calvin has ongoing issues with beaver dams on private property causing damage to municipal property which could potentially damage adjacent private property as well. These dams have potential to cause health and safety issues for the public and cost additional tax dollars to repair.

Background:

It was discussed through the Public Works Superintendent Report at the Council meeting on September 10th, 2024, that the public works department are having issues with beaver control methods that is occurring from privately owned lands.

A brief discussion was had concerning that trappers now charge to trap a beaver due the social changes in demand for furs and pelts. The Public Works Operational Budget does not contain a budget line for flood/beaver control. The Public Works Department also does not have the authority to enter onto private lands currently to rectify flooding issues that are affecting municipal infrastructure.

The Municipality may need to deal with potential flood threats caused by beaver dams. Where dams occur on Municipal property, the municipality has authority to remove or alter the dams to minimize or control the negative impacts of flooding on Municipal Roads or property.

The draft by-law for the Management of Beavers and Beaver Dams was presented to Council at the Council meeting of October 15th, 2024, for discussion purposes.

From this discussion it was proposed that the by-law have an initiating conversation with the landowner to notify them of a beaver dam or beaver is on the property and that it could affect municipal infrastructure and to educate the landowner on the by-law ahead of sending them notice.

ACTION TAKEN:

Schedule "A" 1.0 Situation and Circumstances 1.1 was amended, and the wording was added to include: and will contact the landowner to educate the landowner of the By-Law.

This will provide the landowner time to rectify the circumstances before it becomes an emergency situation.

RECOMMENDATION:

WHEREAS the Public Works Superintendent discussed the need for the need for a Beaver Dam and Nuisance Beaver By-Law at the Council meeting on September 10th, 2024;

AND WHEREAS the Public Works Superintendent with consultation of the CAO, has prepared a draft By-Law for the purpose of discussion for Council and that changes were made as a result of that discussion;

AND FURTHERMORE, the Public Works Superintendent recommends to Council to adopt the By-Law and that the By-Law be forwarded to Provincial Offences Office for approval of set fines.

Appendix- By-Law 2024-024



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Respectfully yours,

Ann Carr

Public Works Superintendent

I concur with this report,

Donna Maitland

CAO

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NUMBER 2024-064

BEING A BY-LAW TO ADOPT A POLICY RESPECTING THE MANAGEMENT OF BEAVERS AND BEAVER DAMS IN THE MUNICIPALITY OF CALVIN

WHEREAS pursuant to Section 10(1) and 10(2) of the Municipal Act, S.O. 2001, c.25, as amended, the “Municipal Act” authorizes a single-tiered municipality to provide any service or thing that the municipality considers necessary or desirable for the public, and a single tiered municipality may pass by-laws respecting the following matters; Public Assets of the municipality acquired for the purpose of exercising its authority under this act or any other act, the health and safety and well being of persons, protection of property including consumer protection and animals;

AND WHEREAS Sections 8(3)(4) and 31(1) of the Fish and Wildlife Conservation Act, 1997, S.O. 1997,c.41, as amended, authorizes a person or the agent of a person, to damage or destroy a beaver dam to protect the person’s property, and if a person believes on reasonable grounds that wildlife is damaging or is about to damage the person’s property, the person may, on the person’s land, (a) harass the wildlife for the purpose of deterring it from damaging the person’s property; or (b) capture or kill the wildlife. 1997, c.41, s.31(1);

AND WHEREAS Section 80(1)(2) of the Drainage Act, TR.S.O. 1990, cD.17 as amended from time to time, beaver dams constructed on private property and the damage they may cause due to flooding, breaches and related hazards to drainage are the responsibility of the private property owner;

AND WHEREAS Part XIV, Sections 425 to 447.9 of the Municipal Act, S.O. 2001, c.25 as amended, gives the authority to a municipality to enforce its by-laws including the issuance and enforcement orders, rights of entry, rights of remedial action and the right to recover its costs; and further Section 446 (3) The municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of the Corporation of the Municipality of Calvin believes it to be in the public interest to regulate and control flooding that may be caused by beaver dams in order to protect public infrastructure and the health and safety of the public;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CALVIN
ENACTS AS FOLLOWS;**

1.0 Definitions

- 1.1 **“Beaver”** means a large semiaquatic broad-tailed rodent that is native to North America. It is noted for its habit of gnawing through tree trunks to fell the trees in order to feed on the bark and build “dams”;
- 1.2 **“Beaver Dam”** means a structure constructed by a Beaver to create a pond to protect against predators and to store food during the winter;
- 1.3 **“By-Law”** means Corporation of the Municipality of Calvin By-Law 2024-064 , short title “Management of Beavers and Beaver Dams By-Law”;
- 1.4 **“By-Law Enforcement Officer”** means a person who is appointed by Council as a Municipal Law Enforcement Officer to enforce by-laws enacted and passed by Council;
- 1.5 **“Council”** means the Council of the Corporation of the Municipality of Calvin;
- 1.6 **“Municipality”** means the Corporation of the Municipality of Calvin;
- 1.7 **“Owner”** means the registered Owner of the land and also includes the Owner of the animal and also includes a trustee acting on behalf of the registered Owner, the estate of a registered Owner and a Person with a leasehold interest in the land;
- 1.8 **“Person”** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a Person to whom the context can apply, according to law, and that wherever this By-Law refers to an Owner or Person that the reference to gender or the gender neutral, the intention is to read the By-Law with the gender applicable to the circumstances;
- 1.9 **“Director”** means a person or designate, who is employed by the Municipality and is responsible for overseeing the maintenance of municipal roads and infrastructure (Public Works Superintendent) or their designate;

- 1.10 **“Drainage Works”** includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof.

2.0 General Prohibitions-Flood Risks

- 2.1 For the purposes of this By-Law, a flood risk is created where a Beaver Dam or other obstruction allows water to collect in a manner that might reasonably be expected to cause flooding or other damage to private property, highways, culverts, bridges, drainage works or other municipal property, if the water collected were to rise or to escape.
- 2.2 No Person or Owner shall permit a Beaver Dam or other obstruction on their property that may create a flood risk or threaten health and safety of the public, or which may cause damage to municipal property or private property.

3.0 Administration

- 3.1 If an inspection of a property reveals that the prohibition set out in 2.2 of this By-Law has been or will be breached due to the presence of a Beaver Dam and damage to Municipal property is likely to occur or has occurred, the Director may issue an order to have the Beaver Dam removed and shall forward copies of the same addressed to each Owner of the property so identified by the municipal tax rolls which the Beaver Dam is located, and to any occupier of the property to whom the Director considers the order should also be issued. The order shall also be posted in a conspicuous place on the property. Where damage to a municipal property has already occurred, the order shall also require the repair of that damage at the cost to the Owner(s).
- 3.2 If it appears to the Director that damage to Municipal property is presently occurring or, on reasonable grounds, that protection of Municipal and private property requires immediate action, the order shall require immediate compliance on the date of issuance of the order.
- 3.3 If an inspection of a property reveals that the prohibition set out in section 2.2 of this By-Law has been or will be breached due to the presence of a Beaver Dam

on the property and the Director is in the reasonable opinion that the presence of the Beaver Dam creates a risk to public health and safety that must be remedied immediately, the Municipality may enter onto the property with such employees, agents or contractors and equipment and take all reasonable measures necessary to correct this situation creating the risk to public health and safety. Under such circumstances, notice shall be given to the Owner and the Owner will have (30) thirty days to pay the invoice. If payment has not been received after (30) days, the invoice will be collected in the same manner as real property taxes.

- 3.4 If an inspection of the property reveals that the property does not conform to the standards prescribed in section 2.2 of this By-Law and the circumstances in section 3.2 are not present, the Director may issue a written order to the Owner or occupant of the property or both, setting out that the Person to whom an order has been issued are jointly or severally liable for all the costs to the Municipality of locating and removing the Beaver Dam in compliance with all the applicable legislation, and for the costs associated with any other remedial work to rectify damage caused to Municipal property, as described in the order.
- 3.5 Any order issued by the Municipality in accordance with this By-Law shall be served personally or by registered mail sent to the last known address of the Person to whom the order is to be given, in which event the service shall be deemed to have been made on the seventh day of mailing.
- 3.6 Every Owner shall comply with an order issued under the authority of this By-Law. If the Owner of the property to whom an order has been given in accordance with this By-Law does not comply with the order within the time prescribed in the order, the Municipality may, in addition to all other remedies, cause the property to be brought into a condition that conforms to this By-Law at the Owner's expense and, for this purpose, the Municipality's employees or agents shall enter onto the property at any reasonable time without further notice to the Owner or occupant in order to do such work and remedy any contravention of this By-Law.
- 3.7 The Municipality shall collect any costs incurred by it to remedy any non-compliance with section 2.2 of this By-Law by adding the costs, plus a 10% (ten percent) administration fee. Any outstanding amounts on which the work was performed will be added to the tax roll of the property.

- 3.8 Despite any actions taken in respect to this By-Law, the Municipality shall not be liable to compensate the Owner, occupant or any other Person by reason of anything done by or behalf of the Municipality in the reasonable exercise of its - powers under this By-Law.

4.0 Entry and Inspection

- 4.1 A Director or By-Law Enforcement Officer or their designate shall at any time reasonable to determine whether this By-Law is being complied with. The use of a drone may be used for the inspection of a property.
- 4.2 Every Person shall permit a Director or By-Law Enforcement Officer or their designate to inspect any land for the purposes of determining compliance with this By-Law.

5.0 Obstruction

- 5.1 No Person who shall hinder or obstruct, or attempt to hinder or obstruct, any Director or By-Law Enforcement Officer or their designate from exercising a power or performing a duty under this By-Law.

6.0 Offences and Penalties

- 6.1 Any Person who contravenes any provision of this By-Law is guilty of an offence and upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 6.2 Any Person who fails to comply with an order or any part thereof issued pursuant to this By-Law is guilty of an offence.
- 6.3 Upon conviction, an individual found guilty of an offence is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act.

7.0 Severability

- 7.1 If any provision of this By-Law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 7.2 If a provision of this By-Law conflicts with an Act or regulation or another by-law, the provisions that are most restrictive shall prevail.

7.3 If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-Law and it is hereby declared that the remainder of the By-Law shall be valid and shall remain in force.

8.0 Schedules

8.1 Schedules "A", "B" and "C" shall form part of this By-Law.

9.0 Short Title

9.1 This By-Law shall be known as the "Management of Beaver and Beaver Dams By-Law."

10.0 Municipality Not Liable

10.1 The Municipality assumes no liability for property damage or personal injury resulting from remedial action or remedial work or lack thereof of the Owner of private property.

11.0 Passage

11.0 This By-Law shall come into force and effect on the day it is passed by Council.

TO BE READ, ENACTED AND PASSED THIS 29th DAY OF OCTOBER, 2024.

MAYOR

CAO, CLERK

SCHEDULE "A" TO BY-LAW 2024-064

Policy and Procedure for the Management of Beavers and Beaver Dams

The Council of the Corporation of the Municipality of Calvin deems it expedient to adopt a policy and procedure to deal with potential flooding threats caused by Beaver Dams. These structures, with associated head ponds, often do adversely impact public roads, and the health and safety of the public.

Where Dams occur on Municipal property, the Municipality has clear authority to remove or alter the dams to ensure negative impacts of flooding on a public road(s) to minimize or control flooding.

Where Dams occur on private lands, the Township will encourage landowners to manage these nuisance animals and structures in an effort to help and protect public assets from the negative impacts of flooding, which may occur when Dams are suddenly breached as well as oversee any potential damage caused and ensure health and safety of the general public.

The Municipality will require corrective action as necessary to prevent damage to public infrastructure, in accordance with this By-Law.

1.0 Situations and Circumstances

- 1.1 On performing road patrols or in receiving comments or complaints from the public, the Director or designate, may become aware of Beaver activities that represent potential problems for municipal infrastructure. In such instance, the Director or designate will make an assessment as to whether municipal property is or soon will be damaged because of beaver activities and identify the safest and most effective method to address problems associated with these activities and the health and safety associated for the general public and will contact the landowner to educate the landowner of the By-Law.
- 1.2 If the Beaver Dam or blockage is located on municipal property, the Director or designate will remove the Dam or blockage if risks to public safety or property damage so warrant and may contact a licensed trapper to trap or dispatch the Beaver(s). The trapper shall be licensed by the Ministry of Natural Resources and Forestry (MNRF) and comply with all applicable legislation.
- 1.3 If the Beaver Dam is located on private property, the landowner will be asked, in writing by the Director or designate, to have the Dam removed or altered in such a manner as to

prevent flooding damage to municipal property. The contact information for a licensed trapper will be provided to the landowner. Alternatively, the landowner's permission will be obtained in writing, using the form attached as Schedule "B" to this By-Law, for municipal staff to enter onto the property to remove or alter the Dam and or to allow the licensed trapper to enter on the private lands. In obtaining consent for municipal involvement, the Owner will be asked to acknowledge and agree, in writing, the Municipality will not be held responsible for damages that may occur when altering or removing a Dam by Municipal or contracted resources and/or trapper being assigned to commence trapping on said private lands.

- 1.4 If the landowner refuses access to the property or to population control of the Beaver, the landowner will be sent a registered letter from the Director or designate informing them that they will be held liable for any damages caused to municipal property or harm caused to the public because of the Beaver Dam suddenly being breached or washed out.

2.0 Emergency Situations

- 2.1 There may be an emergency that may arise where water levels and the volume of retained water created by a Beaver Dam(s) represent an imminent flood threat to a public asset (road, bridge, culvert, etc.) which in turn could impact public safety. In such instances, the Director or designate, shall assess the threat, determine the risk of damage to the public asset and take action to alter or remove the Dam to lower the threat of flooding to an acceptable level.

- 2.2 Authority to take such emergency action is referenced in the Fish and Wildlife Conservation Act as follows:

Beaver Dams- Section 8(3) states: A person shall not damage or destroy a Beaver Dam unless the person holds a license to trap fear bearing animals.

*Protection of Property-*Section 8(4) states: Subsection (3) shown above, does not apply to a person, or agent of a person, who damages or destroys a Beaver Dam to protect the person's property.

- 2.3 In accordance with 2.2 above, under an emergency situation, as determined by the Director or designate, Municipal staff or an appointed contractor or agent may enter onto private property to alter or remove a Beaver Dam with the objective of "protecting property" such as a public road.

3.0 Risk Assessment Procedure

- 3.1 A risk assessment will be conducted by the Director or designate to determine if an emergency response is required.
- 3.2 Where, as a result of excessive water associated with a Beaver Dam(s), water is being held against a road to the extent that the road is deemed unsafe for public travel and/or it is apparent that road failure is possible then emergency actions will be initiated including entry to private land to remedy the problem.
- 3.3 Where there is a sufficient head of water being held behind a Beaver Dam that if released quickly would overwhelm the road and related drainage system, thereby representing a serious threat to infrastructure and/or public safety, then emergency actions will be initiated including entry onto private lands to remedy the problem.
- 3.4 In either of the above situations (3.2 or 3.3), the threat of damage may be heightened if weather conditions and predictions call for greater rain or run-off that would increase water volumes and increase washout possibilities.



SCHEDULE "B" TO BY-LAW 2024-064

Property Access Form

Date: _____

Landowner Name: _____

Location of Property: _____

Mailing Address: _____

Select an Option Below:

___ Option A:

I will provide the Municipality of Calvin staff, agent and or licensed trapper permission to access the above-mentioned property for the purpose of dealing with beaver dams and or nuisance beaver, and to be invoiced for such works.

In obtaining consent, the Municipality will not be held responsible for any damage that may occur as a result of altering or removing a beaver dam on the above-mentioned property.

___ Option B:

Refuse to give the Municipality of Calvin's staff, agent or licensed trapper permission to access the above-mentioned property to deal with the nuisance beaver or beaver dams.

NOTE:

- (1) Failure to provide a response to the Municipality in 7 business days of receipt of the Form by Registered Mail will be considered a refusal of access and shall be recorded as such (Option B).
- (2) Refusal of access will result in legal action(s) in the event of any damage caused to municipal property or harm caused to the public because of the breach of a beaver dam and or wash out. Costs incurred shall be added to the tax roll of the property for the damage incurred.
- (3) The Municipality may collect any costs incurred by adding the locating, removal and trapping costs, plus a 10% administration fee, to the tax roll of the property on which the work will be performed in accordance with this By-law.

_____ Option C:

Thank you for the notification of the beaver dam on the property. The above-mentioned property owner will take care of the beaver dam and or nuisance beaver and do not require the assistance of the Municipality's staff, agent or contracted licensed trapper.

It is noted that failure to comply with statement of choosing Option C within 7 business days after receipt of the order, that the Municipality shall hold the landowner responsible as if refusal of access and will result in legal action(s) in the event of any damage caused to municipal property or harm caused to the public because of the breach of a beaver dam and or wash out. Costs incurred shall be added to the tax roll of the property for the damage incurred.

Name of Landowner

Signature of Landowner

Name of Witness

Signature of Witness



SCHEDULE "C" TO BY-LAW 2024-064

SET FINES

The Management of Beavers and Beaver Dams

Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions Creating or Defining an Offence	COLUMN 3 Set Fines
1	Permit a Beaver Dam or other obstruction on property	Sec.2.2	\$500.00
2	Fails to Comply with an Order	Sec. 3.6	\$500.00
3	Hinders or obstructs any Director or By-Law Enforcement Officer or their designate from exercising a power or performing duty under this By-Law	Sec. 5.1	\$500.00

NOTE: The penalty provision for the offences indicated above is Section 6.0 of By-Law 2024-064 and section 6.1 of the Provincial Offences Act, R.S.O. 1990, c.P.33

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NUMBER 2024- Amendment to By-Law 2019-027

BEING A BY-LAW TO ESTABLISH MUNICIPAL BUILDING PROCEDURES, REGULATIONS AND PRESCRIBE PERMIT FEES AND OTHER FEES AS APPLICABLE TO BUILDING AND RELATED MATTERS.

DRAFT

WHEREAS the Municipal Act c. 25 S.O. 2001 as amended and the Building Code Act c.23 S.O. 1992 as amended, require the Councils of municipalities to pass By-Laws and regulations respecting the construction and/or demolition of buildings and issuing of permits to govern the same.

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin enacts as follows that:

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this By-law:

“Act” means the *Building Code Act, 1992 S.O. 1992 Chapter 23 including amendments thereto*.

“Building” means a “building” as defined in subsection 1(1) of the Act.

“Building Code” means the regulations made under Section 34 of the Act.

“Chief Building Official” means the Chief Building Official appointed pursuant to subsection 3(2) of the Act and by By-law of the Municipality of Calvin for the purposes of enforcement of the Act.

“Construct” means “construct” as defined in subsection 1(1) of the Act.

“Demolish” means “demolish” as defined in subsection 1(1) of the Act.

“Fixture” means “fixture” as defined in Sentence 1.1.3.2. (1) of the Building Code.

“Inspector” means an inspector appointed pursuant to subsection 3(2) of the Act and by by-law of the Municipality of Calvin for the purposes of enforcement of the Act.

“Municipality” means the Corporation of The Municipality of Calvin or the geographic area as the context requires.

“Order” means under section 12(2) of the Building Code Act, an inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order.

“Owner” means the registered owner of the property of the agent of the registered owner duly authorized by the registered owner in writing.

“Permit” means permission or authorization in writing from the Chief Building Official to perform work regulated by the Act and the Building Code and in the case of an occupancy permit, to occupy any building or part thereof.

“Permit Holder” means the owner to whom the permit has been issued or, where the permit has been transferred, the new owner to whom the permit has been transferred.

“Plumbing” means “plumbing” as defined in subsection 1(1) of the Act.

“Property Owner” means an individual or entity in possession of title for land, building, or other item. The owner may be responsible for paying taxes in relation to the property.

“Registered Code Agency” or RCA means a “registered code agency” as defined in subsection 1(1) of the Act.

“Sewage System” as defined in Section 1.1 of the Building Code.

“Work” means to do anything in the construction or demolition or change of use or plumbing for a building which is regulated by the Act and the Building Code and “project” has a similar meaning.

“Zoning” as defined in the Municipality of Calvin’s Zoning By-Law

2.0 PERMITS

- 2.1 No person shall, or shall cause to, construct, alter, repair, move, situate or demolish in full or in part a building or structure in the Municipality of Calvin unless a permit for such purpose has been issued by the Chief Building Official.

- 2.2 Classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule "A", attached hereto.
- 2.3 To obtain a permit the owner or his authorized agent shall file an application in writing by completing the prescribed forms from the Municipality of Calvin office.
- 2.4 Except as otherwise permitted by the Chief Building Official, every application shall identify and describe in detail the work and occupancy to be covered by the permit for which application is made, including:
- a) description of the land on which the work is to be done, that will readily identify and locate the building lot.
 - b) complete plans and specifications as requested.
 - c) the valuation of the proposed work and the required fee.
 - d) the names, addresses and telephone number of the owner, architect, engineer or other designer and constructor.
 - e) the signature of the owner or his authorized agent shall certify the truth of the contents of the application.
- 2.5 Subject to section 8 (10) of the Building Code Act c.23 S.O. 1992 as amended, building permits are automatically revoked and must be renewed:
- a) where they are issued based on mistaken or false information.
 - b) where after six months after its issuance, the construction or demolition in respect of which a permit was issued has not in the opinion of the Chief Building Official, been seriously commenced or;
 - c) where the construction or demolition of the building is in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year.

3.0 PLANS, SPECIFICATIONS AND INFORMATION

- 3.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed work will conform with the Act, Regulations thereunder, The Zoning By-law and any other applicable law.
- 3.2 Unless otherwise permitted by the Chief Building Official, site plans shall be referenced to a current plan of survey, certified by a registered Ontario Land Surveyor, and a copy of such survey, with seal, shall be submitted.
- 3.3 Plans shall be drawn to scale upon paper, cloth, or other durable material for new construction and with appropriate scale for renovation.
- 3.4 The Chief Building Official shall require the applicant to produce the entrance approval from the appropriate authority in respect to any building proposed to be constructed fronting on any Provincial or County Highway, before the issuance of a building permit.
- 3.5 No permit will be issued in respect of a new building until proof of payment of the Charges as set out in Schedule "A" attached hereto are provided to the Chief Building Official.
- 3.6 No permit will be issued where the proposed use or location of a building is to contravention of the Municipality of Calvin Zoning By-law.
- 3.7 No work shall commence until the building permit issued is prominently displayed on the site of work.
- 3.8 No permit shall be issued on or for Heritage Designated properties until the required procedures have been complied with; as set out by the Ontario Heritage Act c. O.18 R.S.O. 1990 as amended, if applicable.

4.0 APPLICATION FOR PARTIAL PERMIT (Conditional Permit)

- 4.1 Where an application is made for partial permit in order to expedite work for a portion of a building prior to the issuance of a permit for the work for the complete building, and the Chief Building Official is in agreement that an application for a partial permit may be submitted, the owner shall file the following information:
- a) the prescribed application from entitled "Application for a Permit to Construct or Demolish".
-

- b) complete plans and specifications, documents, and other information as required.
 - c) the completed form as set out in the Act.
- 4.2 A permit for a temporary building may be extended provided that permission in writing is granted by the Chief Building Official.

5.0 SPECIAL PROVISIONS

- 5.1 The owner or his authorized agent shall notify the Chief Building Official at least forty-eight (48) hours in advance of the following stages of construction:

- a) commencement of construction.
- b) readiness to construct footings.
- c) completion of foundation prior to backfills (Building Drainage)
- d) underground plumbing
- e) rough plumbing
- f) substantial completion of the structural framing.
- g) substantial completion of the insulation and vapour barriers.
- h) substantial completion plumbing and heating systems.
- i) substantial completion of fire separations and systems.
- j) substantial completion of interior finishes.
- k) substantial completion of exterior cladding and site grading
- l) ready for occupancy
- m) final (Completion of Building)

- 5.2 Where in the opinion of the Chief Building Official it is necessary for public safety, the owners shall cause to be erected on the street line adjacent to any building being constructed, altered, repaired or wrecked, demolished, a suitable type of board fence, at least six (6) feet in height, and with sufficient overhead boarding to protect passers by. No such fence shall be removed until the work has been completed and permission for that purpose has been obtained from the Chief Building Official.

No unused building material, debris, material from any building being wrecked, demolished, or material from excavation shall be placed on or allowed to accumulate on any highway, public street, alley or land.

- 5.3 No person shall in any manner obstruct the free passage of water in drains, gutters or watercourse by buildings, landscaping or any other means. Nor shall they reroute any of the above without written permission of the Chief Building Official.
- 5.4 No person shall remove from a building or site any order issued by the Chief Building Official or his appointee, without first obtaining permission from the Chief Building Official.

6.0 FEES

- 6.1 Fees for a required permit shall be in accordance with Schedule "A" attached hereto and forming part of this By-law.
- 6.2 When the fees are based on cost of valuation of the proposed work, such valuation shall mean the total cost of the work. That shall be the work regulated by the permit as well as electrical, plumbing or health branches and shall include the cost of professional and related services.
- 6.3 Where the Chief Building Official places a valuation, on the cost of work and if the permit applicant holder disagrees with this valuation, the prescribed fee determined by the Chief Building Official, shall be paid before the issuance of the permit. Upon completion of the work, if the actual cost of the work was less than the valuation placed by the Chief Building Official, an audited statement may be submitted detailing the cost of all component parts of the work. The Chief Building Official shall, if the statement contains the cost of all component parts of the work upon which the valuation was required to be based, value the work in accordance with testament and recommend the appropriate refund.
- 6.4 The fees contained in Schedule "A" to this By-law may be waived or modified at the discretion of the Chief Building Official, with the concurrence of the CAO for minor repairs and renovations to buildings, outbuildings i.e. garden sheds, tool sheds, gazebos, etc. or for the re-roofing and replacement of siding, of buildings in the residential classifications and for the additions of small porches or decks or for the repairs of such in the residential classifications.

7.0 ENFORCEMENT

- 7.1 This By-Law shall apply to all property within the Municipality of Calvin.
- 7.2 After becoming aware of an infraction, the Chief Building Official and/or Property Standards Officer will visit the property and identify what is contravening the Municipality of Calvin's By-Laws. If the owner of the property in question is present, the Chief Building Official and/or Property Standards Officer will inform the property owner of the any contravening By-Law issues and outline what would need to be completed in order to comply.
- 7.3 The Chief Building Official and/or Property Standards Officer will send by registered mail, the property owner a follow-up letter, explaining the contravening By-Law issues and outline what would need to be completed in order to comply.
- 7.4 During the ongoing dialog between the Chief Building Official and/or Property Standards Officer and the property owner when continued improvement steps are being taken place to comply, no deadline timelines will be imposed during this time of dialog.
- 7.5 If verbal and written warnings or dialog in section 7.4 of this By-Law are ignored, and no action has been taken, or action has been ceased by the property owner to comply, then an Order to Comply will be posted by the Chief Building Official and/or Property Standards Officer, on the owners property and served on the owner of the property and such other persons affected thereby either by in person or registered mail.
- 7.6 Orders to Comply come with specific timelines in which steps must be taken to meet the requirements of the order. If no action is taken by the property owner in the specified timeline to comply, the municipality can take action to have the property comply with the Ontario Building Code and/or Municipal By-Laws. Costs incurred by the Municipality to have a property meet compliance will be billed to the property owner, and if not paid, transferred to the property owner's property tax account.
- 7.7 In accordance to Section 15.4.1 of the Ontario Building Code Act, 1992, S.O. 1992, c.23, as amended, any person convicted of a breach of the provisions of this By-law
- a) shall forfeit and pay at the discretion of the conviction, magistrate an administrative penalty to recover costs, and or
 - b) any building constructed, altered, repaired or placed in contravention of this By-law and/or other related municipal By-Laws, may be pulled down or removed on instruction from the Chief Building Official or other person authorized by the Council, and the expense of such removal or pulling down shall be paid by the owner and may be recovered in like manner as municipal taxes (in accordance to section 15.4.2 of the Ontario Building Code Act, 1992, S.O. 1992, c.23, as amended).

8.0 SEVERABILITY

- 8.1 Should any section or part of a section of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect any other provision of this By-law in whole or part thereof.
- 8.2 Nothing in this By-law shall or is intended to contravene with the Building Code Act c.23 S.O. 1992 as amended.
- 8.3 Where any discrepancy occurs, the Building Code Act and Regulations made thereunder shall take precedence.

9.0 REPEAL

- 9.1 By-law No.2019-027 any other By-law that govern building construction or fees thereto are hereby repealed and rescinded.

10. COMMENCEMENT

- 10.1 This By-law shall come into force and affect on the day of passing thereof.

Read and passed in open council this _____ day of _____ 2024.

Mayor

CAO

CORPORATION OF THE MUNICIPALITY OF CALVIN
Schedule "A"
To By-law 2024-

BUILDING INSPECTION FEES AND SERVICES

Building without a permit	\$500.00 for the first 50m ² of building area and \$50.00 for each additional 10m ² or part thereof
New buildings (except for accessory buildings)	\$475.00 for the first 50m ² of building area and \$50.00 for each additional 10m ² or part thereof
Addition to buildings (except for accessory buildings)	\$160.00 for the first 20m ² and \$50.00 for each additional 10m ² or part thereof
Accessory buildings which include garages, storage buildings, barns, porches, carports, sundecks, balconies, solariums, and sunrooms (including additions to accessory buildings)	\$105.00 for the first 20m ² and \$50.00 for each additional 10m ² or part thereof
Residential alterations, repairs or renovations including Chimneys, plumbing, windows, doors	\$105.00 flat fee
Demolition Permit	\$80.00 flat fee
Change of Use inspection	\$105.00 includes one
Moving a building into, within, or out of the municipality	\$80.00 flat fee
Compliance letter (site inspection required)	\$80.00 flat fee
Commercial, Industrial, and Institutional – Alterations, Repairs and Renovations	\$420 flat fee
Swimming Pools	\$105 (Refer to Zoning By-Law)
Temporary Structures (Include tents, marquees, stalls, enclosure stages and any other non-permanent structure).	\$105 each

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

For use by Principal Authority				
Application number:		Permit number (if different):		
Date received:		Roll number:		
Application submitted to: _____ (Name of municipality, upper-tier municipality, board of health or conservation authority)				
A. Project information				
Building number, street name		Unit number	Lot/con.	
Municipality	Postal code	Plan number/other description		
Project value est. \$		Area of work (m ²)		
B. Purpose of application				
<input type="checkbox"/> New construction	<input type="checkbox"/> Addition to an existing building	<input type="checkbox"/> Alteration/repair	<input type="checkbox"/> Demolition	<input type="checkbox"/> Conditional Permit
Proposed use of building		Current use of building		
Description of proposed work				
C. Applicant Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner				
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number	Fax	Cell number		
D. Owner (if different from applicant)				
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number	Fax	Cell number		

E. Builder (optional)				
Last name		First name	Corporation or partnership (if applicable)	
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number	Fax		Cell number	
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)				
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____				
G. Required Schedules				
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.				
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.				
H. Completeness and compliance with applicable law				
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted).			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant				
I _____ declare that:				
(print name)				
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.				
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.				
_____		_____		
Date		Signature of applicant		

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the Inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information					
Building number, street name				Unit no.	Lot/con.
Municipality	Postal code	Plan number/ other description			
B. Individual who reviews and takes responsibility for design activities					
Name			Firm		
Street address				Unit no.	Lot/con.
Municipality	Postal code	Province	E-mail		
Telephone number		Fax number	Cell number		
C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]					
<input type="checkbox"/> House <input type="checkbox"/> Small Buildings <input type="checkbox"/> Large Buildings <input type="checkbox"/> Complex Buildings		<input type="checkbox"/> HVAC – House <input type="checkbox"/> Building Services <input type="checkbox"/> Detection, Lighting and Power <input type="checkbox"/> Fire Protection		<input type="checkbox"/> Building Structural <input type="checkbox"/> Plumbing – House <input type="checkbox"/> Plumbing – All Buildings <input type="checkbox"/> On-site Sewage Systems	
Description of designer's work					
D. Declaration of Designer					
I _____ declare that (choose one as appropriate): <div style="text-align: center;">(print name)</div> <p>I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.</p> <p>Individual BCIN: _____</p> <p>Firm BCIN: _____</p> <p>I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5. of Division C, of the Building Code.</p> <p>Individual BCIN: _____</p> <p>Basis for exemption from registration: _____</p> <p>The design work is exempt from the registration and qualification requirements of the Building Code.</p> <p>Basis for exemption from registration and qualification: _____</p> <p>I certify that:</p> <ol style="list-style-type: none"> The information contained in this schedule is true to the best of my knowledge. I have submitted this application with the knowledge and consent of the firm. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div>_____</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Date</div> <div>Signature of Designer</div> </div>					

NOTE:

- For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1) (c) of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
- Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.

Schedule 2: Sewage System Installer Information

A. Project Information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/ other description	
B. Sewage system installer			
Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 3.3.1.1, Division C?			
<input type="checkbox"/> Yes (Continue to Section C)		<input type="checkbox"/> No (Continue to Section E)	
		<input type="checkbox"/> Installer unknown at time of application (Continue to Section E)	
C. Registered installer information (where answer to B is "Yes")			
Name		BCIN	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	
D. Qualified supervisor information (where answer to section B is "Yes")			
Name of qualified supervisor(s)		Building Code Identification Number (BCIN)	
E. Declaration of Applicant:			
<p>I _____ declare that:</p> <p style="text-align: center;">(print name)</p> <p>I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known;</p> <p><u>OR</u></p> <p>I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2, now that the installer is known.</p> <p>I certify that:</p> <ol style="list-style-type: none"> 1. The information contained in this schedule is true to the best of my knowledge. 2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership. <p>_____</p> <p style="display: flex; justify-content: space-between;"> Date Signature of applicant </p>			

Energy Efficiency Design Summary: Prescriptive Method

(Building Code Part 9, Residential)

This form is used by a designer to demonstrate that the energy efficiency design of a house complies with the building code using the prescriptive method described in Subsection 3.1.1. of SB-12. This form is applicable where the ratio of gross area of windows/sidelights/skylights/glazing in doors and sliding glass doors to the gross area of peripheral walls is not more than 22%.

Application No. _____	For use by Principal/Authority _____
Model/Certification Number _____	

A. Project Information

Building number, street name _____		Unit number _____	Lot/Con _____
Municipality _____	Postal code _____	Reg. Plan number / other description _____	

B. Prescriptive Compliance [Indicate the building code compliance package being employed in this house design]

SB-12 Prescriptive (input design package): Package: _____ Table: _____

C. Project Design Conditions

Climatic Zone (SB-1):	Heating Equipment Efficiency	Space Heating Fuel Source
<input type="checkbox"/> Zone 1 (< 5000 degree days)	<input type="checkbox"/> ≥ 92% AFUE	<input type="checkbox"/> Gas <input type="checkbox"/> Propane <input type="checkbox"/> Solid Fuel
<input type="checkbox"/> Zone 2 (≥ 5000 degree days)	<input type="checkbox"/> ≥ 84% < 92% AFUE	<input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Earth Energy
Ratio of Windows, Skylights & Glass (W, S & G) to Wall Area		Other Building Characteristics
Area of walls = _____ m ² or _____ ft ²	W, S & G % = _____	<input type="checkbox"/> Log/Post&Beam <input type="checkbox"/> ICF Above Grade <input type="checkbox"/> ICF Basement
Area of W, S & G = _____ m ² or _____ ft ²	Utilize window averaging: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Slab-on-ground <input type="checkbox"/> Walkout Basement
		<input type="checkbox"/> Air Conditioning <input type="checkbox"/> Combo Unit
		<input type="checkbox"/> Air Sourced Heat Pump (ASHP)
		<input type="checkbox"/> Ground Sourced Heat Pump (GSHP)

D. Building Specifications [provide values and ratings of the energy efficiency components proposed]

Energy Efficiency Substitutions			
<input type="checkbox"/> ICF (3.1.1.2.(5) & (6) / 3.1.1.3.(5) & (6))			
<input type="checkbox"/> Combined space heating and domestic water heating systems (3.1.1.2.(7) / 3.1.1.3.(7))			
<input type="checkbox"/> Airtightness substitution(s)	<input type="checkbox"/> Table 3.1.1.4.B Required: _____ Permitted Substitution: _____ <input type="checkbox"/> Table 3.1.1.4.C Required: _____ Permitted Substitution: _____		
Airtightness test required (Refer to Design Guide Attached)	Required: _____ Permitted Substitution: _____		
Building Component	Minimum RSI / R values or Maximum U-Value ⁽¹⁾	Building Component	Efficiency Ratings
Thermal Insulation	Nominal Effective	Windows & Doors Provide U-Value ⁽¹⁾ or ER rating	
Ceiling with Attic Space		Windows/Sliding Glass Doors	
Ceiling without Attic Space		Skylights/Glazed Roofs	
Exposed Floor		Mechanicals	
Walls Above Grade		Heating Equip. (AFUE)	
Basement Walls		HRV Efficiency (SRE% at 0°C)	
Slab (all >600mm below grade)		DHW Heater (EF)	
Slab (edge only ≤600mm below grade)		DWHR (CSA B55.1 (min. 42% efficiency))	# Showers _____
Slab (all ≤600mm below grade, or heated)		Combined Heating System	

(1) U value to be provided in either W/(m²·K) or Btu/(h·ft²·F) but not both.

E. Designer(s) [name(s) & BCIN(s), if applicable, of person(s) providing information herein to substantiate that design meets the building code]

Qualified Designer: Declaration of designer to have reviewed and take responsibility for the design work		
Name _____	BCIN _____	Signature _____

Guide to the Prescriptive Energy Efficiency Design Summary Form

This form must accurately reflect the information contained on the drawings and specifications being submitted. Refer to Supplementary Standard SB-12 for details about building code compliance requirements. Further information about energy efficiency requirements for new buildings is available from the provincial building code website or the municipal building department.

The building code permits a house designer to use one of four energy efficiency compliance options:

1. Comply with the SB-12 Prescriptive design tables (this form is for this option (Option 1)),
2. Use the SB-12 Performance compliance method, and model the design against the prescriptive standards,
3. Design to Energy Star, or
4. Design to R2000 standards.

COMPLETING THE FORM

B. Compliance Options

Indicate the compliance option being used.

- SB-12 Prescriptive requires that the building conforms to a package of thermal insulation, window and mechanical system efficiency requirements set out in Subsection 3.1.1. of SB-12. Energy efficiency design modeling and testing of the building is not required under this option. Certain substitutions are permitted. In which case, the applicable airtightness targets in Table 3.1.1.4.A must be met.

C. Project Design Conditions

Climatic Zone: The number of degree days for Ontario cities is contained in Supplementary Standard SB-1
Windows, Skylights and Glass Doors: If the ratio of the total gross area of windows, sidelights, skylights, glazing in doors and sliding glass doors to the total gross area of walls is more than 17%, higher efficiency glazing is required. If the ratio is more than 22%, the SB-12 Prescriptive option may not be used. The total area is the sum of all the structural rough openings. Some exceptions apply. Refer to 3.1.1.1. of SB-12 for further details.

Fuel Source and Heating Equipment Efficiency: The fuel source and efficiency of the proposed heating equipment must be specified in order to determine which SB-12 Prescriptive compliance package table applies.

Other Building Conditions: These construction conditions affect SB-12 Prescriptive compliance requirements.

D. Building Specifications

Thermal Insulation: Indicate the RSI or R-value being proposed where they apply to the house design. Under the SB-12 Prescriptive option, alternative ICF wall insulation is permitted in certain conditions where other design elements meet higher standards. Refer to SB-12 for further details. Where effective insulation values are being used, the Authority Having Jurisdiction may require supporting documentation.

BUILDING CODE REQUIREMENTS FOR AIRTIGHTNESS IN NEW HOUSES

All houses must comply with increased air barrier requirements in the building code. Notice of air barrier completion must be provided and an inspection conducted prior to it being covered.

The air leakage rates in Table 3.1.1.4.A are not requirements. This provision is a voluntary provision for when credits for airtightness are claimed. Credit for air tightness allows the designer to substitute the requirements of compliance packages as set out in Table 3.1.1.4.B or 3.1.1.4.C. Neither the air leakage test nor compliance with airtightness targets given in Table 3.1.1.4.A are required, unless credit for airtightness is claimed. Table 3.1.1.4.A provides airtightness targets in three different metrics; ACH, NLA, NLR. Any one of them can be used.

OBC Reference Default Air Leakage Rates (Table 3.1.1.4.A)

Building Type	Airtightness Targets			
	ACH @ 50 Pa	NLA @ 10 Pa		NLR @ 50 Pa
Detached dwelling	2.5	1.26 cm ² /m ²	1.81 in ² /100ft ²	0.93 L/s/m ²
Attached dwelling	3.0	2.12 cm ² /m ²	3.06 in ² /100ft ²	0.18 cfm50/ft ²

The building code requires that a blower door test be conducted to verify the air tightness of the house during construction if the SB-12 Prescriptive option with airtightness credit being applied. Results of the airtightness test may need to be submitted to the Authority Having Jurisdiction. Airtightness of less than 2.5 ACH @ 50 Pa (or NLA or NLR equivalent) in the case of detached houses, or 3.0 ACH @ 50 Pa (or NLA or NLR equivalent) in the case of attached houses is necessary to meet the required energy efficiency standard.

E. House Designer

The building code requires designers providing information about whether a building complies with the building code to have a BCIN. Exemptions apply to architects, engineers and owners designing their own house.

Energy Efficiency Design Summary: Performance & Other Acceptable Compliance Methods (Building Code Part 9, Residential)

This form is used by a designer to demonstrate that the energy efficiency design of a house complies with the building code using the Performance or Other Acceptable Compliance Methods described in Subsections 3.1.2. and 3.1.3. of SB-12.

This form must accurately reflect the information contained on the drawings and specifications being submitted. Refer to Supplementary Standard SB-12 for details about building code compliance requirements. Further information about energy efficiency requirements for new buildings is available from the provincial building code website or the municipal building department.

For use by Principal Authority	
Application No. _____	Model/Certification Number _____

A. Project Information

Building number, street name _____		Unit number _____	Lot/Con _____
Municipality _____	Postal code _____	Reg. Plan number / other description _____	

B. Compliance Option [Indicate the building code compliance option being employed in this house design]

<input type="checkbox"/> SB-12 Performance* [SB-12 - 3.1.2.]	* Attach energy performance results using an approved software (see guide)
<input type="checkbox"/> ENERGY STAR®* [SB-12 - 3.1.3.]	* Attach Builder Option Package [BOP] form
<input type="checkbox"/> R-2000®* [SB-12 - 3.1.3.]	* Attach R-2000 HOT2000 Report

C. Project Building Design Conditions

Climatic Zone (SB-1):	Heating Equipment Efficiency	Space Heating Fuel Source
<input type="checkbox"/> Zone 1 (< 5000 degree days)	<input type="checkbox"/> ≥ 92% AFUE	<input type="checkbox"/> Gas <input type="checkbox"/> Propane <input type="checkbox"/> Solid Fuel
<input type="checkbox"/> Zone 2 (≥ 5000 degree days)	<input type="checkbox"/> ≥ 84% < 92% AFUE	<input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Earth Energy
Ratio of Windows, Skylights & Glass (W, S & G) to Wall Area		Other Building Characteristics
Area of walls = _____ m ² or _____ ft ²	W, S & G % = _____	<input type="checkbox"/> Log/Post&Beam <input type="checkbox"/> ICF Above Grade <input type="checkbox"/> ICF Basement
Area of W, S & G = _____ m ² or _____ ft ²		<input type="checkbox"/> Slab-on-ground <input type="checkbox"/> Walkout Basement
		<input type="checkbox"/> Air Conditioning <input type="checkbox"/> Combo Unit
		<input type="checkbox"/> Air Source Heat Pump (ASHP)
		<input type="checkbox"/> Ground Source Heat Pump (GSHP)
SB-12 Performance Reference Building Design Package indicating the prescriptive package to be compared for compliance		
SB-12 Referenced Building Package (input design package): Package: _____ Table: _____		

D. Building Specifications [provide values and ratings of the energy efficiency components proposed, or attach ENERGY STAR BOP form]

Building Component	Minimum RSI / R values or Maximum U-Value ⁽¹⁾		Building Component	Efficiency Ratings
Thermal Insulation	Nominal	Effective	Windows & Doors Provide U-Value ⁽¹⁾ or ER rating	
Ceiling with Attic Space			Windows/Sliding Glass Doors	
Ceiling without Attic Space			Skylights/Glazed Roofs	
Exposed Floor			Mechanicals	
Walls Above Grade			Heating Equip.(AFUE)	
Basement Walls			HRV Efficiency (SRE% at 0°C)	
Slab (all >600mm below grade)			DHW Heater (EF)	
Slab (edge only ≤600mm below grade)			DWHR (CSA B55.1 (min. 42% efficiency))	# Showers _____
Slab (all ≤600mm below grade, or heated)			Combined Space / Dom. Water Heating	

(1) U value to be provided in either W/(m²·K) or Btu/(h·ft²·F) but not both.

E. Performance Design Verification [Subsection 3.1.2. Performance Compliance]

The annual energy consumption using Subsection 3.1.1. SB-12 Reference Building Package is _____ GJ (1 GJ =1000MJ)

The annual energy consumption of this house as designed is _____ GJ

The software used to simulate the annual energy use of the building is: _____

The building is being designed using an air tightness baseline of:

- ☐ OBC reference ACH, NLA or NLR default values (no depressurization test required)
☐ Targeted ACH, NLA or NLR. Depressurization test to meet _____ ACH50 or NLR or NLA

☐ Reduction of overall thermal performance of the proposed building envelope is not more than 25% of the envelope of the compliance package it is compared against (3.1.2.1.(6)).

☐ Standard Operating Conditions Applied (A-3.1.2.1 - 4.6.2)

☐ Reduced Operating Conditions for Zero-rated homes Applied (A-3.1.2.1 - 4.6.2.5)

☐ On Site Renewable(s): Solar: _____

Other Types: _____

F. ENERGY STAR or R-2000 Performance Design Verification [Subsection 3.1.3. Other Acceptable Compliance Methods]

☐ The NRCan "ENERGY STAR for New Homes Standard Version 12.6" technical requirements, applied to this building design result in the building performance meeting or exceeding the prescriptive performance requirements of the Supplementary Standard SB12 (A-3.1.3.1).

☐ The NRCan, "2012 R-2000 Standard" technical requirements, applied to this building design result in the building performance meeting or exceeding the prescriptive performance requirements of the Supplementary Standard SB12 (A-3.1.3.1).

Performance Energy Modeling Professional

Energy Evaluator/Advisor/Rater/CEM Name and company: _____

Accreditation or Evaluator/Advisor/Rater License # _____

ENERGY STAR or R-2000

Energy Evaluator/Advisor/Rater/ Name and company: _____

Evaluator/Advisor/Rater License # _____

G. Designer(s) [name(s) & BCIN(s), if applicable, of person(s) providing information herein to substantiate that design meets the building code]

Qualified Designer: Declaration of designer to have reviewed and take responsibility for the design work.

Name	BCIN	Signature

Guide to the Energy Efficiency Design Summary Form for Performance & Other Acceptable Compliance Methods

COMPLETING THE FORM

B. Compliance Options

Indicate the compliance option being used.

- SB-12 Performance refers to the method of compliance in Subsection 3.1.2. of SB-12. Using this approach the designer must use recognized energy simulation software (such as HOT2000 V10.51 or newer), and submit documents which show that the annual energy use of the proposed building is equal to or less than a prescriptive (referenced) building package.
- ENERGY STAR houses must be designed to ENERGY STAR requirements and verified on completion by a licensed energy evaluator and/or service organization. The ENERGY STAR BOP form must be submitted with the permit documents.
- R-2000 houses must be designed to the R-2000 Standard and verified on completion by a licensed energy evaluator and/or service organization. The HOT2000 report must be submitted with the permit documents.

C. Project Design Conditions

Climatic Zone: The number of degree days for Ontario cities is contained in Supplementary Standard SB-1
Windows, Skylights and Glass Doors: If the ratio of the total gross area of windows, sidelights, skylights, glazing in doors and sliding glass doors to the total gross area of walls is more than 17%, higher efficiency glazing is required. The total area is the sum of all the structural rough openings. Some exceptions apply. Refer to 3.1.1.1. of SB-12 for further details.

Fuel Source and Heating Equipment Efficiency: The fuel source and efficiency of the proposed heating equipment must be specified in order to determine which SB-12 Prescriptive compliance package table applies.

Other Building Conditions: These construction conditions affect SB-12 Prescriptive compliance requirements.

D. Building Specifications

Thermal Insulation: Indicate the RSI or R-value being proposed where they apply to the house design. Refer to SB-12 for further details.

E. Performance Design Summary

A summary of the performance design applicable only to the SB-12 Performance option.

F. ENERGY STAR or R-2000 Performance Method

Design to ENERGY STAR or R-2000 Standards.

G. House Designer

The building code requires designers providing information about whether a building complies with the building code to have a BCIN. Exemptions apply to architects, engineers and owners designing their own house.

BUILDING CODE REQUIREMENTS FOR AIRTIGHTNESS IN NEW HOUSES

All houses must comply with increased air barrier requirements in the building code. Notice of air barrier completion must be provided and an inspection conducted prior to it being covered.

The air leakage rates in Table 3.1.2.1. are not requirements. The Table is not intended to require or suggest that the building meet those airtightness targets. They are provided only as default or reference values for the purpose of annual energy simulations, should the builder/owner decide to perform such simulations. They are given in three different metrics; ACH, NLA, NLR. Any one of them can be used. They can be used as a default values for both a reference and proposed building or, where an air leakage test is conducted and credit for airtightness is claimed, the airtightness values in Table 3.1.2.1. can be used for the reference building and the actual leakage rates obtained from the air leakage test can be used as inputs for the proposed building.

OBC Reference Default Air Leakage Rates (Table 3.1.2.1.)

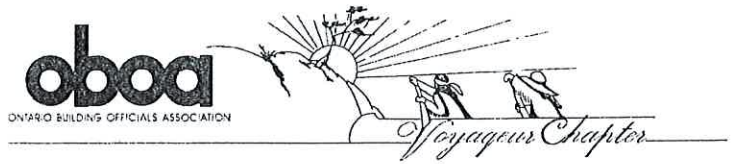
Detached dwelling	3.0 ACH50	NLA 2.12 cm ² /m ²	NLR 1.32 L/s/m ²
Attached dwelling	3.5 ACH50	NLA 2.27 cm ² /m ²	NLR 1.44 L/s/m ²

The building code requires that a blower door test be conducted to verify the air tightness of the house during construction if the SB-12 Performance option is used and an air tightness of less than 3.0 ACH @ 50 Pa (or NLA or NLR equivalent) in the case of detached houses, or 3.5 ACH @ 50 Pa (or NLA or NLR equivalent) in the case of attached houses is necessary to meet the required energy efficiency standard.

ENERGY EFFICIENCY LABELING FOR NEW HOUSES

ENERGY STAR and R-2000 may issue labels for new homes constructed under their energy efficiency programs. The building code does not currently regulate or require new home labeling.

OWNER'S CONSENT FORM



Where acquisition of the building permit is being undertaken by a person other than the owner of the property, this form shall be completed by the owner and submitted to the Building Department prior to the issuance of a building permit.

Date: _____

TO: Chief Building Official
Building Department

From: _____
Owner (Please Print)

Address

Phone

Email

I hereby grant permission to _____ to obtain a building
permit on my behalf for the property I own at:

Address

Lot Concession Parcel No. Plan Part

For the construction of: _____

Owners Signature

COTTAGE DECLARATION

Ontario Building Code SB-12 Article 1.1.1.2

1.1.1.3. Compliance Options

(2) The energy efficiency of a building or part of a building of residential occupancy that is within the scope of Part 9 of Division B in the Building Code and is intended for occupancy on a continuing basis during the winter months shall comply with:

- (a) Subsection 3.1.1. (Prescriptive Compliance Packages) of Chapter 3,
- (b) Subsection 3.1.2. (Performance Compliance) of Chapter 3, or
- (c) Subsection 3.1.3. (Other Acceptable Compliance Methods) of Chapter 3.

If this application is for a cottage or an addition to a cottage and it is not intended to be occupied on a continuous basis during the winter months it may be exempt from the requirements of SB-12 Energy Efficiency for Housing.

The property owner is required to complete and sign the statement below for all cottages and additions to cottages for all applications that do not conform to SB-12.

I _____, am the owner of property roll number
(print name)

4826- _____, at _____
(civic address)

I understand that the proposed cottage does not comply with the energy efficiency requirements as set out in SB-12 of Ontario Building Code. I acknowledge that the proposed cottage or addition to a cottage is not intended to be occupied on a continuous basis during the winter months. I understand that the statement below will be on the Occupancy and Final inspection report.

**This dwelling is a cottage NOT intended to be occupied
on a continuous basis during the winter months.**

Date

Signature



MX Zone Acknowledgement Agreement Respecting Development Within an Influence Area

(Section 4.21.2 Pits and Quarries, By-law No. 2022-019)

Section 4.21.2.1 When applying to develop a property where the proposed sensitive use (e.g. residential use, daycare centre, educational or health facility) on that property is located within the Influence Area of 1,000m of an MX zone boundary, the owner shall, on the Township form provided, acknowledge the existence of the nearby MX Zone and its potential impact on the development being applied for, on the building permit application.

**Therefore, I/we, _____ as the owner(s) of the
property subject of this building permit application, legally described as (use legal description
identical to building permit application)**

**acknowledge that I/we am/are aware all or part of this property lies within the 1,000m
influence area of an MX zone where aggregate extraction (pit or quarry) is either taking place
under a provincial license or may be legally developed in the future, according to applicable
law.**

**I/we understand that development within an established influence area may be impacted by
an aggregate operation even when that operation is operating within the parameters set by
their provincial license.**

**I/we agree not to oppose the operation or development of a licensed aggregate operation
unless it is out of compliance with its license.**

**I/we also agree to consider incorporating onsite design features to mitigate adverse or
potential adverse impacts, such as visual impacts, noise, dust, or traffic.**

Signature of Owner

Building Permit # _____

October 23, 2024

CAO/Community Emergency Management Coordinator (CEMC) report to Council – Emergency Management Program Committee & Municipal Emergency Control Group Updates

PURPOSE:

To report on the direction from Council received at its September 24th, 2024, Regular Meeting of Council with respect to appointing Emergency Management Program Committee and Emergency Control Group members, and other emergency planning updates.

BACKGROUND:

The Municipality of Calvin is taking the steps necessary to be in compliance with Emergency Management and Civil Protection Act (EMPC) and its supporting Regulation 380/04 (O Reg 380/04). A core Emergency Management Program Committee as defined in the Act and supported by Emergency Management Ontario (EMO)'s Field Officer and the Fire Marshall's Office has been meeting.

UPDATE:

Since the Sept 24th Regular meeting of Council, the following major milestones to come into compliance with the Act have been achieved:

- Emergency Management Program Committee met twice and is now fully established
- Emergency Control Group Members are being recommended to Council
- Emergency Reception and Emergency Shelter and Emergency Command Centre locations have been established
- Community Emergency Management Coordinator (CEMC) has participated in 3 of 4 of the required training courses
- Public Works Superintendent, Community Emergency Management Coordinator responded to the CAO's call for timely input on the deadline- based submission of a Community Emergency Preparedness Grant. There was no input provided by Fire Chief. At the meeting, radios were suggested. A list of items to be included in this grant application was shared with the Committee at its Oct 3rd meeting and the application will be submitted by the deadline.
- CAO and CEMC participated in the Lake Sector meeting held in Wahta on Sept 24, 2024
- CAO and CEMC presented their draft of an Emergency Management Planning in Calvin newsletter(attached), which included a vulnerable population survey to the Emergency Management Program Committee for their feedback. It was subsequently mailed to all households in Calvin and posted on our www. The vulnerable population survey and any returned surveys will be shared by the CEMC with Fire Dept for the purposes of their Community Risk Assessment document, as Deputy Mayor Moreton indicates, it and the CRA has not been updated by the Fire Dept through the Chief, in a number of years.
- Many more meetings of the Emergency Management Program Committee will need to take place to bring Calvin in full compliance with the Act. and members will need to undergo the necessary legislated training. It will be very important that all core committee members fully participate and are in engaged in this work.
- to highlight the importance of this committee's work, the nature of it, the level of involvement required by all of council and all of staff, the funding support necessary to be able to carry out the work, the Community Emergency Management Committee has invited both Emergency Management Ontario (EMO) and the Fire Marshall's Office to present at a November Regular Meeting of Council. This information session will also be of tremendous benefit to the general public. EMO staff confirm Nov 12th availability.
- Emergency Management Ontario is planning a regional tabletop exercise during the day, tentatively scheduled for Nov 20-21.

RATIONALE: n/a

LEGAL AUTHORITY:

Emergency Management and Civil Protection Act (EMPC) and its supporting Regulation 380/04 (O Reg 380/04).

ANALYSIS and OPTIONS

The Emergency Management and Civil Protection Act and its supporting Regulation 380/04 requires Municipalities to appoint by by-law the composition of both the Emergency Management Program Committee and the Emergency Control Group as well as alternates for each position in this group; and to appoint the following locations: Emergency Reception and Emergency Shelter and Emergency Command Centre. With the exception of solidifying the Emergency Shelter Area location all are ready for Council approval. Once the Emergency Shelter Area discussion are complete, a bylaw will be ready to be presented to Council.

While the various Ministry personnel encourage partnerships amongst municipalities, especially where training in smaller communities is concerned (table top exercises as an example), each Municipality must have its own emergency management plan and committee members who are dedicated to carrying out their respective legislated roles in the event of an emergency. We, in Calvin must ensure that in a local or regional emergency, the priority service area for all Calvin staff and Council members will always be the Municipality of Calvin. For this reason and on the advice of FMO and EMO, there is a need for Council to rethink Calvin's involvement as members of another municipality's emergency planning committee and control group as the likelihood of an emergency will be regional vs local. All committee members agreed to this and the Mayor will be actioning this item. However, to make such a decision is beyond the scope of the committee and requires full Council discussion and decision making.

RECOMMENDATIONS

1. To accept the CAO/Community Emergency Management Coordinator (CEMC) report to Council – Emergency Management Program Committee & Municipal Emergency Control Group Update, dated October 23, 2024 as presented.
2. That Council for the Corporation of the Municipality of Calvin accepts the Emergency Management Program Committee's recommendation that the Municipality of Calvin have its own emergency management plan, planning committee and control group with persons employed by Calvin dedicated to these committees and to the Municipality of Calvin,

And furthermore, that the Mayor action the communication of this item to neighboring municipality(ies).

3. That Council for the corporation of the Municipality of Calvin designate the following persons/positions, to the Emergency Management Program Committee (EMPC):

- ☒ Head of Council
- ☒ Chief Administrative Officer (CAO)
- ☒ Community Emergency Management Coordinator (CEMC)
- ☒ Public Works Supervisor
- ☒ Fire Chief

And that the CEMC act as the Chairperson for this committee (backup: CAO).

And furthermore, that the following be named to the Emergency Management Control Group (MECG):

- ☒ Head of Council (backup: Deputy Mayor)
- ☒ CAO acting as Emergency Operation Centre (EOC) Commander (backup: CEMC)
- ☒ CEMC (backup: citizen W. Moreton)
- ☒ Municipal Labourer acting as Emergency Information Officer (EIO) (J. Daniel) - (backup: Deputy Clerk)
- ☒ Administration Assistant acting as Finance Coordinator (backup: Landfill Attendant1 D. Albright)
- ☒ Deputy Clerk acting as Scribe (backup: Landfill Attendant1 D. Albright)
- ☒ Public Works Supervisor (backup: Associate to the Public Works Supervisor)
- ☒ Fire Chief (backup: Deputy Fire Chief)

And furthermore, that 1355 Peddlers Dr. be named as the Municipality of Calvin's Emergency Operations Centre and as the Emergency Reception Area.

Submitted by: Julie Daniel, CEMC
Donna Maitland, CAO

Onastland



THE MUNICIPALITY OF CALVIN

1355 Peddler's Drive

R.R. # 2

Mattawa, ON

P0H 1V0

Telephone 705.744.2700 Fax 705.744.0309

E-Mail: cemc@calvintownship.ca

Community Emergency Management in Calvin

Emergency management (EM) programs save lives, protect property, public health, and the environment, maintain economic stability, and help ensure the continuance of critical infrastructure and services. This is accomplished by preventing some emergencies before they occur, lessening the frequency and potential impact of others, preparing for, and then responding to occurrences, and by speeding the recovery process as well as trying to recover to a better standard following an event. Modern, up-to-date emergency managements programs can help build safe, secure, and resilient communities.

In Ontario, core, legislated EM programs are mandated for municipalities. Ontario requires municipalities to develop, implement, and maintain emergency management programs and adopt standards for these programs through legislation and regulation. These mandatory requirements ensure that a consistent, accountable, and robust system of emergency management is established across all jurisdictions throughout the province.

[Ontario Regulation 380/04 \(O. Reg. 380/04\)](#) [Ontario Regulation 380/04](#) sets out the required elements of an emergency management program for both provincial ministries and municipalities. It sets the standards for the development, implementation, and maintenance of emergency management programs. An emergency management program must:

- Designate an emergency management program coordinator and alternate
- Complete training for the emergency management program coordinator
- Establish and conduct training for the Municipal Emergency Control Group
- Conduct an annual exercise for the Municipal Emergency Control Group
- Establish an emergency management program committee
- Designate an emergency information officer
- Establish an Emergency Operations Centre
- Ensure 24/7 notification arrangements Emergency Management Framework for Ontario
- Identify and assess hazards and risks
- Identify important infrastructure
- Conduct public education
- Formulate an emergency plan
- Revise the emergency plan
- Conduct an annual review of the ministry/municipal emergency management program.

The Municipality of Calvin has been non-compliant with the Regulation for a few years.

On a very casual basis, in a consultancy role, Council has hired Julie Daniel as the Municipality's Community Emergency Management Coordinator. Julie is educated in emergency management and has used the skills and knowledge she possesses by volunteering for many organizations throughout the province.

Over the past few months, with Julie's assistance, supported by our CAO and Emergency Management Ontario Field Officers, the Municipality has been undertaking all the steps necessary to come into compliance with the Regulation. More importantly, to be prepared for the eventuality of a community wide emergency. Our core emergency management team is now in place, and we are forging ahead to be prepared!

One of the many steps involved in emergency preparedness is to identify Calvin's vulnerable population; residents who in an emergency, may need assistance.

In disaster preparedness and response, the term "vulnerable populations" is often used to characterize individuals who, because of a variety of health, social or cultural determinants, are more likely to experience a serious impact because of a large-scale community emergency incident, and who are less likely to benefit from traditional response and recovery measures and/or who may be negatively affected by traditional response and recovery measures.

Circumstances that may create barriers are not limited to age; physical, mental, emotional, or cognitive status; culture; ethnicity; religion; language; citizenship; or socioeconomic status. We must have strategies in place to not only communicate with vulnerable populations during an emergency, but to better serve them during any emergency.

For this reason, we are asking residents of Calvin who consider themselves or others residing in their households to be vulnerable, to self-identify by completing a brief, confidential survey. The results will be used solely for the Municipality's emergency planning and response efforts. The information gathered will be held in confidence and will be protected under the Freedom of Information and Protection of Privacy Act.

ASAP, this very brief survey may be dropped off at or mailed to the Municipal Office. It can also be completed and submitted on-line via our website at <https://www.calvintownship.ca/en/emergency-preparedness/emergency-planning-in-calvin> (The survey can be located in the Emergency Management area of the website).

If you have any questions related to emergency management and preparedness, do not hesitate to reach out. You may contact Julie by email at cemc@calvintownship.ca or by requesting a call back through the municipal office at 705-744-2700.



Emergency Car Kit

It is a good idea to keep an emergency kit in your vehicle in case of an emergency.

The basic kit should include:

- Δ First aid kit
- Δ Basic tool kit (pliers, wrenches, screwdrivers)
- Δ Duct tape, wire & zip ties
- Δ Jumper cables / jump starter
- Δ Tire repair kit & small compressor
- Δ Flashlight with extra batteries/ crank
- Δ Phone charger
- Δ Seat belt cutter escape tool (keep near driver)
- Δ Multi tool / knife
- Δ Work gloves
- Δ Tow strap
- Δ Small shovel
- Δ Lighter, matches or ferro rod
- Δ Candle in a deep can
- Δ Fire extinguisher
- Δ Blanket / sleeping bag
- Δ Mylar emergency blanket
- Δ Small tarp
- Δ Extra clothing & socks
- Δ Garbage bags
- Δ Water (could include a life straw or purification method)
- Δ Non-perishable food (should be rotated regularly)
- Δ Toilet paper
- Δ Paper towels or hand wipes
- Δ Extra oil, antifreeze & washer fluid
- Δ Gas can & siphon

Winter

- Δ Hat, gloves & winter boots
- Δ Sand or kitty litter
- Δ Ice scraper





THE MUNICIPALITY OF CALVIN

1355 Peddler's Drive

R.R. # 2

Mattawa, ON

P0H 1V0

Telephone 705.744.2700 Fax 705.744.0309

E-Mail: cemc@calvintownship.ca

VULNERABLE SECTOR SELF-IDENTIFICATION SURVEY

1. What is/are the full name(s) of the vulnerable person(s) who reside in your household?
2. What is your 911 address?
3. What is your telephone phone number? Is it a cell or landline?
4. If you have one, please provide your email address.
5. How best can we contact you in an emergency? Please provide details for such contact.
6. What is the nature of yours or your household members' vulnerability - what are yours/their limitations?
7. In an emergency would you or your vulnerable household member be able to self-evacuate? (self-evacuate means that you would be able to leave your location, without the need for outside help)
☐ Yes
☐ No
8. Name of the person who completed and submitted this survey
9. Date:

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2024-65

BEING A BYLAW TO CONFIRM THE PROCEEDINGS OF COUNCIL

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that 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.

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Preamble

Council for the Corporation of the Municipality of Calvin ("Council") acknowledges that many of the decisions it makes during a meeting of Council, regular, special, or otherwise, are done by resolution. Section 5 (3) requires that Council exercise their powers by Bylaw.

Council further acknowledges that the passing of resolutions are more expedient than adopting Bylaws for each decision.

Decision

Council of the Corporation of the Municipality of Calvin decides it in the best interest of the Corporation to confirm its decisions by way of Confirmatory Bylaw.

Direction

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin directs as follows:

1. The Confirmatory Period of this By-Law shall be for the Regular Council meeting of October 29, 2024, excluding Closed Meeting Agendas and Closed Meeting Minutes.
2. All By-Laws passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
3. All resolutions passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
4. All other proceedings, decisions, and directives of the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
5. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution 2024- this 29th Day of October 2024.

X

X

MAYOR

CAO