



Middlesex Centre Council Minutes
Regular Meeting of Council

October 18, 2023, 5:30 p.m.
Hybrid Council Meeting (Virtual and In-Person)
13168 Ilderton Road / Virtual
Ilderton, Ontario, N0M 2A0

COUNCIL PRESENT: Mayor DeViet, Deputy Mayor Brennan, Councillor Heffernan, Councillor Aerts, Councillor Cates, Councillor Berze

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, Marion Cabral - County Planner, Dan Fitzgerald - County Planner, Sophie Baysarowich, Communications & Legislative Services

1. CALL TO ORDER

Mayor DeViet calls the meeting to order 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 Ilderton Community Centre, located at 13168 Ilderton Road, Ilderton, N0M 2A0.

2. ADDITIONS TO THE AGENDA

There are no additions to the October 18, 2023 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no Disclosures of Pecuniary Interest to note for the October 18, 2023 Council meeting agenda.

4. DELEGATIONS, PRESENTATIONS AND PETITIONS

4.1 2023 Structure Inspection Presentation

Nic Gowling and Ken Logtenberg are in attendance on behalf of BM Ross and Associates to provide a presentation regarding Report PWE-41-2023 being the 2023 Middlesex Centre Structure Inspection Report. The associated staff report is noted as item 7.1

5. ADOPTION OF THE MINUTES

5.1 Minutes of the October 4, 2023 Council meeting

Resolution # 2023-271

Moved by: Councillor Berze
Seconded by: Councillor Aerts

THAT the minutes of the Middlesex Centre Council meeting held on October 4, 2023 be adopted as printed.

CARRIED

6. CONSENT AGENDA

Resolution # 2023-272

Moved by: Councillor Cates
Seconded by: Councillor Heffernan

THAT Consent items 6.1 through 6.4 listed on the October 18, 2023 agenda be adopted as recommended.

CARRIED

6.1 Enrolment Cap at Delaware Central Public School

THAT Report CAO-32-2023, re: Enrolment Cap at Delaware Central Public School be received for information.

6.2 2024 OPP Annual Billing Statement

THAT Report CPS-41-2023, re: 2024 OPP Annual Billing Statement report be received for information.

6.3 Budget to Actual September 2023

THAT the Budget to Actual Report CPS-42-2023 for September 2023 be received as information.

6.4 2024 Council Meeting Schedule

THAT Report CLK-015-2023 re: 2024 Council Meeting Schedule be received;

AND THAT the 2024 Middlesex Centre Council meeting schedule attached as Appendix 'A' be approved.

7. STAFF REPORTS

7.1 2023 Structure Inspection Report

Resolution # 2023-270

Moved by: Councillor Aerts

Seconded by: Councillor Heffernan

THAT Council receive Report PWE 41-2023, 2023 Structure Inspection Report be received for information.

CARRIED

7.2 Municipal Insurance Policy – RFP Results

Resolution # 2023-273

Moved by: Councillor Cates

Seconded by: Councillor Berze

THAT Report CAO-33-2023, re: Municipal Insurance Policy – RFP be received;

AND THAT the Municipal Insurance Policy be awarded to Marsh Canada Limited for a one-year term with a premium cost in the amount of \$878,318.52 (including applicable taxes) to take effect January 1, 2024;

AND FURTHER THAT the Municipality may enter into four additional one-year periods with Marsh Canada Limited subject to Council and Budget approvals.

CARRIED

7.3 Fire Services Master Plan Progress Update

Resolution # 2023-274

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Report FS-06-2023, re: Fire Services Master Plan Progress Update be received for information.

7.4 Consent Application (B-13/2023); 12538 Eight Mile Road

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

Resolution # 2023-275

Moved by: Councillor Berze

Seconded by: Councillor Aerts

THAT Consent Application B-13/2023, filed by Joel Gordon Robson, Jay Everett Robson, James Willard Robson in order to sever a residence surplus to a farm operation as a result of consolidation, from a lot legally described as Part of Lot 31, Concession 8 South, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 12538 Eight Mile Road; be GRANTED;

AND THAT Consent B-13/2023 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 met.
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-13/2023 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 the Owner enter into a severance agreement with the Municipality in order to advise future owner of the severed lot of Consent

B-13/2023 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended.

7. That any outstanding property taxes for the severed and retained lots of Consent B-13/2023 be paid in full.
8. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
9. That a Zoning By-law Amendment that recognizes the residential use of the severed lot and reduced frontage and prohibits any additional residential use on the retained lot of Consent B-13/2023 be in full force and effect.
10. That the Owner provide confirmation that the private sewage disposal system that services the residence on the severed lot of Consent B-13/2023 is wholly contained on the said lot and that a 100% contingency area exists, to the satisfaction of the Municipality.
11. That the applicant demonstrate to the Chief Building Official that the severed lands maintains adequate access to water.
12. That the severed land requires its own entrance, address and any laneway connecting the retained and severed land shall be altered in such a way that one cannot travel from one parcel of land to the other.
13. That the hydro service for the severed lands be fully within the boundary of the proposed severed lot or be permitted to remain subject to the establishment of an easement through Consent.
14. That the agricultural buildings on the remnant parcel either be removed, or altered in such a way, through a building permit, that it would no longer be suitable for housing livestock to the satisfaction of the municipal building department, thereby ensure no compliance issues with MDS.
15. That any remaining buildings on the severed lands maintain their own hydro service wholly contained on the retained lands, if required or be permitted to remain subject to the establishment of an easement through Consent.

16. That any access between the severed and retained parcels be removed, including any driveways connecting the two parcels, to the satisfaction of the Chief Building Official or be permitted to remain subject to the establishment of an easement through Consent.

17. That an address be assigned and number erected for the retained agricultural parcel.

AND FURTHER THAT the reasons for granting Consent Application B-13/2023 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 would comply with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

8. COMMITTEE OF ADJUSTMENT

Resolution # 2023-276

Moved by: Councillor Cates

Seconded by: Councillor Aerts

THAT Council adjourn its regular meeting at 6:34 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 October 18, 2023 Council Agenda.

CARRIED

8.1 Application for Minor Variance (File No. A-18/2023)

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

Resolution # 2023-277

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT Minor Variance Application A-18/2023, filed by Monteith Browth Planning Consultants (Benita Senkevics), on behalf of 2638477 Ontario Limited for relief from the Comprehensive Zoning By-law in order to

establish a minimum front yard setback for a residential building of 3.0 m (9.8 ft) for Unit 61, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum front yard setback of 6.0 m (19.7 ft), for a property legally described as PLAN 33M801 BLK 126, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-12/2023:

- 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

8.2 Application for Minor Variance (File No. A-19/2023)

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

Steve Esdaile, the applicant is in attendance virtually to speak to the application.

Resolution # 2023-278

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-19/2023, filed by Steve Esdaile to permit a maximum lot coverage of 5.5 % for accessory buildings for a property legally known as Lot 9 to 12, Part of lot 2 to Part Lot 4, Block 8, Plan 109, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 150 Railway Ave, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-19/2023 include:

- 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

8.3 Application for Minor Variance (File No. A-20/2023)

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

Amy Koteles, the applicant is in attendance to speak to the application.

Resolution # 2023-279

Moved by: Councillor Aerts

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-20/2023, filed by Pine View Acres Limited for relief from the Comprehensive Zoning By-law in order to permit an increase to the maximum permission size of an accessory building, for a property legally described as Part of Lot 4, Concession 8 South, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 9890 Ivan Drive, be GRANTED, subject to the following conditions:

THAT the size of the accessory building be limited to the lesser of 287.72 square metres, or the footprint of the dwelling;

AND THAT the building shall only be used in accordance with the permissions of the Zoning By-law, and that the building shall not be used for any type of commercial business;

AND FURTHER THAT the reasons for granting Minor Variance Application A-20/2023:

- 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

8.4 Application for Minor Variance (File No. A-21/2023)

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

Alex Hassen on behalf of Sifton Properties, the agent is in attendance virtually to speak to the application.

Resolution # 2023-280

Moved by: Councillor Aerts

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-21/2023, filed by Sifton Properties Limited for relief from the Comprehensive Zoning By-law in order to establish a minimum exterior side yard setback of 4.0 m (13.1 ft), whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum exterior side yard setback of 6.0 m (19.7 ft), for properties legally described as Lot 8 and Lot 11 of 33M-836, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED, subject to the following conditions:

THAT an attached garage maintain a minimum exterior side yard setback of 6.0 m (19.7 ft) where a driveway is proposed in the exterior side yard for Lot 8 and 11;

AND THAT the reasons for granting Minor Variance Application A-21/2023:

- 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

8.5 Application for Minor Variance (File No. A-22/2023)

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

Alex Hassen on behalf of Sifton Properties, the agent is in attendance virtually to speak to the application.

Resolution # 2023-281

Moved by: Councillor Cates

Seconded by: Councillor Berze

THAT Minor Variance Application A-22/2023, filed by Sifton Properties Limited for relief from the Comprehensive Zoning By-law in order to establish a minimum front yard set back of 5.5 m (18.0 ft) for Units 15, 16, 19, 28, and 31, a minimum side yard setback on the side abutting a public street of 3.0 m (9.8 ft) for Unit 1, and a maximum density of 31 units per hectare, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum front yard set back of 6.0 m (19.7 ft), a minimum side yard setback on the side abutting a public street of 6.0 m (19.7 ft) and a maximum density of 30 units per hectare, for a property legally described as Block 55 of 33M-836, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED, subject to the following conditions:

THAT the driveway of Unit 1 is located in the front yard of the unit and connected to the internal private road;

AND THAT the driveway of Units 15, 16, 19, 28, and 31 contain sufficient space for at least 1 parking space in compliance with the Zoning By-law;

AND FURTHER THAT the reasons for granting Minor Variance Application A-22/2023:

- 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

9. PUBLIC MEETINGS

Resolution # 2023-282

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT the Committee of Adjustment adjourn at 7:06 pm and Council resume their regular meeting;

AND THAT Council move into Public Meetings at 7:06 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the applications listed on the October 18, 2023 Council agenda.

CARRIED

9.1 Consent Application (B-19/2023); 12674 Twelve Mile Road

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

Courtney Sinclair, the agent is in attendance to speak to the application.

Resolution # 2023-282

Moved by: Councillor Heffernan

Seconded by: Deputy Mayor Brennan

THAT Consent Application B-19/2023, filed by Courtney Sinclair on behalf of Joel Gordon Robson, Jay Everett Robson, James Willard Robson in order to sever a residence surplus to a farm operation as a result of consolidation, from a lot legally described as Part of Lot 30, Concession 12 South, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 12674 Twelve Mile Road, be GRANTED;

AND THAT Consent B-19/2023 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 met.
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-19/2023 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 the Owner enter into a severance agreement with the Municipality in order to advise future owner of the severed lot of Consent B-19/2023 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended.
7. That any outstanding property taxes for the severed and retained lots of Consent B-19/2023 be paid in full.

8. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
9. That a Zoning By-law Amendment that recognizes the residential use of the severed lot and reduced frontage and prohibits any additional residential use on the retained lot of Consent B-19/2023 be in full force and effect.
10. That the Owner provide confirmation that the private sewage disposal system that services the residence on the severed lot of Consent B-19/2023 is wholly contained on the said lot and that a 100% contingency area exists, to the satisfaction of the Municipality.
11. That the Owner either be required to drill a new well on the lands to be severed, or confirm its location will be wholly contained on the said lot, to the satisfaction of the Municipality.
12. That the severed land requires its own entrance, address and any laneway connecting the retained and severed land shall be altered in such a way that one cannot travel from one parcel of land to the other.
13. That the hydro service for the severed lands be fully within the boundary of the proposed severed lot.
14. That the agricultural buildings on the remnant parcel either be removed, or altered in such a way, through a building permit, that it would no longer be suitable for housing livestock to the satisfaction of the municipal building department, thereby ensure no compliance issues with MDS.
15. That any remaining buildings on the severed lands maintain their own hydro service wholly contained on the retained lands, if required.
16. That any access between the severed and retained parcels be removed, including any driveways connecting the two parcels, to the satisfaction of the Chief Building Official.
17. That an address be assigned and number erected for the retained agricultural parcel.

AND FURTHER THAT the reasons for granting Consent Application B-19/2023 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 would comply with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

9.2 Applications for Zoning By-law Amendment (ZBA-12-2023 and ZBA-13-2023) for Vacant Land (VL) Nine Mile Road and 15675 Nine Mile Road; Filed by Michael Moir and Walter Moir, Robert Castelo and Gloria Castelo

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

Resolution # 2023-283

Moved by: Councillor Heffernan

Seconded by: Councillor Aerts

THAT Zoning By-law Amendment Applications (ZBA-12-2023 and ZBA-13-2023), filed by Michael Moir and Walter Moir, Robert Castelo and Gloria Castelo for the severed parcels of consent application B-08/22 in order to implement a boundary adjustment between the two properties known legally as Concession 8 PT Lot 5 and Concession 8 PT Lot 5 RP 33R20597 Part 1, Middlesex Centre (geographic Township of London), County of Middlesex, be APPROVED.

CARRIED

9.3 Application for Zoning By-law Amendment (ZBA-15-2023) for 20706 Vanneck Road; Filed by Joshua Fleming and Jazmin Fleming

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

Jazmin Fleming, the applicant is in attendance to speak to the application.

Resolution # 2023-284

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Zoning By-law Amendment application (ZBA-15-2023) for a temporary use zone, filed by Joshua Fleming and Jazmin Fleming, 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 20706 Vanneck 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. COUNCIL TO RISE FROM PUBLIC MEETINGS

Resolution # 2023-285

Moved by: Councillor Berze

Seconded by: Councillor Aerts

THAT the public meetings adjourn at 7:19 pm and Council resume their regular meeting;

CARRIED

11. NOTICE OF MOTION

There are no additions to the October 18, 2023 Council agenda.

12. CORRESPONDENCE

Resolution # 2023-287

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT the Correspondence items 12.1 and 12.3 through 12.7 listed on the October 18, 2023 Council agenda be received as information.

CARRIED

12.1 Bluewater Recycling Association Board Meeting Highlights - September 21, 2023

12.2 Catherine Fife - MPP Waterloo - Request for Support Bill 21

Resolution # 2023-286

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

WHEREAS there are 38,000 people on the waitlist for long-term care, and;

WHEREAS the median wait time for a long-term care bed has risen from 99 days in 2011-2012 to 171 days in 2020- 2021, and;

WHEREAS according to Home Care Ontario, the cost of a hospital bed is \$842/day, while the cost of a long-term care bed is \$126/day, and;

WHEREAS couples should have the right to live together as they age, and;

WHEREAS Ontario seniors have worked hard to build this province and deserve dignity in care, and;

AND WHEREAS Bill 21 amends the Residents Bill of Rights in the Fixing Long-Term Care Act to provide the resident with the right upon admission to continue to live with their spouse or partner;

NOW THEREFORE BE IT RESOLVED THAT, the Council for the Municipality of Middlesex Centre calls upon the Legislative Assembly of Ontario to direct the Minister of Long Term Care to call Bill 21 to the Standing Committee on Social Policy.

CARRIED

12.3 County of Middlesex - Middlesex London Health Unit - Board of Health Meeting Summary - September 21 2023

12.4 Kettle Creek Conservation Authority (KCCA) Board Meeting Minutes - September 20,2023

12.5 Lower Thames Valley Conservation Authority (LTVCA) - 2023 September Meeting Minutes (Draft)

12.6 St.Clair Region Conservation Authority (SCRCA) - 2023 September Meeting Highlights

12.7 Ausable Bayfield Conservation Authority (ABCA) - 2023 September Meeting Minutes (Draft)

13. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides an overview of the Middlesex County Council meeting held on October 10, 2023.

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

14. OTHER BUSINESS

There is no other business to note for October 18, 2023.

15. BY-LAWS

Resolution # 2023-288

Moved by: Councillor Heffernan

Seconded by: Councillor Cates

THAT By-Laws 2023-109 through to 2023-111 listed on the October 18, 2023 agenda be approved.

CARRIED

15.1 2023-109

Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law number 2005-005 with respect to Concession 8 PT Lot 5 and Concession 8 PT Lot 5RP 33R20597 Part 1 (geographic Township of London), Municipality of Middlesex Centre, roll number: 393903403009600, 393903403009602

15.2 2023-110

Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law number 2005-005 with respect to CON 3 N PT LOT 32 RP 33R2565 PART 2 PT PART 1 PT RD ALLOW RP 33R6206 PART 1 (geographic Township of London), Municipality of Middlesex Centre, roll number: 393903406021402

15.3 2023-111

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 October 18, 2023

16. ADJOURNMENT

Resolution # 2023-289

Moved by: Councillor Berze

Seconded by: Councillor Aerts

THAT the Council for the Municipality of Middlesex Centre adjourns the October 18, 2023 Council meeting at 7:25 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk