

**CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING
COUNCIL AND COMMITTEE OF THE WHOLE
AGENDA**

March 5, 2024, 6:30 PM

	Pages
1. <u>OPENING AND LAND ACKNOWLEDGEMENT</u>	
2. <u>DECLARATIONS OF PECUNIARY INTEREST</u>	
3. <u>ADDENDUM & AGENDA</u>	
3.1 Approve the Addendum	5
3.2 Adopt the Agenda	7
4. <u>DELEGATIONS & PETITIONS</u>	
5. <u>COMMITTEE OF THE WHOLE</u>	
5.1 General Government Committee	
5.1.1 Municipal Tax rates / Ratios	9
5.1.2 Transparency Policy Update	12
5.1.3 Sale of Land Reserve Policy	18
5.2 Planning Committee	
5.2.1 Short Term Rental Accommodation By-Law	27
5.2.2 Multi-Residential and Mixed Use Building Height Restrictions.	48
5.3 Environmental Services Committee	
5.3.1 Blue Box transition	55
5.3.2 2024 Solid Waste Budget - document to follow	
6. <u>REGULAR MEETING</u>	
6.1 Consent Agenda	57
6.1.1 Adopt Council - Committee of the Whole minutes - February 20, 2024	59
6.1.2 Adopt West Nipissing Economic Development Advisory Committee minutes - January 25, 2024	68
6.1.3 Receive Committee of Adjustment minutes - February 13, 2024	73
6.1.4 Receive Au Chateau Board of Management minutes - January 17, 2024	82
6.2 Correspondence	
6.2.1 Sturgeon Falls Curling Club Sponsor Appreciation Open House - March 24, 2024	89
6.3 New Business	
6.3.1 Resolution Re Blue Box Program during Transition Period July-1-25 - Dec-11-25	90
6.3.2 Amendment to Cemetery By-Law 2012-37 - Fee Increases	92
6.3.3 Appoint Member of Council for Ward 8 to Board of Directors of CCL	99

6.3.4	Facility Rental Fee Waiver Request – Nipissing Kennel Club	103
6.3.5	Facility Rental Fee Waiver Request - Sturgeon Falls Rod and Gun Club	108

7. **NOTICE OF MOTION**

8. **ADDENDUM**

9. **MAYOR'S REPORT AND ANNOUNCEMENTS**

9.1 Mayor's Report

10. **ADJOURNMENT**

10.1	Adopt Confirmatory By-law No. 2024-15	113
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10.2	Adjourn the meeting	116
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LA CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST
RÉUNION DU CONSEIL ET COMITÉ PLÉNIER
ORDRE DU JOUR

le 5 mars 2024, 18 h 30

	Pages
1. <u>OUVERTURE ET RECONNAISSANCE DES TERRES</u>	
2. <u>DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES</u>	
3. <u>ADDENDA et ORDRE DU JOUR</u>	
3.1 Approbation de l'addenda	5
3.2 Adoption de l'ordre du jour	7
4. <u>DÉLÉGATIONS et PÉTITIONS</u>	
5. <u>COMITÉ PLÉNIER</u>	
5.1 Comité de gouvernement général	
5.1.1 Taux d'imposition municipaux / Ratios	9
5.1.2 Mise à jour de la politique de transparence	12
5.1.3 Vente de terres Politique de réserve	18
5.2 Comité de planification	
5.2.1 Règlement sur la location de courte durée	27
5.2.2 Restrictions relatives à la hauteur des bâtiments à usage mixte et multi-résidentiel.	48
5.3 Comité des services environnementaux	
5.3.1 Transition de la boîte bleue	55
5.3.2 Budget 2024 des déchets solides - document à suivre	
6. <u>RÉUNION RÉGULIÈRE</u>	
6.1 Ordre du jour par consentement	57
6.1.1 Adopter le procès-verbal du Conseil - Comité plénier - 20 février 2024	59
6.1.2 Adopter le procès-verbal de la réunion du comité consultatif sur le développement économique de Nipissing Ouest - 25 January 2024	68
6.1.3 Recevoir le procès-verbal du Comité d'ajustement - 13 février 2024	73
6.1.4 Recevoir le procès-verbal du Conseil d'administration d'Au Chateau - 17 janvier 2024	82
6.2 Correspondence	
6.2.1 Journée d'appréciation pour les commanditaires du Club de Curling Sturgeon Falls - le 24 mars, 2024	89
6.3 Affaires nouvelles	
6.3.1 Résolution concernant le programme des boîtes bleues pendant la période de transition du 1er juillet au 25 décembre, 2025	90

6.3.2	Modification du règlement du cimetière	92
6.3.3	Nommer un membre du conseil du quartier 8 au conseil d'administration de CCL	99
6.3.4	Demande d'exonération des frais de location des installations - Nipissing Kennel Club	103
6.3.5	Demande d'exonération des frais de location d'installations - Sturgeon Falls Rod and Gun Club	108
7.	<u>AVIS DE MOTION</u>	
8.	<u>ADDENDA</u>	
9.	<u>RAPPORT DU MAIRE ET ANNONCES</u>	
9.1	Rapport du maire	
10.	<u>AJOURNEMENT</u>	
10.1	Adopter le règlement confirmatif n° 2024-15	113
10.2	Ajourner la réunion	116



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Approve the Addendum

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Addendum for the meeting of Council - Committee of the Whole held on March 5, 2024 be adopted, as presented.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Approbation de l'addenda

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU QUE l'addenda pour la réunion du Conseil - Comité plénier tenue le 5 mars, 2024 soit adopté, tel que présenté

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Adopt the Agenda

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Agenda for the Council - Committee of the Whole meeting held on March 5, 2024 be adopted, as presented.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Adoption de l'ordre du jour

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU QUE l'ordre du jour pour la réunion du Conseil - Comité plénier tenue le 5 mars, 2024 soit adopté, tel que présenté.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**

MEMORANDUM

TO: Jay Barbeau, CAO

FROM: Alisa Craddock CPA, CMA Director of Corporate Services/Treasurer

DATE: February 29, 2024

RE: Tax ratios

Tax ratios determine how municipal taxes impact other classes of property, such as commercial and multi residential classes. The ratios are set by the Municipality but there are limits set by the province.

The status quo tax ratio structure is

Property Class	
Residential	1.000000
New Multi Res	1.000000
Multi-Res	1.960000
Commercial	1.799721
Industrial	1.464117
Large Industrial	6.747749
Pipelines	2.910600
Farm	0.250000
Managed Forest	0.250000
Landfill	1.799721

Provincial ranges of fairness and range of flexibility for tax ratios

Class	Range of Fairness		Range of Flexibility	
	Low	High	Low	High
Residential	1.000000	1.000000	1.000000	1.000000
Multi-Res	1.000000	1.000000	1.000000	1.960000
Commercial	0.600000	1.100000	0.600000	1.799721
Industrial	0.600000	1.100000	0.600000	1.464117
Pipelines	0.600000	0.700000	0.600000	2.910600
Farm	0.010000	0.250000	0.010000	0.250000
Managed Forest	0.250000	0.250000	0.250000	0.250000

Joie de vivre



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The provincial ranges are target ranges. If West Nipissing's ratios are outside of these target ranges, we are limited in proposed changes to tax ratios.

At the current tax ratios, for every \$100,000 of assessment,

Assessment	Tax Class	Tax		Total
		Ratio	Tax Rate	
\$100,000	Residential	1.000000	1.199950	\$1,199.95
\$100,000	Multi Residential	2.000000	2.351902	\$2,351.90
\$100,000	Commercial	1.799721	2.159575	\$2,159.58

The attached scenarios evaluate the impact on residential taxes by changes to commercial and/or multi residential ratios. These changes are based on \$100,000 of assessment. As West Nipissing's assessment base is predominantly residential, changes in ratio produce small variations in residential tax while producing much larger variations in commercial and residential taxes.

Impact of reduction of Commercial ratios

Reduce Commercial by 1%

Assessment	Tax Class	Tax		Total	Change
		Ratio	Tax Rate		
\$100,000	Residential	1.000000	1.201049	\$1,201.05	\$1.10
\$100,000	Multi Residential	2.000000	2.354056	\$2,354.06	\$2.15
\$100,000	Commercial	1.781724	2.139938	\$2,139.94	-\$19.64

Reduce Commercial by 2%

Assessment	Tax Class	Tax		Total	Change
		Ratio	Tax Rate		
\$100,000	Residential	1.000000	1.202150	\$1,202.15	\$2.20
\$100,000	Multi Residential	2.000000	2.356214	\$2,356.21	\$4.31
\$100,000	Commercial	1.763727	2.120264	\$2,120.26	-\$39.31

Impact of reduction of Multi Residential ratio

Reduce Multi Res by 1%

Assessment	Tax Class	Tax		Total	Change
		Ratio	Tax Rate		
\$100,000	Residential	1.000000	1.200355	\$1,200.36	\$0.40
\$100,000	Multi Residential	1.980000	2.329169	\$2,329.17	-\$22.73
\$100,000	Commercial	1.799721	2.160304	\$2,160.30	\$0.73

Reduce Multi Res by 2%

Assessment	Tax Class	Tax		Total	Change
		Ratio	Tax Rate		
\$100,000	Residential	1.000000	1.200761	\$1,200.76	\$0.81
\$100,000	Multi Residential	1.960000	2.306422	\$2,306.42	-\$45.48
\$100,000	Commercial	1.799721	2.161035	\$2,161.03	\$1.46

Impact of reduction of Commercial and Multi Residential ratios**Reduce Multi Res and Commercial by 1%**

Assessment	Tax Class	Tax		Total	Change
		Ratio	Tax Rate		
\$100,000	Residential	1.000000	1.201455	\$1,201.46	\$1.50
\$100,000	Multi Residential	1.980000	2.331303	\$2,331.30	-\$20.60
\$100,000	Commercial	1.781724	2.140661	\$2,140.66	-\$18.91

Reduce Multi Res and Commercial by 2%

Assessment	Tax Class	Tax		Total	Change
		Ratio	Tax Rate		
\$100,000	Residential	1.000000	1.202964	\$1,202.96	\$3.01
\$100,000	Multi Residential	1.960000	2.310653	\$2,310.65	-\$41.25
\$100,000	Commercial	1.763727	2.121700	\$2,121.70	-\$37.88

From: [West Nipissing Online](#)
To: [Jay Barbeau](#)
Subject: Agenda Item Request: Financial Matters - Disbursement Sheets (monthly):
Date: January 15, 2024 11:03:24 AM

Requested Council Meeting Date

01/15/2024

Name of Councillor/Requestor

Anne Tessier

Phone

██████████

Your email address

atessier@westnipissing.ca

Requested Agenda Item

Financial Matters - Disbursement Sheets (monthly)

Description · Details · Background Information

The previous council received the Disbursement Sheet document on a monthly basis as per By-Law 2019/55 Schedule "A" section 4.2 Financial Matters.

In addition to this By-law, does a policy exist?

Why has the council stopped receiving these disbursement sheets monthly?

References:

The Municipal Act 2001 section 224 Role of Council - <https://www.ontario.ca/laws/statute/01m25#BK283>

By-Law 2019/55 Schedule "A" being a by-law of the Municipality of West Nipissing to adopt an accountability and transparency policy for the Corporation of the Municipality of West Nipissing.

Thank you/Merci

File Upload

- [2019-55-Adopt-Accountability-Transparency-Policy-_-Jun-18-20192.pdf](#)
- [2019-55-Adopt-Accountability-Transparency-Policy-_-Jun-18-201921.pdf](#)

MEMORANDUM

TO: Jay Barbeau CAO

FROM: Alisa Craddock CPA, CMA

DATE: February 29, 2024

RE: Updates to Accountability and Transparency Policy

As discussed at the February 6, 2024 meeting, the Accountability and Transparency Policy was being updated to remove the reference to monthly disbursement sheets. However, Council also wanted to ensure that there was a mechanism for Council to obtain information, from time to time, that would assist Council in satisfying its legislated requirements to ensure accountability and transparency and to maintain financial integrity.

Section 4.2 has been updated with the following

- Removal of disbursement sheet (monthly)
- Renaming of Interim reports to Council to Ad hoc reports to Council, as required
- Addition of Budget and Financial Control policy
- Addition of Capital Expenditure Control policy

Council already has the mechanisms to request staff reports. Members of Council can submit items through an agenda request form. Council can direct staff, by resolution, on reports that it would like to receive at Council. Less formal processes can include communication through the Mayor and CAO.

Joie de vivre



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THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING
LA CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

BY-LAW 2019/55

**BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING
TO ADOPT AN ACCOUNTABILITY AND TRANSPARENCY POLICY FOR THE
CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS Section 270(1) of the *Municipal Act*, 2001 requires that a municipality shall adopt and maintain a policy with respect to the manner which the municipality will try to ensure that its actions are transparent and accountable to the public;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Municipality of West Nipissing enacts as follows:

1. That Council adopt the Accountability and Transparency Policy identified as Schedule "A" attached hereto and forming part of this By-Law; and
2. This By-law shall come into force and effect on the date it is passed.

ENACTED AND PASSED THIS 18th DAY OF JUNE, 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK

SCHEDULE 'A' TO BY-LAW 2019/55

1. PURPOSE/APPLICATION

The Municipal Act, 2001 (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.

2. DEFINITION(S)

- (i) **Accountability** – The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- (ii) **Transparency** – The principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. Additionally, transparency means that the municipality's decision-making process is open and clear to the public.

3. POLICY STATEMENT

- 3.1 The Council of the Municipality of West Nipissing acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner, guided by the following principles:
- (a) Decision making will be open and transparent
 - (b) Municipal operations will be conducted in an ethical and accountable manner
 - (c) Financial resources and physical infrastructure will be managed in an efficient and effective manner
 - (d) Municipal information will be accessible in accordance to legislative requirements
 - (e) Enquiries, concerns and complaints will be responded to in a timely manner
 - (f) Financial oversight, service standards and performance reporting, and all other accountability documents will be made available and accessible to increase the opportunity for the public scrutiny and involvement in municipal operations.
- 3.2 Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the municipality will engage its stakeholders throughout its decision-making process which will be open, visible and transparent to the public.

4. POLICY REQUIREMENTS

The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the municipality. Policies, procedures and practices have been divided in the following categories:

4.1 Legislated Requirements:

The Municipality of West Nipissing is accountable and transparent to taxpayers by fulfilling various legislated responsibilities and disclosure of information. The following are provincial statutes which govern how the Municipality conducts its business in a public, accountable and transparent manner:

- (a) Municipal Act, 2001
- (b) Municipal Conflict of Interest Act
- (c) Municipal Freedom of Information and Protection of Privacy Act
- (d) Occupational Health and Safety Act;
- (e) Public Sector Salary Disclosure Act

4.2 Financial Matters

The municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the municipality provides such accountability and transparency are as follows:

1. external audit
2. year end audited financial statements posted on web site
3. ~~Interim reports to council~~
3. Ad hoc financial reports to Council, as required
4. asset management and capitalization policy
5. procurement/purchasing policy
6. signing authority policy
7. records retention
8. sale of real property policy
9. budget process
10. capital acquisition policy
11. Budget and Financial Control policy
12. Capital Expenditure Control policy
11. ~~disbursement sheet (monthly)~~

4.3 Internal Governance

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

1. Council-Staff Relations By-Law
2. Workplace Violence and Harassment Policy
3. Hiring Policy
4. West Nipissing Policy Manual
5. Health and Safety Policy
6. Signing Authority By-Law
7. Employee Code of Ethics
8. Strategic Plan

4.4 Public Participation and Information Sharing

The municipality ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

1. Procedural By-law -
2. Code of Conduct for Councillors By-Law
3. Records Retention Policy
4. Public Notice By-Law
5. Election Policy and Procedures By-Law
6. By-Law for the use of Corporate resources for election purposes
7. Minutes and Agendas posted on website
8. Year end financial statements and performance measures posted on the website
9. Social Media Policy
10. Bilingualism Policy

5. **RESPONSIBILITIES**

Council and Staff of the Municipality of West Nipissing are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and transparency of municipal operations.

6. **MONITORING/CONTRAVENTIONS**

The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the CAO shall notify:

1. In the case of staff, the Department Head responsible;
2. In the case of a closed meeting, the Ombudsman for the Province of Ontario;

3. In the case of Council, the Integrity Commissioner

MEMORANDUM

TO: Mayor and Council

FROM: Melanie Ducharme, Clerk

DATE: March 5, 2024

RE: **SALE OF LAND POLICY UPDATE – ESTABLISH RESERVE FUND**

Please see attached proposed amendments to By-Law No. 2021/18, being the municipality's policy for the disposition of municipally owned property. A new paragraph 13 is being proposed to establish a reserve fund for the proceeds of land sales and to direct how such funds shall be utilized.

As a housekeeping item, paragraph 3.1.6 is being proposed to be deleted from the by-law as it is the municipality's practice to obtain appraisals for "lot addition" lands which are being added to existing properties regardless of size or access.

Should council be agreeable to the proposed amendments, an amendment to the By-Law can be brought to the next meeting of Council for adoption.

Thank you.

Joie de vivre



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BY-LAW 2024/XX

BEING A BY-LAW TO AMEND BY-LAW 2021/18, TO ESTABLISH A PROCEDURE FOR THE SALE AND DISPOSITION OF LAND OWNED BY THE MUNICIPALITY OF WEST NIPISSING

WHEREAS Council deems it expedient to amend By-Law 2021/18 to establish a reserve fund for the proceeds of sale of municipal lands;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

1. That paragraph 3.1.6 be deleted.
2. That a new section 13 be added as follows:

1. PROCEEDS OF SALE OF MUNICIPALLY OWNED LANDS

- 1.1. The Proceeds of Sale of Lands Reserve fund (the "Fund") shall be established to receive and hold proceeds of the sale of any parcel of municipally owned lands owned lands.
- 1.2. Proceeds of sales of those lands which are exempted in paragraph 3 hereof, shall not be subject to the provisions of this paragraph;
- 1.3. Sale of any lands previously dedicated to the municipality for parkland under the provisions of the Planning Act shall be credited to the previously established Parkland Reserve Fund.
- 1.4. For all other sales of municipally owned surplus lands, including roads/street and lane closings and sale of lands for which a Notice of Vesting has been registered, all net proceeds shall be credited to the Fund.
- 1.5. Balances in the Fund will be set aside for land transfer projects or issues to be recommended to or by Council during the annual budget process, or other times throughout the year, and may include, but not be limited to appraisals, studies, investigations or other discovery type work in connection with prospective purchases, sales or re-development of land by the municipality, purchases of lands or any other real property related project as determined by Council.
- 1.6. Due to its nature, there is no target balance for this Fund.
- 1.7. At any time, acting in the best interests of the municipality, Council may direct that some or all balances in the Fund be transferred to other reserve funds, or used for other purposes, provided that the transfer or use of tax sourced funding is appropriate in the circumstances.

3. **THAT** this by-law shall take effect on the date it is enacted.

ENACTED AND PASSED THIS DAY OF 2024, AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS OFFICERS.

KATHLEEN THORNE-ROCHON,
MAYOR

MELANIE DUCHARME,
CLERK



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2021/18
AMENDED BY 2024-xx

**BEING A BY-LAW TO
ESTABLISH A PROCEDURE FOR THE SALE AND DISPOSITION OF LAND
OWNED BY THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS section 270(1) of the *Municipal Act, 2001* as amended requires a municipality to adopt and maintain policies regarding the sale and other disposition of land;

AND WHEREAS section 9 of the *Municipal Act, 2001* states that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS section 106 of the *Municipal Act, 2001* states that a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprises through the granting of bonuses for that purpose;

AND WHEREAS the Council of the Corporation of the Municipality of West Nipissing deems it expedient to enact a policy for the sale and disposition of land by the corporation;

NOW THEREFORE BE IT RESOLVED THAT Council of the Corporation of Municipality of West Nipissing enacts as follows:

1. **THAT** Schedule "A - Policy Governing the Sale and other Disposition of Land" annexed hereto shall form part of this by-law.
2. **THAT** this by-law shall repeal By-Law **2015/57**, as amended.
3. **THAT** this by-law and attached policy shall take effect on the date it is passed.

ENACTED AND PASSED THIS 16th DAY OF MARCH 2021 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

MAYOR

CLERK



SCHEDULE "A"

POLICY GOVERNING THE SALE AND OTHER DISPOSITION OF LAND

1. PURPOSE OF POLICY

- 1.1. This policy is intended to govern the sale and disposal of property by the Corporation of the Municipality of West Nipissing. Property disposal may be initiated in response to inquiries from the public or as a result of internal municipal actions.
- 1.2. It is also intended to ensure the disposal of surplus land in an open and transparent process and that it is done in a fair, reasonable and in the best interest of the Municipality.

2. DEFINITIONS

- 2.1. "Act" means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended from time to time;
- 2.2. "Appraisal" means a written opinion or letter of opinion as to the consideration that the land or property might be expected to realize if sold on the open market by a willing seller to a willing buyer;
- 2.3. "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Corporation of the Municipality of West Nipissing;
- 2.4. "Clerk" means the Clerk of the Corporation of the Municipality of West Nipissing;
- 2.5. "Council" means the Council of the Corporation of the Municipality of West Nipissing;
- 2.6. "Disposal" means the sale, transfer or conveyance of land, exchange for other lands, or the lease of land for a term exceeding 21 years, of any portion of the municipality's surplus land but does not include the granting of an easement or a right-of-way. It does not include a quit claim deed made by the Municipality for the purpose of correcting or clarifying titles or boundaries of its land or of land not owned by the ;
- 2.7. "Local board" means a local board defined in the *Municipal Act, 2001*, as amended;
- 2.8. "Land" or "Property" means lands and premises or any proprietary interest in land which is owned or held by the Municipality in fee simple or otherwise, including, without limiting the generality of the foregoing, all easements, rights-of-way and leasehold interests of the Municipality, and lands owned under an agreement of purchase and sale. For greater certainty and not to restrict the generality of the foregoing definition, land includes those lands of the Municipality which are parks, parking lots, open space, buildings and lands laid out or intended to be laid out as highways, (including forced roads to which the municipality may or may not have title), streets, laneways and any thoroughfare over which the public has now or has in the past, had right of passage;
- 2.9. "Municipality" means the Corporation of the Municipality of West Nipissing;

3. EXEMPTIONS

- 3.1 This policy does not apply to the following classes of property disposal:
 - 3.1.1. Disposals of land pursuant to section 110 of the *Municipal Act, 2001*, as amended (municipal capital facilities);
 - 3.1.2. Disposals as part of a municipal tax sale pursuant to Part XI of the *Municipal Act, 2001*, as amended (sale of land for tax arrears);
 - 3.1.3. Disposals conducted pursuant to a *Planning Act* application or approval, which disposal is governed by a consent agreement, subdivision agreement, or site plan agreement, land 0.3

By-Law 2021/18*Disposition (Sale) of Land owned by the Municipality*

meters or less in width acquired in connection with an approval or decision under the *Planning Act*;

3.1.4. Disposals to the Crown in the Right of Ontario or Canada, or any government agency or authority;

3.1.5. Disposals of an easement to a public utility;

~~**3.1.6.** Land that does not have direct road access or the size of said land does not allow for the construction of a building respecting the Zoning By-law or the Building Code, if sold to the owner abutting said land.~~

Amendment 2024/

4. SALE OF LAND PROCEDURES

4.1. The Municipality may dispose of property at its own initiative or upon the receipt of a written request from an applicant.

4.2. A written request from an applicant shall be submitted to the Clerk.

4.3. Upon receipt of a written request, the Clerk will circulate the land disposal direction or request to :

- a) the CAO,
- b) the Director of Community Services,
- c) the Manager of Public Works,
- d) the Manager of Water & Waste Water, and
- e) such further municipal staff or department, as may be deemed appropriate

to obtain their comments on whether the property may be considered surplus to the Municipality's need and/or any other issues which would need to be addressed prior to or in conjunction with the potential land disposal.

4.4. Following a circulation, the Clerk shall prepare a report to Council based on the comments received, including a recommendation as to whether or not the lands should be considered surplus and identification of any other issues.

5. PROCEDURES AND ADMINISTRATION

5.1. Unless an exemption is provided in this by-law, before the disposal of any land, Council shall:

5.1.1. Declare the land to be surplus to the needs of the Municipality by a resolution passed at a meeting open to the public;

5.1.2. Value the land in accordance with Section 6 of this by-law, and;

5.1.3. Give notice to the public in accordance with Section 7 of this by-law.

5.2. The passage of a resolution declaring the land to be surplus does not obligate the Municipality to dispose of such lands and such a declaration may be rescinded by resolution at any time prior to the completion of the disposal.

6. APPRAISAL

6.1. Where land needs to be valued, the Clerk shall obtain at least one appraisal or opinion of value, as the Clerk Deems appropriate, from a qualified appraiser who does not have an interest in the disposal or purchase of the land.

6.2. Notwithstanding the foregoing, the following classes of land are exempt from the requirement to obtain an appraisal prior to the disposal:

6.2.1. Closed highways if sold to an owner of land abutting the closed highways and the size of said highways does not allow the construction of a building respecting the zoning by-law and the Building Code;

6.2.2. Land formerly used for railway lines if sold to an owner of land abutting the former railway land;

By-Law 2021/18*Disposition (Sale) of Land owned by the Municipality*

- 6.2.3. Land sold or transferred to another municipality;
- 6.2.4. Land sold or transferred to the Crown in right of Ontario or Canada or their agents;
- 6.2.5. Land sold or transferred to a local board including a school board or conservation authority;
- 6.2.6. Land repurchased by an owner in accordance with section 42 of the *Expropriation Act* as amended;
- 6.2.7. Easement granted to public utilities or to telephone companies.

7. NOTICE

- 7.1. Subject to Section 7.4, before disposing of any land, the Clerk shall publish a notice of the intended disposal in a local newspaper to give the public reasonable notice of Council's intention and by posting notice on the Municipality's Website.
- 7.2. This notice shall be given at least fourteen (14) days prior to the meeting where this matter will be discussed:
 - 7.2.1. It shall include the legal description of the land, municipal address and/or location map which the Clerk deems sufficient to identify the lands;
 - 7.2.2. The notice shall specify that anyone wishing to comment on the proposed disposal may do so by delivering such comment in writing to the Clerk;
 - 7.2.3. The final date for submitting such comments shall be specified in the notice. All comments shall be submitted to Council;
 - 7.2.4. The date on which the resolution declaring the land to be surplus was or will be passed;
 - 7.2.5. The notice shall further have the following statement: "The Municipality reserves the right to reject any or all tenders received and the highest or any tender will not necessarily be accepted".
- 7.3. Notwithstanding Sections 3 and 7.4, Council may direct the Clerk to give notice of publication where it is deemed in the public interest to do so.
- 7.4. Where land proposed to be disposed of falls within one of the categories listed in Section 6.2; notice to the public is not required.

8. COSTS

The Municipality will require the purchaser to be solely responsible for all costs incurred by the Municipality to dispose of any property, which costs may include the following:

- a) legal survey, if required;
- b) appraisal or opinion of value, as the case may be;
- c) removal/discharge of encumbrances,
- d) advertising,
- e) improvements; and
- f) administration fees if applicable.

9. METHODS OF DISPOSAL

Land may be disposed by public tenders, public proposals, by listing with a real estate agent or agency or in such other appropriate manner as may be determined by Council.

9.1. Disposal by public tenders :

If the land is to be disposed of by public tender, the request for tenders shall be published in accordance with Section 7. In addition, the notice may also be published in an electronic tendering site or in a newspaper of a larger circulation if, in the Clerk's opinion, the land to be disposed of is in a strategic location or of a great interest.

- 9.1.1. The notice shall, in addition, state the minimum bid requested which shall not be less than the appraised value plus any additional costs that have been prior determined by Council, if

applicable;

- 9.1.2. The delay for the closing of tenders shall not be less than 21 days from the day the notice is published;
- 9.1.3. Tenders shall be accompanied by a deposit of 10% in the form of a certified cheque or bank draft;
- 9.1.4. Tenders shall be submitted on the prescribed form;
- 9.1.5. Tenders shall be delivered in a sealed envelope to the Clerk's office by the date and time specified on the notice and they shall be opened in public at the time prescribed on the notice.

9.2. **Disposal by public proposals :**

- 9.2.1. If the land to be disposed of is, in the opinion of Council, suitable for development, it shall be disposed of by public proposals. The request for proposals (RFP) shall be published in accordance with section 7 and also in an electronic tendering site. It may further be published in a newspaper of a larger circulation if, in the Clerk's opinion, the development potential is important;
- 9.2.2. An RFP document enumerating the conditions and minimum criteria shall be drafted. The Clerk may be authorized by Council to seek the assistance of any professionals to draft the RFP document. Because proposals are evaluated on an overall project, not only on the price, the assessment method and review committee shall be clearly identified in the RFP document;
- 9.2.3. The RFP document may or not establish a minimum bid which shall be determined in advance by Council. The Council may determine a value less than the appraised value if past experiences have proven that the appraised value has not been successful;
- 9.2.4. Proposals shall be accompanied by a bid bond issued by a Canadian Surety Company of 10% of the proposed bid or a certified cheque or bank draft;
- 9.2.5. Proposals shall be submitted on the prescribed form;
- 9.2.6. Proposals shall be delivered in a sealed envelope to the Clerk's office by the date and time specified on the notice. Proposals may, in the discretion of the Clerk, be opened in public at the time prescribed on the notice, however, only the name of proponent will be given publicly, the content of the proposals shall remain confidential until the proposal has been reviewed and a formal agreement is concluded.
- 9.2.7. Proposals shall be assessed in accordance with the criteria set out in the RFP by the Clerk, together with such other member(s) of staff as may be deemed appropriate, including, but not limited to, the CAO, Director of Corporate Services or the Director of Community Services.

9.3. **Disposal by listing with a real estate agent or agency:**

Should Council determine to engage a real estate agent or agency to dispose of the land, the following shall apply:

- 9.3.1. Costs incurred or anticipated to dispose of the land such as legal fees, commissions, survey fees, valuation fees, encumbrances, advertising and improvements shall be determined;
- 9.3.2. A listing price shall be determined which shall not be less than the appraised value plus the additional costs referred to in section 9.3.1 above;
- 9.3.3. The Clerk shall be authorized to sign the listing agreement;
- 9.3.4. The offers shall be submitted to the Clerk on a standard offer to purchase form or document drafted by a lawyer;
- 9.3.5. All offers shall be submitted by the Clerk to Council for approval of the sale price.

10. **DISPOSAL OF INDUSTRIAL LAND**

- 10.1. Industrial land owned by the Municipality may be disposed of by direct negotiation in the following situations only:

By-Law 2021/18*Disposition (Sale) of Land owned by the Municipality*

- 10.1.1.** If the land to be disposed of is for the purpose of the construction thereon of a building or structure for a detached industrial building;
 - 10.1.2.** If the land to be disposed of is for the purpose of the extension or enlargement of an existing industrial building or structure erected or to be erected upon land of the purchaser abutting the land;
 - 10.1.3.** If the land to be disposed of is for the purpose of a use ancillary to a building or structure erected or to be erected upon land of the purchaser abutting the land.
- 10.2.** The sale price shall be not less than the appraised value of the land plus any additional costs that have been determined by Council, if applicable.
 - 10.3.** The notice requirements for any of the situations enumerated in 10.1 are withheld.
 - 10.4.** Before the disposal transaction is finalized, an agreement shall be negotiated pertaining among other things to the delay of completion of the agreed upon construction.
 - 10.5.** The Municipality shall have the right to reconvey the land if the agreement is not respected by the purchaser. The reconvey price shall be 90% of the original purchase price and all legal fees shall be born by the purchaser.
 - 10.6.** The purchaser shall not within 10 years have the right to dispose of the land in full or in part without first obtaining the consent of the Municipality. The Municipality may give its consent or may require the purchaser to reconvey the land as per subsection 10.5.

11. TERMS OF DISPOSITION

- 11.1.** Upon approval or acceptance of the terms and conditions of a disposal by Council, the agreement of purchase and sale and any ancillary documents shall be prepared in consultation with the Municipality's solicitor, as required.
- 11.2.** Prior to completion of the disposal of lands, Council shall adopt a by-law that includes the following information:
 - 11.2.1.** Date of the resolution declaring the land surplus;
 - 11.2.2.** The final sale price;
 - 11.2.3.** The purchaser's name;
 - 11.2.4.** Authorization for the mayor and the Clerk to take all actions and execute all documentation required to finalize the disposal.

12. DISPOSAL OF STREETS, LANEWAYS OR PUBLIC THOROUGHFARES

- 12.1.** The following outlines the closing and subsequent sale of streets, laneways or public thoroughfares, regardless of whether such street, laneway or public thoroughfare is open to the public, in the Municipality:
 - 12.1.1.** A property owner who wishes to have the Municipality close a street, laneway, public thoroughfare or any portion thereof must make a request to the Clerk's office;
 - 12.1.2.** The applicant must obtain the signatures of all property owners whose lands abut the portion of the street, laneway or public thoroughfare to be closed. These owners also must indicate whether they wish to have a portion of the street, lane or public thoroughfare conveyed to them;
 - 12.1.3.** The applicant or any person to whom the street, laneway or public thoroughfare will be conveyed, will provide written agreement to be responsible for the costs or such pro-rata share thereof set out in paragraph 8;
 - 12.1.4.** Once the Clerk has received the signatures of the applicant and abutting landowners, the Clerk's office will circulate the information to those departments set out in 4.3, above, and any outside agencies that, in the discretion of the Clerk, may have an interest in the matter for their comments

By-Law 2021/18*Disposition (Sale) of Land owned by the Municipality*

- 12.1.5.** The Clerk shall prepare a report with a recommendation to be provided to Council for its consideration;
- 12.1.6.** If Council approves the proposed closing, the Clerk's office then posts a notice in the local newspaper stating the Municipality's intention to close the lane or street or any portion thereof;
- 12.1.7.** If no objections to the street or lane closing are received, the municipality shall obtain a reference plan of survey of the land prepared by an Ontario Land Surveyor.
- 12.1.8.** Once the plan has been prepared and deposited in the Land Registry Office a by-law will be placed on Council's agenda for enactment. The By-Law shall be registered in the Land Registry Office as is required by the Act;
- 12.1.9.** The Clerk's office will prepare the appropriate deeds and will carry out the exchange of such documentation and may be required with the solicitors of the benefitting owners;
- 12.1.10.** The Municipality may retain or grant easements for present or future use by utility companies. This may restrict the improvements undertaken by property owners on the easement portion of the property;
- 12.1.11.** Notwithstanding the provisions of this Section 12, if a commercial use proposes to expand its operation and to do so it requires the entire portion of an abutting street, lane or public thoroughfare, Council may agree to convey the entire street, lane or public thoroughfare to the commercial establishment, without offering any portion of the property to an abutting property owner or property owners.

13. PROCEEDS OF SALE OF MUNICIPALLY OWNED LANDS

Amendment 2024/

- 13.1.** The Proceeds of Sale of Lands Reserve fund (the "Fund") shall be established to receive and hold proceeds of the sale of any parcel of municipally owned lands owned lands.
- 13.2.** Proceeds of sales of those lands which are exempted in paragraph 3 hereof, shall not be subject to the provisions of this paragraph;
- 13.3.** Sale of any lands previously dedicated to the municipality for parkland under the provisions of the Planning Act shall be credited to the previously established Parkland Reserve Fund.
- 13.4.** For all other sales of municipally owned surplus lands, including roads/street and lane closings and sale of lands for which a Notice of Vesting has been registered, all net proceeds shall be credited to the Fund.
- 13.5.** Balances in the Fund will be set aside for land transfer projects or issues to be recommended to or by Council during the annual budget process, or other times throughout the year, and may include, but not be limited to appraisals, studies, investigations or other discovery type work in connection with prospective purchases, sales or re-development of land by the municipality, purchases of lands or any other real property related project as determined by Council.
- 13.6.** Due to its nature, there is no target balance for this Fund.
- 13.7.** At any time, acting in the best interests of the municipality, Council may direct that some or all balances in the Fund be transferred to other reserve funds, or used for other purposes, provided that the transfer or use of tax sourced funding is appropriate in the circumstances.

14. ERRORS OR OMISSIONS

- 14.1.** It is acknowledged that any error or omission in following the procedures and policies, which error or omission was not the result of bad faith on behalf of the Municipality will not render such disposal invalid or void.



STAFF REPORT

To: Jean-Pierre Barbeau
From: Melanie Ducharme, Clerk/Planner
Department: Planning & Building
Subject: Follow-up Report - Proposed Regulations for Short-Term Rental Accommodations
Date: February 29, 2024

BACKGROUND:

On December 5 2023, Council was briefed on the recent public consultation regarding the proposed Short-Term Rental Accommodation By-Law. In the course of the discussion a number of issues were raised which will require council's consideration and direction prior to moving forward to finalizing the document. At the meeting of January, 16, 2023 it was agreed that an ad hoc committee be struck to review the proposed amendments. The Ad Hoc Committee, consisting of the Mayor, Councillors Tessier and Nicol, the Fire Chief, the Director of Community Services and Economic Development, met on February 15, 2024 to review and discuss the following proposed amendments to the By-Law.

SUMMARY OF AMENDMENTS

- **Camping Trailer Prohibition:**
 - A new provision was created expressly forbidding camping trailers to be used as Short-Term Rental Accommodations unless located within a commercially zoned tourist camping park or establishment where the use is permitted;
 - *Notes: This provision came about as a result of discussions with By-Law Enforcement relating to occupancy limits along with public safety concerns.*

- **Occupancy Limit:**
 - Occupancy Limits have been adjusted to account for different sized dwellings with a limit of two (2) occupants per bedroom and an additional two (2) persons permitted on a sofa-bed/day bed or similar accommodation in a living room or other area not designated a bedroom.
 - *Notes: This item also arose as result of occupancy limits being dependent on the number of bedrooms plus one (1) pullout sofa or day/bed in a living-room area. The limit was set at two persons per bedroom presuming that the septic system is designed for the number of bedrooms in the application.*

- **Classes of License**
 - Class A License – *Principal Dwelling Short Term Rental*
 - Permitted in all zones which permit residential dwellings
 - Must be owner's Principal Dwelling;
 - Class B License – *Non-Principal Dwelling Short Term Rental*

- Permitted in all zones which permit residential dwellings
 - Maximum of One Hundred (100) Class B licenses available municipality-wide;
 - No more than one (1) Class B License may be issued within a one (1) kilometer of another Class B License;
 - *Notes: The new provisions for Class B are intended not only to limit the overall numbers of STRA's in West Nipissing, but also to ensure that there are no "clusters" in one specific area which could result in disruption to the neighbours and affect the overall nature of the specific area including use and enjoyment by residents.*
- **Permitted number of Licenses per owner**
 - An individual or corporation owned or controlled by him or her may own one (1) Class A License and One (1) Class B license;
 - *Notes: Members of the Committee agreed that Class B licenses would be limited to one (1) per owner/corporation.*
- **Inspections**
 - The Chief Building Official, Fire Chief and by-Law Enforcement Officer have met to create an Inspection Checklist Schedule which is attached to the By-Law as Schedule E. The Items which will be inspected are clearly detailed.
 - *Notes The Building Official, Fire Chief and By-Law Officers created an Inspection Checklist which will specify the parameters to be inspected on any STRA.*
- **Demerits**
 - Section 4.3.3 has been expanded to include provisions that fines will be levied in addition to demerit points;
- **Appeals**
 - Appeals for non-issuance of licenses has been delegated to the West Nipissing Property Standards Committee for hearing. Committee's decision will be final and binding.
- **Fees**
 - Further discussion regarding the administration of the by-law has resulted in the Committee's recommendation that the Licensing and Renewal fees be increased as follows:

▪ <i>Initial Licensing Fees (Both Classes)</i>	<i>\$750.00</i>
▪ <i>Annual Renewal</i>	<i>\$250.00</i>
- **Code of Conduct**
 - The By-Law provides that every Owner shall provide every guest with a Code of Conduct. The Code of Conduct is appended as Schedule "D" to the By-Law;
 - *The code of Conduct is required to be provided to every renter along with copies of other relevant municipal by-laws, noise, etc.*

- **Set Fines**

- Proposed set fines for offences under the By-Law have been deliberately set high so as to create a dis-incentive to operate without licensing. Fines are cumulative and are in addition to demerit points;

CONCLUSION

No two Short Term Rental Accommodation By-laws are the same. Every municipality dealing with short term rental accommodations has different reasons for adopting them and objective outcomes in so doing. In West Nipissing, the primary concern is ensuring the continued use and enjoyment of permanent residents of their homes and also ensuring that STRA's do not negatively impact the housing market or the environment. It is hoped that the foregoing changes will address the concerns raised at the prior meeting and, if acceptable, the by-law, in final form will be brought for adoption in early April in order to give staff sufficient time to finalize the internal administrative processes and prepare a communications strategy.

BY-LAW 2024/___**BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING
TO LICENSE, REGULATE AND GOVERN SHORT TERM RENTAL
ACCOMMODATIONS IN THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS the Council of The Corporation of the Municipality of West Nipissing deems it desirable to license, regulate and govern short-term rentals as defined in this By-law for the purpose of protecting long-term housing availability, the health and safety of the persons residing in rental premises and the natural environment by ensuring that regulations are met and that the required amenities such as heat, sanitary and water services are provided, and to ensure that the rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the amenity, character and stability of the area;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting business licensing;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 151 of the *Municipal Act, 2001* provides that a municipality may provide for a system of licenses with respect to a business and may prohibit the carrying on or engaging in the business without a license; refuse to grant a license or to revoke or suspend a license; impose conditions as a requirement of obtaining, continuing to hold or renewing a license; impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license; and license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Section 436 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or license;

AND WHEREAS Section 444 of the *Municipal Act, 2001* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- a) for services and activities provided or done by or on behalf of it; and
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

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

PART 1 – INTERPRETATION AND APPLICATION

1.1 Short Title

1.1.1 This By-law may be referred to as "The Short-Term Rental By-law".



1.2 Application

- 1.2.1 This By-law shall apply to all buildings within the geographic limits of the Municipality of West Nipissing for the purposes of the business or occupation of providing short-term rentals.
- 1.2.2 Notwithstanding section 1.2.1 the requirements of this By-law do not apply to camping establishments, hotels, motels, hostels, boarding, lodging or rooming house or group home.

1.3 Reference Aids

- 1.3.1 The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

1.4 Severability

- 1.4.1 If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.5 Compliance with Legislation

- 1.5.1 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the Municipality of West Nipissing and, without limiting the generality of the foregoing, this includes the *Municipal Act, 2001*.

1.6 Conflict

- 1.6.1 If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

1.7 Schedules

- 1.7.1 The Schedules referred to in this By-law form an integral part of this By-law.

1.8 Delegation

- 1.8.1 The administration of this By-law is hereby delegated to the Chief Building Official and the By-Law Enforcement Officer or their designate.

1.9 Definitions

- 1.9.1 Definitions in the *Building Code Act, 1992*, S. O. 1992, c.23 and the Building Code, O.Reg.332/12 shall apply with respect to matters pertaining to buildings unless otherwise defined in this By-law. In addition, the following definitions shall apply in this By-law.

“Agent” means a person duly appointed by an owner or the Municipality of West Nipissing to act on their behalf, who shall be at least 18 years of age.

“Applicant” means the person applying for a license or renewal of a license under this By-law.

“Bed and Breakfast” means a bed and breakfast as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“Boarding, Lodging or Rooming House” means a boarding, lodging or rooming house as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“Chief Building Official” means the chief building official appointed by Council under section 3 of the *Building Code Act, 1992*, or their designate.

“Corporation” means a body incorporated pursuant to the *Business Corporations Act*, R.S.O.



1990 c. B.16, or the *Corporations Act*, R.S.O. 1990, c 38.

“Dedicated Responsible Person” means the owner or agent assigned by the owner or licensee of the short-term rental, who shall be at least 18 years of age, to ensure the short-term rental is operated in accordance with the provisions of this By-law, the license and applicable laws.

“Dwelling” means dwelling as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“Dwelling Unit” means dwelling unit as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“Entire Unit Rental” means a short-term rental in which the renter occupies an entire dwelling unit.

“Group Home” means a group home type 2 as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“Guest Room” means a room within a dwelling, offered for short-term rental intended primarily for overnight occupation.

“Guest” means a consumer of short-term rental services.

“Hotel” means a hotel as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“License” means the license issued under this By-law as proof of licensing under this By-law.

“Licensee” means a person who holds a license or is required to hold a license under this By-law.

“License Class” means the classification of a short-term rental.

“License Issuer” means any person or persons provided the authority by the Municipality of West Nipissing to issue a license under this By-law.

“Listing” means any individual short-term rental advertised on an online platform.

“Municipality” means The Corporation of the Municipality of West Nipissing or the area within the geographical limits of the Municipality of West Nipissing, as the context requires.

“Noise By-law” means the Municipality of West Nipissing Noise By-law No. 1999/75, as amended, or any successor by-law thereto.

“Non-Principal Dwelling Unit Short-Term Rental” means a short-term rental that is not someone’s principal dwelling unit (where they do not live primarily).

“Occupant” means any person or persons over the age of 18 years occupying a lot.

“Officer” means a Building Inspector or Municipal Law Enforcement Officer for the Municipality of West Nipissing.

“Operator” means any person who operates a short-term rental.

“Overcrowding” means occupancy of a premises in excess of the maximum permitted by a license issued under this By-law.

“Owner” means the person holding title to the property on which the short-term rental is located, and “ownership” has a corresponding meaning.

“Partial Unit Rental” means a short-term rental in which the renter occupies a part of the dwelling unit only.

“Person” means an individual, a corporation, a partnership, or an association, and includes a licensee or an applicant for a license under this By-law as the context requires.



“Platform” means an online matching and/or payment processing platform for transactions between short-term rental operators and guests.

“Premises” means property upon which a short-term rental is operated, inclusive of all buildings or structures or any part thereof used for such purposes.

“Principal Dwelling Unit” means a person's permanent residence to which, whenever absent they intend to return.

“Principal Dwelling Unit Short-Term Rental” means a short-term rental which is also someone’s principal dwelling unit (where they live primarily).

“Procedural By-law” means the Municipality of West Nipissing Procedural By-law No. 2023/27 or any successor by-law thereto.

“Property” means the land upon which a short-term rental is operated, exclusive of buildings or structures or any part thereof.

“Property Standards By-law” means the Municipality of West Nipissing Property Standards By-law No. 2001/71 or any successor by-law thereto.

“Short-Term Rental” means all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 days in exchange for payment and shall include a Bed and Breakfast establishment. Short-term rental uses shall not mean or include an institutional establishment, tourist establishment, tourist camping establishment, motel, resort, or similar commercial or institutional use.

“Short-Term Rental Code of Conduct” means a document that has been prepared by the Municipality that prescribes the roles and responsibilities of the guest and owner/operator, including but not limited to: behavioral expectations as they relate to non-disturbance of neighbours; compliance with applicable municipal by-laws, and adherence to the provisions of this By-law.

“Tourist Camping Establishment” means camping establishment as defined in Zoning By-law 2014-45 or any successor by-law thereto.

“Zoning By-law” means The Corporation of the Municipality of West Nipissing Zoning By-Law No. 2014-45 being a By-law to regulate the use of land, and the character, location and use of the buildings and structures in the Municipality of West Nipissing, or any successor by-law thereto.

PART 2 – REGULATIONS

2.1 Prohibitions

- 2.1.1 No person shall use or operate any short-term rental premises unless they hold a current and valid license issued pursuant to this By-law.
- 2.1.2 No person shall advertise or operate, or permit the advertisement or operation of a short-term rental without a license.
- 2.1.3 No person shall publish or display, or cause to be published or displayed, any representation that premises are licensed under this By-law, or hold premises out as being licensed under this By-Law, if the premises are not so licensed.
- 2.1.4 No person shall alter a license issued under this By-law in any fashion.
- 2.1.5 No person shall use or operate any short-term rental premises for any commercial activity other than the operation as a short-term rental.
- 2.1.6 No short-term rental shall be used for the purpose of hosting any type of special event which may include, but not limited to, a wedding, pre-wedding party, fundraising event, etc.



- 2.1.7 No person shall provide false or incorrect information in an application for a short-term rental license.
- 2.1.8 No person shall permit premises under their ownership or care and control to be operated in contravention of a license issued under this By-law.
- 2.1.9 Without limiting the generality of section 2.1.7 above, no person shall allow premises under their ownership or care and control to be operated in contravention of the site plan and floor plan that has been approved by the License Issuer pursuant to a license issued under this By-law.
- 2.1.10 Without limiting the generality of section 2.1.7 above, no person shall rent any guest room in a short-term rental dwelling unit other than a guest room that was identified and approved with the application for the short-term rental license.
- 2.1.11 No person shall permit a camping trailer, travel trailer, tent, utility trailer or any other mobile accommodation for the purpose of a Short-Term Rental unless located in a tourist camping establishment, trailer park or tourist establishment where such a use is permitted;
- 2.1.12 Without limiting the generality of section 2.1.7 above, no person shall cause, permit or contribute to overcrowding in a short-term rental.
- 2.1.13 No person shall violate the provisions of the Short-Term Rental Code of Conduct.
- 2.1.14 No guest shall remove the list of information required to be posted pursuant to section 2.2.7 or the information package required to be provided pursuant to section 2.2.8.

2.2 General Provisions

Any person who operates a short-term rental shall comply with the provisions of this By-law, as well as with all applicable municipal by-laws and provincial and federal legislation.

- 2.2.1 The owner and operator of a short-term rental shall restrict the occupancy of the premises to a maximum of 2 persons per guest room and a maximum of one sofa-bed or day-bed providing occupancy for no more than two (2) persons, is permitted., as set out in the license for the premises. All occupants of a short-term rental shall be counted in calculating occupancy.
- 2.2.2 The owner and operator of a short-term rental shall maintain a minimum of two million dollars (\$2,000,000. 00) of commercial general liability insurance per occurrence on the premises, which shall be specific to the operation of the short-term rental.
- 2.2.3 Any lapse in maintaining the insurance coverage required by section 2.2.3 above invalidates a license issued under this By-law. An owner or operator whose insurance coverage lapses must reapply for a license to operate the short-term rental.
- 2.2.4 The owner and operator of a short-term rental shall provide parking on the site in accordance with the parking requirements for the applicable zone and permitted use within the Zoning By-law. The applicant will be required to clearly indicate where parking spaces are to be located on an approved site plan.
- 2.2.5 The owner and operator of a short-term rental shall ensure that parking is only permitted in a parking area consisting of a hard- surfaced material (concrete, interlock brick, permeable pavers, asphalt, crushed stone or other hard surface or dustless materials).
- 2.2.6 Short term rental accommodations shall front on a year-round, municipally maintained road. Short term rental accommodations shall not be permitted in Premises which are accessed by privately maintained roads or registered rights of way unless the express written authorization of the other occupant/users of the private road/right of way, is obtained and submitted along with the license application.
- 2.2.7 The owner and operator of a short-term rental shall ensure that the following information is posted on the interior of each short-term rental premises, within a maximum of 1m from the

main entrance, is clearly visible to guests and is made available for inspection:

- a) copy of current license;
- b) address of the short-term rental premises;
- c) name of short-term rental premises owner or agent;
- d) name, address, phone number and email address of the dedicated responsible person; and
- e) Emergency Services Statement, only applicable if the type of access to the short-term rental premises is not a year-round maintained public road. *If this is applicable, the following statement must be posted within a maximum distance of 1m from the main entrance: "Due to this short-term rental premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location in the event of an emergency."*

2.2.8 The owner and operator of a short-term rental shall ensure that an information package is available for guests containing the following;

- a) copy of approved site plan and floor plan;
- b) Short-term Rental Code of Conduct as prepared by the Municipality, shown as Schedule "E"; and
- c) quick reference guide for applicable by-laws as prepared by the Municipality.

2.2.9 A person who posts a short-term rental listing on a short-term rental platform shall include the license number as set out on the license issued under this By-law. An owner, agent or dedicated responsible person shall respond to phone calls and/or emails and attend the short-term rental premises within 60 minutes to an emergency or contravention of any Municipality of West Nipissing by-law.

2.2.10 Where a license is issued under this By-law, the application for license and issued license, along with the legal description of the property, civic address, and names and contact information of the associated owner, and/or authorized agent and/or dedicated responsible person will be posted on the Municipality of West Nipissing's website.

2.2.11 The provisions of this By-law shall not apply when the short-term rental is not being rented and is not being offered for rent.

Part 3 – LICENSE CLASS

3.1 License Class

3.1.1 Class A - Principal Dwelling Unit Short-Term Rental

- (a) **A Class A Principal Dwelling Unit Short-Term Rental shall be permitted within any zone in which a residential dwelling is a permitted use.**
- (b) A Class A Principal Dwelling Unit Short-Term Rental (Partial Unit Rental) shall be permitted to be rented for a maximum of 28 days for any single stay and a maximum of 365 days per year.
- (c) The Class A License shall be the owner's principal dwelling unit.
- (d) **The maximum number of Class A Principal Dwelling Unit Short-Term Rentals permitted to be operated by the same owner. Either in his or her personal name or in a corporation owned or controlled by him or her shall be limited to one (1).**

3.1.2 Class B – Non-Principal Dwelling Unit Short-Term Rental

- (a) **A Class B Non-Principal Dwelling Unit Short-Term Rental shall be permitted within any zone in which a residential dwelling is a permitted use, except for the A1 (Agriculture) Zone**

- (b) A Class B Non-Principal Dwelling Unit Short-Term Rental shall be permitted to be rented for a maximum of 28 days for any single stay..
- (c) The Class B License shall not be the owner’s principal dwelling unit.
- (d) The number of Class B Non-Principal Dwelling Unit Short-Term Rentals operated by the same owner, either in his or her personal name or in a corporation owned or controlled by him or her, shall be limited to one (1).
- (e) The number of Class B, Non-Principal dwelling unit short term rental accommodations licenses shall be limited to 100 licenses.
- (f) No license for a Class B Non-Principal dwelling unit short term rental accommodation shall be issued for any property where there exists a Class B Non-Principal Dwelling License within a radius of 1 kilometer from the boundaries of the property.

PART 4 – LICENSING REQUIREMENTS

4.1 License Application Requirements

4.1.1 Every application for a new license, or the renewal of an existing license, shall include:

- (a) a completed application in the form required by the Municipality of West Nipissing;
- (b) the following documents:
 - i. site plan of the premises;
 - ii. interior floor plan of the dwelling unit which shall be labeled to include interior rooms, including the guest rooms;
 - iii. a completed Dedicated Responsible Person Consent and Acknowledgment Form on a form as prepared by the Municipality; and
 - iv. Any other documents as determined by the Municipality.
- (c) copy of Transfer/Deed or Property Identifier Number (PIN) Sheet proving evidence of ownership;
- (d) proof that the applicant is at least 18 years of age (in the form of government identification), if the applicant is an individual;
- (e) name and contact information of the owner, agent or dedicated responsible person who can be readily contacted and respond to an emergency or contravention of any Municipality of West Nipissing By-law, including attendance on site of the short-term rental premises within 60 minutes of being notified of the occurrence;
- (f) certificate of insurance demonstrating compliance with the insurance requirements set out in section 2.2.3 of this By-law, including but not limited to the fact that the premises is insured as a short-term rental;
- (g) proof that the applicant, if a corporation, is legally entitled to conduct business in Ontario, including but not limited to:
 - i. articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
 - ii. a list containing the names of all shareholders of the corporation;
- (h) in the case of an applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- (i) in the case of an applicant or agent acting on behalf of the owner, an owner’s written authorization is required;
- (j) for any short-term rental on a septic system, the applicant will be required the provide proof, in the form of a ‘valid permit of record’ or File Review, provided by the North Bay-Mattawa Conservation Authority of an installed septic system and its capacity that will support the short-term rental premises; and
- (k) payment of the applicable fees referred to in Schedule “B”.

4.1.2 Other Requirements:

- (a) The licensee shall inform the Municipality in writing of any changes to the approved information contained within the license application or any deviation to the approved

plans within seven days of such change or deviation. Nothing herein authorizes a licensee to have guest rooms other than those identified on the application for a license and approved by the Municipality in the license.

4.2 License Issuer – Responsibilities

- 4.2.1 Upon receipt of an application for a license the License Issuer shall receive and review the application and any accompanying documents for completeness.
- 4.2.2 Upon receipt of a completed application for a new license with all required documentation and the required fee, the License Issuer will contact the applicant to schedule the necessary inspection and shall ensure the relevant Officers have carried out the necessary inspections to satisfy the Municipality that the premises comply with provisions of this By-law. **The inspection shall include, but not be limited to, the items shown on Schedule “D”.**
- 4.2.3 Upon receipt of a completed application for a renewal of a license, along with all required documentation and required fee the License Issuer may contact the applicant to schedule an inspection and may ensure the relevant Officers have carried out the inspections to satisfy the Municipality that the premises comply with provisions of this By-law.
- 4.2.4 During the inspection process for the purpose of determining license eligibility, all relevant departments of the Municipality may provide comment on any known matters that would assist in determining license eligibility.
- 4.2.5 The determination of whether a license application is complete in accordance with this By-law shall be within the discretion of the License Issuer.
- 4.2.6 Upon determination by the License Issuer that information requirements and all regulatory and by-law requirements of the Municipality are met, a license shall be issued.
- 4.2.7 In addition to any terms and conditions of a license imposed by this By-law, the License Issuer may impose additional terms and conditions as are necessary in their discretion.

4.3 License – Validity, Expiry, Suspension & Revocation

- 4.3.1 A license issued pursuant to the provisions of this By-law shall expire one year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.
- 4.3.2 A short-term rental license that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- the date that is one year after the date of the issuance of the license; or
 - upon the sale of the short-term rental premises.
- 4.3.3 **A demerit point system shall be used in the consideration of the issuing, suspension, refusal or revocation of a short-term rental licenses and demerit points shall be administered in accordance with Schedule ‘A’ without prejudice to options otherwise available to enforce this or any section of the by-law, Provincial Act or regulation including, but not limited to, the *Provincial Offences Act*, the *Building Code Act*, *Fire Protection and Prevention Act*. The number of demerit points references in Schedule “A” will be assessed against a short term rental accommodation premises and licensee in respect of the infraction noted in Column 1.**
- 4.3.4 **A Licensee may be assessed demerit points as outlined in Schedule “A” for a contravention of this By-Law or as a result of a fine or conviction imposed for a breach of this By-Law;**
- 4.3.5 **A Licensee shall be given notice forthwith upon any Demerit Points being issued against their License.**
- 4.3.6 The License Issuer may refuse to issue or renew a license or revoke or suspend a license, as per Schedule ‘A’ of this By-law, or where:
- there are reasonable grounds for belief that the operation of a short-term rental at specific premises may be averse to the public interest;
 - a premises or applicant has had a license that has been previously revoked, suspended, or

- made subject to terms and conditions;
- c) a premises or applicant applying for a license has presented a history of contravention of this By-law, or other Municipality of West Nipissing by-laws;
- d) the Short-Term Rental Code of Conduct has been violated at this premises;
- e) the septic system requirements are not met;
- f) the proposed use of the premises is not permitted by the Zoning By-law;
- g) the owner is indebted to the Municipality of West Nipissing in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against an owner's property; or
- h) the property does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the *Building Code Act, 1992*, or the *Fire Protection and Prevention Act, 1997, S. O. 1997, c. 4*.

4.3.7 The License Issuer, upon confirming a licensee has received an order issued under section 7.4 of this By-law, may, for the time and subject to such conditions as are considered appropriate, suspend a license for not more than 14 days. If after this period, the License Issuer is satisfied that the continuation of a license will continue to pose a danger to the health or safety of any person, he/she may further suspend the license for not more than 14 days or revoke the license.

PART 5 – FEES AND COST RECOVERY

5.1 Fees

- 5.1.1 Fees shall be levied in accordance with Schedule “B” hereto.
- 5.1.2 Where an Officer conducts an inspection and determines that a short-term rental is not in compliance with this By-law, the Officer may impose an inspection fee in accordance with Schedule “B”.
- 5.1.3 Every owner shall pay the fees as set out in Schedule “B”, which becomes due and payable upon written notification by an Officer, or upon issuance of an invoice by the Municipality.
- 5.1.4 Payments received by the Municipality on the 31st day or later after the date of being requested, shall be subject to an “administrative fee” as set out in Schedule “B”, and Demerit Points as per the Demerit Point System as set out in Schedule “A” attached.
- 5.1.5 Where an owner is in default of payment of fees for more than 30 calendar days after due, the Municipality may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

PART 6 - APPEALS

6.1 Appeals

- 6.1.1 Where the License Issuer has refused to issue or renew a license under section 4.3.4 of this By-law the applicant may appeal such decision to Council through a letter of appeal to the Chief Building Official within ten days of the decision.
- 6.1.2 The appeal under section 6.1.1 of this By-law shall contain the following information:
 - a) reasons for the appeal; and
 - b) Order Appeal Fee as provided in Schedule “B”.
- 6.1.3 Where no request for an appeal is received in accordance with section 6.1.1 of this By-law, the decision of the License Issuer shall be final and binding.
- 6.1.4 Where a request for an appeal is received, in accordance with section 6.1.1 of this By-law, the Chief Building Official shall schedule a meeting of the West Nipissing Property Standards Committee (the “Committee”), for the purpose of holding a hearing of the appeal, and the



applicant or licensee shall be provided reasonable written notice thereof.

6.1.5 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to a the Committee constituted pursuant to the provisions of the Procedural By-law.

6.1.6 The provisions of the Procedural By-law relating to Hearing Committees and the *Statutory Powers Procedure Act*, R. S. O. 1990, c. S. 22 shall apply to all hearings conducted by a Hearing Committee under this By-law.

6.1.7 After such opportunity to be heard is afforded to the person, the Committee shall make a decision. When making its decision; The Committee may consider any matter pertaining to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, the Committee may refuse to issue or renew a license, revoke, suspend, or impose any condition to a license.

6.1.8 If the owner/agent fails to appear at the appointed time for their appeal hearing, the decision of the License issuer shall be final and binding.

6.1.9 The Committee’s decision is final and binding and shall not be subject to review.

PART 7 – INSPECTION AND ENFORCEMENT

7.1 Authority to Enforce

7.1.1 This By-law may be enforced by an Officer.

7.2 Inspection – At Any Reasonable Time

7.2.1 In addition to scheduled inspections conducted during the license application process, every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) the provisions of this By-law;
- b) a direction or order of the Municipality made under this By-law;
- c) a condition of a license passed under this By-law; and
- d) a court order made pursuant to section 431 of the *Municipal Act, 2001* and section 7.5 6 of this By-law.

7.2.2 A person exercising a power of entry on behalf of a municipality under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:

- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the *Municipal Act, 2001*, or a warrant issued under section 439 of the *Municipal Act, 2001*;
- b) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
- c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained; or
- d) the delay necessary to obtain an order or warrant under section 438 or 439 of the *Municipal Act, 2001*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.

7.2.3 The Municipality’s power of entry may be exercised by an Officer, or agent for the Municipality and this person may be accompanied by any person under their direction, including law enforcement services.

7.2.4 During any inspection carried out under this By-law, an Officer may be accompanied by other Municipality of West Nipissing employees, agents or authorities as deemed necessary.

7.3 Obstruction

7.3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.

7.3.2 Any person who is alleged to have contravened any provision of this By-law shall identify himself

or herself to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the Officer's duties.

7.4 Orders

7.4.1 An Officer who finds that a property does not conform with any of the provisions of this By-law may make an Order:

- a) stating the municipal address or the legal description of the property;
- b) giving reasonable particulars of the activity to be discontinued;
- c) indicating the time for complying with the terms and conditions of the Order;
- d) . indicating the final date for giving notice of Appeal;

7.4.2 An Order shall be served on the Owner of the property and such other persons affected by it as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

7.5 Offence and Penalty

7.5.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

7.5.2 In addition to any other penalty prescribed by this by-law, any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and is set out on Schedule "C" forming an integral part of this by-law.

7.5.3 Each day a contravention occurs constitutes a new offence.

7.5.4 Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c P.33, ("Provincial Offences Act") including any extension of time for payment ordered under that Section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the Owner's tax roll and collected in the same manner as Property taxes.

PART 8 – COMING INTO FORCE

8.1 Coming into Force

8.1.1 This By-law shall come into force and effect:

- (a) _____, 2024; or
- (b) The date on which By-law 2024-XX, being a By-law to Amend Zoning By-law 2014-45 for the Purpose of Defining and Regulating Short-Term Rentals comes into full force and effect.

ENACTED AND PASSED on _____, 2024

Mayor Kathleen Thorne Rochon

Melanie Ducharme, Clerk

Municipality of West Nipissing

DEMERIT POINT SYSTEM

SCHEDULE "A" TO BY-LAW 2024-xx

Item	By-law Section	Short Form Wording	Demerit Points
1	2.2.2	Number of guests on Premises contrary to license	1
2	2.2.5	Parking contrary to requirements of Zoning By-law	1
3	2.2.7	Failure to post required information on the interior of the short-term rental premises	1
4	2.2.10	Failure to respond to a concern or attend the premises, when required, within 60 minutes	1
5	5.1.3	Failure to pay fees within prescribed timelines	1
6	4.1.2.1	Failure to notify of any license change (s) within 7 days	1
7	2.1.1	Operating short-term rental without a license	1
8	2.1.2	Advertising short-term rental without a license	1
9	2.1.5	Operating a short-term rental for any commercial activity other than that of a short-term rental	1
10	2.1.6	Providing false information on short-term rental application	1
11	2.1.7	Operating short-term rental contrary to license class	1
12	2.1.9	Renting guest rooms contrary to approved license	1
13	2.1.11	Violation of the Short-Term Rental Code of Conduct	1
14	7.3	Hindering or obstructing an Officer while on duty	1
15	2.2.7	Removal of required posted information on the interior of the short-term rental premises	1
16	2.2.8	Failure to make available the required information package for guests	1
17	7.5.3	Contravention of any order	1

Please note the following:

1. A short-term rental license shall be suspended for a period of one year when three demerit points or confirmed violations are determined within one year.
2. A short-term rental license is revoked when one additional demerit point or confirmed violation is received within one year of the license suspension date.



Action	Offence	Time	Remedy to Renew License
Suspended License	Three confirmed by-law violations on one short-term rental property	1 Year	One-year by-law violation-free from the date of the last offence, on this or any other property owned by same owner upon payment of the re-instatement fee.
	Three orders issued on one short-term rental property		One-year order-free from the date of the last order, on this or any other property owned by same owner upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental property		One-year violation, order, and demerit point-free on the same property upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental owner (for short-term rental operators with multiple short-term rentals)		One-year violation, order, and demerit point-free for the same owner on all applicable properties upon payment of the re-instatement fee.
Revoked License	One additional confirmed by-law violation or order on a property under short-term rental suspension	Permanent	None
	One additional confirmed by-law violation or order against an owner under short-term rental suspension		
	Three demerit points confirmed against a property while on short-term rental suspension		
	Three demerit points confirmed against an Owner while on short-term rental suspension		



Municipality of West Nipissing
**SHORT TERM RENTAL ACCOMMODATION
LICENSING FEES
SCHEDULE "B" TO BY-LAW 2024/XX**

LICENSE TYPE	FEE
Initial Licensing Fee – Class A	\$750.00
Initial Licensing Fee – Class B	\$750.00
Renewal Fee – Class A and B	\$250.00
Inspection Fee	\$200.00
Order Appeal Fee	\$250.00

LICENSE TYPE	EXPIRY DATE
Class A	One year from date of issuance
Class B	

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Municipality of West Nipissing			
SHORT TERM RENTAL ACCOMMODATION			
SET FINES - SCHEDULE "C" TO BY-LAW 2024/XX			
PART I – PROVINCIAL OFFENCES ACT			
ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINES
1	Operate short term rental unless hold current valid license	2.1.1	\$1,000
2	Advertise, operate or permit advertising without a license	2.1.2	\$1,000
3	Publish or display representation of license without a license	2.1.3	\$1,000
4	Alter license	2.1.4	500.00
5	Operate commercial activity	2.1.5	\$750.00
6	Host special event	2.1.6	\$750.00
7	Provide false or incorrect information	2.1.7	1,000.00
8	Operate in contravention of a license issued	2.1.8	500.00
9	Operate in contravention of approved site plan and floor plan	2.1.9	500.00
10	Rent a room not identified and approved with the application	2.1.10	750.00
11	Permit a camping trailer, travel trailer, tent, utility trailer or any other mobile accommodation not located in a tourist camping establishment for purpose of STR	2.1.11	1,000.00
12	Overcrowding in a STR	2.1.12	750.00
13	Violate provisions of STR Code of Conduct	2.1.13	500.00
14	Remove information required pursuant to sec. 2.2.7 or 2.2.8	2.1.14	500.00
15	Exceed occupancy maximum	2.2.1	1,000.00
16	Fail to maintain Insurance minimum of two million dollars	2.2.2	1,000.00
17	Fail to indicate parking	2.2.4	500.00
18	Permit parking on non-hard-surface material	2.2.5	500.00
19	Operation on a private road without consent	2.2.6	1,000.00
20	Fail to post information required	2.2.7	500.00
21	Fail to provide guest information package	2.2.8	500.00
22	Fail to include license number on rental listing	2.2.9	1,000.00
23	Fail to respond with 60 minutes to an emergency or contravention	2.2.9	1,000.00
24			
25			
26			
27			
28			

Municipality of West Nipissing

CODE OF CONDUCT
SCHEDULE "D" TO BY-LAW 2024-xx

1. The premise of this Code is that the short-term rental premises are, for the most part, located in residential neighborhoods and that the residents of these neighborhoods have the right to enjoy their own properties without being imposed upon by nuisance from others.
2. Objectives of this Code: The objective of this Code is to establish acceptable standards of behavior for renters, and their guests, to minimize any adverse social or environmental impacts on their neighbors and neighborhood.
3. The Renter acknowledges for themselves and on the behalf of others that they will be occupying a short-term rental accommodation that is located in a residential area.
4. The Guiding Principles for short term rental renters are:
 - (a) The premise that you are occupying is a home;
 - (b) Respect your neighbors; and,
 - (c) Leave it as you find it.
5. Maximum number of Renters and guests:
 - a) The maximum number of occupants within a dwelling that is being operated as a short term rental shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons occupying a sofa-bed, day-bed, etc..
 - b) The number of non-occupying guests permitted at a short term rental premises must not be such that it may conflict with the residential neighborhood or amenity.
6. No person shall make noise so as to cause a disturbance or conduct themselves in a way that is likely to disturb area residents. Examples of noise that is likely to disturb residents include:
 - a) Loud music;
 - b) Outdoor or backyard gatherings involving excessive noise;
 - c) Late or early hour disturbances; and,
 - d) Yelling, shouting, singing and loud conversations.

Please be advised that the Municipality of West Nipissing Noise By-law No _____, as amended, is in effect 24 hours a day, 7 days a week. The noise by-law prohibits Sound or Vibration at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the inhabitants of the Municipality of West Nipissing;

Renters and their guests are not allowed to disturb neighbors or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Municipality's Noise By-law may result in legal action.
7. Functions and Parties
 - a) Short term rental renters are not to host commercial functions;
 - b) So called "party houses" conflict with residential amenity and are not permitted; and,
 - c) Any gathering at a short term rental accommodation premise must not conflict with residential amenity and must comply with all the other requirements of this Code and the Municipality of West Nipissing' s by-laws.
8. Access and Parking: Please familiar yourself and your guests with the approved parking plans for the premises so as to ensure ease of access with minimum disturbance to other residents or neighboring properties. All short term rental accommodations will have vehicle parking limits, please refer to Zoning By-Law 2014-45 and the approved plans for the premises.
9. Recycling and Garbage: Please familiar yourself and your guests with the guidelines and provisions that have been made for waste management and the day of the week in which waste collection is scheduled, if applicable. If curbside pickup is available, it should be noted that the "putting out" of waste on a non-scheduled day is not permitted.

Municipality of West Nipissing

SHORT TERM RENTAL ACCOMMODATION INSPECTION SCHEDULE "E" TO BY-LAW 2024/XX

Short-Term Rental Inspection Checklist			
Municipal Address of the Premises:			
STR Licence Application Number:			
Applicant Name:			
➤ EXTERIOR			
STAIRS AND GUARDS	Compliant	Non-Compliant	N/A
a) Exterior <i>guards</i> serving a <i>house</i> or an individual <i>dwelling unit</i> not less than 900 mm (2'-11") high where the walking surface served by the <i>guard</i> is not more than 1 800 mm (5'-11") above the finished ground level.			
b) <i>Guards</i> within <i>dwelling units</i> not less than 900 mm high.			
Stairs, porches, landings, treads, risers, guards and all supporting members intact and no evidence of cracked, rotted or deteriorated materials			
EXTERIOR LIGHTING	Compliant	Non-Compliant	N/A
Exterior steps, walks, parking spaces, etc. are adequately lit			
YARDS	Compliant	Non-Compliant	N/A
Yard free of debris, unusable vehicles, long grass and weeds, dilapidated structures, termites, rodents, dead or damaged trees, unsightly or damaged hedges and bushes			
➤ INTERIOR			
OCCUPANCY STANDARDS	Compliant	Non-Compliant	N/A
Non-habitable room is being used as a habitable room			
Basement having habitable rooms; the ceiling height is at least 2.1 meters (7 feet)			
If the basement is being used as a habitable area, the area complies with all requirement for ingress, egress, light, ventilation and ceiling height, any leaks in the walls and is the habitable area separated from the furnace room			
Kitchen has refrigerator, cooking stove, kitchen fixtures, fittings and they are maintained in good repair			
GENERAL MAINTNANCE	Compliant	Non-Compliant	N/A
Every supplied facility, piece of equipment or appliance is installed so that it will function safely and is maintained in good repair			
UTILITIES	Compliant	Non-Compliant	N/A
All services or utilities providing light, heat, refrigeration water or cooking facilities are connected			
FIRE PROTECTION	Compliant	Non-Compliant	N/A
Fire extinguisher in kitchen (ABC)			
Working smoke alarm on every level of the home. Note: Property owners are advised to document smoke alarm maintenance. Smoke alarms shall be tested annually and prior to each rental agreement. Smoke alarms (both battery operated and hardwired) shall be replaced within the time frame indicated in the instructions (typically every 10 years). Batteries shall be replaced annually.			
A working carbon monoxide alarm is required outside sleeping areas if the home contains a fuel burning appliance or an attached garage. Note: Property owners are advised to document CO alarm maintenance. CO alarms shall be tested annually and prior to each rental agreement. CO alarms (both battery operated and hardwired) shall be replaced within the time frame indicated in the instructions (typically every 7 years). Batteries shall be replaced annually.			

HEATING	Compliant	Non-Compliant	N/A
No sign of leaks, damage or deterioration to heating systems and proper connection to a chimney			
PLUMBING	Compliant	Non-Compliant	N/A
Water test report from the local Health Unit			
Unit has been provided with a water closet, a wash basin, a kitchen sink and a bathtub or shower			
Bathroom separated from other areas by walls and a door for privacy			
Sink, wash basin, bathtub or shower in the building and laundry facility being provided with adequate hot and cold water			
Hot water temperature is set to less than 120 F.			
ELECTRICAL	Compliant	Non-Compliant	N/A
Building and or dwelling unit connected to an electrical supply system			
Electrical wiring, equipment and appliances for use in the building installed and maintained in accordance with all applicable governmental regulations			
Open electrical wiring and frayed wiring			
Adequate, artificial, or natural light being provided in all rooms, stairways, hall and basement			
Electrical fixtures, switches, receptacles and connections in working order			
WINDOWS	Compliant	Non-Compliant	N/A
Every habitable room in the building except a kitchen has a window?			
Windows open and shut easily and area of openable portion comply with the requirements of the Ontario Building Code			
Windows have proper locking devices			
Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a <i>suite</i> shall be provided with at least one outside window that, <ul style="list-style-type: none"> a. is openable from the inside without the use of tools, b. provides an individual, unobstructed open portion having a minimum area of 0.35 m² (3.75sq.ft.) with no dimension less than 380 mm (15"), and c. maintains the required opening described in Clause d. without the need for additional support. 			
VENTILATION	Compliant	Non-Compliant	N/A
All bathrooms are ventilated by natural or mechanical means?			
Mechanical ventilation system in the bathroom and kitchen in good working condition			
EGRESS	Compliant	Non-Compliant	N/A
Passages from the interior of the building and or dwelling unit to the exit at or near grade level unobstructed and safe			
All exits within the building have clean, clear and unobstructed exit signs			
CAMPFIRES	Compliant	Non-Compliant	N/A
Campfires shall comply with West Nipissing Fire Service regulations and signed permission from the property owner.			

SCHEDULE "B" OF BY-LAW 2019/24



AGENDA ITEM REQUEST FORM

PLEASE PRINT CLEARLY:

Requested Council Meeting Date:	March 5, 2024		
Name of Requestor:	Kathleen Thorne Rochon	Date submitted: February 23, 2023	
Address:	Full mailing address:		
Phone:	Home:	Business / Cell: 705-753-6900	Fax:
E-Mail:	krochon@westnipissing.ca		

Requested Agenda Item/Subject:	Zoning Bylaw Amendment - multi-residential		
Additional details / background information:	<input checked="" type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i> At the October 3, 2023 meeting of council ZBL amendments were discussed in Committee of the Whole regarding building height and parking for C1 and R4. I am requesting that report come back to council as per council's direction. 5.2 Planning Committee: 1. Zoning By-Law Amendment - Multi-Residential Council discussed a proposed change to the West Nipissing Zoning By-Law with respect to height of multi-residential and commercial buildings. While all concurred that such an undertaking may provide opportunity for increased housing, it was also noted by the CAO and Fire Chief that with increases in height other considerations such as lot size, building code issues and fire protection. Staff will consult with building and fire departments and report back to council on		

ADMINISTRATIVE APPROVAL

STEP 1 → Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.

Signature of CAO or designate:

Date:

MUNICIPAL OFFICE USE

STEP 2 → This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.

Date Received:		Received from:	
Meeting Date Requested:		Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Report Required	<input type="checkbox"/> Action Item <input type="checkbox"/> Public Hearing	<input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Closed Session

APPROVED FOR AGENDA:

Scheduled for (date):		<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)	

Action Taken:

Notes / Comments:

STAFF REPORT



To: Jay Barbeau, Chief Administrative Officer
From: Melanie Ducharme, Municipal Clerk/Planner
And From: Stephan Poulin, Director of Community Services/Economic Development
Department: Planning & Building
Subject: Multi--Residential & Mixed-Use Building Height Considerations
Date: February 27, 2024

Recommendation:

In consideration of the information contained in this report and given that the Official Plan and Zoning By-Law updates are currently underway, it is recommended that existing building height standards remain status quo in order to avoid duplicating public consultation which will be carried out by the consultant during the Official Plan/Zoning By-Law update process, during which they will be consulting with the Planning Advisory Committee, Council, community stakeholders and other government ministries.

In the event that an application for a building greater than the current permitted height is received in the interim, Council continues to have the ability to provide variances to the existing by-law under the zoning amendment and/or minor variance provisions of the *Planning Act* as was recently done for the Russell Street apartment project.

Background

At the meeting on October 13, 2023 staff was directed to provide a report detailing the considerations surrounding permitted building height(s) within the Municipality of West Nipissing and, more particularly relating to multi--residential apartment style dwellings and mixed-use commercial properties. The discussion during the meeting requested details need to be taken into account should the Municipality consider amending its by-laws to permit buildings greater than three (3) storeys. Council discussion centred on how the municipality can best support the creation of additional housing through increased height and/or density to address growing housing availability and affordability concerns.

There are many reasons that municipalities limit building height(s), some of which include:

- (a) regulating density,
- (b) physical effects on surrounding lots and streets, and
- (c) safety concerns.

The considerations which need to be taken into account in considering increasing both height and density are largely dependent on the local existing infrastructure and the general size and character of existing buildings as well as the spaces between them. Typically, municipalities allow for increased height and densities in downtown cores where a higher density is desirable to utilize urban spaces and provide opportunities for people to live in proximity to employment and services such as churches, hospitals and shopping. Recent changes to provincial planning legislation has supported increasing density throughout communities, rather than concentrating on urban centres which is viewed as an important aspect in addressing the ongoing Provincial and municipal housing shortage.

Overview of Building Height and Density Considerations

The Municipality of West Nipissing regulates building height through the Municipality's zoning bylaw 2014-45 and utilizes site plans and the building permit processes to refine development proposals to address concerns related to building code and fire code concerns and servicing requirements. During the permit review process, all of the bylaws and site considerations are reviewed by municipal departments including Building & Planning, Public Works and Water and Waste Water in relation to the proposal to best ensure that the best possible outcomes are achieved for both the developer and for the municipality. Anyone wishing to develop a property for a multi- residential or commercial mixed used development greater than the current standard of 11m would be required to undertake a zoning amendment process for increased building height or any other aspect of the building which would not meet the current standards. Staff generally undertake a preliminary review process with applicants prior to formal submissions of zoning amendment applications to best ensure thorough and complete applications are submitted. Review and feedback on submitted applications are subsequently undertaken by municipal staff to confirm compliance with municipal bylaws and expectations for new developments, as well as to best ensure that proposals are supportable by staff prior to being brought forward for Council consideration.

Lot Standard Considerations in Increased Building Height in multi- residential zones:

Building Height: West Nipissing's zoning bylaw sets out the maximum building height, for both principal and accessory structures for each zone. In the residential zones, allowable building heights range from 6m for secondary structures to 11 m for residential buildings. 11m is the maximum building height in the commercial zones as well. Building height is measured from the finished grade to the highest point of the building (excluding mechanical roof fixtures).

Set backs: Multi- residential zones have required set backs from front, rear and side lot lines. The purpose of these set backs is to ensure that streetscapes are maintained, provide adequate space around the building for fire suppression and to minimize the impact of taller buildings on adjacent land uses. In West Nipissing where the maximum height of a multi--residential building is 11m (36'), the minimum front, rear and exterior yard set backs are 7.5m (25') and interior side yards minimums are 6m (20').

Maximum Lot Coverage: Lot Coverage is intended to limit the amount of building area that can be built in relation to the size of a lot. Lot coverage depends on the type of residential use as well as the services available to it. For example, a single residential dwelling having no municipal water or sanitary services may only occupy ten percent (10%) of the total lot area, while the same dwelling on full municipal services may occupy up to fifty percent (50%) of a lot. Similarly, higher density residential buildings have a lower lot coverage percentage (40%) in order to allow for the additional requirements of such a building, such as parking, fire suppression lanes, landscaped areas and buffering between adjacent land uses.

Maximum Number of Dwelling Units: Limits on numbers of dwelling units on a given lot also play a role in limiting building height. In the West Nipissing zoning by-law, the number of dwelling units on a multi-residential lot is based on a ratio of 120m² of lot area per dwelling unit. For example, a lot having 1600 m² (132' x 132' – a standard double lot) would be permitted a maximum number of 13 dwelling units. The greater number of units proposed, the greater amount of land is required.

Parking: Minimum parking spaces in the multi- residential zone is 1.25 spaces per dwelling unit. Under the building code, a specific number of the required parking must be accessible parking. Using the example above, 13 units would require a minimum of 17 parking spaces, one of which would be required

to be accessible. Parking is also required to be set back a specific distance from lot lines abutting streets. Zoning By-Law 2014-45 requires that parking be set back a minimum of 3m (10') from any lot line abutting a street.

Landscaping: In addition to set backs for parking, landscaping buffers between streets and adjacent land uses need to be considered. While the buffers do not increase with the size of the building, they do impact parking requirements.

Lot standard Considerations in Commercial Zones

Set-backs, Lot Coverage, Dwelling Units and Landscaping. The standards for commercial zones and the considerations therefor are similar to those of the multi- residential zones with small differences to allow for the fact that commercial zones are intended to have residential only behind or above the commercial spaces.

An exception to the general commercial standards in the by-law is the downtown core of Sturgeon Falls which encompasses Holditch, King and Main Streets from Front Street to John Street. This area has special provisions due to the “as-built: environment. In the downtown core, zero set backs are permitted to allow for the fact that the current built structure has little or no set-backs, parking or landscaping and more often than not occupies the entire lot. These standards would not ordinarily be permitted and only in-fill development in down-town would be allowed these minimal standards. It should be noted that the zero parking requirements only apply to the commercial component of the building and mixed-use buildings must provide parking for residential, if possible.

Parking: Parking on commercial properties outside the above-mentioned downtown core would require two calculations – one for the type of commercial business and another for the residential component. Residential parking for new mixed-use construction is required at a 1:1 ratio per dwelling unit in addition to the commercial component.

Site Servicing and System-wide Capacity Considerations

Building at increased height can pose site servicing challenges for infrastructure, especially in regards of water and sewer servicing. At the site-specific level, challenges of ensuring water pressure is sufficient to reach the upper levels of a building need to be considered and often include requirements for larger water connections. Conversely, how the building ties into the sewer needs to be considered and the immediate impacts to a sewer main’s ability meet the increased capacity needs. It may be possible to address these considerations through upgrades to the water and sewer mains adjacent to the site, but may also entail a need to upgrade broader, system-wide features, especially should an area undergo extensive growth.

Upgrades to pumping stations, water, sanitary sewer (storm water) and sewer mains, and water/sewer treatment plants are all considerations that need to be taken into account when contemplating growth, whether that growth occurs through intensification of existing neighbourhoods or in the form of dense multi--residential development.

Generally, increased density is viewed favourably for its ability to offset costs associated with roads and servicing. New subdivision residential development generally entails the substantial increased costs from the creation of new stretches of road and service infrastructure and the associated ongoing maintenance costs. Infill development, where densification occurs within existing neighbourhoods, and utilizes existing infrastructure is generally more cost efficient. The need to upgrade community-wide infrastructure systems is not completely eliminated through densification, however, and remains a necessary

consideration during the development permit review process. Focusing development within the urban service boundary to best utilize existing roads and services is supported by the Municipality's Official Plan policies:

Building Code Considerations

The Ontario Building Code prescribes requirements for design and construction of buildings which vary depending on building type, size and height. Which requirements are triggered depends upon the proposed floor area, number of floors, building occupancy/use, planned fire safety amenities and geotechnical review.

As the size and complexity of a proposed building increases so does the requirement to involve additional registered professionals in the design and construction review process. Generally, buildings over three stories (including ground level walk out levels) require the involvement of structural and electrical engineers, architects, and geotechnical approvals, in addition to the incorporation of fire suppression systems including sprinklers.

These approvals ensure that buildings are constructed in such a manner as to mitigate potential building system failures and to provide safety from fire, ground instability, flood, or other such hazards. Given the increased requirement for larger buildings, the approval process typically becomes more complex when larger buildings are proposed.

Fire Department Considerations

In general, Ontario Building Code requirements address most local concerns related to fire safety in buildings beyond three stories. From a Fire Department perspective, any restrictions on building size are not specifically limited to building height but are based on the following factors:

- a. Available water supply for fire suppression operations;
- b. Numbers of available Fire Department personnel (West Nipissing utilizes a volunteer force);
- c. Equipment limitations;
- d. Neighboring properties;
- e. Topography; and,
- f. Construction type.

The current number of firefighters, firefighting equipment, and operational guidelines are regulated by Provincial legislation. The impact of preparing a fire service for the addition of higher (wood frame construction) structures will require significant analysis most likely including requirements for more personnel, stronger equipment, and increased facility capacity.

The basic method for controlling any building fire is through the use of water, pumped through fire apparatus to manual hose lines. West Nipissing utilizes a municipal water supply with fire flow limits. Limits are calculated based on infrastructure capacity and firefighting equipment limitations to ensure that the water supply is not overburdened or damaged during fire suppression operations. Additionally, fire flow calculations are utilized to meet dwelling and commercial insurance requirements. Insurance gradings have direct effect on insurance costs for all structures in a geographic area and structures built that exceed firefighting capacity can increase neighboring rates.

Design Considerations

As buildings increase in height the shadows they cast on neighbouring lands can produce negative effects or experiences of adjacent land owners. In primarily residential areas, shadows cast on neighbouring houses and yards can reduce the amount of sunlight available for personal enjoyment of a space and the ability to utilize yards as gardens or greenspace. These effects are typically more pronounced in winter months as the sun falls lower in the sky and can be compounded by the topography of where a building is sited.

Municipalities that permit higher buildings may require studies to be undertaken for proposed buildings above a certain threshold. These types of requirements can set maximum standards for the amount of shadow cast on neighbouring properties. While these measures can help with mitigating shadow effects on neighbouring properties, they also add time and cost to developments.

While unlikely to occur in West Nipissing, it has been shown that the presence of many tall buildings can induce feelings of crowding, especially when buildings are designed with minimal architectural detail, landscaping or streetscape enhancements, which effectively creates tall blank walls along a street. As building height increases, there is an added need to consider how the street will be experienced and how a building fits into the broader context of the landscape. Ensuring a minimum landscaped area, and/or having landscaping incorporated into a building's design are also frequently used to create a sense of space at the street level. Landscaping requirements are supported by the municipality's Official Plan and recently adopted Tree Canopy By-law.

An increase in density may pose challenges in managing the associated increased pedestrian and vehicle traffic. It may increase demand for active transportation amenities such as sidewalks and bike lanes as well as the potential for the requirement of some form of public transportation. Funding these types of amenities needs to be considered at both the site specific and community-wide scale when reviewing development applications. Consideration of transportation outcomes is supported by the Municipality's Official Plan.

Analysis

Changes to zoning bylaws can allow for increased densities that typically provide a number of benefits to municipalities and developers. On the municipal front, increased densities can allow individuals to live and work in more centralized locations closer to amenities. Likewise, increased density also allows for reduced servicing and maintenance costs for infrastructure including roads and utilities while also helping to maximize the utilization of civic assets such as parks or recreation facilities. Allowing increased density will also address shortages in residential dwelling units.

As buildings are constructed past a height of three stories their complexity and requirements from building and fire code increase. It is possible for the municipality to consider increased building height as long as applicants are able to effectively address the increased requirements for building more complex structures. The added costs of meeting tall building structural and/or fire department response requirements, and the requirements to involve additional architectural and engineering professionals in the plan creation will escalate construction costs and increased project review timelines. While wood-frame construction of multi-storey buildings has been shown to be a cost-effective means of addressing housing shortages, the constraints of the municipality's fire service should first be addressed prior to allowing wood-framed construction above three stories.

In recent years, many jurisdictions have decided to focus on increasing density through measures that look at the broader urban context, rather than focusing on single building intensification. This is evident in recent changes to the *Planning Act* which require all municipalities to permit up to three (3) dwelling units on a fully serviced residential lot. Allowing denser use of existing residential areas throughout a municipality will permit a greater number of residential units can be built to meet the affordability needs of residents.

Summary

West Nipissing currently permits residential and commercial buildings of up to three storeys. The development permit process provides a review of applications wherein the additional issues surrounding tall buildings to be reviewed prior to formal consideration by Council. The development permit review process can include amendments to the Zoning By-Law which can allow for heights to be extended past the maximum heights, where such an increase would be appropriate in light of the various considerations outlined in this report.

STAFF REPORT



To: Jay Barbeau, Chief Administrative Officer
From: Brigitte Carriere, Deputy Treasurer, Manager of Ancillary Services
Subject: Changes to Provincial Blue Box Programming
Date: March 1, 2024

Recommendation:

Ontario Regulation 391/21 (the Regulation) made under the *Resource Recovery and Circular Economy Act, 2016*, shifts the responsibility for funding and operating the Blue Box Program from municipalities to the Producers that sell packaging and paper products to consumers. A Producer-controlled non-profit organization called Circular Materials Ontario (CMO) has assumed responsibility for operating the collection, processing and recycling of those materials across Ontario on behalf of all Producers.

Circular Materials Ontario (CMO) provided the option to municipalities to continue to provide the following services during their transition period:

- Residence and facility curbside recycling collection; and/or
- Depot collection and operations, or depot operations only.

A decision must be made on whether to opt in or opt out of providing each service on behalf of Producers during the transition period of July 1, 2025 to December 31, 2025.

It is recommended that the Municipality opt out of providing recycling services during the transition period for the reasons below:

Background:

Under the regulation, CMO's Blue Box program responsibility is for residential properties and facilities such as schools, retirement and long-term care homes, but excludes industrial or commercial properties, not-for-profit organizations, municipal building and facilities, daycares, places of worship, campgrounds and trailer parks, and commercial farms. These excluded properties are referred to as non-eligible sources.

Starting July 1, 2023, communities began transitioning their Blue Box Programs to this new extended producer responsibility framework. The Regulation sets the transition schedule that identifies the date on which each community will transition to producer-run services. The transition date for the Municipality of West Nipissing is July 1, 2025.

By January 1, 2026, producers will be fully responsible for the Blue Box program in Ontario. Producers will establish and operate common collections systems to replace the hundreds of individual municipal and First Nation Blue Box programs operating across Ontario. The Blue Box program will be a standard province-wide program.

A decision must be made on whether to opt in or opt out of providing each service on behalf of Producers during the transition period of July 1, 2025 to December 31, 2025.

It is recommended that the Municipality opt out of providing recycling services during the transition period for the reasons below:

Analysis/Consideration:

Contract Execution: In order for the Municipality to continue providing services, the Municipality must sign CMO's Master Service Agreement (MSA) and multiple Statement of Works (SoW) agreements. The preparatory work involved in performing all contracts is extensive for covering a contract period of only six months. Contracts will also need to be reviewed by our legal counsel and our insurance company to identify risk exposure to the Municipality. By opting out, CMO is responsible to provide recycling collection services. It is important to note that CMO must maintain current service levels during the transition period.

Record Keeping and Reporting Requirements: The record keeping and reporting requirements identified in the contracts will place a large administrative burden on staff. Records such as number of kilometers driven by collection vehicles, actual or fuel consumption, weight of materials delivered at the RF, will have to be compiled and reported to CMO.

Contamination Rate Level: As per the SoW, the Municipality must use best efforts to reduce the quantity of Non-Blue Box Material included in blue boxes and recycling depot bins to no more than 4% by weight. Our current contamination rate is unknown, but it is estimated to be much higher than 4%. The requirement for the Municipality to use best efforts to reduce the quantity of Non-Blue Box material and implement a plan will be at the Municipality's expense.

Distance to Receiving Facilities: A Receiving Facility (RF) is the drop off location for Blue Box materials. The Receiving Facility for our Municipality is GFL in North Bay. That is the same location we currently use to drop our Container stream. At our transition date, all Blue Box materials, containers and fibres, will have to be delivered to the named RF. The SoW also states that in the event that the named RF is unable to accept Blue Box material, the collection vehicle will be redirected to another RF as directed by CMO. There is no indication as to where the other RF would be. If the other RF is more than a 60-minute drive from the Municipality, CMO would reimburse the municipality for reasonable expenses for traveling beyond the 60-minute boundary. There is no compensation for travelling to a RF that is less than 60 minutes.

Financial Consideration:

Costs incurred by the Municipality to continue operating the Blue Box program if we contract with CMO from July 1, 2025 to December 31, 2025 will not be fully compensated. The estimated funding shortfall for each service for the six-month transition period are as follows:

- Residential/Facility curbside collection: \$40,000.
- Depot Collection and Operations: \$39,000
- Depot Operations only: \$4,500

Included in the shortfalls for Depot Collection and Operations, or Depot Operations only, is a fee that would be charged to the Municipality by CMO to allocate 25% of materials collected from depots as non-eligible source materials. The Municipality's non-eligible source properties is around 6%.



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Consent Agenda

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED that the Consent Agenda for the Council-Committee of Whole meeting of March 5, 2024, be approved, as presented.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Ordre du jour par consentement

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU que l'ordre du jour du consentement pour la réunion du Conseil - Comité plénier du 5 mars, 2024 soit approuvé, tel que présenté.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Adopt Council - Committee of the Whole minutes - February 20, 2024

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the minutes of the Council - Committee of the Whole meeting held on February 20, 2024 be adopted, as presented.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Adopter le procès-verbal du Conseil - Comité plénier - 20 février 2024

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU que le procès-verbal du Conseil – Comité plénier du 20 février 2024 soit adopté, tel que présenté.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**



CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

MINUTES OF THE COUNCIL MEETING

February 20, 2024, 6:30 PM

Members Present: Councillor Jérôme Courchesne
 Councillor Daniel Gagné
 Councillor Kaitlynn Nicol
 Councillor Fern Pellerin
 Councillor Kris Rivard
 Councillor Roch St. Louis
 Councillor Anne Tessier
 Mayor Kathleen Thorne-Rochon

Members Absent: Councillor Jamie Restoule

1. **OPENING AND LAND ACKNOWLEDGEMENT**

2. **DECLARATIONS OF PECUNIARY INTEREST**

3. **ADDENDUM & AGENDA**

3.1 **Adopt the Agenda**

Resolution # 2024-33

Moved by: Councillor Anne Tessier

Seconded by: Councillor Jérôme Courchesne

BE IT RESOLVED THAT the Agenda for the Council - Committee of the Whole meeting held on February 20, 2024 be adopted, as presented.

CARRIED

4. **DELEGATIONS & PETITIONS**

4.1 **Petition for Quesnel Road to be paved**

A petition from residents of Quesnel Road was received. The Petition will be brought to the next Public Works Committee meeting for discussion.

5. **COMMITTEE OF THE WHOLE**

5.1 **Economic Development Committee**

1. **Old Mill site - Update**

The Director of Community Services and Economic Development provided an update on the development of the old Mill site. Phase I and II Environmental Assessments will be carried out in the near future and once that information is obtained, next steps will be brought to Council. Staff are exploring infrastructure options for the site and consultation is ongoing with West Nipissing Power Generation regarding the future needs of the power plant and a survey will be carried out to delineate the lands being retained for the Power Plant to ensure ongoing access to the River. The Mayor also highlighted the two (2) awards given to the Municipality at the recent EDCO Conference regarding the Land Use Study carried out for this site.

5.2 Public Works Committee

1. Delegation Request - OGRA

Staff sought direction from Council for Delegations at the upcoming OGRA conference. Despite assurances from MTO that the connecting link program is being looked at to address larger projects, it was suggested that the Champlain Bridge project be brought forward to MTO again. The Mayor suggested that Ministry of Immigration be sought on the subject of immigration of French-speaking immigrants to rural Ontario. Councillor Pellerin suggested that the Verner water project be brought once again. The CAO will work with the Clerk's Department to submit the necessary requests.

5.3 Community Services Committee

1. Building Security Issues (no documents - discussion)

The CAO indicated that the Municipality is looking at options to ensure that the building and its employees remain safe and secure. Issues arising from individuals obtaining access to the downstairs and staff in some departments being made to feel uncomfortable due to recent incidents. The difficulty is being seen in all municipal facilities and measures to address the problem such as keyed entry, cameras and potential security personnel are being explored.

5.4 Sewer and Water Committee

1. 2024 Water and Waste Water Budget - Discussion cont'd

Council continued its discussion of the 2024 Water and Waste Water Budget.

6. REGULAR MEETING

6.1 Consent Agenda

1. Adopt Council - Committee of the Whole minutes – February 6, 2024

Resolution # 2024-34

Moved by: Councillor Jérôme Courchesne

Seconded by: Councillor Anne Tessier

BE IT RESOLVED THAT the minutes of the Council - Committee of the Whole meeting held on February 6, 2024 be adopted, as presented.

CARRIED WITH AMENDMENTS

Amendment:

Resolution # 2024-34A

Moved by: Mayor Kathleen Thorne-Rochon

Seconded by: Councillor Daniel Gagné

That the amendment to item 5.2 be changed to read as follows:

That the line item for Outdoor Pickleball Courts in the Community Services Capital Budge for 2024 projects be changed to Outdoor Recreation Assets in order to provide greater flexibility to address projects.

CARRIED

2. Receive West Nipissing Public Library Board Minutes - Jan. 11, 2024

Resolution # 2024-35

Moved by: Councillor Jérôme Courchesne

Seconded by: Councillor Anne Tessier

BE IT RESOLVED that the Minutes of the West Nipissing Public Library Board Meeting held on January 11, 2024 be received.

CARRIED

1. Adopt Council - Committee of the Whole minutes – February 6, 2024

Resolution # 2024-34

Moved by: Councillor Jérôme Courchesne

Seconded by: Councillor Anne Tessier

BE IT RESOLVED THAT the minutes of the Council - Committee of the Whole meeting held on February 6, 2024 be adopted, as presented.

CARRIED WITH AMENDMENTS

Amendment:

Resolution # 2024-34A

Moved by: Mayor Kathleen Thorne-Rochon

Seconded by: Councillor Daniel Gagné

That the amendment to item 5.2 be changed to read as follows:

That the line item for Outdoor Pickleball Courts in the Community Services Capital Budget for 2024 projects be changed to Outdoor Recreation Assets in order to provide greater flexibility to address projects.

CARRIED

2. Receive West Nipissing Public Library Board Minutes - Jan. 11, 2024

Resolution # 2024-35

Moved by: Councillor Jérôme Courchesne

Seconded by: Councillor Anne Tessier

BE IT RESOLVED that the Minutes of the West Nipissing Public Library Board Meeting held on January 11, 2024 be received.

CARRIED

6.2 New Business

1. Approve 2024 Municipal Budget Expenditures Estimates

Resolution # 2024-36

Moved by: Councillor Anne Tessier

Seconded by: Councillor Jérôme Courchesne

WHEREAS budget deliberations were held at Special Budget meetings on November 18, November 23, and November 30, 2023 to discuss general municipal expenditure estimates for the year 2024;

BE IT RESOLVED THAT the Council for the Corporation of the Municipality of West Nipissing approves the general municipal expenditure estimates attached hereto as Schedule "A" for the year 2024.

CARRIED

2. Approve 2024 Water and Waste Water Expenditure Estimates

Resolution # 2024-37

Moved by: Councillor Jérôme Courchesne

Seconded by: Councillor Anne Tessier

WHEREAS the meetings of Council held on February 6 and February 20, 2024, deliberations were held to discuss expenditure estimates for Water and Wastewater for the year 2024;

BE IT RESOLVED THAT the Council for the Corporation of the Municipality of West Nipissing approves the estimates for Water and Wastewater attached hereto as Schedule "A" for the year 2024.

CARRIED

3. Approve of temporary road closures for the WN Pride Parade

Resolution # 2024-38

Moved by: Councillor Anne Tessier

Seconded by: Councillor Jérôme Courchesne

BE IT RESOLVED THAT Council grants permission for the following temporary street closures for the West Nipissing Pride Parade to be held on Saturday, June 8, 2024, starting at 1:00 PM (closure from 12:00pm - 2:00pm):

- Ethel Street between Main Street and King Street;
- King Street between Ethel Street and Queen Street;
- Queen Street between King Street and Main Street;
- Main Street between Queen Street and Ethel Street.

CARRIED

4. Adopt By-law No.: 2024-12; being a by-law to authorize the sale of land - PT 1 on PL 36R15200

Resolution # 2024-39

Moved by: Councillor Kris Rivard

Seconded by: Councillor Daniel Gagné

BE IT RESOLVED THAT the property located at Riverfront Drive, described as Part of North 1/2, Lot 5, Concession A, Part 1, Plan 36R-15200, Municipality of West Nipissing, District of Nipissing be declared surplus and that staff be directed to proceed to dispose of the said property to Francois Gilles Rivet and April Pamela White-Rivet for the consideration of \$40,000.00 plus HST in accordance with Municipal By-Law No. 2024-12 and shall come into force and take effect on the date it is passed.

CARRIED

5. Adopt Resolution to support the work of the Association of Ontario Road Supervisors

Resolution # 2024-40

Moved by: Councillor Daniel Gagné

Seconded by: Councillor Kris Rivard

WHEREAS, municipal public works departments from across the Province of Ontario provide invaluable services to our communities ensuring the health and safety of all residents;

AND WHEREAS, if it was not for our municipal public works employees from across the Province of Ontario maintaining our public roads systems, our communities would not be able to function as emergency personnel could not respond to calls, school buses could not get our children to school, residents would not be able to get to work, school or appointments and many more basic functions would not be able to happen;

AND WHEREAS, municipal public works departments are already feeling the impacts of a labour shortage, which will only be exacerbated over the next three to five years, which will cause levels of service municipalities are able to provide to ensure the health and safety of our residents to decrease;

AND WHEREAS, there is currently no provincial-wide course that properly trains potential municipal public works employees, specifically relating to municipal heavy equipment.

THEREFORE, IT BE RESOLVED, that the Municipality of West Nipissing supports the work of the Association of Ontario Road Supervisors to develop a Municipal Equipment Operator Course to address this issue;

AND THAT, the Municipality of West Nipissing calls on the Province of Ontario's Ministry of Labour, Training, Immigration and Skilled Trades to fully fund the Municipal Equipment Operator Course in 2024 through the Skills Development Fund;

AND THAT, a copy of this resolution be sent to the Minister of Labour, Training, Immigration and Skilled Trades David Piccinni, the Municipality of West Nipissing's Member of Provincial Parliament Mr. John Vanthof and the Association of Ontario Road Supervisors.

CARRIED6. Adopt Resolution to support Reaching Home funds

Resolution # 2024-41

Moved by: Councillor Kris Rivard

Seconded by: Councillor Daniel Gagné

WHEREAS the Municipality of West Nipissing supports the stabilization of the Federal Government's Reaching Home funding to the District of Nipissing Social Services Administration Board as the Community Entity;

AND WHEREAS funding be maintained, at minimum, at current levels for future fiscal years;

BE IT RESOLVED THAT this resolution be shared with local federal representatives.

CARRIED7. OPP Police Board Appointment

Resolution # 2024-42

Moved by: Councillor Daniel Gagné

Seconded by: Councillor Anne Tessier

WHEREAS it was determined at a Council meeting on September 5, 2023 that Campbell Anderson be appointed to the West Nipissing Police Services Board for the remainder of the 2022 to 2026 term;

AND WHEREAS the appointment was made prematurely;

BE IT RESOLVED THAT the appointment of Campbell Anderson be rescinded;

BE IT FURTHER RESOLVED THAT Campbell Anderson be re-appointed when the new board takes effect April 1st, 2024.

CARRIED WITH AMENDMENTS8. Hall Rental Fee Waiver Request - Franco-Nord Catholic School Board

Resolution # 2024-43

Moved by: Councillor Kris Rivard

Seconded by: Councillor Daniel Gagné

WHEREAS Conseil scolaire catholique Franco-Nord is requesting to use the Marcel-Noel Hall and kitchen, free of charge, in order to host the annual provincial high school Improvisation tournament; L'AFOLIE on Friday, May 3, 2024;

AND WHEREAS Council supports the Conseil scolaire catholique Franco-Nord's initiative;

BE IT THEREFORE RESOLVED THAT the use of the Marcel-Noel Hall and kitchen will be at no charge to the Conseil scolaire catholique Franco-Nord to host their event; which shall be coordinated with the Community Services Department.

CARRIED7. MAYOR'S REPORT AND ANNOUNCEMENTS

7.1 Mayor's Report

8. ADJOURNMENT8.1 Adopt Confirmatory By-law No. 2024-13

Resolution # 2024-44

Moved by: Councillor Daniel Gagné

Seconded by: Councillor Kris Rivard

BE IT RESOLVED THAT By-Law No. 2024-13, being a By-law of the Municipality of West Nipissing to confirm the proceedings of Council at its Council - Committee of the Whole held on February 20, 2024 shall come into force and take effect on the date it is passed.

CARRIED

8.2 Adjourn the meeting

Resolution # 2024-45

Moved by: Councillor Kris Rivard

Seconded by: Councillor Daniel Gagné

BE IT RESOLVED THAT the meeting of Council - Committee of the Whole held on February 20, 2024 be adjourned.

CARRIED



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Adopt West Nipissing Economic Development Advisory Committee minutes - January 25, 2024

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED that the Minutes of the West Nipissing Economic Development Advisory Committee held on January 25, 2024 be adopted as presented.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Adopter le procès-verbal de la réunion du comité consultatif sur le développement économique de Nipissing Ouest - 25 January 2024

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU QUE le procès-verbal du comité consultatif de développement économique de Nipissing Ouest, tenu le 25 janvier 2024, soit adopté tel quel.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**



**CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING
MINUTES OF THE WEST NIPISSING ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

January 25, 2024, 7:00 PM

Members Present: Rachel Quesnel
Ashten Marcoux
Jean-Pierre Martin
Jean-Guy Seguin
Manon Arcand
Jesse Demers
Kathleen Thorne-Rochon
Kris Rivard
Jérôme Courchesne

Members Absent: Bruno Lepage

1. DECLARATIONS OF PECUNIARY INTEREST

2. APPOINTMENT OF CHAIR

2.1 Appointment of Chair

Resolution # 2024-01A

Moved by: Kathleen Thorne-Rochon

Seconded by: Jean-Pierre Martin

BE IT RESOLVED THAT _____ be appointed Chair of the Economic Development Advisory Committee for 2024.

DEFERRED

Amendment:

Resolution # 2024-01B

Moved by: Kathleen Thorne-Rochon

Seconded by: Jean-Pierre Martin

BE IT RESOLVED THAT the appointment of Chair of the Economic Development Advisory Committee for 2024 shall be deferred to the February 22, 2024, meeting.

CARRIED

3. AGENDA

3.1 Adopt the Agenda

Resolution # 2024-02A

Moved by: Jean-Pierre Martin
Seconded by: Kathleen Thorne-Rochon

BE IT RESOLVED THAT the Agenda for the West Nipissing Economic Development Advisory Committee meeting held on January 25, 2024 be adopted, as amended.

CARRIED

Amendment:
Resolution # 2024-02B

Moved by: Kris Rivard
Seconded by: Kathleen Thorne-Rochon

BE IT RESOLVED THAT items 5.2, 5.4, and 5.5, under New Business, be removed from the Agenda.

CARRIED

4. APPROVAL OF MINUTES

Resolution # 2024-03

Moved by: Rachel Quesnel
Seconded by: Manon Arcand

BE IT RESOLVED THAT the minutes of the West Nipissing Economic Development Advisory Committee meeting held on December 6, 2023, be adopted, as presented.

CARRIED

5. NEW BUSINESS

5.1 Ontario Federation of Agriculture Cost of Community Services Study

Resolution # 2024-04

Moved by: Kris Rivard
Seconded by: Manon Arcand

BE IT RESOLVED THAT the Economic Development Advisory Committee recommends that Council proceed with the Cost of Community Services (COCS) Study in the Municipality of West Nipissing in collaboration with the Ontario Federation of Agriculture.

CARRIED

5.2 Exploring Nature Trail Opportunities

The committee discussed potential opportunities and locations for new nature trails in West Nipissing.

5.3 Proposed Water and Sewer Expansions to Support Housing Development

Expansions to services are executed by developers upon purchase of land.

5.4 Amendment to Building Height Restrictions

An amendment to building height restrictions will be considered with the Official Plan and Zoning By-law updates earmarked for 2024. In the meantime, Council will review amendment requests on a case-by-case basis.

5.5 Surplus Municipal Land - Housing Development Opportunities

Surplus municipal land identified as opportunities for new housing developments will be presented to Council for consideration.

6. ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer provided updates on ongoing projects.

7. ADJOURNMENT

7.1 Next Meeting Date

Thursday, February 22, 2024, at 7:00 p.m.

7.2 Adjourn the meeting

Resolution # 2024-05

Moved by: Jesse Demers

Seconded by: Jean-Guy Seguin

BE IT RESOLVED THAT the meeting of West Nipissing Economic Development Advisory Committee held on January 25, 2024 be adjourned.

CARRIED



West Nipissing Ovest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Receive Committee of Adjustment minutes - February 13, 2024

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED that the Minutes of the Committee of Adjustment Meeting held on February 13, 2024 be received.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Recevoir le procès-verbal du Comité d'ajustement - 13 février 2024

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU que le procès-verbal de la réunion du Comité de dérogation tenue le 13 février, 2024 soit reçu.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**

WEST NIPISSING COMMITTEE OF ADJUSTMENT**Minutes of the Committee of Adjustment**

February 13, 2024, 6:00 PM

Members Present Roger Gagnon, Kathleen Thorne-Rochon, Roch St. Louis, Jonathan Sandiford, Campbell Anderson

2. AGENDA2.1 Adopt the Agenda

2024-11

Moved by Kathleen Thorne-Rochon

Seconded by Jonathan Sandiford

BE IT RESOLVED THAT the Agenda for the West Nipissing Committee of Adjustment meeting of February 13, 2024 be adopted, as presented.

Carried

3. ADOPTION OF MINUTES

2024-12

Moved by Campbell Anderson

Seconded by Roger Gagnon

BE IT RESOLVED that the Minutes of the Committee of Adjustment meeting held on January 9, 2024, be adopted, as presented.

Carried

5. APPLICATIONS FOR CONSENT AND MINOR VARIANCE5.1 Consent Applications

5.1.1 C08/24 - Grant, Kenneth & Jennifer - O'Brien Rd - Caldwell Twp.

2024-13

Moved by Campbell Anderson

Seconded by Jonathan Sandiford

BE IT RESOLVED:

THAT THE CONSENT APPLICATION MADE BY Kenneth & Jennifer Grant for the creation of new lots at O'Brien Rd, municipality of West Nipissing is approved on the following conditions:

1. That a Reference Plan be prepared and deposited in the Land Registry Office and a copy of the new survey be filed with the Municipality.
2. Confirmation that all property taxes are paid up to date.
3. That all conditions be met on or before February 14, 2026, being two (2) years from the date of giving of notice or the consent shall be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O., as amended.
4. That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
5. In the event that any portion of a municipally maintained and travelled road be located on either of the severed or retained lands, that 10m from centre line of the maintained and travelled roadway(s), including the retained lands, shall be surveyed, at the owner's cost, and transferred to the municipality as a condition of the within severance.
6. The Municipality of West Nipissing requires easements for the (3) road drainage outlets as follows: (a) along the north property line of Part 1, (b) Across Part 4, Part 2 and Part 1, Across Part 19, Part 4 and Part 2. The width of the easement shall be 4m plus the width of the channel with the four meters to be on one side only.

Carried

5.1.2 C09/24 - Nickles, Kenneth & Dorothy - Plante Rd - Macpherson Twp.

2024-14

Moved by Jonathan Sandiford

Seconded by Kathleen Thorne-Rochon

BE IT RESOLVED:

THAT THE CONSENT APPLICATION MADE BY Kenneth & Dorothy Nickles for the creation of a new lot at Plante Rd, municipality of West Nipissing is approved on the following conditions:

1. That a Reference Plan be prepared and deposited in the Land Registry Office and a copy of the new survey be filed with the Municipality.
2. Confirmation that all property taxes are paid up to date.
3. That all conditions be met on or before February 14, 2026, being two (2) years from the date of giving of notice or the consent shall be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O., as amended.
4. That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
5. In the event that any portion of a municipally maintained and travelled road be located on either of the severed or retained lands, that 10m from centre line of the maintained and travelled roadway(s), including the retained lands, shall be surveyed, at the owner’s cost, and transferred to the municipality as a condition of the within severance.
6. The Municipal Clerk shall, pursuant to Section 65(1) of the Drainage Act, instruct the municipal engineer to apportion the assessment for drainage maintenance among the parts into which the lands are being divided. The costs of the apportionment shall be borne by the applicant. (Rousseau Drain 2005)

Carried

5.1.3 C10/24 - Ayotte, Marc & Gravelle, Anne-Marie - Danis Rd - Field Twp.

2024-15

Moved by Jonathan Sandiford

Seconded by Campbell Anderson

BE IT RESOLVED:

THAT THE CONSENT APPLICATION MADE BY Marc Ayotte & Anne-Marie Gravelle for the creation of new lots at Danis Rd, municipality of West Nipissing is approved on the following conditions:

1. That a Reference Plan be prepared and deposited in the Land Registry Office and a copy of the new survey be filed with the Municipality.
2. Confirmation that all property taxes are paid up to date.

3. That all conditions be met on or before February 14, 2026, being two (2) years from the date of giving of notice or the consent shall be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O., as amended.
4. That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
5. In the event that any portion of a municipally maintained and travelled road be located on either of the severed or retained lands, that 10m from centre line of the maintained and travelled roadway(s), including the retained lands, shall be surveyed, at the owner's cost, and transferred to the municipality as a condition of the within severance.

Carried

5.1.4 C11/24 - Ayotte, Marc & Gravelle, Anne-Marie - Danis Rd - Field Twp.

2024-16

Moved by Campbell Anderson

Seconded by Jonathan Sandiford

BE IT RESOLVED:

THAT THE CONSENT APPLICATION MADE BY Marc Ayotte & Anne-Marie Gravelle for the creation of a Right-of-Way at Danis Road, municipality of West Nipissing is approved on the following conditions:

1. That a Reference Plan be prepared and deposited in the Land Registry Office and a copy of the new survey be filed with the Municipality.
2. Confirmation that all property taxes are paid up to date.
3. That all conditions be met on or before February 14, 2026, being two (2) years from the date of giving of notice or the consent shall be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O., as amended.
4. That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
5. In the event that any portion of a municipally maintained and travelled road be located on either of the severed or retained lands, that 10m from centre line of the maintained and travelled roadway(s), including the retained lands, shall be surveyed, at the owner's cost, and transferred to the municipality as a condition of the within severance.

Carried

5.1.5 C12/24 - Co-operative Regionale - 717 Gingras Ave - Caldwell Twp.
2024-17

Moved by Jonathan Sandiford

Seconded by Kathleen Thorne-Rochon

BE IT RESOLVED:

THAT THE CONSENT APPLICATION MADE BY Co-operative Regionale Nipissing-Sudbury Ltd. for a lot addition at 717 Gingras Avenue, municipality of West Nipissing is approved on the following conditions:

1. That a Reference Plan be prepared and deposited in the Land Registry Office and a copy of the new survey be filed with the Municipality.
2. Confirmation that all property taxes are paid up to date.
3. That all conditions be met on or before February 14, 2026, being two (2) years from the date of giving of notice or the consent shall be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O., as amended.
4. That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
5. In the event that any portion of a municipally maintained and travelled road be located on either of the severed or retained lands, that 10m from centre line of the maintained and travelled roadway(s), including the retained lands, shall be surveyed, at the owner's cost, and transferred to the municipality as a condition of the within severance.
6. That a PIN (Property Identifier Number) Consolidation be registered in the Land Registry Office in order to consolidate the lot addition lands with the lands to which they are being added.
7. The Municipal Clerk shall, pursuant to Section 65(1) of the Drainage Act, instruct the municipal engineer to apportion the assessment for drainage maintenance among the parts into which the lands are being divided. The costs of the apportionment shall be borne by the applicant. (Leblanc Drain 1971 & Leblanc Drain Improvement 1984)

Carried

5.1.6 C13/24 - Glover, John & Jeanne - 401 Levert Drive - Springer Twp.
2024-18

Moved by Jonathan Sandiford

Seconded by Roger Gagnon

BE IT RESOLVED:

THAT THE CONSENT APPLICATION MADE BY John & Joanne Glover for a lot addition at 401 Levert Drive, municipality of West Nipissing is approved on the following conditions:

1. That a Reference Plan be prepared and deposited in the Land Registry Office and a copy of the new survey be filed with the Municipality.
2. Confirmation that all property taxes are paid up to date.
3. That all conditions be met on or before February 14, 2026, being two (2) years from the date of giving of notice or the consent shall be deemed not to have been given as per Section 53(20) of the Planning Act, R.S.O., as amended.
4. That a Transfer/Deed of Land be submitted to the Secretary-Treasurer for the issuance of a Certificate of Consent.
5. In the event that any portion of a municipally maintained and travelled road be located on either of the severed or retained lands, that 10m from centre line of the maintained and travelled roadway(s), including the retained lands, shall be surveyed, at the owner’s cost, and transferred to the municipality as a condition of the within severance.
6. That a PIN (Property Identifier Number) Consolidation be registered in the Land Registry Office in order to consolidate the lot addition lands with the lands to which they are being added.
7. That the owner of PIN No. 0122 apply for a new Right of Way to be granted in favour of PIN No. 0121.
8. That A Release and Abandonment of the ROW registered as BS47799 on PIN NO. 0212 be obtained from the owner of PIN No. 0122.

Carried

5.2 Minor Variance Applications

5.2.1 MV2024/01 - Glover, John & Jeanne - 401 Levert Drive - Springer Twp.

2024-19

Moved by Jonathan Sandiford

Seconded by Roger Gagnon

It is the decision of the Committee of Adjustment to approve the variance application made by John & Jeanne Glover to reduce the minimum lot frontage from 61m to 52m for the following reasons:

- Meets the general intent and purpose of the Official Plan.
- Meets the general intent and purpose of the Zoning By-law.
- The variance(s) is considered desirable for the appropriate development of the property; and
- In the opinion of the Committee, the variance(s) is minor in nature.

REASONS FOR APPROVAL/REFUSAL:

Carried

5.3 OTHER

6. ADJOURNMENT

2024-20

Moved by Jonathan Sandiford

Seconded by Campbell Anderson

BE IT RESOLVED THAT the meeting of Committee of Adjustment held on February 13, 2024 be adjourned.

Carried



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Receive Au Chateau Board of Management minutes - January 17, 2024

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED that the Minutes of the Au Chateau Board of Management held on January 17, 2024 be received.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Recevoir le procès-verbal du Conseil d'administration d'Au Chateau - 17 janvier 2024

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU que le procès-verbal du conseil d'administration d'Au Chateau tenu le 17 janvier 2024 soit reçu.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**

**Minutes of the Annual Meeting
of the Board of Management of Au Château
held by conference call
on January 17, 2024 at 12:00 noon**

PRESENT: MEMBERS :	Daniel Gagné	Chair
	Catherine Neddow	Vice-Chair
	Jérôme Courchesne	
	Ronald Demers	
	Jacques Dupuis	Administrator / Secretary
	Fernand Pellerin	
	Jamie Restoule	
	Nicole Janson	Recording Secretary

REGRETS: Temagami Representative

01. Meeting called to order

Meeting was called to order.

02. Declaration of Conflict of Interest

No declaration of conflict of interest declared.

03. Elections

The Administrator chaired the elections having the following resolutions being adopted:

Resolution No. 1

Moved by : Ronald Demers

Seconded by : Jérôme Courchesne

BE IT RESOLVED THAT Daniel Gagné be appointed Chair for the year 2024.

Carried

Resolution No. 2

Moved by : Fernand Pellerin

Seconded by : Ronald Demers

BE IT RESOLVED THAT Catherine Neddow be appointed Vice-Chair for the year 2024.

Carried

04. Adoption of Agenda

Resolution No. 3

Moved by : Ronald Demers

Seconded by : Catherine Neddow

BE IT RESOLVED THAT the Agenda of the Annual Meeting on January 17, 2024 be approved as presented at 12:07 pm.

Carried

05. Adoption of Minutes

Resolution No. 4

Moved by : Fernand Pellerin

Seconded by : Jérôme Courchesne

BE IT RESOLVED THAT the Minutes of the Regular Meeting held December 20, 2023 be approved as presented.

Carried

06. New Business:**a) Health & Safety Committee Meeting Minutes**

The Health and Safety Committee Meeting Minutes were accepted as presented and the following resolution was adopted:

Resolution No. 5

Moved by : Jamie Restoule
Seconded by : Jérôme Courchesne

BE IT RESOLVED THAT the Minutes of the Joint Health and Safety Committee have been received.

Carried

b) Quality Management Committee Minutes

The Quality Management Committee Meeting Minutes were then accepted as presented and the following resolution was adopted:

Resolution No. 6

Moved by : Fernand Pellerin
Seconded by : Catherine Neddow

BE IT RESOLVED THAT the Minutes of the Quality Management Committee have been received.

Carried

c) Critical Incident Report 2022

Administrator provided a summary of the report detailing each category.

d) Respite Bed Correspondence

Administrator informed the Board that the Ministry has approved one Short-stay respite bed instead of two to try to improve occupancy. The second short-stay respite bed has been transferred to a long-term bed.

e) **Strategic Plan**

There were no new developments to report to the exception of the publication of the communiqué which will appear in the next Tribune edition.

07. **Unfinished Business:**

a) **Financial Report**

After clarification of a few items, the Financial Report was accepted as presented and the following resolution was adopted:

Resolution No. 7

Moved by : Ronald Demers
Seconded by : Fernand Pellerin

BE IT RESOLVED THAT the Financial Report be accepted as presented.

Carried

b) **Administrative Report**

None

09. **Other Business / Information Items**

a) **Next Meeting**

The next meeting is scheduled for February 21st, 2024 at 12:00 noon.

b) **Information Items**

None

10. **Adjournment**

Resolution No. 8

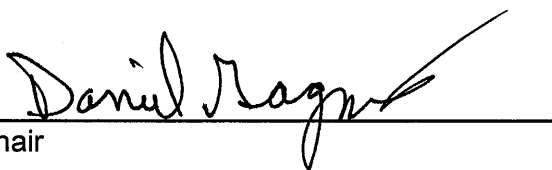
Moved by : Jérôme Courchesne

Seconded by : Ronald Demers

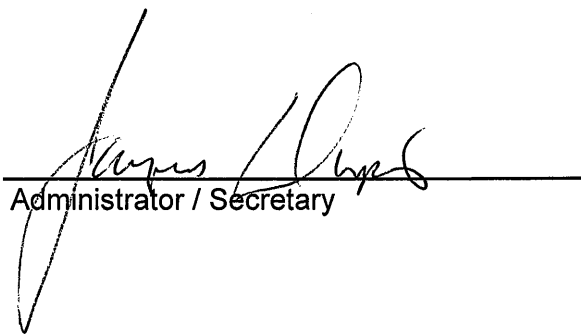
BE IT RESOLVED THAT the meeting now adjourns at 12:35 pm.

Carried

Chair

A handwritten signature in black ink, appearing to read "Daniel Ragny", is written over a solid horizontal line.

Administrator / Secretary

A handwritten signature in black ink, appearing to read "James Chabot", is written over a solid horizontal line.



Sturgeon Falls Curling Club

228 Clark St. Sturgeon Falls ON P2B 3M8 705-753-1130

www.sfcc.ca

YOU ARE INVITED

To the Sturgeon Falls Curling Club Sponsor Appreciation Open House
Sunday MARCH 24 from 2pm to 5pm

Come and see what your Sponsorship has provided!
We look forward to thanking you for your support.

PLEASE RSVP **with the number of guests** by March 11
To djlab45@gmail.com
705 471 0045

RECEIVED
FEB 26 2024

VOUS ÊTES INVITÉS

à la journée d'appréciation pour les commanditaires du Club de Curling Sturgeon Falls
le Dimanche 24 MARS de 14 heures à 17 heures

Venez voir ce que votre patronage vous a fourni!
Nous avons hâte de vous remercier pour votre soutien.

S'IL VOUS PLAÎT RÉSERVER en indiquant **le nombre d'invités** d'ici le 11 mars
en communiquant avec Dianne:

djlab45@gmail.com
705-471-0045



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Resolution Re Blue Box Program during Transition Period July-1-25 - Dec-11-25

Date: March 5, 2024

Moved by: _____

Seconded by: _____

WHEREAS pursuant to O.Reg. 391/21, blue box operations have been shifted from municipalities to producers who sell packaging and paper products (the "Producers");
AND WHEREAS the Transition date set for the Municipality of West Nipissing is July 1, 2025 with full implementation of the Producer operated Blue Box program by December 31, 2025 (the "Transition Period");
AND WHEREAS Municipalities have an option during the Transition Period to continue to provide recycling services to residents on behalf of the Producers;
BE IT RESOLVED that the Municipality of West Nipissing has elected to opt out of providing recycling services on behalf of Producers during the Transition Period.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Résolution concernant le programme des boîtes bleues pendant la période de transition du 1er juillet au 25 décembre, 2025

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

ATTENDU QUE conformément au Règlement de l'Ontario 391/21, l'exploitation des boîtes bleues a été transférée des municipalités aux producteurs qui vendent des produits d'emballage et de papier (les " producteurs ") ;
ET ATTENDU QUE la date de transition fixée pour la municipalité de Nipissing Ouest est le 1er juillet 2025 et que la mise en œuvre complète du programme de boîtes bleues géré par les producteurs est prévue pour le 31 décembre 2025 (la " période de transition ") ;
ET ATTENDU QUE les municipalités ont l'option, pendant la période de transition, de continuer à fournir des services de recyclage aux résidents au nom des producteurs ;
IL EST RÉSOLU que la municipalité de Nipissing Ouest a choisi de ne pas fournir de services de recyclage au nom des producteurs pendant la période de transition.

ADOPTÉ

REJETÉ

REJETÉ

ADOPTÉ AVEC
 MODIFICATIONS / REPORTÉ /
 RÉFÉRÉ / RETIRÉ



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Amendment to Cemetery By-Law 2012-37 - Fee Increases

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT By-Law No. **2024-14**, being a By-law to Amend Schedule "A" to By-Law 2012/37, being a By-Law to Administer, Regulate and Control Cemeteries in West Nipissing, shall come into force and take effect on the date it is passed.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Modification du règlement du cimetière

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU QUE le Règlement no **2024-14**, qui est un Règlement modifiant l'annexe « A » du Règlement 2012/37, qui est un Règlement visant à administrer, régler et contrôler les cimetières de Nipissing Ouest, entre en vigueur et entre en vigueur à la date de son adoption

ADOPTÉ

REJETÉ

REJETÉ

ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ

MEMORANDUM

TO: Cemetery Board

FROM: Melanie Ducharme, Municipal Clerk/Planner

DATE: January 29, 2024

RE: **Proposed Fee Increase for Interments & Various Administrative fees**

Please see attached current price list for West Nipissing Cemetery Services. In 2022 the Bereavement Authority of Ontario increased the amount of care and maintenance fees payable on lots, niches and monuments. Accordingly, lot/niche prices were adjusted slightly in 2022 due to increases in the Care and Maintenance portion of the purchase price.

No other fees have been adjusted since 2018. I am proposing increases to all of the interment fees in order to ensure that we are recovering our costs.

In addition to increases in existing fees, I am proposing new administrative fee for Reservations. Cremation is now the norm and more and more people are seeking to be buried on top of the graves of deceased relatives in order to save costs in having to purchase a lot or a niche. There is as much administration in setting up these reservations as a new purchase, including meeting time, obtaining the requires consents from other family members, recording the reservations in the computer system and issuance of written confirmations. This fee would not apply to cremation reservations made at the time of lot purchase nor to living lot owners.

Additionally, a marker staking fee is being proposed for new monument installations. This would be payable *in addition to* the monument care and maintenance fee which is legislated by the Bereavement Authority of Ontario.

Joie de vivre



www.westnipissingouest.ca

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**West Nipissing Cemetery Board**

Resolution Number: 2024-04
Title: Fee Increases and New Fees for Reservations
Date: January 31, 2024

Moved by: Louis Benoit
Seconded by: Christine Riberdy

WHEREAS the West Nipissing Cemetery Board has reviewed proposed fee increases at its meeting of January 31, 2023;
BE IT RESOLVED that the West Nipissing Cemetery Board recommends that Schedule "A" to By-Law No. 2012/37 be amended to reflect the proposed fee increases for interments and certain administrative services;

Resolution Carried



BY-LAW 2024/_____

SCHEDULE "A"

TARIFF AND CHARGES FOR WEST NIPISSING CEMETERIES

CEMETERY OPERATORS: Melanie Ducharme, Municipal Clerk
101-225 Holditch Street • Sturgeon Falls, ON • P2B 1T1
Telephone: 705-753-2250

1. LOT PRICES

LAST UPDATED : MAY 2022

	GENERAL FUNDS	PERPETUAL FUNDS	SUB-TOTAL	HST	TOTAL
REGULAR LOT(4 X 8)	\$ 250.00	\$290.00	\$540.00	\$70.20	\$610.20
CREMATED REMAINS LOT (2 X 2)	\$75.00	\$175.00	\$250.00	\$32.50	\$282.50

2. INTERMENT CHARGES

	FEES	HST	TOTAL
ADULT GRAVES (CASSET) - WEEKDAYS	\$ 500.00 \$ 650.00	\$65.00 \$84.50	\$565.00 \$734.50
CREMATED REMAINS - WEEKDAYS	\$ 200.00 250.00	\$ 26.00 \$32.50	\$226.00 \$282.50
CASSET INTERMENT WITH OUTER SHELL (EXTRAS)	\$ 200.00	\$ 26.00	\$226.00
MONUMENT BASE NICHE INTERMENT – WEEKDAYS	\$ 200.00	\$ 26.00	\$ 226.00
WEEKEND SURCHARGE FOR ALL GRAVE AND CREMATION	\$ 225.00 \$275.00	\$ 29.25 \$37.75	\$ 254.25 \$310.75

3. ADDITIONAL SERVICE CHARGES

	FEES	HST	TOTAL
DISINTERMENT OF CREMATED REMAINS	\$200.00 \$250.00	\$26.00 \$32.50	\$226.00 \$282.50
DISINTERMENT AND REBURIAL ↳ IN ANY OTHER LOCATION IN THE CEMETERY	\$1,000.00	\$130.00	\$1,130.00
DISINTERMENT AND REBURIAL IN ANOTHER CEMETERY	\$1,000.00	\$130.00	\$1,130.00
TRANSFER OF INTERMENT RIGHTS	\$30.00 \$50.00	\$3.90 \$6.50	\$33.90 \$56.50
RECORDING CHANGE OF OWNERSHIP	\$30.00 \$50.00	\$3.90 \$6.50	\$33.90 \$56.50
ISSUING NEW (REPLACEMENT) DEED	\$30.00 \$50.00	\$3.90 \$6.50	\$33.90 \$56.50
CREMATION RESERVATIONS (non-owner)	\$50.00	\$6.50	\$56.50
MONUMENT/MARKER STAKING FEE (payable in addition to C&M)	\$50.00	\$6.50	\$56.50

4. MARKERS CARE & MAINTENANCE

	FEES	HST	TOTAL
FLAT MARKER 173 SQUARE INCHES OR MORE	\$100.00	\$13.00	\$113.00
UPRIGHT MONUMENTS ↳ UP TO 48 INCHES IN HEIGHT & WIDTH	\$200.00	\$26.00	\$226.00
UPRIGHT MONUMENTS ↳ MORE THAN 48 INCHES IN HEIGHT & WIDTH	\$400.00	\$52.00	\$452.00

5. COLUMBARIUM NICHE FEES (Cache Bay, Field & Verner)

GENERAL FUNDS	15% CARE & MAINTENANCE	SUB TOTAL	OPEN & CLOSE (weekdays)	ENGRAVING	COLUMBARIUM MAINTENANCE FEES	HST	TOTAL
\$830.87	\$165.00	\$995.87	\$100.00	\$350.00	\$450.00	\$246.46	\$2142.33
SATURDAY INTERMENT FEES (extra)					\$275.00	\$37.75	\$310.75
					\$225.00	\$29.25	\$254.25
OPEN & CLOSE SECOND INTERMENT (weekdays)					\$100.00	\$13.00	\$113.00
ENGRAVING OF Y.O.D.					\$160.00	\$20.80	\$180.80

PLEASE NOTE: (1) For Markers & Monuments information, Please refer to Section 12 & 13 of the By-Law.
(2) For permitted number of interments, please refer to Section 7 & 8 of the By-Law.
(3) Additional information is available on request.



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2024/14

**BEING A BY-LAW TO AMEND BY-LAW 2012/37, AS AMENDED,
BEING A BY-LAW TO ADMINISTER, MANAGE, REGULATE AND CONTROL
CEMETERIES IN THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS the Corporation of the Municipality of West Nipissing has ownership of the following cemeteries:

- Cache Bay Cemetery
- Field Cemetery
- Nipissing & First Cemetery
- Notre Dame de la Visitation/The Visitation of the Blessed Virgin Mary
- St-Aidens Cemetery
- Sunnyridge Cemetery
- Verner Cemetery
- West Side Cemetery

AND WHEREAS the West Nipissing Cemetery Board has recommended that Council amend the Tariff and Charges - Schedule "A" of By-law 2012/37, as amended;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS THAT BY-LAW 2012/37, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. **THAT** Schedule "A" of By-Law 2012/37 is replaced with Schedule "A" – Tariff and Charges, attached hereto, which shall form part of this By-law.
2. **THAT** By-Law 2022/49 be repealed.
3. **THAT** this by-law shall take effect on the date it is enacted.

ENACTED AND PASSED THIS 5th DAY OF MARCH, 2024 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK



BY-LAW 2024/14

SCHEDULE "A"

TARIFF AND CHARGES FOR WEST NIPISSING CEMETERIES

CEMETERY MANAGER: Melanie Ducharme, Municipal Clerk
101-225 Holditch Street • Sturgeon Falls, ON • P2B 1T1
Telephone: 705-753-2250

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PLEASE NOTE: (1) For Markers & Monuments information, Please refer to Section 12 & 13 of the By-Law.
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(3) Additional information is available on request.



West Nipissing Ovest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Appoint Member of Council for Ward 8 to Board of Directors of CCL

Date: March 5, 2024

Moved by: _____

Seconded by: _____

WHEREAS the Centre Communautaire de Lavigne has updated its constitution to dedicate one (1) permanent position on its Board of Directors to the sitting member of the West Nipissing Municipal Council elected for Ward 8;

AND WHEREAS the amendment has been effected retroactively to 2005;

BE IT THEREFORE RESOLVED that the Municipality of West Nipissing is hereby authorized to appoint the Member of Council elected for Ward 8 in every Term to the Board of Directors of the Centre Communautaire de Lavigne;

AND BE IT FURTHER RESOLVED that Jerome Courchesne shall be appointed to the Board of Directors of the Centre Communautaire de Lavigne for the Council Term 2022-2026, effective as of the commencement of the 2022-2026 Term of Council.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Nommer un membre du conseil du quartier 8 au conseil d'administration de CCL

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

ATTENDU QUE le Centre Communautaire de Lavigne a mis à jour sa constitution afin de dédier un (1) poste permanent au sein de son conseil d'administration au membre du conseil municipal de Nipissing Ouest élu pour le quartier 8 ;
ET ATTENDU QUE l'amendement a été effectué rétroactivement à 2005 ;
IL EST DONC RÉSOLU QUE la municipalité de Nipissing Ouest soit autorisée par la présente à nommer le membre du conseil élu pour le quartier 8 à chaque mandat au conseil d'administration du Centre communautaire de Lavigne ;
ET IL EST AUSSI RÉSOLU que Jérôme Courchesne soit nommé au conseil d'administration du Centre communautaire de Lavigne pour le mandat du conseil 2022-2026, à compter du début du mandat du conseil 2022-2026.

ADOPTÉ

REJETÉ

REJETÉ

ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ

From: [West Nipissing Online](#)
To: [Jay Barbeau](#)
Subject: Agenda Item Request: Formalizing Municipal Board Member Position for the CCL:
Date: February 22, 2024 4:11:34 PM

Requested Council Meeting Date

03/05/2024

Name of Councillor/Requestor

Jérôme Courchesne

Phone

(705) 845-0507

Your email address

jcourchesne@westnipissing.ca

Requested Agenda Item

Formalizing Municipal Board Member Position for the CCL

Description · Details · Background Information

The CCL was created in 1977 to promote recreational, athletic, cultural as well as community services for the community of Lavigne and surrounding area. The CCL is a non-profit organization comprised entirely of volunteers. The CCL also manages the Caisse Alliance Waterfront Park located on the shores of Lake Nipissing and contributes to the maintenance and beautification of the community of Lavigne.

After amalgamation in 1999, the CCL continued operating. On or about the year 2004, the CCL approached the Municipality of West Nipissing for support. Following discussions, support was granted to the CCL and its Board of Directors and volunteers in the following ways:

The Municipality of West Nipissing would pay for the hydro, heat/propane and insurance costs for the CCL. The CCL is responsible for all other costs and remains the owner on title to the land on which the CCL is situated. The individual who holds the seat for the Ward 8 Councillor position would also automatically sit by default as a Board member on the CCL Board of Directors. The Ward 8 Councillor also acts as a liaison for municipal matters or projects, issues, etc.

In the past, the Municipality would appoint by way of resolution the Ward 8 Councillor to sit as a Board member for the CCL. The CCL has since formalized in its constitution the Board seat reserved to the Ward 8 Councillor. Attached is the amendment to the CCL constitution for information.

In seeking advice to the Integrity Commissioner on whether to declare a conflict of interest or not on matters brought forward to Council by the CCL, he provided some great information and he also recommended the following be undertaken by the Municipality to formalize the Board position reserved for the Municipality:

“The very best course of action would be for Council to pass a by-law, retroactively to the date of the election (Council can pass by-laws with retroactive effect) stating that Council is authorized to appoint one member of Council to the CCL Board and that they hereby appoint the member representing Ward 8 as Council’s appointment on a retroactive and go forward basis until such time as a further or subsequent appointment is made. That way the appointment would stand on a go forward basis as the member for ward 8 changes from time to time. An alternative would be for Council to specifically appoint the member from Ward 8 at the beginning of each term. Ideally you would be appointed retroactively to the beginning of your term as a member of Council.

As a best course of action, I would ask Council to appoint the Ward 8 member retroactively to the beginning of your term of Council. Also, look at the CCL by-laws it is possible that those speak to the member from Ward 8 being an ex-officio member of the CCL board. In any case, Council should make the appointment.”

File Upload

- [6.-Amendements-la-constitution-2023-bilingue.pdf](#)



West Nipissing Ovest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Facility Rental Fee Waiver Request – Nipissing Kennel Club

Date: March 5, 2024

Moved by: _____

Seconded by: _____

WHEREAS Nipissing Kennel Club is requesting to use the Marcel & Jane Labbé Arena Floor & Sports Hall of Fame, free of charge, in order to host an All Breed sanctioned dog show; May 9th to May 12th, 2024;
AND WHEREAS Council supports the Nipissing Kennel Club’s initiative;
BE IT THEREFORE RESOLVED THAT the use of the Arena Floor & Sports Hall of Fame will be at no charge to the Canadian Kennel Club to host their event; which shall be coordinated with the Community Services Department.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Demande d'exonération des frais de location des installations - Nipissing Kennel Club

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

ATTENDU QUE le Club canin de Nipissing demande d'utiliser gratuitement le plancher de l'aréna Marcel et Jane Labbé et le Temple de la renommée des sports afin d'organiser une exposition canine sanctionnée par toutes les races, du 9 au 12 mai 2024 ;

ET ATTENDU QUE le conseil appuie l'initiative du Club canin de Nipissing ;

IL EST AINSI RÉSOLU QUE l'utilisation du plancher de l'aréna et du Hall de la renommée des sports sera sans frais pour le Club Canin Canadien afin de tenir leur événement, qui sera coordonné avec le département des services communautaires.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**

MEMORANDUM

TO: Jay Barbeau, CAO

FROM: Stephan Poulin, Director of Economic Development and Community Services

DATE: February 29, 2024

RE: Facility Rental Fee Waiver Request – Nipissing Kennel Club

As indicated on the fee waiver request form received, the Nipissing Kennel Club will be hosting a dog show in May and they are requesting that the rental fees for the use of the Marcel and Jane Labbé Arena be waived by Council. The arena rental fee for this event is \$2,300 plus HST.

The fee waiver request form and supporting documents provided by the Nipissing Kennel Club are provided with this memo.

Joie de vivre



www.westnipissingouest.ca



West Nipissing Community and Recreation Centre
 Centre communautaire et récréatif de Nipissing Ouest
 SEND COMPLETED FORM TO: reccentertaff@westnipissing.ca
 OR 219, rue O'Hara Street, Sturgeon Falls, ON P2B 1A2
 P/T 705-753-0160 | F/TC 705-753-3950

Facility Rental Fee Waiver

By filling out this form, you are requesting the full or partial waiver of facility fees from the Municipality of West Nipissing. Organizations and groups must comply with the Municipality's facility booking process (including filling out and submitting required forms and documents).

CONTACT INFORMATION	
Organization/Group Name	NIPISSING KENNEL CLUB INC
Main Contact (Organization Representative)	
Phone Number	
Email	
Address	
Organization/Group Type	Not-For-Profit <input checked="" type="checkbox"/> Community Organization/Group <input checked="" type="checkbox"/> Charitable Organization <input type="checkbox"/> Other <input type="checkbox"/> <i>NFP/Charitable Number</i> _____ <i>Please Specify</i> _____
Organization/Group Mandate <i>*Please provide a brief description</i>	The Nipissing Kennel Club Inc. is a club sanctioned by the Canadian Kennel Club. Our purpose is to serve our members and the public with education, support, guidance and sanctioning of events for all their canine endeavours. Our goal is the preservation
Type of Event or Program <i>*Please provide a brief description</i>	Conformation All Breed sanctioned dog show.
Requested Facility/Hall	Arena Floor & Sports Hall of Fame
Requested Date(s)	May 09-May 12, 2024
Will your community event require an admission fee for participation?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Type Requested (Full or Partial?)	Full <input checked="" type="checkbox"/> Partial <input type="checkbox"/> Not Sure <input type="checkbox"/>



West Nipissing Community and Recreation Centre
 Centre communautaire et récréatif de Nipissing Ouest
 SEND COMPLETED FORM TO: reccentertaff@westnipissing.ca
 OR 219, rue O'Hara Street, Sturgeon Falls, ON P2B 1A2
 P/T 705-753-0160 | F/TC 705-753-3950

<p>Reason for Requesting Waiver of Rental Fees <i>*Please describe the financial need for the full or partial facility waiver</i></p>	<p>We are a not for profit corporation. No club member is allowed to profit. All profits are used to futher our mandate, which includes other trials, workshops and even dental cleaning service to the public.</p>
<p>Has your organization/group requested full or partial fee facility waivers with the Municipality of West Nipissing this calendar year?</p>	<p>Yes <input type="checkbox"/> <i>Please Specify</i> _____ No <input checked="" type="checkbox"/></p>
<p>Budget Summary <i>*Please include all budget details including revenues and expenses</i></p> <p>Revenue examples: admission fees, fundraising activities (such as raffles, 50/50 draw or other), donations, sponsorship/partner contributions, grant/funding, etc.</p> <p>Expenses examples: contractors (such as caterer, bartender, decorator), insurance certificate, entertainment, decor, food, event staff, activity related expenses, etc.</p>	<p>Please find the most recent Profit and Lost statement for 2019.</p>

We hereby request the full or partial waiver of facility rental fees for the above stated facility on the above stated date(s). We understand that the facility booking process will remain the same.

I agree to the above statement and all terms and conditions associated.

Signature _____

Date _____



West Nipissing Ovest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Facility Rental Fee Waiver Request - Sturgeon Falls Rod and Gun Club

Date: March 5, 2024

Moved by: _____

Seconded by: _____

WHEREAS Sturgeon Falls Rod & Gun Club is requesting to use the Cache Bay Community Centre, free of charge, in order to host an a presentation ceremony for a Northern Pike fishing tournament; May 25th, 2024;
AND WHEREAS Council supports the Sturgeon Falls Rod & Gun Club’s initiative;
BE IT THEREFORE RESOLVED THAT the use of the Cache Bay Community Centre will be at no charge to the Sturgeon Falls Rod & Gun Club to host their event; which shall be coordinated with the Community Services Department.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Demande d'exonération des frais de location d'installations - Sturgeon Falls Rod and Gun Club

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

ATTENDU QUE le Sturgeon Falls Rod & Gun Club demande d'utiliser le centre communautaire de Cache Bay, sans frais, afin d'organiser une cérémonie de présentation pour un tournoi de pêche au brochet ; le 25 mai 2024 ;

ET ATTENDU QUE le conseil appuie l'initiative du Sturgeon Falls Rod & Gun Club ;

IL EST AINSI RÉSOLU QUE l'utilisation du centre communautaire de Cache Bay sera sans frais pour le Sturgeon Falls Rod & Gun Club afin de tenir leur événement, qui sera coordonné avec le département des services communautaires.

ADOPTÉ

REJETÉ

REJETÉ

ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ

MEMORANDUM

TO: Jay Barbeau, CAO

FROM: Stephan Poulin, Director of Economic Development and Community Services

DATE: February 29, 2024

RE: Facility Rental Fee Waiver Request – Sturgeon Falls Rod and Gun Club

As indicated on the fee waiver request form received, the Sturgeon Falls Rod and Gun Club require the use of the Cache Bay Community Centre hall and kitchen in relation to their annual fishing derby in May. The Rod and Gun Club is requesting that the rental fee for the use of the hall and kitchen be waived by Council. The Rod and Gun Club have been granted free use of the hall for past years events. The rental fee for this event is \$579 plus HST.

Joie de vivre



www.westnipissingouest.ca



West Nipissing Community and Recreation Centre
 Centre communautaire et récréatif de Nipissing Ouest
 SEND COMPLETED FORM TO: reocentertam@westnipissing.ca
 OR 219 - rue O'Hara Street, Sturgeon Falls, ON P2S 1A2
 P/F 705-753-0160 T/F 705-753-3950

Facility Rental Fee Waiver

By filling out this form, you are requesting the full or partial waiver of facility fees from the Municipality of West Nipissing. Organizations and groups must comply with the Municipality's facility booking process (including filling out and submitting required forms and documents).

CONTACT INFORMATION

Organization/Group Name STURGEON FALLS ROD + GUN CLUB
 Main Contact (Organization Representative) JOHN THORNTON
 Phone Number [REDACTED]
 Email [REDACTED]
 Address [REDACTED]
 Organization/Group Type Not-For-Profit Community Organization/Group
 Charitable Organization Other
 NFP/Charitable Number 425786 Please Specify _____

Organization/Group Mandate
 *Please provide a brief description

A CONSERVATION FOCUSED OUT-DOOR CLUB WITH FACILITIES FOR CROSS-COUNTRY SKIING, TRAP SHOOTING ARCHERY AND LONG GUN + PISTOL SHOOTING AWARD PRESENTATION CEREMONY FOR A NORTHERN PIKE FISHING TOURNAMENT.

Type of Event or Program
 *Please provide a brief description

CACHE BAY COMMUNITY CENTRE
 MAY 25, 2024 SATURDAY

Requested Facility/Hall
 Requested Date(s)

Will your community event require an admission fee for participation?

Yes No

Type Requested (Full or Partial?)

Full Partial Not Sure



West Nipissing Community and Recreation Centre
 Centre communautaire et récréatif de Nipissing Ouest
 SEND COMPLETED FORM TO: recreationaff@westnipissing.ca
 OR 219 rue O'Hara Street, Sturgeon Falls, ON P2B 1A2
 P/T 705-753-0160 | F/T 705-753-3950

Reason for Requesting Waiver of Rental Fees

**Please describe the financial need for the full or partial facility waiver*

THE FISHING TOURNAMENT IS THE ONLY OTHER SOURCE OF INCOME BESIDES MEMBERSHIP FEES. THIS HELPS THE SFRGC KEEP MEMBERSHIP FEES LOWER FOR WEST NIPISSING AREA RESIDENTS

Has your organization/group requested full or partial fee facility waivers with the Municipality of West Nipissing this calendar year?

Yes
 Please Specify

No

SFRGC PIKE FISHING TOURNAMENT

Budget Summary

**Please include all budget details including revenues and expenses*

Revenue examples: admission fees, fundraising activities (such as raffles, 50/50 draw or other), donations, sponsorship/partner contributions, grant/funding, etc.

Expenses examples: contractors (such as caterer, bartender, decorator), insurance certificate, entertainment, decor, food, event staff, activity related expenses, etc.

Revenue

Entry fees	\$50,000
Sponsorships	\$25,000
Bar	\$2,000
Total Revenue	\$77,000

Expenses

Big fish prizes	\$6,000
Tournament prizes	\$40,000
T-shirts	\$6,102
Meals	\$4,500
Bar	\$2,000
Office expense	\$3,000
Total Expense	\$61,602

Profit **\$15,398**

We hereby request the full or partial waiver of facility stated date(s). We understand that the facility book

I agree to the above statement and all terms a

Signature

Date

01/18/24



West Nipissing Ouest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Adopt Confirmatory By-law No. 2024-15

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT By-Law No. **2024-15**, being a By-law of the Municipality of West Nipissing to confirm the proceedings of Council at its Council - Committee of the Whole held on March 5, 2024 shall come into force and take effect on the date it is passed.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Adopter le règlement confirmatif n° 2024-15

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU QUE le règlement no. **2024-15** étant un règlement de la Municipalité de Nipissing Ouest pour confirmer les délibérations du Conseil lors de sa réunion du Conseil - Comité plénier tenue le 5 mars, 2024 entrera en vigueur et prendra effet à la date de son adoption.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING
LA CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

BY-LAW 2024/15

**BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING
TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING
HELD ON MARCH 5th, 2024**

WHEREAS the Municipality of West Nipissing deems it desirable to confirm the proceedings of Council at its meeting held on the 5th day of March, 2024, and each motion, resolution and other action passed and taken by the Council at its said meeting, is except where their prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

BE IT THEREFORE RESOLVED THAT the Mayor of the Municipality and the proper officer of the Municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approval where required and except where otherwise provided, the Mayor and the Clerk or Deputy Clerk is hereby authorized and directed to affix the Corporation Seal of the Municipality to all such documents.

ENACTED AND PASSED ON MARCH 5th, 2024 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

KATHLEEN THORNE-ROCHON
MAYOR

MELANIE DUCHARME
CLERK



West Nipissing Ovest

CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council - Committee of the Whole

Resolution #

Title: Adjourn the meeting

Date: March 5, 2024

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the meeting of Council - Committee of the Whole held on March 5, 2024 be adjourned.

CARRIED

DEFEATED

DEFEATED

**CARRIED WITH
AMENDMENTS / REFERRED /
DEFERRED / DELETED**



West Nipissing Ouest

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Council - Committee of the Whole

Résolution #

Titre: Ajourner la réunion

Date: le 5 mars 2024

Proposé par: _____

Appuyé par: _____

IL EST RÉSOLU QUE la réunion du Conseil - Comité plénier tenue le 5 mars, 2024 soit levée.

ADOPTÉ

REJETÉ

REJETÉ

**ADOPTÉ AVEC
MODIFICATIONS / REPORTÉ /
RÉFÉRÉ / RETIRÉ**