



**Middlesex Centre Council Minutes**  
**Regular Meeting of Council**

**August 16, 2023, 5:00 p.m.**  
**Hybrid Council Meeting (Virtual and In-Person)**  
**10227 Ilderton Road / Virtual**  
**Ilderton, Ontario, N0M 2A0**

**COUNCIL PRESENT:** Mayor DeViet, Deputy Mayor Brennan, Councillor Heffernan, Councillor Aerts, Councillor Cates, Councillor Berze, Dan Fitzgerald - County Planner

**REGRETS:** Councillor Shipley

**STAFF PRESENT:** Michael Di Lullo - Chief Administrative Officer, James Hutson - Municipal Clerk, Megan Kamermans - Deputy Clerk, Arnie Marsman - Director of Building Services / Chief Building Official, Colin Toth, Director of Emergency Services / Fire Chief, Rob Cascaden - Director of Public Works and Engineering, Scott Mairs - Director of Community Services, Tiffany Farrell - Director of Corporate Services, Tim Williams - County Senior Planner, Marion Cabral - County Planner, Aubrey Guevarra-Jongsma - Asset Management Coordinator

**1. CALL TO ORDER**

Mayor DeViet calls the meeting to order at 5:00 p.m. Council will go directly into closed session. Council will resume to the Regular Council meeting starting at 5:30 p.m.

Members of the public are invited to participate in this meeting of Council by accessing the meeting which will be live-streamed on our Middlesex Centre YouTube channel or by contacting the Municipal Clerk to receive a registration link to join the meeting being held electronically.

Members of the public may also attend the meeting in-person at the Coldstream Community Centre, located at 10227 Ilderton Road, Ilderton, N0M 2A0

**2. ADDITIONS TO THE AGENDA**

There are no additions to the August 16, 2023 Council meeting agenda.

**3. DISCLOSURE OF PECUNIARY INTEREST**

**3.1 Deputy Mayor Brennan - Application for Zoning By-law Amendment (ZBA-11-2023) for 13082 Medway Road; Filed by Trish Brennan on behalf of James Brennan and Percy Brennan**

Property owner of the subject application.

**4. CLOSED SESSION**

**Resolution # 2023-209**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Heffernan

**THAT** the Council for the Municipality of Middlesex Centre adjourn to closed session at 5:02 p.m pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board (Potential Acquisition of Property - Ward 1);

Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Ontario Land Tribunal Update - Ward 4 Development);

**CARRIED**

**4.1 CALL TO ORDER**

**4.2 DISCLOSURE OF PECUNIARY INTEREST**

**4.3 ADOPTION OF MINUTES**

4.3.1 Minutes of the July 19, 2023 Closed Session

**4.4 CLOSED SESSION ITEMS**

4.4.1 Ontario Land Tribunal Update (Ward 4 Development)

4.4.2 Potential Acquisition of Property (Ward 1)

**4.5 ADJOURNMENT**

**Resolution # 2023-210**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Heffernan

**THAT** Council rise from closed session and return to open session at 5:21 p.m.

**CARRIED**

During the closed session, Council members gave direction to approve the minutes settlement related to an Ontario Land Tribunal Appeal, and provided direction to staff regarding a land acquisition matter in Ward 1.

**5. DELEGATIONS, PRESENTATIONS AND PETITIONS**

**5.1 Presentation of the Middlesex Centre Proficiency Award**

Riley Finnigan is presented with the 2023 Middlesex Centre Proficiency Award.

**5.2 Proskairos Municipal Drain Consideration of Report**

George Vereyken from Spriet Associates is in attendance to provide an overview of the Proskairos Municipal Drain report.

**Resolution # 2023-211**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Berze

THAT the Council for the Municipality of Middlesex Centre receives the Proskairos Drain Report from Mike DeVos of Spriet Associates dated April 17, 2023 and authorizes that the project proceed;

AND THAT the Court of Revision will meet on September 20, 2023;

AND FURTHER THAT Councillor Arts, Councillor Shipley and Deputy Mayor Brennan be appointed to sit as the members of the Court of Revision with Deputy Mayor Brennan being the Chair.

**CARRIED**

**6. ADOPTION OF THE MINUTES**

**6.1 Minutes of the July 19, 2023 Council Meeting**

**Resolution # 2023-212**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Heffernan

THAT the minutes of the July 19, 2023 meeting of Council be adopted as printed.

**CARRIED**

**7. CONSENT AGENDA**

**Resolution # 2023-213**

**Moved by:** Councillor Aerts

**Seconded by:** Deputy Mayor Brennan

THAT Consent items 7.1 through 7.8 listed on the August 16, 2023 agenda be adopted as recommended.

**CARRIED**

**7.1 Budget 101 Presentation**

THAT Report CPS-36-2023, re: Budget 101 Presentation be received for information.

**7.2 Budget to Actual July 2023**

THAT the Budget to Actual Report CPS-37-2023 for July 2023 be received as information.

**7.3 Seniors Community Grant Program – Ilderton Seniors Centre**

THAT Report CMS-06-2023 re: Seniors Grant Program – Ilderton Seniors Centre be received as information.

**7.4 Request to Remove Holding Symbols (h-3) and (h-9) from 108 St. Clair Avenue; Filed by TTW Properties Inc.**

THAT the request by TTW Properties Inc. to remove the (h-3) and (h-9) holding symbols from the zoning of the land known municipally as 108 St. Clair Avenue and legally as Plan 76 Block L Lot 14, Middlesex Centre, be APPROVED.

**7.5 First Half 2023 Building Summary**

THAT Report BLD-05-2023, re: First Half 2023 Building Summary be received for information.

**7.6 Adoption of Memorandum of Understanding for Programs and Services with Conservation Authorities**

THAT Report CAO-24-2023, re: Adoption of Memorandum of Understanding for Programs and Services with Conservation Authorities be received;

AND THAT the Memorandum of Understanding Agreements appended to Report CAO-24-2023 be approved.

**7.7 Capital Budget to Actual Q2 2023**

THAT Report CPS-38-2023, re: Capital Budget to Actual Q2 2023 be received as information.

**7.8 Middlesex Centre Fire Services Live Fire Training**

THAT Report FS-05-2023, re: Middlesex Centre Fire Services (MCFS) Live Fire Training, be received for information.

## 8. STAFF REPORTS

### 8.1 Surplus Property – Former Treatment Plant Property in Kilworth

Michael Di Lullo, Chief Administrative Officer is in attendance to provide an overview of the staff report.

#### **Resolution # 2023-214**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Heffernan

THAT Report CAO-23-2023, re: Surplus Property – Former Treatment Plant Property in Kilworth be received;

AND THAT the property located at 22265 Jeffries Road referred to as the Former Kilworth Treatment Plant be declared surplus;

AND FURTHER THAT staff proceed with the sale of the subject lands with funds to be invested in the Build Middlesex Centre Reserve Fund.

**CARRIED**

### 8.2 Application for Plan of Condominium Exemption for 10092 Oxbow Drive (File: 39T-MC-CDM2301); Filed by Zelinka Priamo Ltd on behalf of Oxbow Developments Limited Partnership

Marion Cabral, County Planner is in attendance to provide an overview of the staff report.

#### **Resolution # 2023-215**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Aerts

THAT Council passes a resolution in support of the requested exemption from the condominium approval process as set out in 9(6) and 9(10) of the *Condominium Act* for the lands known as 10092 Oxbow Drive and known legally as Concession 3 Part Lot 6 RP 33R21086 and 33R7661, Municipality of Middlesex Centre, and that the resolution be forwarded to Middlesex County Council for consideration of the exemption request;

AND THAT the Clerk forward the resolution to Middlesex County Council for consideration of the exemption request.

**CARRIED**

### 8.3 Annual Energy Consumption Report 2021

Aubrey Guevarra-Jongsma, Asset Management Coordinator is in attendance to provide an overview of the staff report.

**Resolution # 2023-216**

**Moved by:** Councillor Cates  
**Seconded by:** Councillor Aerts

THAT the annual Energy Consumption and Greenhouse Gas Emissions Report for 2021 be approved for publication.

**CARRIED**

**8.4 Budget Overage for Bridge Rehabilitation**

Rob Cascaden, Director of Public Works and Engineering is attendance to provide an overview of the staff report.

**Resolution # 2023-217**

**Moved by:** Deputy Mayor Brennan  
**Seconded by:** Councillor Berze

THAT Council receive report PWE 34-2023 Budget Overage for Bridge Rehabilitation for Information;

AND THAT Council approve the overage to budgets; 23-3124 in the amount of \$148,610.34, 23-3117 in the amount of \$108,862.33, and 23-3122 in the amount of \$49,784.33 as contained in this report for the total overage amount of \$307,257.00;

**CARRIED**

**9. COMMITTEE OF ADJUSTMENT**

**Resolution # 2023-218**

**Moved by:** Councillor Cates  
**Seconded by:** Deputy Mayor Brennan

THAT Council adjourn its regular meeting at 6:14 pm in order to sit as a Committee of Adjustment under Section 45 of The Planning Act, 1990, as amended, to consider the Minor Variance applications listed on the August 16, 2023 Council Agenda.

**CARRIED**

**9.1 Application for Minor Variance (File No. A-13/2023)**

Dan Fitzgerald, County Planner is in attendance to provide an overview of the staff report.

**Resolution # 2023-219**

**Moved by:** Councillor Cates  
**Seconded by:** Councillor Heffernan

THAT Minor Variance Application A-13/2023, filed by Steve Middegaal on behalf of Thomas Sumpter for relief from the Comprehensive Zoning By-law in order to establish a maximum lot coverage of 43 percent for the single detached dwelling, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum lot coverage of 40 percent, for a property legally described as Lot 63 on Plan 33M761, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 412 Daventry Way, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-13/2023:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

**CARRIED**

## **10. PUBLIC MEETINGS**

### **Resolution # 2023-220**

**Moved by:** Councillor Cates  
**Seconded by:** Councillor Berze

THAT the Committee of Adjustment adjourn at 6:20 pm and Council resume their regular meeting;

AND THAT Council move into Public Meetings at 6:20 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the applications listed on the August 16, 2023 Council agenda.

**CARRIED**

### **10.1 Application for Zoning By-law Amendment (ZBA-11-2023) for 13082 Medway Road; Filed by Trish Brennan on behalf of James Brennan and Percy Brennan**

Deputy Mayor Brennan declared a conflict on this item. (Property owner of the subject application.)

Marion Cabral, County Planner is in attendance to provide an overview of the staff report.

**Resolution # 2023-221**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Cates

THAT Zoning By-law Amendment application (ZBA-11-2023) for a temporary use zone, filed by Trish Brennan on behalf of James Brennan and Percy Brennan, to permit two single-detached dwellings on one property for up to three years to allow a new residence to be constructed on the land known as 13082 Medway Road, be APPROVED;

AND THAT the owner be required to enter into a new Temporary Use Agreement with the Municipality and submit a deposit of \$15,000 to ensure the removal of the existing residence.

**CARRIED**

**10.2 Application for Zoning By-law Amendment (ZBA-10-2023) for 25117 Poplar Hill Road; Filed by Bridlewood Homes on behalf of Scott McGregor and Lori Borsato**

Marion Cabral, County Planner is in attendance to provide an overview of the staff report.

**Resolution # 2023-222**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Heffernan

THAT Zoning By-law Amendment application (ZBA-10-2023) for a temporary use zone, filed by Bridlewood Homes on behalf of Scott McGregor and Lori Borsato, to permit two single-detached dwellings on one property for up to three years to allow a new residence to be constructed on the land known as 25117 Poplar Hill Road, be APPROVED;

AND THAT the owner be required to enter into a new Temporary Use Agreement with the Municipality and submit a deposit of \$15,000 to ensure the removal of the existing residence.

**CARRIED**

**10.3 Application for Consent (B-15/2023) 23830 Denfield Road**

Dan FitzGerald, County Planner is in attendance to provide an overview of the staff report.



Dan Smith is in attendance virtually on behalf of the applicant to comment on the application.

**Resolution # 2023-223**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Heffernan

THAT Consent Applications B-15/2023, filed by Stewart Findlater on behalf of Lucas and Patricia Oslizlo in order to sever a residential lot from a 2 acre (0.83 hectare) residential property to facilitate the construction of a single-detached dwelling on the severed lot, with the severed lot having a front of approximately 44.8 metres (147 feet) along Denfield Road (CR 20), a depth of 82.5 metres (270 feet) and an area of approximately 0.92 acres (0.37 hectares), and the retained a frontage of approximately 55.8 metres (183 feet) along Denfield Road (CR 20), a depth of 81.9 metres (268 feet) and an area of approximately 1.13 acres (0.45 hectares), from a property legally described as Part of Lot 28, Concession 15 South, in the Municipality of Middlesex Centre, County of Middlesex; be GRANTED;

AND THAT Consent B-15/2023 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-15/2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-15/2023 be paid in full.
7. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.

8. That the Owner submits a Storm Water Management Report for the retained and severed lands ensuring no negative impacts to adjacent properties, to the satisfaction of the Municipality.
9. That the Owner submits a lot grading plan for the severed and retained lands, to the satisfaction of the Municipality
10. That the Owner be required to apply for and received all necessary permits for a new access to the severed parcel.
11. That the severed and retained parcel dedicate a 0.3 metre reserve across the entirety of the frontage, save and accept a 6.0 metre access on the retained and severed parcels.
12. That the Owner provide confirmation that the private sewage disposal system that services the residence on the retained lot of Consent B-15/2023 is wholly contained on the said lot and that a 100% contingency area exists, to the satisfaction of the Municipality.
13. That the Owner be required to demonstrate that the severed parcel is capable of supporting a wholly contained private sewage disposal system on the and that a 100% contingency area exists, to the satisfaction of the Municipality.
14. That the owner confirm all services for the retained lands are wholly located on the retained parcel.
15. That the Owner dedicate lands up to 18 m from the centerline of construction of County Road 20 (Denfield Road) across both the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right- of- way is not already to that width;

AND FURTHER THAT the reasons for granting Consent application B-15/2023 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the conditions, the proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

#### **10.4 Consent Application (B-16/2023), 115 Prince Street, Komoka.**

Dan FitzGerald, County Planner is in attendance to provide an overview of the staff report.

#### **Resolution # 2023-224**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Cates

THAT Consent Application B-16/2023 to establish a sanitary maintenance and access easement in favour of the severed lands conditionally approved in severance application B-14/2022 and B-4/2023, described as Part 4 on the attached severance plan on the lands legally described as Lot 57 to 58, Plan 55 in the Municipality of Middlesex Centre, County of Middlesex and municipally known as 115 Prince Street, Komoka, be GRANTED.

FURTHER THAT Consent B-16/2023 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-16/2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the subject lands of Consent B-16/2023 be paid in full.

7. That the Owners solicitor provide an undertaking for the registration of the maintenance and access agreement on title of the lands to the satisfaction of the municipality.

AND FURTHER THAT the reasons for granting Consent applications B-16/2023 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

**CARRIED**

**10.5 Application for Zoning By-law Amendment (Z-9-2023) and Application for Consent Cancellation B-17-2023); 24072 Richmond Street and 14434 Sixteen Mile Road**

Dan FitzGerald, County Planner is in attendance to provide an overview of the staff report.

Erika Di Loreto is in attendance virtually on behalf of the applicant to comment on the application.

**Resolution # 2023-225**

**Moved by:** Councillor Berze

**Seconded by:** Deputy Mayor Brennan

THAT the Zoning By-law Amendment application, as filed by Jack Sousa on behalf of Shmuel Farhi, and recommended for amendment by staff in order to rezone the property known municipally as 24072 Richmond Street and 14434 Sixteen Mile Road from Surplus Residence (SR) and Agricultural – No Residences (A3) to the site-specific Agricultural (A1-48) zone, be APPROVED; and that the zoning by-law be brought forward following the merger of the two lots subject to the zoning by-law amendment and confirmation from the applicant's solicitor that the severed lot of Consent B-5/16 may not be transferred without a further consent from the Municipality.

Consent Cancellation Recommendation:

THAT as permitted under section 53(45) of the Planning Act, the Clerk be authorized to issue a Certificate of Cancellation confirming that Subsection 50(12) of the Planning Act does not apply in respect of the land, and that Subsection 50(3) or (5) applies to a subsequent conveyance or other

transaction involving the land, authorizing the lands to remerge while removing their rights to be conveyed without further future consent.

**CARRIED**

**11. COUNCIL TO RISE FROM PUBLIC MEETINGS**

**Resolution # 2023-226**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Heffernan

THAT the public meetings adjourn at 6:48 pm and Council resume their regular meeting;

**CARRIED**

**12. NOTICE OF MOTION**

**13. CORRESPONDENCE**

**Resolution # 2023-227**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Cates

THAT the Correspondence items 13.1 through to 13.5 listed on the August 16,2023 agenda be received as information.

**CARRIED**

**13.1 AMO 2022 Annual Report**

**13.2 Middlesex County - Committee of the Whole Mid-Year Update**

**13.3 MCA Open House Saturday, August 19 2023**

**13.4 Environmental Assesment Modernization Letter - Amended Regulations and Updated Guides - August 2023**

**13.5 Middlesex-London Health Unit - Board of Health Meeting Summary - July 20 2023**

**14. COUNTY COUNCIL UPDATE**

Deputy Mayor Brennan provides an overview of the Middlesex County Council meeting held on August 15, 2023.

Please visit the Middlesex County website for full [meeting minutes](#) and highlights.

**15. OTHER BUSINESS**

Mayor DeViet provides an overview of meetings and events attended as well as representative and advocacy activities undertaken throughout the month of July.

**16. BY-LAWS**

**Resolution # 2023-228**

**Moved by:** Councillor Berze

**Seconded by:** Deputy Mayor Brennan

THAT By-Laws 2023-085 through to 2023-097 listed on the August 16, 2023 agenda be approved.

**CARRIED**

**16.1 2023-085**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to provide for a drainage works to be known as the Proskairos Municipal Drain.

**16.2 2023-086**

Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to PLAN 76 BLK L LOT 14 (geographic Township of Lobo), Municipality of Middlesex Centre, roll number: 393900002014900.

**16.3 2023-087**

Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law number 2005-005 with respect to Concession 11 N PT Lot 4 RP 33R373 PART 3 (geographic Township of Lobo), Municipality of Middlesex Centre, roll number: 393900003020102.

**16.4 2023-088**

Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law number 2005-005 with respect to Concession 7 S PT Lot 27 (geographic Township of London), Municipality of Middlesex Centre, roll number: 393903406000300.

**16.5 2023-089**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Cost Apportioning Agreement between the Municipality and the Ausable Bayfield Conservation Authority.

**16.6 2023-090**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Cost Apportioning Agreement between the Municipality and the Kettle Creek Conservation Authority.

**16.7 2023-091**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Cost Apportioning Agreement between the Municipality and the Lower Thames Valley Conservation Authority.

**16.8 2023-092**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Cost Apportioning Agreement between the Municipality and the St. Clair Conservation Authority.

**16.9 2023-093**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Cost Apportioning Agreement between the Municipality and the Upper Thames River Conservation Authority.

**16.10 2023-094**

Being a by-law approving and ratifying a Development Agreement between Oxbow Developments Limited Partnership as the “Developer” and the Municipality of Middlesex Centre as the “Municipality”.

**16.11 2023-095**

Being a by-law approving and ratifying a Development Agreement between Kilworth Heights West Ltd as the “Developer” and the Municipality of Middlesex Centre as the “Municipality”.

**16.12 2023-096**

Being a by-law approving and ratifying a Development Agreement between Sifton Properties Limited as the “Developer” and the Municipality of Middlesex Centre as the “Municipality”

**16.13 2023-097**

Being a By-law to adopt and confirm all actions and proceedings of the Council of the Municipality of Middlesex Centre at the Council meeting held on August 16, 2023.

**17. ADJOURNMENT**

**Resolution # 2023-229**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Heffernan

THAT the Council for the Municipality of Middlesex Centre adjourns the August 16, 2023 Council meeting at 6:56 p.m.

**CARRIED**

---

Aina DeViet, Mayor

---

James Hutson, Municipal Clerk