



PRESCOTT TOWN COUNCIL
AGENDA

September 20, 2021

6:00 pm

Virtual Meeting

Our Mission:

To provide responsible leadership that celebrates our achievements and invests in our future.

Pages

1. Call to Order

2. Approval of Agenda

Recommendation

That the agenda for the Council meeting of September 20, 2021 be approved as presented.

3. Declarations of Interest

4. Presentations

5. Delegations

5.1. Volunteer Centre of St. Lawrence-Rideau - Tamara Baldwin & Mary Lynn Villeneuve

1

6. Minutes of the previous Council meetings

6.1. September 7, 2021

2

Recommendation

That the Council minutes dated September 7, 2021, be accepted as presented.

7. Communications & Petitions

8. Consent Reports

All matters listed under Consent Reports are to be considered routine and will be enacted by one motion. Should a member wish an alternative action from the proposed recommendation, the member shall request that the item be moved to the applicable section of the agenda.

RECOMMENDATION

That all items listed under the Consent Reports section of the agenda be accepted as presented.

8.1. Information Package (under separate cover)

9. Committee Reports

9.1. Committee of Adjustment Staff Report 02-2021 - 198 James Street West

10

Recommendation

For information.

9.2. PAC Report 15 - 2021 - Site Plan Agreement File SPC 2021-02 220 Churchill Road

23

Recommendation

That Council approve the proposed Site Plan application SPC 2021-02 subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
1. That the site plan agreement of the lands, shall registered and be submitted to the Town.; and

That staff be directed to bring back the attached Site Plan Agreement By-law to the Council meeting of October 4, 2021, for final review and consideration.

10. Mayor

11.	Outside Boards, Committees and Commissions	
12.	Staff	
12.1.	Staff Report 89-2021 - Property Standards By-Law	44
	Recommendation	
	That Council receive Staff Report 89-2021 for information and provide feedback to staff prior to October 8, 2021; and	
	That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.	
12.2.	Staff Report 90 - 2021 - Leeds Grenville - Housing Solutions for Vulnerable People	74
	Recommendation	
	That Council direct staff to send a letter of response to United Counties of Leeds and Grenville's Opportunity to Identify and Propose Properties / Buildings for the development of longer-term housing-based solutions to homelessness post COVID-19, seeking clarification on the issues identified in Staff Report 90-2021.	
13.	Resolutions	
13.1.	OHIP and Optometrist Services	82
14.	By-laws	
14.1.	Alternative Voting	84
	Recommendation	
	That By-law 41-2021, being a by-law to authorize an alternative voting method for the 2022 Municipal Election, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.	
15.	New Business	
16.	Notices of Motion	
17.	Mayor's Proclamation	
17.1.	National Day of Truth and Reconciliation	85
17.2.	World Alzheimer's Day	86

18. Closed Session

19. Rise and Report

20. Confirming By-Law – 42-2021

87

Recommendation

That By-Law 42-2021, being a by-law to confirm the proceedings of the Council meeting held on September 20, 2021, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

21. Adjournment

TOWN OF PRESCOTT

Delegation Request

Town of Prescott 360
Dibble St., Box 160
Prescott, Ontario
K0E 1T0

Please complete the following form. You may submit to the Town of Prescott by EITHER:

- * Printing and faxing a copy to 613-925-4381
- * Saving this file to your computer and emailing it to lveltkamp@prescott.ca

Phone: 613-925-2812
Fax: 613-925-4381
www.prescott.ca

Once your delegation request is received, the Clerk's Department will contact you to confirm receipt.

Date	<input type="text" value="Sept 14, 2021"/>	Meeting date	<input type="text" value="Sept 20, 2021"/>
Subject	<input type="text" value="Volunteer Centre of St. Lawrence-Rideau Presentation"/>		
Name	<input type="text" value="Volunteer Centre of St. Lawrence-Rideau"/>		
Address	<input type="text" value="42 George Street"/>		
Town / City	<input type="text" value="Brockville"/>		
Province	<input type="text"/>	Postal Code	<input type="text" value="K6V 5V7"/>
Phone (daytime)	<input type="text" value="613-499-9393"/>	Phone (evening)	<input type="text" value=""/>
Fax number	<input type="text"/>	Email address	<input type="text" value="mvilleneuve@volunteercentre.ca"/>

Name of group or person(s) being represented, if applicable:

Brief statement of issue or purpose of deputation:

Provide an overview of the Volunteer Centre, mission and programs that it offers the community.
Provide stats from our programs, especially our Tax Return program for those with Lower Incomes

Answer any questions Mayor Todd and/or Council may have for us.

Personal information on this form is collected under the legal authority of the Municipal Act, as amended. The information is collected and maintained for the purpose of creating a record that is available to the general public, pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act. Questions about this collection should be directed to the Town Clerk, Town of Prescott, 360 Dibble Street, Box 160, Prescott, Ontario, K0E 1T0.



**PRESCOTT TOWN COUNCIL
MINUTES**

**Tuesday, September 7, 2021
6:00 p.m.
Virtual Meeting**

Present	Mayor Brett Todd, Councillors Leanne Burton, Lee McConnell, Mike Ostrander, and Ray Young
Staff	Matthew Armstrong, CAO/Treasurer, Lindsey Veltkamp, Director of Administration/Clerk, Nathan Richard, Interim Director of Operations, Kaitlin Mallory, Deputy Clerk, and Shawn Merriman, Manager of Building & By-law Services, Dana Valentyne, Economic Development Officer
Regrets	Councillors Teresa Jansman and Gauri Shankar

1. Call to Order

Mayor Todd called the meeting to order at 6:02 p.m.

2. Approval of Agenda

Motion 203-2021: Ostrander, McConnell

That the agenda for the Council meeting of September 7, 2021, be approved as presented.

Carried

3. Declarations of Interest – None

4. Presentations – None

5. Delegations – None

6. Minutes of the previous Council meetings

6.1 August 23, 2021

Motion 204-2021: Young, Burton

That the Council minutes dated August 23, 2021, be accepted as presented.

Carried

7. Communications & Petitions

7.1 Request for Support - OHIP Optometry Services Motion

Motion 205-2021: Young, Ostrander

That staff be directed to bring back a resolution of support to the Council meeting of September 20, 2021, regarding OHIP optometry services.

Carried

7.2 Nature's Best Hope: A New Approach to Conservation That Starts in Your Yard

Mayor Todd asked that a letter of thanks be sent to Astrid Muschalla for her comments submitted.

8. Consent Reports

Motion 206-2021: Ostrander, Young

That all items listed under the Consent Reports section of the agenda be accepted as presented.

Carried

8.1 Information Package (under separate cover)

1. Weekly Zoom Call Notes – August 27, 2021
2. Leeds and Grenville Counties Correspondence: Point in Time – Community Housing and Service Needs Campaign
3. City of Hamilton Resolution of Support re: Noise Concerns and Expiry of Extended Construction Hours
4. City of Brantford Resolution of Support re: Proclamation of 2022 as Year of the Garden

8.2 Staff Report 82-2021 - Financial Report - July 2021

Recommendation:

For information.

9. Committee Reports – None

10. Mayor

Mayor Todd thanked the OPP, Prescott Fire Department, Northern Cables, Town staff and all others involved with the CN Train Derailment that took place last Thursday. He spoke to his attendance at the 2020 Community Awards that took place on September 4, and the Labour Day fireworks show on Saturday night. He also thanked Al Torrence from the Upper Canada Musicians and thanked Alaine Chartrand and family for their continued support and donation.

11. Outside Boards, Committees and Commissions

Councillor Burton expressed thanks for all those involved with the CN Train Derailment. She spoke to the positive feedback received regarding the Labour Day festivities.

Councillor McConnell spoke to the fireworks show on September 4, the Prescott Public Library's hours of operations, the St. Lawrence Shakespeare Festival's performance of Salt Water Moon, and its success.

Councillor Ostrander spoke to his attendance at the Community Awards presentation which took place on September 4 and asked that staff consider an inclement weather venue for town events, the Royal Canadian Legion Branch 97 meals were taking place

on Thursdays and referenced an upcoming Housing Needs survey taking place at the South Grenville Food Bank on Wednesday September 22.

12. Staff

12.1 Staff Report 83-2021 - Alternative Voting Methods 2022 Election

Motion 207-2021:

That Council receive Staff Report 83-2021 for information and direct staff to bring the attached draft By-law, being a by-law to authorize an alternative voting method for the 2022 Municipal Election, to the Council meeting of September 20, 2021, for final consideration and approval.

Carried

Lindsey Veltkamp, Director of Administration/Clerk, spoke to the report. She referenced the timeline for passing the Alternative Voting Method By-law, an upcoming RFP for the supply of Internet and Telephone Voting Systems, and the option to eliminate paper ballots for the 2022 municipal election.

Discussion was held regarding methods of voting for residents, the number of voters that used paper ballots in the 2018 municipal election, and the potential need to sanitize devices in the 2022 municipal election.

12.2 Staff Report 84-2021 - 2021 Community Awards - Heroes of COVID

Motion 208-2021: Ostrander, Young

That staff be directed to release the Heroes of COVID nomination package; and purchase 100 pewter coins with velvet bags; and

That Council appoint Mayor Todd, Councillor Burton, and Councillor Young to the 2021 Community Awards Selection Panel.

Carried

Lindsey Veltkamp, Director of Administration/Clerk, spoke to the report. She outlined the new format for the Heroes of COVID-19 Community Awards for the year of 2021, the nomination package, and nomination timeline.

Kaitlin Mallory, Deputy Clerk, spoke to the design options for the coins, the option to add colour, and the cost for each coin with packaging.

Discussion was held regarding the material of the coin, the options for packaging, and the possibility to add to the number of coins purchased if interest is shown.

12.3 Staff Report 85-2021 - National Day of Truth and Reconciliation

Motion 209-2021: Burton, Ostrander

That staff be directed to bring the attached proclamation to the Council meeting of September 20, 2021; and

Prepare for a National Day of Truth and Reconciliation ceremony on September 30, 2021; and

That a land acknowledgement be read prior to calling Council meetings to order.

Carried

Lindsey Veltkamp, Director of Administration/Clerk, spoke to the report.

Discussion was held regarding a ceremony on September 30 for National Day of Truth and Reconciliation and the draft land acknowledgements to be read prior to calling Council meetings to order.

12.4 Staff Report 86-2021 - Vacant Building Registry By-law

Motion 210-2021: Ostrander, Burton

That Council accept staff report 86-2021 for information and provide feedback to staff prior to September 30, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

Carried

Shawn Merriman, Manager of Building & By-law Services, spoke to the report. He referenced the purpose of the Vacant Building Registry, the fees associated, and that feedback be provided prior to September 30.

Discussion was held regarding the clarification on the administrative fees outlined in the by-law, building inspections and the associated costs.

Further discussion was held regarding the length of vacancy, support from the Economic Development Department, and the opportunity to discuss the item further at the meeting of October 18.

12.5 Staff Report 87-2021 - Administrative Monetary Penalties System By-Law

Motion 211-2021: Young, Ostrander

That Council accept staff report 87-2021 for information and provide feedback to staff prior to September 30, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

Carried

Shawn Merriman, Manager of Building & By-law Services, spoke to the report. He referenced the purpose of the Administrative Monetary Penalties System, the benefit to bringing the process in house to resolve issues, and the current process for handling fines.

Discussion was held regarding the potential savings through the implementation of an AMPS and the costs associated with bringing charges before the courts.

12.6 Staff Report 88-2021 - Accessibility Improvement Options for Downtown Businesses

Matthew Armstrong, CAO/Treasurer, spoke to the report. He referenced the possible improvements to accessibility Downtown businesses could make to their establishments, a guide issued by the OBIAA regarding the Business of Accessibility, and suggested examples of different focus areas including costing.

13. Resolutions

13.1 Municipal Significant Event - Laughs at the Leo

Motion 212-2021: Burton, Young

That Council of the Corporation of the Town of Prescott recognized the "Laughs at the Leo" event, taking place on June 4, 2022, as one of municipal significance. This event is considered as having municipal significance as it is taking place at a municipal facility.

Carried

14. By-laws – None

15. New Business – None

16. Notices of Motion – None

17. Mayor's Proclamation

Mayor Todd proclaimed September 20 – 26, 2021 as Rail Safety Week in the Town of Prescott.

18. Closed Session

Motion 213-2021: Ostrander, Burton

That Council move into Closed Session at 7:31 p.m. to discuss matters pertaining to:

18.1 Purchase & Sale

- Under Section 239(2)(c) of the *Municipal Act* - a proposed or pending acquisition or disposition of land by the municipality or local board; and

That the CAO/Treasurer, Clerk, Interim Director of Operations, Deputy Clerk, and Economic Development Officer remain in the room.

Carried

19. Rise and Report

During the Closed Session, Council received information regarding Item 18.1 – Purchase & Sale.

20. Confirming By-Law – 40-2021

Motion 214-2021: Young, Ostrander

That By-Law 40-2021, being a by-law to confirm the proceedings of the Council meeting held on September 7, 2021, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

Carried

21. Adjournment

Motion 215-2021: McConnell, Burton

That the meeting be adjourned until Monday, September 20, 2021, at 6:00 p.m.

(Time: 8:03 p.m.).

Carried

Mayor

Clerk



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 9 '21
Strategic Plan		

STAFF REPORT TO Committee of Adjustment

Report No. 02-2021

September 9, 2021

File No. MV2021-03

From: Shawn Merriman, Manager of Building and By-law Services

RE: Minor Variance Application 198 James Street West

Recommendation:

That the Committee of Adjustment receive the staff planning report on file number MV 2021-03 and approve the minor variance requested with the following conditions:

1. The balance if any of any outstanding taxes, including penalties and interest shall be paid to the Town of Prescott.
2. That all permits required will be taken out and conditional upon matching the minor variance allowances approved and plans as submitted for the minor variance.

Purpose of the Application:

Relief is required from the requirements of Zoning By-law 09-2009, as amended as it applies to the maximum size of an accessory building allowed in the Town as expressed in section 4.2.1 (c). The By-law imposes that accessory building(s) cannot exceed 60 square metres (645.9 square feet) or 10% of the lot size whichever is the lessor. The request is for the maximum accessory building to be increased to 66.9 square metres (720 square feet). The relief from the zoning standard is requested to allow for the enhanced use of the property.

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 9 '21
Strategic Plan		

Background / Analysis:

The subject land which is municipally known as 198 James Street West Prescott Ontario, is currently described legally as "Plan 19 Blk 2 Lot 14". Jason Copeland is the registered owner of the property.

The property, which is subject to this application, is at the northeast corner of the intersection of James Street West and Centre Street in Prescott. Surrounding land uses include low-density residential as permitted under R-1 zone and Institutional in the form of several churches and the Provincial Land Transfer Office.

The property has recently changed owners (May 2021), but the single-family dwelling was constructed around the 1900's and sits on an existing lot of record. When the new owners took over the building they reached out to the Town and received permission to create an entrance off James Street west to go along with the entrance off Centre Street. A building permit was received by the Town on August 5, 2021, for the construction of a detached garage upon the said lands. This request was compared to the requirements of Zoning By-law 09-2009 for accessory buildings and the owner was notified that it did not meet Town's zoning requirements due to the size of the detached garage. The owner was notified and decided to apply for a minor variance on August 6, 2021.

The application was distributed amongst the Town departments for review and no concerns were expressed.

In addition, all property owners within 60 metres were notified, notice has been posted on the property, and meets the *Planning Act* requirements of 10 days' notice. As of the writing of this report two phone calls have been received regarding this application but no written concerns or support have been provided.

The subject property is designated Residential in the Town's Official Plan. The designation allows for residential development in the form proposed on the subject lands. Under the Zoning By-law the property is zoned R-1. All other requirements for this detached garage are met in the Zoning By-law including setbacks, maximum height, and use.

The Town has a multitude of tools available to implement the principles, goals, and policies of the Official Plan. These tools are conferred upon the Town primarily by means of the *Municipal Act* and the *Planning Act*. These tools provide the regulatory

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 9 '21
Strategic Plan		

framework and decision-making procedures necessary to manage physical development in the Town of Prescott.

One of the implementation tools is a Minor Variance through the Committee of Adjustment as per 5.2.2. (20) of the Official Plan, as shown below.

“Minor Variance and Permission

20. Grant an application for minor variance and/or permission from the Zoning By-law only if the Committee of Adjustment is satisfied that the variance:

- 1. Is minor in nature;*
- 2. Is desirable for the appropriate development or use of the land;*
- 3. Maintains the general intent and purpose of the Official Plan; and*
- 4. Maintains the general intent and purpose of the Zoning By-law.”*

The above tests are set out in the *Planning Act* and are a common set of criteria that are used by all municipalities in Ontario when considering Minor Variance Applications.

Analysis:

Is the requested relief considered to be minor?

In general, 60 square metres is reasonable for an accessory building but as this garage could have been connected to the house and planning would not have been required. Coupled with the fact that the increase is approximately 10% more, a fairly large lot at over 648 square metres (7000+ square feet) and the fact that the owner has demonstrated the need for personal use this increase can be seen as minor.

Is the relief desirable for the appropriate development and use of the land (Good Planning)?

Allowing a resident to fully enjoy their property within a residential zone for personal use in which no additional services are needed is certainly appropriate and desirable.

Does the relief maintain the general intent and purpose of the Official Plan?

The use of a minor variance application to resolve these types of issues is consistent with the intent of the Official Plan. Town staff offer the opinion that the proposed relief maintains the intent and purpose of the Official Plan.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 9 '21
Strategic Plan		

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

The variance from the maximum accessory footprint is reasonable and desirable. This relief will not result in a negative impact on the integrity of the purpose and intent of the Town's Zoning By-law.

Attachments:

- Minor Variance Application
- Site Sketch
- Notice of Public Hearing

Submitted By:

Shawn Merriman
Manager of Building and By-law Services



Prior to making application it is suggested the owner review the standard requirements as listed in the Zoning By-law, copies of which are available at www.prescott.ca or at the Municipal Office.

This application form must be accompanied by the submission requirements in order to be considered a complete application. See checklist attached. Incomplete applications will not be processed until all information is provided.

OFFICE USE ONLY	
Date Received:	Receipt No. 15560
Application Fee: \$500 -	File No. MV2021-03
Application Complete Yes [] No []	Proposed Committee Meeting Date:

PART A – Must be completed for ALL applications

CONTACT INFORMATION

NAME/TITLE	MAILING ADDRESS & POSTAL CODE	PHONE NO. /FAX NO. /E-MAIL ADDRESS
Registered Owner(s)	Jason Copeland	Phone: [REDACTED]
	198 James Street W PO Box 1136	Fax:
	Prescott, ON K0G 1T0	Email: [REDACTED]
Applicant / Agent		Phone:
		Fax:
		Email:

Please specify to whom all communications should be sent: owner ☐ authorized agent ☐

DESCRIPTION OF THE SUBJECT LANDS AND SERVICING INFORMATION

Property Information:

Civic Address (Street Name & Number) 198 James Street W

Registered Plan No.: 19 Lot or Block No.: 2

Reference Plan No.: _____ Part No.: lot 14

Assessment Roll No: 0708 020 025 06000 Date acquired by current owner(s): June 2021

Lot Area: 659.4 (m²)

Lot Frontage: 25.5 (metres)

Lot Depth: 25.9 (metres)

Are there any easements or restrictive covenants affecting the subject land? Yes ☐ No ☐

If yes, please describe the easement or covenant and its effect: _____



CHECK LIST FOR APPLICATION SUBMISSIONS

Required for **All** Applications:

- ☒ Application Form – for all applications Part A to be completed and affidavit signed, for Minor Variance and Zoning Amendment also include Part B, for Official Plan Amendments also include Part C.
- ☒ The minimum processing deposit(s), made payable to the Town of Prescott, shall be submitted at the time of the application.
- ☒ If applicable, three (3) copies of the sketch identified below, acceptable to the Town, accurately displaying the existing conditions and proposal for the subject land.
- ☐ One (1) copy of the Deed / Transfer of Land showing the current owner's name and legal description of the subject property.
- ☐ One (1) copy of an Ontario Land Surveyors survey for the lands affected, if available. Copies of surveys, if they exist, may be obtained at the Land Titles Office in Brockville
- ☐ 2-3 Photos of the Site

If there is any other information that you think may be of assistance to the municipality or other agencies in reviewing this application please attach a separate sheet with an explanatory note. Incomplete applications will not be accepted.

Required for Zoning By-law Amendment, Minor Variance, and Site Plan Applications:

- ☒ A sketch drawn to scale showing the following:
 - i. The boundaries and dimensions of the subject land.
 - ii. The location, size and type of all existing and proposed buildings (including decks) and structures on the subject land, indicating the distance of the building or structure from the front yard lot line, rear yard lot line and the side yard lot lines.
 - iii. The location of well and septic system along with distance from lot lines and structures, if applicable.
 - iv. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may effect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, etc.
 - v. The current uses on land that is adjacent to the subject land.
 - vi. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
 - vii. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
 - viii. The location and nature of any easement affecting the subject land.

Additional Information Required for Site Plan Applications:

- ☐ Front, side, rear sketches of new building elevations and floor plans with room sizes
- ☐ Proposed landscaping details (fences, hedges, lawn areas, buffer strips), driveways, parking areas and walkways (including their dimensions and surface treatment), proposed drainage and servicing details, as required by the Town.

Please consult with the Town regarding specific site plan requirements. The Town reserves the right to request additional details upon review of the application.

REQUIRED FEES

The fee for processing planning applications is an amount equal to the amount incurred by the municipality. Costs incurred by the municipality and/or Committee of Adjustment shall include but not be limited to Planner's fees (**as contracted out on an hourly basis**), notice publication and internal administration fees, legal fees for site plan registration (if applicable), and Ontario Municipal Board fees and costs for planning / legal counsel (if applicable).

Notwithstanding the above, each application shall be accompanied by a deposit in the amount shown which shall be credited to the total cost of processing the application. **Outstanding balance, if any, will be billed to the Owner.**

<input type="checkbox"/> Zoning By-law Amendment	\$ 1500.00
<input type="checkbox"/> Official Plan Amendment	\$ 2000.00
<input checked="" type="checkbox"/> Minor Variance	\$ 500.00
<input type="checkbox"/> Site Plan Application	\$ 750.00 (minor development)
<input type="checkbox"/> Site Plan Application	\$ 1500.00 (major development)



Type of access (check appropriate space)

- Provincial highway ☐
- County road ☐
- Municipal road ☒
- Other public road (please specify) _____ ☐
- Private Road or Right-of-way ☐
- Water access only (If water access only, describe the following:) ☐

Parking and docking facilities: _____

Distance of these facilities from the subject land and nearest public road: _____

Type of water supply (check appropriate space):

- | | Existing | Proposed |
|--|-------------------------------------|--------------------------|
| Publicly owned and operated piped water system: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Privately owned and operated individual or communal well | <input type="checkbox"/> | <input type="checkbox"/> |
| Lake or other water body | <input type="checkbox"/> | <input type="checkbox"/> |
| Other means (please specify): _____ | <input type="checkbox"/> | <input type="checkbox"/> |

Type of sewage disposal (check appropriate space):

- | | Existing | Proposed |
|---|-------------------------------------|-----------------------------|
| Publicly owned and operated sanitary sewage system | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Privately owned and operated individual septic tank or communal septic system | <input type="checkbox"/> | <input type="checkbox"/> ** |
| Pit privy | <input type="checkbox"/> | <input type="checkbox"/> |
| Other means (please specify): _____ | <input type="checkbox"/> | <input type="checkbox"/> |

Type of storm drainage (check appropriate space):

- | | Existing | Proposed |
|------------------------------------|-------------------------------------|--------------------------|
| Sewers | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ditches | <input type="checkbox"/> | <input type="checkbox"/> |
| Swales | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other means (please specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

** if the development is serviced by a privately owned and operated individual or communal septic system and more than 4500 litres of effluent is produced per day as a result of the development, please attach a servicing options report and hydrogeological report.

EXISTING LAND USE AND HISTORY OF THE SUBJECT LAND

Existing Land Use: ResidentialUse of Adjacent Lands: Residential and InstitutionalLength of time the existing uses have continued: 50 + yearsPrevious Uses: unknownExisting Buildings/Structures: Yes ☒ No ☐

(If yes, please fill in the following section to describe each building/structure. If more space is required please attach additional pages)

Building/Structure No. 1

Type of building/structure: SFD Date Constructed: 1900Setbacks from: Front Lot Line: 4.5 (m) Rear Lot Line: 0 (m) Side Lot Lines: 10.7 (m)From Water: _____ (m) From Road: 2.1 (m)Height of building/structure: 8.5 (m)Dimensions or floor area of building/structure: 117.5 metres squared 1265 square feetDimensions or floor area of decks/open porches: 27.9 metres squared 300 square feet



Building/Structure No. 2

Type of building/structure: _____ Date Constructed: _____

Setbacks from: Front Lot Line: _____ (m) Rear Lot Line: _____ (m) Side Lot Lines: _____ (m)

From Water: _____ (m) From Road: _____ (m)

Height of building/structure: _____ (m)

Dimensions or floor area of building/structure: _____

Dimensions or floor area of decks/open porches: _____

PROPOSED SITE DEVELOPMENT

Proposed Land Use: Accessory to Residential

Proposed Buildings/Structures: Yes ☒ No ☐ (If yes, please fill in the following section to describe each building/structure. If more space is required please attach additional pages)

Building/Structure No. 1

Type of building/structure: Garage/Storage Height of building/structure: 4.5 (m)

Setbacks from: Front Lot Line: 9.75 (m) Rear Lot Line: 6.1 (m) Side Lot Lines: 1.22 (m)

From Water: _____ (m) From Road: _____ (m)

Dimensions or floor area of building/structure: 66.9 square metres 720 sq. feet 24'*30'

Dimensions or floor area of decks/open porches: _____

Building/Structure No. 2

Type of building/structure: N/A Height of building/structure: _____ (m)

Setbacks from: Front Lot Line: _____ (m) Rear Lot Line: _____ (m) Side Lot Lines: _____ (m)

From Water: _____ (m) From Road: _____ (m)

Dimensions or floor area of building/structure: _____

Dimensions or floor area of decks/open porches: _____

Estimated date of completion: less than 2 years (month and year)

APPLICATION HISTORY

Is the subject land or any land within 120 metres of the subject land the subject of an application made by the applicant for approval of any of the following:

Yes	No	Unknown		File No. (if known)	Status (i.e. in process, approved, refused)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Official Plan Amendment	_____	No known planning within 120 metres.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning By-Law Amendment	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Subdivision Application	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan Application	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Consent (Severance) Application	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor Variance Application	_____	_____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other (ie. Road Opening)	_____	_____

If the answer is YES, please attach a page and provide the following information: Name of Approval Authority; Lands affected by the application; Purpose of the application; and Effect of application on proposed amendment.

**PART B – Supplementary Information (ONLY required for applications to amend the Zoning By-law or for Minor Variance Applications)**

NAME/TITLE	TYPE OF INTEREST (eg mortgage, charge, other encumbrance)	MAILING ADDRESS & POSTAL CODE	PHONE NO.

Official Plan designation of the land is ResidentialCurrent zoning of the land is R-1Has the subject land ever been the subject of a zoning amendment application? Yes ☐ No ☒ Unknown ☐Has the subject land ever been the subject of a minor variance application? Yes ☐ No ☒ Unknown ☐

What is the nature and extent of the rezoning or relief requested from the Zoning By-law?

Increase of allowed accessory building from 60 (645.9 square feet) metres squared to 66.9 (720 square feet) square metres.

Reason why the proposal cannot comply with the provisions of the Zoning By-law or reason rezoning requested.

Amount of personal space needed was not capable within the normal allowances and attaching the garage to the house was impractical and not asthetically pleasing to hook a new structure to such a distinguished historical house.

If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, please indicate the details of the official plan or official plan amendment that deals with the matter:

N/A

If the application is to remove land from an area of employment (i.e. retail, office, warehousing, manufacturing uses), please indicate the details of the official plan or official plan amendment that deals with the matter.

N/A

If the subject land is within an area where zoning with conditions may apply, please provide an explanation of how the application conforms to the official plan policies related to zoning with conditions.

N/AIs this application consistent with policy statements issued under subsection (3) of the Planning Act? Yes ☒ No ☐Is the subject land within an area of land designated under any provincial plan or plans? Yes ☐ No ☒If yes, does the application conform to the applicable provincial plan or plans: Yes ☐ No ☐



PART C – Supplementary Information (ONLY required for applications to amend the Official Plan)

Name of the Official Plan to be amended: Town of Prescott Official Plan

The approximate area of the land covered by the proposed amendment, if applicable and if known: _____ (hectares)

Does the proposed amendment change, replace or delete a policy in the Official Plan? Yes ☐ No ☐

If the answer is yes, please provide the policy to be changed, replaced or deleted.

Does the proposed amendment add a policy to the Official Plan? Yes ☐ No ☐

If the proposed amendment changes, replaces, deletes or adds a policy, please provide the purpose of the proposed amendment (Please attach additional pages if required).

If applicable, provide the current Official Plan designation of the land: _____

Land uses authorized in this designation: _____

Does the proposed amendment change or replace a designation in the Official Plan? Yes ☐ No ☐

If yes, please provide the designation to be changed or replaced: _____

Provide the land uses which would be authorized by the proposed Official Plan amendment: _____

Provide the text of the proposed amendment if a policy in the Official Plan is being changed, replaced or deleted or if a policy is being added.

If the proposed amendment changes or replaces a schedule in the Official Plan, provide the proposed schedule and text that accompanies the schedule.

If the requested amendment alters all or any part of the boundary of a settlement area or establishes a new area of settlement, please indicate the current official plan policies that deal with the alteration or establishment of an area of settlement:



If the application removes the subject land from an area of employment (i.e. retail, office, warehousing, manufacturing uses), please indicate the official plan policies that deal with the removal of land from an area of employment:

Is this application consistent with policy statements issued under subsection (3) of the Planning Act? Yes ☐ No ☐

Is the subject land within an area of land designated under any provincial plan or plans? Yes ☐ No ☐

If yes, does the application conform to the applicable provincial plan or plans: Yes ☐ No ☐

AFFIDAVIT OR SWORN DECLARATION

I, Jason Copeland of the Municipality of Prescott in the County of Grenville make oath and say (or solemnly declare) that the information contained in this application is true and that the information in the documents that accompany this application is true.

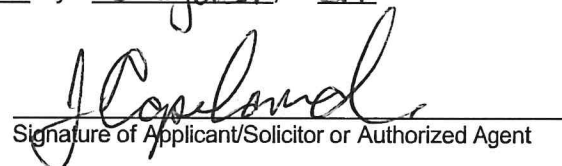
Where the Town substantially supports the application, I, the Applicant, agree to reimburse the Town all costs occasioned as a result of processing this application including but not limited to independent legal, engineering and planning advice necessary to the completion and the performance of covenants contained in this Application and Ontario Municipal Board defence costs if an appeal of the decision is received.

I, the named Applicant, acknowledge and authorize the release of personal information contained on this Application Form, knowing that the planning process is an open and public process. I also authorize access to the site by Town officials for the purpose of site visit and proposal evaluation.

Sworn (or Declared) before me at the Municipal Office of Prescott in the County of Grenville this 6 day of August, 2021


Commissioner of Oaths (include stamp below)

Commissioner of Oaths
Lindsey Veltkamp, Clerk
Town of Prescott


Signature of Applicant/Solicitor or Authorized Agent

(Please note that if the applicant is a corporation, the application must be signed by a representative of the corporation and the corporation's seal must be affixed)

AUTHORIZATION (if applicable):

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

I/We _____, am/are the owner(s) of the land that

is the subject of this application and I/we authorize _____ to make this application on my behalf.

Date

Signature(s) of Owner(s)

Centre Street

Exterior sideyard 90ft

0 ft 10ft 20ft 30ft 40ft 50ft

Existing 1 storey
attached garage

Existing garage to
be demolished

Existing 2 storey
dwelling

Jason Copeland
198 James Street, West,
Prescott, Ont

Front property line 84 ft

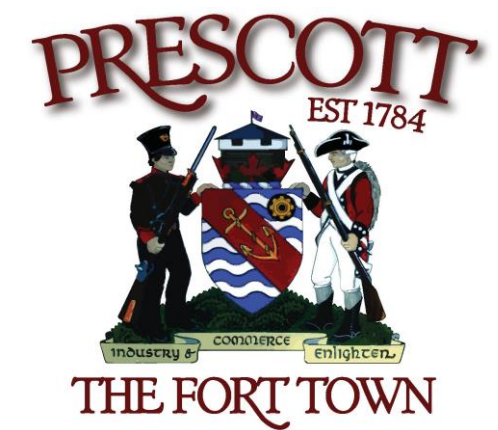
Rear property line 84 ft

Lot Area = 7061.0 sq ft
Dwelling = 1265.0 sq ft
New Garage = 720.0 sq ft
Lot Coverage = 10.25 %

New 24'x 30'
1 storey
detached
garage

New driveway

Interior sideyard 90ft



NOTICE OF A PUBLIC HEARING MINOR VARIANCE APPLICATION 2021-03

TO BE HELD at 5:00 pm on September 9, 2021 via electronic meeting hosted by the Town of Town of Prescott.

PURPOSE OF THE APPLICATION – RE: 198 James Street West

Relief is requested; A) to allow an increase in the maximum lot coverage of accessory buildings from 60 metres squared (645.9 sq.ft.) to 66.9 metres squared (720 sq.ft.) This is in respect to Zoning By-law 09-2009 Section 4.2.1 (c).

WRITTEN NOTICE OF THE HEARING AND ADDITIONAL INFORMATION regarding this application is available to the public by contacting Town staff, between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday; please contact the Town's Chief Building Official at 613-925-2812 at extension 6206 or via email smerriman@prescott.ca



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 15 '21
Strategic Plan		

Report No: 15 - 2021

STAFF REPORT TO PLANNING ADVISORY COMMITTEE

Date: September 15, 2021

From: Matthew Armstrong, Chief Financial Officer and Treasurer

RE: Site Plan Agreement File SPC 2021-02 220 Churchill Road W
Legal Description Plan 19 Blk 15 Pt Lot M and; 2 to 4 RP 15R 11754 Part 2 and
Roll 0708 040 045 00104

RECOMMENDATION:

That the Planning Advisory Committee recommend that Council approve the proposed Site Plan application SPC 2021-02 subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the site plan agreement of the lands, shall registered and be submitted to the Town.

BACKGROUND:

The subject property at 220 Churchill Road West, was most recently a fitness facility and was purchased this year by the applicant. The intention is to demolish the current building and be replaced with a diesel cardlock facility. The cardlock facility currently located on the corner of Edward and Irvine Street will be removed in the future to allow for an expansion of the gas station and convenience store co-located at the Edward and Irvine Street site.

This new cardlock facility at 220 Churchill Road West will be strictly for transports with the main customer being an existing local transportation company. There will be no other services offered at this site other than fueling for transports and other large

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vehicles. This site will not offer overnight parking of vehicles.

The applicant submitted a demolition permit on May 7, 2021. The applicant also submitted a building permit application and a site plan application on June 2, 2021. Details of the site plan were forward to all Town departments as well as WSP Planning consultants and EVB Engineering for comments and concerns. Feedback was reviewed by staff and sent to the applicants for review. Normal interested third parties were also contacted for feedback. To date, no comments have been received from third parties.

ANALYSIS:

Site Plan - WSP Planning Comments

As it pertains to the official plan, WSP's report concludes:

"It is our opinion that the proposed development conforms to the policies of the Town's Official Plan, subject to the ongoing review of the submission materials by other departments and agencies, and any required revisions of the submission materials to provide clarification and to address comments and concerns through the Site Plan Control Approval process."

As it pertains to the zoning bylaw, this development would be in General Commercial (C1) and WSP highlighted the following items that need to be addressed.

Zone Requirement	Provisions	Compliance of Proposed Development	Resolution
Minimum Lot Frontage (Section 4.3)	35 m for an interior lot on any street	Applicant to revise Site Development Plan to include dimension.	Site plan notes lot frontage of 46.84 m
Maximum Lot Coverage (Section 5.9.2)	60%	6.3% for Canopy & Pad. Lot coverage on Site Development Plan does not include the shed.	Applicant will calculate with shed included. Estimated to be 6.7%
Accessory Building Height (Section	Accessory buildings or structures shall not exceed one (1)	Not shown on the site plan.	Applicant has confirmed that the shed will be less

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4.2.1 i)	storey or 4.5 m [14.8 ft] in a residential zone, and shall not exceed 10 m [32.8 ft] in any commercial, industrial or institutional zone.		than 4 m and the height will be added to the plan.
Minimum Parking (Section 4.34(a))	3 spaces per service bay plus 1 space per employee	No parking spaces shown on Site Development Plan. Number of employees to be provided by the proponent to determine number of required parking spaces. WSP defers to Town's interpretation of requirements.	A barrier free parking space has been added beside the shed. As there are no services being offered and no employees on site, then only one space for a maintenance employee is required.
Barrier-Free Parking (Section 4.34(h)(v))	For < 25 standard parking spaces, one (1) barrier-free parking spaces are required.	No barrier-free parking spaces shown on Site Development Plan. Number of service bays to be clarified to determine number of parking spaces and barrier-free parking spaces to be required.	A barrier free parking space has been added beside the shed.
Entrance/Exit Width (Gas bar) (Section 4.3 d))	The width of any entrance or exit or combined entrance or exit measured at	Does not comply - 12.0 m	As this is a Diesel Cardlock Facility there is a need for a wider entrance / exit

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	the front lot line or side lot line shall not be greater than 9 m [29.5 ft.].		to ensure the safe and appropriate turning radiuses for movement of truck traffic in, out, and around the facility. As such an entrance and exit of 12 m is required to achieve this.
Separation Distance for Entrance/Exit to a Street (Section 4.3 f))	The minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of the street lines of one or more streets shall be 15 m [49.2 ft].	Applicant to revise Site Development Plan to provide distance between proposed entrance/exit to adjacent street line.	40 m to Industrial Road and 165 m to Edward Street

It is the opinion of staff that the parking space requirements as set out in the zoning bylaw did not contemplate a diesel cardlock facility only development, and instead applies to a cardlock facility that is co-located with a passenger vehicle refueling station and convenience store. To address this discrepancy, one barrier free parking space has been added adjacent to the shed for the parking of a maintenance employee that will need to attend to the site from time to time. There are no onsite employees and there will be no foot or vehicular traffic beyond trucks accessing the diesel cardlock facility for refueling.

It is the opinion of staff, that the larger entrance of 12 m is required for the safe and adequate turning radius of vehicles entering, leaving, and maneuvering within the site. Therefore, the stated maximum of 9 m entrance / exit should in increased to 12 m to achieve safe movement to, from, and within the site.

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As it pertains to the Site Development Plan – C201, WSP made the following comments.

Comment	Resolution
Please confirm whether the existing rear yard fence is remaining.	No fencing is being suggested in the plan and as such would be removed if it is owned and on the applicant's property
Please confirm the location of the fuel pumps. Please also dimension the distance between the pumps to ensure adequate queuing can occur.	The fuels pumps are on the fuel islands illustrated on the plan and there is 5.5 metres between the islands. The traffic opinion letter confirmed that the distance between the islands is adequate
Please show and clarify the location of the canopy poles.	The canopy poles are incorporated into the fuel islands illustrated on the plan
Please add the lighting poles shown on the lighting plan to the site plan.	The location of the lighting poles have been Included on the lighting plan
Please provide height of the shed.	It has been confirmed that the shed will be no higher than 4 m tall. This will be added to the plan.
Please clarify whether the structure located on the west landscape buffer is commercial signage.	It is confirmed that the structure located on the west landscape buffer is commercial signage
Suggest proposing bollards near the fuel pumps for safety purposes.	Bollards are noted on the plan at each end of fuel islands for safety purposes

Lighting Plan

A lighting plan was completed by Red Leonard Associates showing the type and location of lighting. It includes the modeling of the lighting dispersion on the property itself and beyond its borders. There were no issues with the information provided.

Traffic Opinion Letter

A traffic opinion letter was completed by Crozier Consulting Engineers addressing the stopping sight distances, intersection sight distance, trip generation, and turning

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movement analysis in, out, and within the site itself. There were no issues with the information included in this report.

Environment Assessment

As a diesel cardlock facility, this development falls under the review and guidelines of the Technical Standards and Safety Authority (TSSA) for Ontario. From a planning perspective the use of the property is not going to a more sensitive land use than it is today. With the exception of the 11 m2 shed, there are no enclosed spaces as part of this development.

Stormwater Management Report and Serving Briefing

A Stormwater Management Report and Servicing Brief was completed by LRL Engineering. This was subsequently reviewed by EVB Engineering. This review included the Site Plan drawings, Stormwater Management Report, and the traffic opinion letter. All comments or concerns have been addressed and resolved by the application with the exception of a non-critical calculation in metres versus hectares. This is expected to be resolved by September 17th.

Staff Conclusion

After reviewing the submitted documents and working with the applicant to address any concerns noted through the process, staff is satisfied that this site plan application can be brought forward to the Planning Advisory Committee for contemplation.

Alternatives:

The Planning Advisory Committee could change, decline, or defer the site plan application as they see fit.

Financial Implications:

None



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 15 '21
Strategic Plan		

Attachments:

- Proposed Cardlock MacEwan Petroleum Inc. 220 Churchill Road West – Site Plan
- WSP Cardlock Fueling Station – Site Plan Application – 1st Technical Review Comments

Submitted By:

Matthew Armstrong
Chief Administrative Officer and Treasurer

THE CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW NO. xx-2021

A BY-LAW TO AUTHORIZE A SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF PRESCOTT AND GRANT CASTLE CORPORATION.

Being a by-law to authorize a Site Plan Agreement between the Corporation of the Town of Prescott and Grant Castle Corporation.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council; and

WHEREAS Section 41(2) of the *Planning Act, 1990*, permits the council of a municipality to establish a site plan control area by by-law; and

WHEREAS By-Law 06-2012 of the Corporation of the Town of Prescott authorizes the municipal council to enter into one or more agreements to control the development or redevelopment of all lands in the Town of Prescott; and

WHEREAS the Council of the Corporation of the Town of Prescott deems it necessary and in the public interest to enter into a Site Plan Agreement with Grant Castle Corporation, being the owner of the lands described as Plan 19, Block 15, Lot M and 2 to 4, RP 15R11754 Part 1, Town of Prescott (220 Churchill Road West).

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:

1. That the Mayor and Clerk are hereby authorized to sign a Site Plan Agreement with Grant Castle Corporation, a copy of which is attached hereto as Appendix "A", and is hereby declared to form part of this by-law.
2. That this by-law shall come into force and take effect upon final passage.
3. That any other By-Laws, resolutions or actions of the Council of the Corporation of the Town of Prescott that are inconsistent with the provisions of this By-Law are hereby rescinded.

READ AND PASSED, SIGNED AND SEALED THE XXth DAY OF OCTOBER, 2021.

Mayor

Clerk

DRAFT

Appendix "A" – BY-LAW XX-2021
SITE PLAN AGREEMENT –
Grant Castle Corporation, 220 Churchill Road West Prescott, Ontario

This AGREEMENT made on the [DATE] day of [MONTH], [YEAR].

BETWEEN: **Grant Castle Corporation**
A business operating under the laws of the Province of
Ontario
Hereinafter called the "Developer"
OF THE FIRST PART

AND: **THE CORPORATION OF THE TOWN OF PRESCOTT**
Hereinafter called the "Town"
OF THE SECOND PART

WHEREAS By-law 06-2012 of the Council of the Corporation of the Town of Prescott authorizes the municipal council to enter into one or more agreements to control the development or redevelopment of all lands in the Town of Prescott;

AND WHEREAS the Owner has represented to the Town that the lands described as in Schedule "A" and municipally known as 220 Churchill Road West, in the Town of Prescott, are owned by the Owner;

AND WHEREAS the lands affected by this Agreement are the lands described in Schedule "A" hereto annexed, and are also shown on a Site Plan attached hereto as Schedule "B" (the "Site Plan"), which lands are referred to herein as the "said lands";

AND WHEREAS the described lands are zoned General Commercial (C1) under the Town's Zoning By-law 09-2009, as amended;

AND WHEREAS the Developer proposes to add a diesel cardlock facility (the "Project") upon the said lands in accordance with the Site Plan attached;

AND WHEREAS the Developer is required to enter into this Agreement with the Town as a condition of Site Plan Approval;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and for the good and valuable consideration and the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by each of the parties hereto to each of the other parties hereto, (the receipt of which is hereby acknowledged), the parties hereto covenant and agree with one another as follows:

PART — 1
THE LANDS, PLANS AND REPRESENTATIONS

1. SCOPE OF AGREEMENT

- 1.1. Description of Lands — The lands affected by this Agreement are the lands described in Schedule "A" hereto annexed.
- 1.2. Conformity with Agreement — The Developer covenants and agrees that no work shall be performed on the said lands except in conformity with:
- (a) The provisions of this Agreement, including the schedules hereinafter referred to and attached hereto;
 - (b) The Site Plan;
 - (c) All plans and specifications submitted to and accepted by the Town as being within their design criteria, including those plans and specifications referenced in Schedule "B" hereto (the "Approved Plans");
 - (d) All applicable Municipal By-laws including any applicable Site Plan Control By-laws; and
 - (e) All applicable Provincial and Federal Legislation
- 1.3. Reliance upon Representations — The Developer acknowledges that:
- a) It has made representations to the Town that it will complete all municipal and other works required herein in accordance with the Site Plan and Approved Plans filed and accepted by the Town and others, and;
 - b) The Town has entered into this Agreement in reliance upon these representations.
- 1.4. Scheduled Attachments — The following schedules are attached to, and form part of, this Agreement:
- | | |
|--------------|---|
| Schedule "A" | Description of Lands |
| Schedule "B" | Site Plan |
| Schedule "C" | Cash Deposits, Development Charges and Security |
| Schedule "D" | Approved Plans |
- 1.5. Any Plans attached to this Agreement or incorporated by reference shall also be provided to the Town digitally in a format compatible with AutoCAD.

1.6 Development Changes

- 1.6.1. There shall be no changes in the Schedules attached hereto, or to any plan accepted by the Town, or others, unless such proposed changes have been submitted to, and accepted by, the Town.
- 1.6.2. The Developer acknowledges that if any approvals required under this Agreement are obtained subsequent to the execution of this Agreement the Town may require the Developer to enter into an amended Agreement to incorporate any conditions, changes or requirements relating to such approvals. No Conditional building permit will be closed, until the Amending Agreement is registered on title to the said lands. This provision may not apply for a Demolition Permit.

PART – 2
SIGNING BY MUNICIPALITY— CONDITIONS PRECEDENT

2. CONDITIONS PRIOR TO THE EXECUTION OF THE AGREEMENT BY THE TOWN

- 2.1. Prior to the execution of this Agreement by the Town, the Developer shall:
- a) Land Ownership — be the registered owner in fee simple of the lands described in Schedule "A" against which there will be no encumbrances registered in priority to this Agreement.
 - b) Taxes — have paid all municipal tax bills issued and outstanding on the said lands;
 - c) Cash Deposits & Security — have paid to the Town all cash and security required by Schedule "C" attached;
 - d) Construction/Engineering Plans & Specifications — have supplied to the Municipality those plans and specifications necessary to identify the construction/engineering aspects of the proposed development and have received, from the Town, an acknowledgement of conformity with general design concepts of the Town;
 - e) Liability Insurance Certificate — have filed with the Town an insurance certificate confirming those coverages specifically set out in this Agreement;
 - f) Fire Department Approval — have filed a letter from the Fire Prevention Officer of the Town confirming and approving of the proposed plans for fire protection, and specifying any hydrants, or other equipment or appurtenances required;

PART — 3
INTERNAL SERVICES

3. INTERNAL SERVICES TO BE CONSTRUCTED BY DEVELOPER

- 3.1. The Developer will construct and install at its expense all required private internal services in accordance with the Approved Plans and to the standards, specifications and requirements of the Town and all applicable government agencies, all as shown on the Site Plan(s) attached as Schedule "B" hereto (the "Internal Services"). The internal services to be constructed include the following:
- (a) storm water management
 - (b) site servicing
 - (c) system is to be safety tested prior to use and maintained by the owner
- 3.2. All Internal Services to be constructed by the Developer shall be confirmed by the Chief Building Official of the Town.
- 3.3. The Developer agrees to maintain, repair and when necessary replace the Internal Services, including the landscape works, so that they will at all times be in good working order and in conformity with the terms of this Agreement. If, in the opinion of the Municipality, the Developer is not complying with the terms of this paragraph then either of the Municipalities, its servants, agents or subcontractors shall have the right to enter upon the said lands and carry out any work, at the expense of the Developer, necessary to maintain, repair or if necessary replace the said Internal Services. For greater certainty and without limiting the generality of the foregoing, the maintenance of the storm water management and site servicing.
- 3.4. Without limiting the foregoing, the Developer agrees to maintains a Fire Route on the said land

PART — 4
BUILDING PERMITS

4. BUILDING PERMITS — CONDITIONS PRIOR TO ISSUANCE

- 4.1. Eligibility for Building Permits — the Developer further covenants and agrees that it, or any person claiming title through or from it, or under its or their authority, will not require or obtain, one or more Building Permits to construct buildings on the said lands until the following have been complied with:
- a) By-Laws, etc. — there is compliance with the Town's building bylaw, its site plan control bylaw, and the provisions of this Agreement;
 - b) Execution of Agreement — this Site Plan Agreement has been executed by the Municipality, and the Agreement has been registered against title to the said lands; Any Conditional permits issued shall not be closed until such time as the Execution of Agreement.
 - c) Demolition Permit — notwithstanding the foregoing a Demolition Permit may be issued prior to Site Plan approval as determined by the Chief Building Official.
- 4.2. Development Charges — upon applying for a Building Permit and prior to the issuance thereof the Developer shall submit payment by certified cheque or bank draft of the appropriate development charges relating to the Project.
- 4.3. Documentation to Accompany Building Permit Application — on any application for a Building Permit, and prior to the issuance thereof, the owner, or their agent, shall submit the following to the Chief Building Official:
- (a) Architectural and/or engineering Plans and Specifications with respect to the following aspects of this Project: may be required.
 - i. architectural plans,
 - ii. structural plans,
 - iii. mechanical/electrical plans,
 - iv. culverts or curb cuts,
 - v. exterior finish,
 - vi. traffic signs,
 - vii. a complete electrical distribution system including transformers,
 - viii. parking and internal traffic patterns,
 - ix. a plan showing existing and proposed final elevations and contours referring to a geodetic bench mark, showing area drainage, right-of-way drainage, finished first floor elevations.

PART — 5
GENERAL PROVISIONS

5. CASH DEPOSITS, DEVELOPMENT CHARGES AND SECURITY

- 5.1. The Developer shall lodge with the town, those cash deposits, development charges and security more particularly described in Schedule "C", and at the dates specified therein.

6. EXPENSES TO BE PAID BY DEVELOPER

- 6.1. Every provision of this Agreement by which the Developer is obligated in any way shall be deemed to include the words "at the expense of the Developer" unless the context otherwise requires.
- 6.2. The Developer specifically agrees to be responsible for any costs, expenses and obligations arising from any Permits or Approvals which the Developer is required to obtain in order to construct the Project.
- 6.3. The Developer shall pay such reasonable fees as may be invoiced to the Town by their Solicitor in connection with all work to be performed as a result of the provisions of this Agreement.
- 6.4. All expenses for which demand for payment has been made by either of the Town, shall bear interest at the rate of 1.25% per month commencing 30 days after demand is made.
- 6.5. In the event that the expenses of the Town exceeds the amount of the cash deposits or security set out in Schedule "C" attached, the Developer shall pay such excess charges within 30 days after demand by the Town.
- 6.6. In the event that the Town finds it is necessary to engage the services of an engineer, landscape architect or technical personnel not permanently employed by the Town, to review the plans of the Developer and/or carry out on-site inspections of the work performed, the Town will advise the Developer accordingly of this need, and the costs of such outside engineers, landscape architects or other technical personnel so engaged shall be the responsibility of the Developer. The Town may require a deposit for this purpose.

7. REGISTRATION OF SITE PLAN AGREEMENT

- 7.1. The Developer consents to the registration of this Agreement by the Town.
- 7.2. The Developer further agrees to execute such further and other Instruments and Documents as may reasonably be required by the Town for the purpose of giving priority of registration to this Agreement.

8. CONSTRUCTION, COMMENCEMENT AND COMPLETION

The Developer agrees to complete all Internal Services within 18 months from the date of the registration of this Agreement.

- 8.1. If the Internal Services to be constructed by the Developer under this Agreement, if any, are not completed and accepted by the Town within the above time frames, the Town may either:
- (a) give notice to the Developer to stop work on the said Services and to provide that no further work shall be done with respect to such services until an Amending Agreement, incorporating the Standards,

Specifications and financial requirements of the Town, in effect as of that date, is executed by all parties; or

- (b) give notice to the Developer to stop work on the Services and inform the Developer that the Municipality proposes to realize on its security and proceed with all or part of the construction in accordance with the provisions of the Approved Plans filed with the Municipality.

9 EMERGENCY SITUATION

- 9.1. If, as a result of any work undertaken or not completed by the Developer, its servants, or agents, there exists in the opinion of the Chief Building Official an emergency situation which requires immediate attention to avoid damage to private or public property, or services owned by the Town, such work may be done immediately by the Town at the expense of the Developer, but notice shall be given to the Developer at the earliest possible time.

10. ATTACHED SCHEDULES

- 10.1. It is agreed that everything included in this Agreement and the Schedules attached thereto, together with all engineering drawings, plans and undertakings filed by the Developer and accepted by the Town, or by any Ministry of the Government shall be included in, and form part of, this Agreement.
- 10.2. The Plans incorporated by reference as Schedules in this Agreement are copies of the original plans filed and accepted by the Town. Where uncertainty exists as to the content or accuracy of these exhibits, the reader should refer to the full-scale drawings filed with the Town.

11. INDEMNIFICATION FROM LIABILITY AND RELEASE

- 11.1. The Developer covenants and agrees with the Municipality, on behalf of itself, its successors and assigns, to indemnify and save harmless the Municipality, its servants and agents from and against any and all actions, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of any work performed by the Developer or on his behalf in connection with the carrying out of the provisions of this Agreement, or by reason of the Developer's failure to perform any of the works required hereunder.
- 11.2. The Developer further covenants and agrees to release and forever discharge the Municipality from and against all claims, demands, causes of actions, of every nature and type whatsoever that may arise as a result of the failure of the Municipality to carry out any of its obligations under this Agreement, or, as a result of the Municipality performing any municipal work on the said lands or the adjacent properties which may damage or interfere with the works of the Developer, or, as a result of the Municipality entering upon the said lands for the purpose of correcting any default of the Developer, provided that any personal injury or property damage was not caused as a result of negligence on the part of the Town, its servants or agents.

Appendix “A” – BY-LAW XX-2021
SITE PLAN AGREEMENT –
Grant Castle Corporation, 220 Churchill Road West Prescott, Ontario

By the Developer on the ____ day of _____, 20____

By the Town on the ____ day of _____, 20____

The Corporation of the Town of Prescott

Per: _____

DRAFT

SCHEDULE 'A'

TO AN AGREEMENT DATED: xxx ____, 2021

LEGAL DESCRIPTION: Being the lands described as Plan 19 Blk 15 Pt Lot M and;
2 to 4 RP 15R 11754 Part 2, in the Town of Prescott.

DRAFT

SCHEDULE 'B'

TO AN AGREEMENT DATED [MONTH] [DATE], [YEAR]

SITE PLAN

Site Plan

The C201 drawing prepared by LRL Engineering, Revision 03, dated September 1, 2021, is hereby incorporated by reference and forms a part of this Agreement.

Appendix “A” – BY-LAW XX-2021
SITE PLAN AGREEMENT –
Grant Castle Corporation, 220 Churchill Road West Prescott, Ontario

SCHEDULE “C”

TO AN AGREEMENT DATED: _____, _____, 20____.

FEES AND DEVELOPMENT SECURITY

Cash Requirements

Town’s Administrative Fees	Nil
Town’s Legal fees and Disbursements	Nil
Town’s Engineering Fees	Nil
Town’s Planning Fees	\$1,500
Town’s Landscaping	Nil
Cash-in-lieu of Parkland	Nil
Development Charges	Nil
Total Cash Requirements	\$1,500

Note: Building Permit and building permit deposit are not included in the above amounts but are payable as per the building permit bylaw and fee structure.

SCHEDULE 'D'

TO AN AGREEMENT DATED [MONTH] [DATE], [YEAR]

APPROVED PLANS

The following plans have been reviewed and subsequently used to evaluate this development. Copies of these plans are available at Town Hall.

Servicing and Stormwater Management Report

The Servicing and Storm Water Management Report, LRL File No. 200522 Revision 02, dated September 1, 2021 by LRL Engineers, Signed and Stamped by Mohan Basnet, Professional Engineer.

Geotechnical Investigation

The geotechnical investigation LRL File No. 200522, dated March 2021, by LRL Engineers, Signed and Stamped by Brad Johnson, Professional Engineer.

Canopy Steel Plan

The Canopy Steel Plan CS1, CS2, CS3, CS4, and CA1, dated May 2021, by JJJ Engineering, Signed and Stamped by J. Luchanko, Professional Engineer.

Cardlock Development Information

The Cardlock Development Information C001, C101, C102, C201, C301, C401, C601, C701, C702, C901, Revision 03, dated September 1, 2021, by LRL Engineers, Signed and Stamped by Mohan Basnet, Professional Engineer.

Phase One Environmental Site Assessment

The Phase One Environmental Site Assessment Report LRL File No. 200522, dated March 2021, by LRL Engineers, Reviewed and Signed by Jessica Arthurs Associate, Senior Technician.

Light Plan

The Lighting Plan, Drawing Number RL-7419-S1, dated June 6, 2021.

Traffic Opinion Letter

The Traffic Opinion Letter Project No: 2031-5856, dated May 28, 2021 by C.F. Crozier & Associates Inc., Signed by Alexander J.W. Fleming, Professional Engineer.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 '21
Strategic Plan		

STAFF REPORT TO COUNCIL

Report No. 89-2021

Date: September 20, 2021

From: Shawn Merriman, Manager of Building and By-law Services

RE: Draft Property Standards By-law

Recommendation:

That Council receive Staff Report 89-2021 for information and provide feedback to staff prior to October 8, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

Background / Analysis:

At the Council meeting of May 17, 2021, staff presented Council with a PowerPoint presentation on Property Standards and associated complimentary By-laws that could work collaboratively to address various property standards related issues.

The goal of the new Property Standards By-law is to provide a more efficient, timely, and effective system that is an overall benefit to the community.

This draft By-Law covers a wide range of issues and is an attempt to address the recurring frustrations that are brought up to and by Members of Council, as it pertains to property standards. Some of the sections of note include condition of lands, drainage, fences, garbage storage and disposal, exterior surface, heating (HVAC) systems, and electrical services. As a starting point to address heritage properties, a section on maintaining, preserving, and protecting heritage attributes has been included.

The By-law envisions the formation of a Property Standards Committee which is a requirement of any Property Standards By-law. This By-law also provides By-Law Officers to enter a property and to correct the deficiencies if they have not been addressed by the owner in a reasonable amount of time.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 '21
Strategic Plan		

The draft Property Standards By-law would work in conjunction the Administrative Monetary Penalty System whereby repeat offenders who fail to remedy the property standards violation would incur penalties. Penalties in general cannot be deemed punitive and hence the fees have been set at a reasonable amount that is justifiable in relation to costs involved and amounts that would be expected within the Provincial Court System regardless of the maximum amounts stipulated.

Alternatives:

Council may wish to change aspects of this by-law as they see fit.

Financial Implications:

None

Attachments:

- Draft Property Standards By-law

Submitted by:

Shawn Merriman
Manager of Building and By-law Services



The Corporation of the Town of Prescott
Property Standards By-law #xx-2021

PROPERTY STANDARDS BY-LAW #XX-2021

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**THE CORPORATION OF THE TOWN OF PRESCOTT
PROPERTY STANDARDS BY-LAW #XX-2021**

A By-law for Prescribing Property Standards within the Town of Prescott.

WHEREAS the Official Plan for the Town of Prescott includes provisions relating to conditions of maintenance and occupancy of properties.

AND WHEREAS Section 15.1(3) of the *Building Code Act* S.O. 1992,c.23, provides that the Council may pass a by-law with respect to the prescribing standards for the maintenance and occupancy of property;

AND WHEREAS Section 35.3(1) and 45.1(1) of the *Ontario Heritage Act* R.S.O. 1990, c.0.18, as amended provides that a By-law may be passed by the Council of a municipality prescribing minimum standards for the maintenance of the heritage attributes of designated heritage properties within the municipality and requiring that designated heritage properties that do not comply with those standards be repaired and maintained to conform to those standards;

AND WHEREAS section 15.6(1) of the *Building Code Act*, R.S.O. 1992, c. 23, provides for the establishment of a Property Standards Committee;

AND WHEREAS it is deemed necessary and expedient to enact a by-law prescribing minimum standards for the maintenance and occupancy, to adopt a set of administration monetary penalty procedures and to appoint a Property Standards Committee:

NOW THEREFORE the Council of The Corporation of the Town of Prescott enacts as follows:

SECTION 1.0 TITLE

1.1 SHORT TITLE

This By-law shall be known and cited as the "Property Standards By-law"

SECTION 2.0 DEFINITIONS

As used in this bylaw, the following terms shall have the meanings indicated:

- (a) "acceptable" means
 - (i) accepted by the Chief Building Official of the municipality of the Town of Prescott (hereinafter referred to as the Municipality) with respect to matters under the Building Code;
 - (ii) accepted by the Chief Fire Official of the Municipality with respect to

- matters under the Fire Code;
- (iii) accepted by the By-Law Officer with respect to the standards set out in this By-Law.
- b) "Accessory building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property
- (c) "Administrative Monetary Penalty System" hereinafter referred to as "AMPS" means a fee as recognized under Town of Prescott By-law xx-2021. These fees are set out under Schedule X of By-Law xx-2021.
- (d) "Building Code" means the Building Code Act, S.O. 1992, c. 23 and any regulations made under that Act. means the regulations made under Section 34 of the *Building Code Act*.
- (e) "Compliance Letter" means a written opinion of property compliance with the standards contained in this By-Law.
- (f) "Corporation" shall mean the Corporation of the Town of Prescott.
- (g) "Council" shall mean the Council of the municipality of the Town of Prescott
- (h) "Debris" means:
- a. any waste material of any kind whatsoever and without limiting the generality of the foregoing includes inoperative or unlicensed vehicles, boats, trailers or parts of any of the above-mentioned items.
 - b. any furniture, appliances, glassware, plastic items, materials from construction or demolition projects, old clothing or bedding. It may also include excessive amounts of garden refuse, clippings, trees or tree branches, earth or fill. It may be any item or condition that might create a health, fire, or accident hazard.
- (i) "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- (j) "Dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- (k) "Exterior Property Areas" means the property excluding buildings.
- (l) "Fence" means any structure, wall, or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

- (m) "Garage" means a building or part thereof intended for the storage or parking of motor vehicles.
- (n) "Ground Cover" means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass, or other equivalent landscaping.
- (o) "Habitable Space" means any room in a dwelling unit used or designated to be used for the purpose of living, sleeping, cooking, personal hygiene, or preparation of food and without limiting the foregoing shall include a den, library, sunroom or recreation room or any combination thereof.
- (p) "Heritage Attributes" are the recognized part of a property, building or structure that contributes to the cultural heritage value or interest that is defined, described or can be reasonably inferred by the various tools and elements of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*. This may include a by-law of designation, a Minister's Order, a by-law regarding a heritage conservation district or a conservation district strategic plan.
- (q) "Maintained" means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenances including mechanical equipment required so they may properly perform the intended function.
- (r) "Means of egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- (s) "Municipality" means the Corporation of the Town of Prescott.
- (t) "Noxious Weeds" means any vegetation classed as noxious by the *Weed Control Act, R.S.O. 1990, c. W.5*.
- (u) "Nuisance" shall mean an injurious, offensive, or objectionable condition and without limiting the generality of the foregoing shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust, or objectionable odour, or by the reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or any material.
- (v) "Officer" is any person appointed by the municipality through a by-law for the purpose to administer and enforce by-laws within the Town. It shall also apply to any other recognized agency of the Province of Ontario or a person assisting the officer at the officer's request.
- (w) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

- (x) "occupant" means any person or persons, over the age of eighteen, in possession of the property.
- (y) "Owner" may include any and all persons registered upon title and deed of the property, any and all persons who are responsible to manage and or receive rent income from the property or whom would receive if rent was being paid, any and all persons who rent or lease a premise or any and all whom are responsible by contract to maintain or repair a property.
- (z) "Person" means and includes any individual, firm, partnership, corporation, company, association, or organization of any kind.
- (aa) "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether theretofore or hereafter erected and includes vacant property.
- (bb) "Town" means the Corporation of the Town of Prescott.
- (cc) "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a property that is capable of being used.

SECTION 3.0 GENERAL STANDARDS FOR ALL PROPERTIES AND USES

- (a) No owner or occupant of property shall use, occupy or allow, permit or consent to the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.
- (b) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- (c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings or structures in disrepair, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and levelled condition.
- (d) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
- (e) All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.

SECTION 4.0 MAINTENANCE OF LANDS

4.1 CONDITION OF LANDS

- (a) All lands shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire or accident hazard.
- (b) All lands shall be kept clear of long grass, brush and undergrowth by cutting regularly and removing the cuttings from the lands.
- (c) Yards shall be kept clean and free of any vehicle including a trailer, machinery or parts thereof which is in a wrecked, discarded, dismantled, unlicensed, inoperative or abandoned condition, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with all relevant by-laws of the municipality or other Acts.
- (d) All furniture used for exterior use shall be of an exterior grade material that readily repels water. Lands shall be kept clean and free from wrecked, discarded, dismantled or inoperative recreation equipment and furniture.
- (e) Appliances such as refrigerators, stoves and freezers shall not be left in yards and shall not be used as places of storage.
- (f) All lawns, hedges and shrubs shall be kept trimmed and in a sightly and neat condition so as to prevent undue overgrowth.
- (g) Trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush shall be promptly removed from the property.
- (h) The ground shall be suitably covered so as to prevent erosion of the soil. A suitably maintained covering such as grass, gravel, asphalt, ground cover or plants shall be used.
- (i) Every tenant, occupant or lessee or owner of a residential, commercial, or industrial property shall maintain the property or part thereof and land which he occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.
- (j) The occupant of a residential property may provide for a compost heap or bin provided it is no larger than six (6) feet square and three (3) feet in height and be retained on all sides by concrete blocks or lumber of the same height as the

compost heap, or in a commercial plastic enclosed container designed for composting.

- (k) Compost heaps or bins shall not be placed in the front yard or side yards and shall not under any circumstances be located within any drainage swale.
- (l) Every compost heap or bin shall be maintained to deter animals.
- (m) Firewood shall be neatly piled in a rear yard only. Garden equipment shall be stored in the rear yard and in a clean and sightly condition.
- (n) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.
- (o) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard and shall provide unobstructed access for emergency vehicles.
- (p) Sidewalk use along King Street by commercial properties is permitted as long as 54" width of sidewalk is available for pedestrian use.

4.2 DRAINAGE

- (a) All sanitary sewage and organic waste shall be discharged into an approved sewage system.
- (b) Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface draining system or otherwise.
- (c) No roof drainage shall be discharged on sidewalks, stairs, and neighbouring properties or onto any impervious surface within the road allowance.
- (d) Storm water shall be drained from the lands but shall not be directed to cause recurrent ponding of water on adjacent properties or so as to result in the entry of water into a basement or cellar.
- (e) Snow storage shall be maintained so as not to cause a hazard on the property and be maintained in such a manner and location on the property so as to prevent a hazard, flooding, erosion and other damage to neighbouring private or public lands.
- (f) No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days unless the property is a construction site for which a building permit is in effect.

- (g) No fill shall be left in an uncovered state (not covered by seed or sod) on any property for longer than thirty (30) days unless the property is a construction site for which a building permit is in effect, or a property being subdivided under subdivision agreement with the Town of Prescott.
- (h) Fill shall not be placed on any lot to alter drainage from any previously approved drainage plan or lot grading certificate. If no plans are available for a property, no owner shall alter any grade at a lot line without receiving written approval from the Town. No fill shall be placed temporarily or permanently that creates any adverse drainage condition to an adjacent property.

4.3 WALKS, PARKING AREAS, DRIVEWAYS

- (a) Suitable hard surfaced walks shall be made available and maintained leading from the main entrance of a building to the street or driveway.
- (b) All steps, walks, driveways, parking spaces and similar areas shall be maintained to afford passage free from hazards at all times to any person using the same, including the removal of ice and snow.
- (c) All areas used for vehicular traffic and parking shall be covered with asphalt, crushed stone or gravel surfacing, be graded, drained and free from debris or other litter and kept in good repair at all times.

4.4 DAMAGED MATERIAL

- (a) In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.
- (b) Damaged or partially burnt material shall only be removed from the property once investigations are completed by fire authorities.
- (c) Fire damaged buildings, or portions thereof, shall be repaired to comply with the Ontario Building Code or shall be demolished accordingly.

4.5 LIGHTING STANDARDS

- (a) All artificial lighting standards, fixtures and connections installed in yards and parking areas shall be kept in a good, safe, rust free condition and in good working order.

- (b) Any lights used to illuminate yards or parking areas shall be so arranged or shielded to deflect light away from abutting properties and/ or the public right-of-way.

4.6 FENCES

- (a) A fence erected on a property or separating adjoining properties shall be maintained:
 - (i) in good repair (free from loose or insufficiently secured, rotten, warped or broken materials);
 - (ii) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
 - (iii) shall be free of dangerous objects; and
 - (iv) be reasonably plumb, unless specifically designed to be other than vertical.

4.7 RETAINING WALL

- (a) All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

4.8 ACCESSORY BUILDINGS

- (a) The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - (i) constructed with suitable materials;
 - (ii) maintained in good repair; and
 - (iii) be protected from deterioration by the application of paint or other suitable protective material.

4.9 SWIMMING POOLS

- (a) The Swimming pools and the fences and gates surrounding same shall be maintained in a safe condition.
- (b) Electrical fixtures and lines supplying same shall be installed or reinstalled in accordance with the Ontario Electrical Code and any amendments thereto, to ensure at all times the safety of the users of the pool.
- (c) Water in the pool shall be properly filtered and purified so as to present no health hazard.

SECTION 5.0 MAINTENANCE OF BUILDINGS

5.1 STRUCTURAL STANDARDS

- (a) Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load for which it was designed having a factor of safety required by the Ontario Building Code.
- (b) Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced.
- (c) Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.
- (d) The owner shall be responsible for submitting an inspection report prepared, stamped and signed by an engineer qualified in the pertinent field and licensed in the Province of Ontario. Such report shall be submitted for all buildings and structures when the structural capacity of any part of such building or structure is in doubt in the opinion of the Property Standards Officer.

5.2 GENERAL CLEANLINESS

- (a) Every floor, wall, ceiling and parts thereof, shall be maintained in a clean and sanitary condition and buildings shall be kept free from rubbish and debris.
- (b) Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

5.3 GARBAGE STORAGE AND DISPOSAL

- (a) Every building and every dwelling unit shall use sufficient weather resistant receptacles to contain all solid waste, as required by Town of Prescott By-laws, relating to the handling, collecting and disposal of garbage, ashes and other refuse.
- (b) Solid waste shall be promptly stored in suitable receptacles and removed as required by the said By-law. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition.
- (c) Suitable garbage receptacles are to be stored in the rear yard if an area is not

available in the building.

- (d) Buildings or structures used for the storage of solid waste prior to disposal shall be deemed to be accessory buildings or structures within the meaning of this By-law.

5.4 PEST PREVENTION

- (a) Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.
- (b) Openings and holes in a building that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

5.5 FOUNDATION WALLS AND BASEMENT

- (a) All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- (b) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.
- (c) Every building unless of slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid bearing and all footings, foundation walls, piers, slab-on-grade shall be of masonry or other suitable material.
- (d) Where foundation walls have been painted, they shall be maintained in a clean and sightly condition and free of peeling or flaking paint.

5.6 EXTERIOR SURFACE

- (a) All exterior walls and exposed wooden surfaces not inherently resistant to deterioration shall be periodically treated with a protective coating of paint, or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering, or by replacing of the surface.
- (b) Concrete, brick, metal and other similar surfaces that have been painted, shall be maintained in a clean and sightly condition and free of peeling or flaking paint.
- (c) Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained so as to prevent collapse of the same or injury to the occupants of the building or to the public.
- (d) Exterior walls of a building and its components shall be free of unauthorized

signs, painted slogans, graffiti, and similar defacements.

5.7 WEATHER PROOFING

- (a) Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
- (b) Dangerous accumulations of both snow and ice shall be removed as soon as possible from the roofs of buildings.
- (c) Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be reasonably water tight and securely fastened to the building at all times.

5.8 STAIRWAYS AND PORCHES

- (a) Inside or outside stairways and any porch, deck, balcony, verandah or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible accident hazard and all coverings, treads or risers that show excessive wear, or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- (b) A handrail and guard shall be installed in a stairwell or open stairway with more than three risers and a guard shall be installed on the open sides of any balcony or landing more than two feet above any adjacent surface. In accordance with the Ontario Building Code, handrails and guards shall be maintained in good repair so as to provide protection against accident or injury.
- (c) Every unenclosed porch or unenclosed balcony, and all interior and exterior stairs, and common corridors shall be kept free of garbage, waste or appliances and shall not be used for storage purposes.

5.9 GARAGES AND CARPORTS

- (a) The construction between an attached or built-in garage and a dwelling unit shall provide and maintain an effective barrier to gas and exhaust fumes.
- (b) The door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide and maintain an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- (c) Garages and carports, including floors, shall be maintained in good repair and free from hazards.

5.10 FLOORS

- (a) Every floor shall be smooth and even and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- (b) Where a floor covering has become worn or torn so that it may create an unsafe condition, the floor covering shall be repaired or replaced.
- (c) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and readily washable.
- (d) Every floor in a building common element area shall be maintained in a clean sanitary condition.

5.11 WALLS AND CEILINGS

- (a) Every wall and ceiling in a building shall be maintained so as to be a continuous surface, free of holes, cracks, loose, torn or worn coverings or other defects.
- (b) Walls surrounding showers and bathtubs shall be impervious to water. Caulking around the bathtub or shower shall be maintained in good repair.

5.12 DOORS, WINDOWS, AND SECURITY

- (a) Windows, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free to prevent heat loss and infiltration by the elements. Rotted or damaged doors, door frames and their components, window frames, sashes and casings shall be renewed and defective hardware; weather-stripping and broken window glass shall be replaced.
- (b) All windows intended to be opened shall be readily operable under normally applied pressure so as to perform their intended function without jamming or binding.
- (c) In a dwelling unit, all windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- (d) In a building where a security locking-and-release system has been provided, and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.

- (e) Where mailboxes are supplied for the use of occupants, they shall be maintained in good condition and free of defects at all times. Damaged boxes or defective locks are to be repaired or replaced.

5.13 WATER SUPPLY

- (a) Every building required to have a water supply shall be provided with an adequate supply of potable running water from a source approved by the authority having jurisdiction.
- (b) An adequate supply of hot and cold running water shall be supplied to every sink, wash basin and bathtub or shower.
- (c) Hot water as required by 4.13 (b) shall be supplied at a temperature of not less than one hundred and twenty degrees Fahrenheit (120 degrees F) (49 degrees C).
- (d) Every water closet shall be supplied with an adequate supply of water to flush the toilet.

5.14 PLUMBING SYSTEM

- (a) All buildings shall have the sanitary facilities connected to a sewage system approved by the Town of Prescott.
- (b) Plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewage system, shall be maintained in good working order and free from leaks and defects. All water pipes and appurtenances thereto shall be protected from freezing. Plumbing fixtures and piping shall conform to the Ontario Building Code.
- (c) Waste pipes shall be connected to the sewage system through water seal traps.
- (d) Any connection with the potable water supply that constitutes a cross-connection shall be corrected in a manner as required by the Town of Prescott.
- (e) Plumbing systems on a property shall be provided, installed and maintained in compliance with the respective requirements of any applicable Act or By-law; in good working order and good repair; and in a safe condition.

5.15 TOILET AND BATHROOM FACILITIES

- (a) Non-residential buildings shall have a minimum of one toilet and one wash basin supplied with running water located in an enclosed room and conveniently accessible to the employees.

- (b) Every dwelling unit except as otherwise provided shall contain bathroom plumbing fixtures consisting of at least one water closet, one wash basin and one bathtub or shower in accordance with the Ontario Building Code.
- (c) All bathrooms and toilet rooms shall be located within and be accessible from within the dwelling unit.
- (d) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed and locked so as to provide privacy for the occupant.

5.16 KITCHENS

- (a) Every self-contained dwelling unit shall contain a kitchen area equipped with cupboards for storing food, a countertop work area, space for a stove and refrigerator, and a sink supplied with hot and cold running water. Cupboards are to be maintained in good repair at all times.
- (b) Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes and be connected to approved and certified appliances.
- (c) Countertop work areas shall be impervious to moisture and grease, be kept in good repair and free from defects that may harbour germs or impede thorough cleansing.

5.17 HEATING (HVAC) SYSTEMS

- (a) It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- (b) Only heating equipment approved for use by a recognized standards and testing authority shall be provided.
- (c) No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- (d) Solid fuel burning appliances shall conform to the standards as set out in the Ontario Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- (e) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

- (f) Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.
- (g) Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

5.18 ELECTRICAL SERVICES

- (a) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite or building.
- (b) The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
- (c) Extension cords are not permitted on a permanent basis.

5.19 LIGHTING

- (a) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and good working order.
- (b) Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

5.20 VENTILATION

- (a) Every habitable space, bathroom or toilet room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.
- (b) All systems of mechanical ventilation shall be maintained in good working order.
- (c) All enclosed spaces including basements, cellars, attics or roof space and crawl spaces, shall be adequately ventilated.

5.21 FIRE PREVENTION EQUIPMENT

- (a) Fire prevention equipment shall be maintained in good working order so as to effectively perform their intended function and installed in accordance with the Ontario Building Code and the Ontario Fire Code.

5.22 ELEVATORS

- (a) Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be maintained in a safe condition and in good working order and in accordance with all governing Provincial Regulations.

5.23 MEANS OF EGRESS

- (a) All means of egress within multiple unit dwellings, converted dwellings or a non-residential property shall be maintained free from all obstructions or impediments, be provided with a clear, unobstructed and readily visible exit sign for every required exit, and be provided with lighting facilities capable of illuminating the means of egress to ensure safe passage of persons exiting the building.
- (b) Every dwelling and every dwelling unit shall have a means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- (c) Buildings using a fire escape as a secondary means of egress shall maintain the escape in good condition, free from obstructions and easily reached through an operable window or door.

5.24 OCCUPANCY STANDARDS

- (a) No person shall use or permit the use of a non-habitable space in a dwelling for a habitable space purpose.
- (b) The maximum number of occupants in a dwelling unit shall be based upon two persons per bedroom.
- (c) No room shall be used for sleeping purposes unless it has a minimum area of at least 7 square metres (75 square feet), where built in cabinets/closets are not provided, and no less than 6 square metres (65 square feet) where built in cabinets/closets are provided and no less than that required by the Ontario Building Code as amended.
- (d) Every habitable space shall have a ceiling height of at least 2.1 metres (6 feet, 11 inches) except that at least one-half of any bedroom located

directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.3 metres (7 feet, 7 inches) and the floor area of that part of such room where the ceiling height is less than 1.4 metres (4 feet, 7 inches) shall not be considered as part of the floor area of the room for the purpose of determining the minimum sleeping room area.

- (e) No portion of a building shall be occupied if it does not meet the requirements of this By-law.

5.25 VACANT BUILDINGS

- (a) The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with half-inch or thicker exterior grade plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.
- (b) No partially or completely vacant building shall remain boarded up for a period longer than 60 days. After the said 60 days or an alternate time period set by the By-Law Officer, the owner or agent or other person responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the Town of Prescott Zoning By-law.
- (c) Where a vacant building is not maintained in accordance with these standards it shall be removed from the property and the land or waterfront property left in a graded level condition.

SECTION 6.0 HERITAGE PROPERTIES

6.1 HERITAGE ATTRIBUTES

- (a) In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner or occupant of a property that has been designated as heritage shall.
 - (i) Maintain, preserve and protect the heritage attributes of the heritage property so as to maintain its heritage character as well as its visual and structural integrity.
 - (ii) Maintain the heritage property in a manner that will ensure the protection and preservation of its heritage value and attributes.

SECTION 7.0 GENERAL PROHIBITION

7.1 PROHIBITION

- (a) No person shall remove an order posted by an Officer.
- (b) No person shall fail to comply with an order of an Officer.
- (c) No person shall fail to maintain a safe access to a property.
- (d) No person shall fail to maintain a fence.
- (e) No person shall fail to maintain a building.
- (f) No person shall occupy or allow occupancy of a building which fails to meet human habitation and occupancy standards.

SECTION 8.0 ADMINISTRATION AND ENFORCEMENT

8.1 OFFICERS AND INSPECTORS

- (a) The person or persons appointed as By-Law Officers for the Corporation of the Town of Prescott shall be responsible for the administration and enforcement of this By-law.
- (b) Any Building Inspector of the Corporation, any Public Health Inspector of the Leeds, Grenville and Lanark District Health Unit and any inspector of the Fire Department of the Corporation are hereby authorized to act as an assistant to the By-Law Officer from time to time.
- (c) The By-Law Officer and any person acting under his or her instruction may at all reasonable times and upon producing proper identification enter and inspect any property.
- (d) The By-Law Officer and any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under Section 21 of the Building Code Act.

8.2 ABILITY TO ENTER AND INSPECT

- (a) A By-law officer and any person acting under his or her instruction may at any reasonable time and upon producing proper identification, enter and inspect all properties within the Town of Prescott. However, they will not enter a premise of constant habitation used as a dwelling without the consent of a

recognized owner or under the authority of a search warrant issued under section 21 of the Building Code Act.

8.3 NOTICE PROHIBITING USE OF PROPERTY

- (b) The Property Standards Officer may issue a notice prohibiting the use of property that does not conform to the standards of this By-law.
- (c) The Property Standards Officer may cause a placard to be placed on the exterior of any building which does not conform to the standards contained in this By-law. The placard shall state the particulars of the non-conformity and that the use of the property is prohibited until it conforms to the standards set by this By-law. No person shall remove, deface or cover up any such placard.

8.4 ORDERS

- (a) An Officer who finds that a property does not conform to any of the standards may make and serve or cause to be served upon or send by prepaid Registered Mail to such a person an order containing:
 - (i) The municipal address or legal description of such property,
 - (ii) Reasonable particulars of the repairs to be effect or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition,
 - (iii) The period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not done within the time specified in the order, the Municipality may carry out the repair or clearance at the expense of the owner,
 - (iv) The final date for giving notice of appeal from the order.
- (b) A notice or an order under section 8.2 (a) when sent by Registered Mail shall be sent to the last known address of the party or parties involved.
- (c) If the Officer is unable to effect service under section 8.2 (a) he or she shall place a placard containing the terms of the order in a conspicuous place on the property and placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.
- (d) An order under section 8.2 (a) may be registered in the proper Land Registry Office and upon such registration any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under section 8.2 (a) and when the requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

8.5 EMERGENCY ORDERS

- (a) Notwithstanding any other provisions of this By-law, if upon inspection of a property the Officer is satisfied that there is non-conformity with the standards prescribed in the By-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.
- (b) The order under section 8.4 (a) shall be served on the owner of the property and such other persons affected thereby as the Officer determines and a copy shall be posted on the property.
- (c) After making an order under section 8.4 (a), the Officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant.
- (d) The Officer, Municipality or person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its power under section 8.4 (c).

8.6 PROPERTY STANDARDS COMMITTEE

- (a) The Council of the Town of Prescott has establish a Property Standards Appeals Committee that:
 - (i) subject to the *Building Code Act*, hears all appeals of orders issued under this by-law;
 - (ii) consists of no fewer than three (3) citizen members;
 - (iii) has its members appointed for a term equivalent to Council's term of office;
 - (iv) has an assigned staff member from the Town of Prescott to serve the role of secretary to the committee, performing the duties and obligations required by the *Building Code Act*; and
 - (v) has the power and duties prescribed by the *Building Code Act*.
- (b) An owner or occupant who has been served with an order made under section 8.3 (a) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- (c) An order that is not appealed within the time referred to in section 8.5 (a) shall be deemed to be confirmed.

- (d) The committee shall hear the appeal.
- (e) On an appeal, the committee has all the powers and functions of the Officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of this By-law and the Official Plan or Policy Statement:
 - (i) Confirm, modify or rescind the order to demolish or repair.
 - (ii) Extend the time for complying with the order.
- (f) The Municipality in which the property is situated or any owner or occupant or person affected by the decision under section 8.5 (d) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.
- (g) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served.
- (h) On the appeal, the judge has the same powers and functions as the committee.
- (i) An order that is deemed to be confirmed under section 8.5 (b) or that is confirmed or modified by the committee under section 8.5 (d) or a judge under section 8.5 (g), as the case may be, shall be final and binding upon the owner or occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

8.7 POWER OF THE CORPORATION TO REPAIR

- (a) If an order of an Officer under section 8.3 (a) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.
- (b) For the purposes of section 8.6 (a), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- (c) The municipality or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its power under section 8.6 (a).

8.8 MUNICIPAL LIEN

- (a) The municipality shall have a lien on the land for the amount spent on the

repair or demolition under section 8.6 (a) and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the collector's roll and collected in the same manner and shall have priority lien status as described in Section 1 of the Municipal Act, 2001.

8.9 CERTIFICATE OF COMPLIANCE

- (a) Following the inspection of a property, the Officer may, and on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his or her opinion, the property is in compliance with the standards. When such a certificate is issued at the request of the owner, the fee shall be \$50.00.

8.10 CONFLICTS – BYLAWS-STANDARDS-REGULATIONS

- (a) Where a provision of this By-law conflicts with the provisions of another By-law, Act or Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.11 PENALTIES

- (a) An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.
- (b) An owner who fails to adhere to a notice or order that is confirmed or deemed confirmed may be subject to the fees administrative monetary penalties listed in Schedule A of this by-law.

8.12 TRANSITION

- (a) An order made pursuant to By-law 23-2000, the Property Standards By-law is continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (b) All proceedings taken pursuant to By-law 23-2000, the Property Standards By-law shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (c) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law 23-2000, the Property Standards By-law, the procedure established by this by-law shall be followed so far as it can be adopted.

8.12 VALIDITY

- (a) If any provision or article of this By-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the By-law and the remaining provisions or articles shall remain in effect until repealed.

8.13 EFFECTIVE DATE

- (a) This By-law shall come into force and taken effect on January 1, 2022

8.14 REPEAL

- (a) That By-law 23-2000 being a By-law prescribing Property Standards within the Town of Prescott be repealed as of January 1, 2022.

READ AND PASSED, SIGNED AND SEALED THE XXth DAY OF OCTOBER, 2021.

Mayor

Clerk

**SCHEDULE “A”
TO BY-LAW XX-2021**

Administrative Monetary Penalties

1. For the purposes of this By-Law, Column 2 in the following table lists the provisions in this By-Law identified in the Schedule, or as amended.
2. Column 3 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 2.
4. Column 5 in the following table sets out the Administrative Penalty amount that is payable for the second contravention of the designated provisions listed in Column 2 within twelve (12) months of the first offence.
5. Column 6 in the following table sets out the Administrative Penalty amount that is payable for the third and subsequent contraventions of the designated provisions listed in Column 2 within twelve (12) months of the first offence.
6. Administrative Monetary Policies are administered under by-law xx-2021

Item 1	Designated Provisions 2	Short Form Wording 3	First Offence in a 12-month period 4	Second Offence within 12 months of the first offence 5	Subsequent Offences within 12 months of the first of offence 6
1	8.2	Failing to allow or hindering a by-law officer during a property inspection under this by-law.	\$200.00	\$400.00	\$1,000.00
2	8.3	Failing to comply with a notice or order within the allotted time frame.	\$200.00	\$400.00	\$1,000.00
3	8.6	All costs associated for work completed under this section shall be at cost with an administrative fee for work	\$200.00	\$400.00	\$1,000.00

		carried out as noted in this table.			
4	8.8	Returned payment or rejected transaction process.	\$50.00	\$100.00	\$200.00
5	8.10	Interest shall occur on any fee outstanding after the due date at a rate of 1.25% per month			

DRAFT

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 7 '21
Strategic Plan		

STAFF REPORT TO COUNCIL

Report No. 90-2021

Date: September 20, 2021

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

RE: Leeds Grenville – Housing Solutions for Vulnerable People

Recommendation:

That Council direct staff to send a letter of response to United Counties of Leeds and Grenville's Opportunity to Identify and Propose Properties / Buildings for the development of longer-term housing-based solutions to homelessness post COVID-19, seeking clarification on the issues identified in Staff Report 90-2021.

Background:

On September 8, 2021 the Town of Prescott received correspondence from the United Counties of Leeds and Grenville entitled Social Services Relief Fund Phase Four (SSRF) Phase 4: Opportunity to Identify and Propose Properties and Buildings. The general information on the request is as follows.

"The United Counties of Leeds and Grenville (Leeds Grenville), Community and Social Services Division, as Consolidated Municipal Service Manager, invites proposals from local Municipalities to assist Leeds Grenville in meeting the objective of developing longer-term housing-based solutions to homelessness post-COVID-19.

The United Counties of Leeds and Grenville is providing an opportunity for local Municipalities to identify and propose properties/buildings that could be utilized to provide longer-term housing solutions to homelessness. Proposals submitted will be considered for acquisition by the United Counties of Leeds and Grenville for the development of housing unit(s). Completed projects will be owned and operated by the United Counties and Leeds and Grenville. The Counties will work with partner agencies to explore opportunities for supports for future tenants."

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 7 '21
Strategic Plan		

For a project to be eligible it must meet the following criteria:

- *“Be located within the geographic jurisdiction of the United Counties of Leeds and Grenville.*
- *Be on municipal services (e.g. water, sewer).*
- *Be able to have an Agreement of Purchase and Sale in place, with a closing date no later than March 1, 2022.*
- *Be suitable for the creation of one or more new housing units.*
- *Be suitable to be retro-fitted and/or upgraded to provide longer-term housing solutions.*
- *Commence construction, rehabilitation and/or conversion within ninety (90) days of the date of commitment (with a completion date of March 31, 2023).*
- *Meet the current Ontario Building Code, public health, and other applicable requirements.*
- *Be properly zoned, or able to achieve proper zoning within the given timeframe.*
- *Address local housing/homelessness needs.*

Submissions must clearly demonstrate how the proposed project meets the eligibility requirements set out above. Proposals must include the following information:

1. *A summary highlighting the details of the property/building. The submission should include the location of the property, building type (e.g. number of bedrooms), and any other basic information about the project.*
2. *Confirmation that the project meets the outlined eligibility requirements (use checklist).*
3. *A description of how the completion of the proposed project will address local housing/homelessness needs.*
4. *Proposed purchase price of the property/building.”*

Submissions are due to the United Counties of Leeds and Grenville by September 22, 2021.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 7 '21
Strategic Plan		

Analysis:

Upon review of the program criteria and checklist, there were several prerequisite pieces of information that would aid the decision-making and target property identification process. The pieces of information are as follows:

- Where is the current homeless population within Leeds and Grenville?
- What is the estimated change in the homeless population in Leeds and Grenville over the next 5 years and as far out as 20 years in both size and location?
- What are the supportive services that need to be readily available to support the homeless as they are engaged in solutions?
- Where are the supportive services to help the homeless currently available within Leeds and Grenville?
- Why does the property / building need to be on municipal water and sewer services as it automatically precludes what may be viable opportunities in Leeds and Grenville municipalities that are close to the homeless population and the supportive services they require?
- Are there any vacant properties or housing that are owned by the United Counties of Leeds and Grenville that could be used for this objective?
- What kind of property or building is required to address the stated objective?

Alternatives:

None

Financial Implications:

None



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 7 '21
Strategic Plan		

Environmental Implications:

None

Attachments:

- Housing Solutions for Vulnerable People – SSRF Phase 4 Letter
- Housing Solutions for Vulnerable People – Identification of Local Properties Eligibility Check List

Submitted by:

Matthew Armstrong
Chief Administrative Officer & Treasurer

Housing Solutions for Vulnerable People

Identification of Local Properties Social Services Relief Fund (SSRF) - Phase 4

**Housing Department
Community and Social Services**

INTRODUCTION

General Information

The United Counties of Leeds and Grenville (Leeds Grenville), Community and Social Services Division, as Consolidated Municipal Service Manager, invites proposals from local Municipalities to assist Leeds Grenville in meeting the objective of developing longer-term housing-based solutions to homelessness post-COVID-19.

The United Counties of Leeds and Grenville is providing an opportunity for local Municipalities to identify and propose properties/buildings that could be utilized to provide longer-term housing solutions to homelessness. Proposals submitted will be considered for acquisition by the United Counties of Leeds and Grenville for the development of housing unit(s). Completed projects will be owned and operated by the United Counties and Leeds and Grenville. The Counties will work with partner agencies to explore opportunities for supports for future tenants.

ELIGIBILITY

Eligibility – Projects

Projects submitted for consideration must meet provincial guidelines, and comply with the preferences outlined below.

Submitted projects must:

- Be located within the geographic jurisdiction of the United Counties of Leeds and Grenville.
- Be on municipal services (e.g. water, sewer).
- Be able to have an Agreement of Purchase and Sale in place, with a closing date no later than March 1, 2022.
- Be suitable for the creation of one or more new housing units.
- Be suitable to be retro-fitted and/or upgraded to provide longer-term housing solutions.
- Commence construction, rehabilitation and/or conversion within ninety (90) days of the date of commitment (with a completion date of March 31, 2023).
- Meet the current Ontario Building Code, public health, and other applicable requirements.
- Be properly zoned, or able to achieve proper zoning within the given timeframe.
- Address local housing/homelessness needs.

Project Submission

Submissions must clearly demonstrate how the proposed project meets the eligibility requirements set out above. Proposals must include the following information:

1. A summary highlighting the details of the property/building. The submission should include the location of the property, building type (e.g. number of bedrooms), and any other basic information about the project.
2. Confirmation that the project meets the outlined eligibility requirements (use checklist).
3. A description of how the completion of the proposed project will address local housing/homelessness needs.
4. Proposed purchase price of the property/building.

Submission Location and Deadline

Contact Chris Morrison, Housing Manager, for further information, and to submit the proposed project.

Submissions are due **by September 22, 2021**, and can be submitted via email, fax, or mail.

**The United Counties of Leeds and Grenville
Community and Social Services Reception Desk
Attn: Chris Morrison, Housing Manager**

200-25 Central Avenue West
Brockville, ON K6V 4N6
Fax: 613-342-8908

Email: Chris.Morrison@uclg.on.ca

(Please include the subject line "Submission for Identification of Local Properties")

Housing Solutions for Vulnerable People

Identification of Local Properties



ELIGIBILITY CHECKLIST	YES	NO
Property/building is located within the United Counties of Leeds and Grenville – mandatory .	<input type="checkbox"/>	<input type="checkbox"/>
Property/building is on municipal services (e.g. water, sewer) – mandatory .	<input type="checkbox"/>	<input type="checkbox"/>
Property/building can have an Agreement of Purchase and Sale with a closing date no later than March 1, 2022 – mandatory .	<input type="checkbox"/>	<input type="checkbox"/>
Property/building is properly zoned or able to achieve proper zoning within the given timeframe – mandatory .	<input type="checkbox"/>	<input type="checkbox"/>
Property/building is suitable for the creation of one or more new housing units.	<input type="checkbox"/>	<input type="checkbox"/>
Property/building is suitable to be retro-fitted and/or upgraded to provide longer-term housing solutions.	<input type="checkbox"/>	<input type="checkbox"/>
Construction, rehabilitation and/or conversion can commence within ninety (90) days of the date of commitment (with a completion date of March 31, 2023).	<input type="checkbox"/>	<input type="checkbox"/>
Property/building meets the current Ontario Building Code, public health, and other applicable requirements.	<input type="checkbox"/>	<input type="checkbox"/>
Development of property/building will address local housing/homelessness needs.	<input type="checkbox"/>	<input type="checkbox"/>

SUBMISSION REQUIREMENTS	YES	NO
A summary highlighting the details of the property/building. Summary should include the location of the property, building type (e.g. number of bedrooms), and any other basic information about the project.	<input type="checkbox"/>	<input type="checkbox"/>
A description of how the development of the proposed project will address local housing/homelessness needs.	<input type="checkbox"/>	<input type="checkbox"/>
Proposed purchase price of the property/building.	<input type="checkbox"/>	<input type="checkbox"/>
Eligibility Checklist.	<input type="checkbox"/>	<input type="checkbox"/>



Regular Council September 20, 2021

Moved by:

Seconded by:

WHEREAS routine eye care is critical in early detection of eye diseases like glaucoma, cataracts, and macular degeneration, and the health of eyes is critical to overall health and quality of life; and

WHEREAS Conditions that may be detected with an annual eye exam include Diabetes mellitus, Glaucoma, Cataract, Retinal disease, Amblyopia (lazy eye), Visual field defects (loss of part of the usual field of vision), Corneal disease, Strabismus (crossed eyes) Recurrent uveitis (an inflammation of the uvea, the middle layer of the eye that consists of the iris, ciliary body and choroid), Optic pathway disease; and

WHEREAS payments from OHIP have only increased 9% over the last 30 years, which has not come close to matching inflation of costs (which include rent, staff, utilities, equipment, taxes and supplies); and

WHEREAS the lack of funding makes it difficult to invest in modern technology, and newer technology means earlier detection of eye disease; and

WHEREAS the Provincial government refusal to formally negotiate with Optometrists for more than 30 years has forced the Optometrists to absorb approximately 173 million dollars annually in the cost to deliver eye care to Ontarians; and

WHEREAS the 2021 Ontario Budget did not address OHIP-insured eye care, Ontario Optometrists took action and voted to withdraw OHIP services starting September 1, 2021, unless the government agrees to legally-binding negotiations to fund these services at least to the cost of delivery; and



WHEREAS this job action will jeopardize good eyecare for those who need the care of an optometrist the most and will have the greatest impact on the most vulnerable groups. Children—who’s lifetime ability to learn and develop depends on good vision—to the elderly, who are at the greatest risk for vision-threatening ocular diseases.

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Prescott requests that the Provincial government recognize the value that access to quality eye care brings to all Ontarians and act now to protect it; and
 THAT the Provincial government address the OHIP-insured eye care immediately and enter into legally-binding negotiations with Ontario Optometrists to fund these services at least to the cost of delivery, prior to any job action taking place;

AND THAT a copy of this resolution be forwarded to the Honourable Doug Ford, the Honourable Christine Elliot, Ontario Minister of Health, the Honourable Steve Clark, Member of Provincial Parliament for Leeds-Grenville-Thousand Islands and Rideau Lakes, the Honourable Michael Barrett, Member of Parliament for Leeds-Grenville-Thousand Islands and Rideau Lakes, the Ontario Association of Optometrists, and all Leeds and Grenville municipalities.

		REQUESTED BY:		
		RECORDED VOTE	YES	NO
		Councillor Leanne Burton		
		Councillor Teresa Jansman		
		Councillor Lee McConnell		
CARRIED:		Councillor Mike Ostrander		
TABLED:		Councillor Gauri Shankar		
DEFEATED:		Mayor Brett Todd		
RECORDED VOTE:		Councillor Ray Young		

BRETT TODD, MAYOR	LINDSEY VELTKAMP, CLERK

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 41-2021

**A BY-LAW TO AUTHORIZE AN ALTERNATIVE VOTING METHOD FOR THE 2022
MUNICIPAL ELECTION**

Being a by-law to authorize an alternative voting method for the 2022 Municipal Election

WHEREAS, the Section 42 of *Municipal Elections Act*, S.O. 1996, provides that the council of a local municipality may pass a by-law to authorize an alternative voting method that does not require electors to attend a voting place in order to vote; and

WHEREAS, the Council of the Corporation of the Town of Prescott considers it to be desirable to pass such a by-law;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Prescott enacts as follows:

1. That Council hereby authorizes the use of telephone and internet voting as an alternative voting method for the 2022 Municipal Election and eliminate the use of paper ballots for the 2022 Municipal Election.
2. That the Clerk is hereby authorized to negotiate an agreement for the provision of electronic voting services.
3. That this by-law shall come into force and take effect upon being passed by Council.
4. That should any other existing by-laws, resolutions, or actions of the Corporation of the Town of Prescott be deemed to be inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**READ AND PASSES, SIGNED AND SEALED THE 20th DAY OF
SEPTEMBER 2021.**

Mayor

Clerk



Proclamation September 30 National Truth and Reconciliation Day

WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation; and

WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRRC's Calls to Action; and

WHEREAS all Canadians and all orders of government have a role to play in reconciliation; and

WHEREAS the Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal people, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process; and

WHEREAS the Federal Government has announced September 30, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a statutory holiday; and

THEREFORE BE IT RESOLVED, that the Corporation of the Town of Prescott does hereby commit to recognizing September 30, 2021, as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families, and communities.



Proclamation September 21 World Alzheimer's Day

WHEREAS World Alzheimer's Day takes place annually on September 21st and is a day on which organizations dedicated to fighting Alzheimer's disease and other dementias can raise awareness about this cause; and

WHEREAS people living with dementia in our community are made to feel accepted, and welcomed, throughout the Town of Prescott and that Prescott is an inclusive space for people living with Alzheimer's disease and other dementias, and their care partners and families; and

WHEREAS the Alzheimer Society Lanark Leeds Grenville provides support, education, programs and services to all citizens of Lanark County; and

WHEREAS the well-being of persons living with Alzheimer's disease and other dementias is of value to all in our community and supports our community as a whole.

THEREFORE BE IT RESOLVED, that the Corporation of the Town of Prescott does hereby proclaim September 21, 2021, as "World Alzheimer's Day" in the Town of Prescott.

Dated this 20th day of September 2021.

W. Brett Todd, Mayor

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 42-2021

**A BY-LAW TO ADOPT THE PROCEEDINGS OF THE COUNCIL
MEETING HELD ON SEPTEMBER 20, 2021**

WHEREAS, Section 5(3) of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that Council's powers shall be exercised by by-law; and

WHEREAS certain actions of Council do not require the enactment of a specific by-law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Town of Prescott enacts as follows:

1. Subject to Paragraph 3 of this by-law, the proceedings of the above-referenced Council meeting, including all Resolutions, By-laws, Recommendations, Adoptions of Committee Reports, and all other motions and matters decided in the said Council Meeting are hereby adopted and confirmed, and shall have the same force and effect, as if such proceedings were expressly embodied in this by-law.
2. The Mayor and Clerk are hereby authorized to execute all such documents, and to direct other officials of the Town to take all other action, that may be required to give effect to the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law.
3. Nothing in this by-law has the effect of conferring the status of a by-law upon any of the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
4. Any member of Council who complied with the provisions of Section 5 of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50 respecting the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law shall be deemed to have complied with said provisions in respect of this by-law.

READ AND PASSED, SIGNED AND SEALED THE 20th DAY OF SEPTEMBER, 2021.

Mayor

Clerk