



HARRISON PENZA

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July 30, 2021

SENT VIA EMAIL: macabral@middlesex.ca

Planning and Development Services Department
Municipality of Middlesex Centre
10227 Ilderton Road, RR#2
Ilderton, Ontario N0M 2A0

Attention: Marion Cabral

Dear Ms. Cabral,

**RE: 10432 Melrose Drive, R.R. #3, Middlesex Centre, Ontario (the "Property")
Our File No.: 185855**

As you know, my firm acts as counsel to the owner of the Property, Robert Alan Walker ("**Bob**") and his family. This letter is further to our ongoing email correspondence and discussions. More particularly, in accordance with the recommendations you offered during our call of Thursday July, 15, 2021, I write with the aim of accomplishing the following objectives:

- 1) providing a brief general history and background of the Property as well as describing the current use of the Property – including the use by R.A. Walker Construction Ltd. ("**Walker Construction**");
- 2) outlining the current state of affairs regarding the zoning issues (the "**Zoning Issues**") addressed in two letters Bob received from Mark Russell on January 21, 2021 and June 8, 2021 (the "**January Letter**" and the "**June Letter**" respectively) and documenting Bob's efforts to rectify same – the January Letter and June Letters are attached for your reference at **Schedule "A"**;
- 3) submitting for your review an Official Plan Amendment Application for the Property ("**Official Plan Application**") and a Zoning By-Law Amendment Application for the Property (the "**Zoning Application**");
- 4) offering context and additional commentary to assist you with your evaluation of the Official Plan Application and Zoning Application; and,
- 5) recommunicating my client's willingness to work with you and your office to find solutions to the Zoning Issues.

HARRISON PENZA LLP
Lawyers

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1.0 BRIEF HISTORY AND CURRENT USES

1.1 Ownership – Bob and family have owned the Property since 1998. More specifically, Bob's former spouse took title to the Property on June 30, 1998. Title remained in Shelia Walker's name until April 24, 2018 when ownership was subsequently transferred to Bob. For clarity, the legal description of the Property is PT LT 9, CON 4, AS IN 578466 ; S/T LQ13600 MIDDLESEX CENTRE TWP/LOBO TWP. In addition to the municipal address of 10432 Melrose Drive, the address of 10442 Melrose Drive is also assigned to the Property.

1.2 Walker Construction – Since taking title in 1998, Bob has operated Walker Construction from the Property. Walker Construction serves its customers in the construction industry by providing excavation, paving, septic installation, haulage and demolition services. These services are not provided at the Property, instead they are provided at customer job sites in the London and surrounding area. Walker Construction's use of the Property is limited to the storing of materials, equipment, vehicles as well as the use of a large accessory shed at the rear of the Property (the "**Shed**") for maintenance of equipment – for general references regarding the location of structures on the property, please see an overhead map of the Property at **Schedule "B"** as well as the draft site plan contained within the Official Plan Application and Zoning By-Law Application.

While business needs dictate, on average Walker Construction has approximately 1-3 employees at the Property on a day-to-day basis (during weekdays). These employees usually drive to the Property in personal vehicles and leave the Property at the conclusion of the workday. Put simply, the Property serves as the "home base" for Walker Construction – an office is maintained in the Upper House (as defined below) located on the Property.

1.3 Residences – In addition to the Shed, and as more particularly described below, there are two residential homes located on the Property. The home at the upper portion of the Property (the "**Upper House**") is Bob's residence and the home located closer to Melrose Drive (the "**Lower House**") is rented out to long-term tenants. The January Letter and June Letter make reference to a "duplex" on the Property – those references are to the Upper House.

1.4 Additional Background – During the period his ownership of the Property and operation of Walker Construction thereon, Bob confirms that he has received a handful of visits from Middlesex Centre staff including Jim Reeves and Arnie Marsman. On one particular occasion in or about 1999, Mr. Reeves visited the Property to speak with Bob regarding Bob's plans to increase the height of the Shed (those plans were completed with approval of the Municipality). At that time, Mr. Reeves confirmed to Bob that Walker Construction could operate on the Property with up to fifteen (15) employees.

Subsequent visits over the years by Mr. Marsman related to the removal of a compost pile and debris, the storage of equipment and regarding the inspection of improvements made to the interior of the Upper House and the Shed. In short, Mr. Marsman offered direction to Bob from time-to-time to which Bob complied – they have always had, and Bob wishes to maintain, a productive relationship. During one visit by Mr. Marsman in or about the fall of 2019, Bob admits that Mr. Marsman advised Bob that Mr. Reeves' earlier advice regarding the number of employees

permitted on the Property was problematic and not accurate given current zoning by-laws. This being said, it was not until when Mr. Russell later attended the property in the fall of 2020 and issued the January Letter that Bob became fully aware of the extent of the Zoning Issues. At no time prior to receiving Mr. Russell's letters was Bob aware that the operation of Walker Construction on the Property was not compliant with zoning.

2.0 ZONING ISSUES AND STATUS UPDATE

For the sake of expediency, I have not repeated the commentary of Mr. Russell in the January Letter and the June Letter regarding the Zoning Issues. Instead, I wish to provide you with a short summary of how Bob has addressed and/or is addressing the Zoning Issues to date. As you know, certain matters must either be addressed by the Official Plan Application and the Zoning Application.

2.1 Issue 1 – Dwelling in accessory building and Duplex – (Zoning By-law 2005-005 Section 5.1.11(a))

Shed – Bob has ceased using the Shed as a dwelling and has removed all kitchen cabinets, appliances, walls and drywall. The Shed is not being used as an office. There are limited plumbing items remaining for which Bob wishes to keep and place and seeks advice on this issue. In particular, Bob desires to have the toilet and sink facilities remain in place if possible. With the exception of some guidance on plumbing, this portion of Issue 1 has been resolved.

Duplex/Upper House – As noted above, Mr. Russell's reference to the converted house/duplex in the middle of Property relates to the Upper House. Bob has now removed any separations/partitions within the Upper House and, as such, the Upper House is once again a single residence. One portion of the Upper House had formerly been occupied by three tenants (a young family of three). As you are likely aware, the former tenants could only be evicted pursuant to an order of the Landlord & Tenant Board and after the police became involved. The behavior of the tenants forced Bob to reside in the Shed. With these matters now rectified, Bob has no intentions to convert the Upper House into a duplex and will continue to reside at the Upper House as his principal residence. This item has therefore been addressed.

2.2 Issue 2 – Township of Lobo Zoning By-law 95-100 Section 3.10 (a)

Tenants in Lower House – As Bob is now residing in the Upper House, this issue is resolved. Bob intends to continue to rent out the Lower House to the existing tenants. With Bob residing in the Upper House, the home occupation requirements for Bob to live at the Property is satisfied – recognizing that certain other criteria for home occupations will need to be addressed via the Official Plan Application and Zoning Application.

2.3 Issue 3 – Township of Lobo Zoning By-law 95-100 Section 3.10 (b)

Home Occupation – Bob is submitting the Official Plan Application and the Zoning Application to allow for Walker Construction to remain in operation at the Property. In this regard, Bob will not cease operations of Walker Construction at the Property by August 3rd. See commentary below.

I confirm the details of our call on July 14th in that you are of the opinion that, despite Mr. Russell's letter suggesting that a "Contractor's Yard or Shop" classification may be an option for the Property, planning staff is unlikely to accept such classification given the Agricultural (A-1) zoning of the Property. To this end, I confirm our discussion that you are open to working with my office and Bob to find a solution via the Official Plan Application and the Zoning Application – perhaps via the designation of the Property as a "special policy area".

2.4 Issue 4 – Open Storage – (Zoning By-law 2005-005 Section 4.23(a))

Open Storage – The same dialogue regarding Issue #3 largely applies to this Issue. I confirm that, once the Official Plan Application and Zoning Application are submitted, the matter of open storage will need to be addressed vis-à-vis the home occupation requirements. Notwithstanding the pending application submissions, I can also advise that the salt bay, garbage containers and much of the unsightly debris have been removed from the Property.

2.5 Issue 5 – Sea Containers & Truck Boxes – (Zoning By-law 2005-005 Section 4.25(g))

Sea Containers & Trailer – Bob has removed the truck trailer and sea containers from the property. This item has therefore been addressed.

2.6 Issue 6 – Buildings built without permits – (Building By-law 2012-008 Section 5.1)

Buildings built without permits – See dialogue for Issue #1 above. This item has therefore been addressed.

2.7 Issue 7 – Site Alteration without permit – (Site Alteration By-law 2018-087 Section 4.1)

Site Alteration permit – Nathan Walker ("**Nathan**"), Bob's son, applied for a permit to address the site alteration issue via the Municipality's "Cloudpermit" program on May 25, 2021. A copy of application number CA-3539033-B-2021-458 is attached to this letter as **Schedule "C"**. On June 10th, the Municipality replied to the application and stated that the cloud permit application was not acceptable given the nature of work requested. Given the foregoing, Nathan will need to submit a "Site Alteration Permit". This application will address the alteration of the property to extend an existing parking lot and create a berm.

The application for the site alteration permit needs to be completed contemporaneously with the Official Plan Application and Zoning Application. I will write to Jake DeRidder to advise of the deadline in Mr. Russell's letter and, further, I will advise Mr. DeRidder that Bob and Nathan would appreciate any site plan requirements being dealt with at the same time as those which you may require in accordance with the Official Plan Application and the Zoning Application.

3.0 OFFICIAL PLAN APPLICATION AND ZONING APPLICATION

On our phone call, you mentioned that I should set out in writing the reasoning for Bob's submission of the Official Plan Application and the Zoning Application. From a short-term perspective, the threats of by-law enforcement and fines within the January Letter and June Letter

form the basis of Bob's intentions to submit the applications. That being said, Bob's longer-term and primary goal is to ensure that Walker Construction will be permitted to continue operations at the Property in a manner which is consistent with all by-laws. Ancillary to this is Bob's desire to continue to reside at the Property and lease the Lower House to tenants. In short, Bob is committed to rectifying the Zoning Issues and generally addressing all by-law matters concerning the Property.

Accompanying this letter under separate cover are the Official Plan Application and the Zoning Application for your review.

4.0 COMMENTARY RE: OFFICIAL PLAN APPLICATION AND ZONING APPLICATION

Further to our call, you requested that I provide you with comments regarding the Official Plan Application and Zoning Application which generally follow the form of a Planning Justification Report. I have therefore set out some commentary below which should be helpful to you in reviewing the applications.

4.1 Zoning and Official Plan Classifications

The Property is approximately ten (10) acres in size located near the southwest corner of Melrose Drive and Coldstream Road outside of settlement areas.¹ One abutting parcel, known municipally as 23042 Coldstream Road, separates the Property from the intersection.²

The Property is currently classified as follows:

- a) it is zoned "A1" pursuant to Zoning By-Law No. 2005-005 Section 5.11 (the "**Zoning By-Law**");
- b) it is designated as "Agriculture" pursuant to in the Municipality of Middlesex Centre's Official Plan (the "**Municipality's Official Plan**"); and,
- c) it is shown designated as "Agricultural Areas" in the County of Middlesex's Official Plan (the "**County's Official Plan**").

4.1.1 *Zoning* – The Zoning By-Law permits a wide range of uses in A1 zoning. These uses are as follows³:

- | | | |
|--------------------------|-----------------------------------------------------------------------------------|---------------------------------|
| - accessory use | - agricultural use | - bed & breakfast establishment |
| - conservation use | - converted dwelling | - dog kennel |
| - forestry use | - grain handling facility, existing legally on the date of passing of this By-law | |
| - home occupation | - riding school | - single detached dwelling |
| - portable asphalt plant | - wayside pit | |

4.1.2 *Municipality's Official Plan* – The Municipality's Official Plan states a number of goals related to lands designated as "Agriculture". These goals include: (a) preserving agriculture as the primary land use outside settlement areas; (b) recognizing agricultural heritage in the

¹ The surrounding lands are agricultural in use and designation according to both Official Plans.

² See **Schedule "A"** for the location of the Property.

³ See page 5-1: <https://www.middlesexcentre.on.ca/sites/default/files/2021-06/Zoning%20By%20Law%20%282005-005%29.pdf>

Municipality; (c) protecting agricultural areas from encroachment and conflicting uses; (d) enhancing farm operations; (e) encouraging retention of woodlands; and, (f) encouraging good farm management.⁴ The Municipality's Official Plan also sets out the following permitted uses in agricultural areas at Section 2.3⁵:

Other permitted uses in agricultural areas include the following:

- Commercial or industrial activities directly related to agriculture and required in close proximity to associated farming operations, or "value-added" agriculturally related uses as defined in Section 12.0.
- Retail sale of farm produce produced on individual properties or communally among neighbouring farms. Such communal operations should not be of a size, scale or nature likely to negatively affect the rural character of the area in question. Size and scale will be further regulated in the Municipality's zoning by-law.
- Forestry and woodlots.
- Bed and Breakfast Establishments.
- Home Occupations.
- Natural areas and conservation uses.
- Residence Surplus to a Farming Operation.
- Small scale public and private passive recreation areas, subject to site specific zoning.
- Commercial Wind Energy Generation Systems (CWEGS) subject to site specific Zoning By-law Amendment.

4.1.3 County's Official Plan – The County's Official Plan states a number of general policies related to lands designated as Agricultural Areas. In particular, Middlesex County states that "... It is the policy of County Council that the Agricultural Area in Middlesex County shall be preserved and strengthened with the goal of sustaining the agricultural industry that is so vital to the Middlesex economy."⁶ Permitted uses in Agricultural Areas include⁷: (a) agricultural and related uses; (b) up to two farm residences provided the second farm residence is a temporary residential unit; (c) forestry uses; (d) mineral aggregate and petroleum extraction; (e) conservation; (f) public and private open space and recreation facilities; (g) home occupation; (h) occasional agricultural demonstration events such as a plowing match; (i) retail stands for the sale of agricultural products produced on the farm unit upon which the retail stand is located; (j) bed and breakfast establishments; and (k) farm related commercial and industrial uses in accordance with Section 3.3.5.

The County's Official Plan also provides that home industries are permitted in Agricultural Areas at Section 3.3.6. The specific wording reads as follows: "Home industry uses, which comprise a gainful occupation conducted in whole or in part in an accessory building (shed or farm building)

⁴ See pg. 18: https://middlesexcentre.on.ca/sites/default/files/201904/37_op_july_2018_consolidation.pdf

⁵ See pg. 19: https://middlesexcentre.on.ca/sites/default/files/201904/37_op_july_2018_consolidation.pdf

⁶ See pg. 3-5: <https://www.middlesex.ca/sites/default/files/Complete%20OP%20for%20Web.pdf>

⁷ See pg. 3-5 and 3-6: <https://www.middlesex.ca/sites/default/files/Complete%20OP%20for%20Web.pdf>

by a member of that family and up to three non-family members, shall be permitted. In order to ensure that the scale of the home industry is clearly accessory to the residential or farm use, on lots less than 1.0 ha in size, the gross floor area of the home industry shall not exceed the gross floor area of the residential unit. Home Industries shall have no negative impact on the Natural System. Outside storage associated with a home industry shall be limited in scale and be screened from view from surrounding roads.”⁸

4.2 *Analysis of Zoning and Official Plan Designations*

4.2.1 *Zoning By-Law*

As noted above, the purpose of the Zoning Application and Official Plan Application are to bring the Property into compliance. The January Letter and the June Letter generally provide that the current uses of the Property do not fall within categories permitted by the Zoning By-Law. This being said, given Bob’s efforts to address the Zoning Issues, the operation of Walker Construction appears to now be the primary issue requiring resolution. On this point, and in Bob’s opinion, the operations of Walker Construction largely fit within the definition of a “home occupation”. Moreover, the long-term existence of two residential homes on the property offer support for Bob as he resides in the Upper House with the Lower House now being rented out as an “accessory use”.

Concerning the specific requirements of a home occupation pursuant to the Zoning By-Law, Walker Construction’s use of the Property is secondary to Bob’s principal residence. The business of Walker Construction does require open storage and the movement of vehicles into and out of the Property. Bob understands that these specific activities may run contrary to the Zoning By-Law’s restrictions on home occupations however, these activities have been ongoing since 1998 when Bob’s family took title to the Property – well before 2005 when the Zoning By-Law was passed. Bob is therefore of the view that non-confirming use principals should apply to the Property. As a further note, the size of the Property aids in ensuring that Walker Construction’s operations on the Property are limited to the northwest corner and do not encompass the whole of the parcel.

To address certain inconsistencies with the requirements, and as required by the January Letter and the June Letter, Bob will submit the Zoning Application and the Official Plan Application. Bob is agreeable to imposing reasonable limits on Walker Construction’s operations at the Property but seeks guidance from the Municipality.

4.2.2 *Municipality’s Official Plan*

As above, pursuant to Section 2.3, the Municipality’s Official Plan states that home occupations are permitted in Agricultural Areas. In this regard, the analysis regarding Walker Construction noted above related to the Zoning By-Law largely applies to the Municipality’s Official Plan. As a further point, the Municipality’s Official Plan provides that “...non-farm residences which existed prior to the establishment of Middlesex Centre on January 1, 1998 may be used...” provided that

⁸ See pg. 3-7: <https://www.middlesex.ca/sites/default/files/Complete%20OP%20for%20Web.pdf>

such use is in accordance with "...all applicable law..."⁹ The combination of these factors along with the fact that two residences have long existed at the property indicates there is room for the Municipality to work with Bob to bring the Property into compliance with the Municipality's Official Plan.

4.2.3 County's Official Plan

As above, the County's Official Plan states that home occupations are permitted in Agriculture areas. The specific wording in the County's Official Plan's at Section 3.3.6 which reads "Home industry uses which comprise a gainful occupation conducted in whole or in part in an accessory building (shed or farm building) by a member of that family and up to three non-family members, shall be permitted..."¹⁰ is applicable to the current uses of the Property. Walker Construction's operations are secondary to Bob's residence in the Upper House and take place in and around the Shed.

Further, as indicated above, the Property's size, roughly ten (10) acres, allows flexibility given the requirement in the County's Official Plan that states "...the scale of the home industry is clearly accessory to the residential or farm use, on lots less than 1.0 ha in size, the gross floor area of the home industry shall not exceed the gross floor area of the residential unit..."¹¹ While the Municipality will need to satisfy itself on this point, the size of Walker Construction's operations in relation to the overall acreage provide flexibility.

Finally, the County's Official Plan also notes that "...*Outside storage associated with a home industry shall be limited in scale and be screened from view from surrounding roads...*"¹² Bob has largely already complied with this but is agreeable to creating additional berms, installing trees and vegetation and generally cleaning up the Property to be sightlier.

Bob is of the view that the County's Official Plan presents the opportunity for the Property to be used as he desires.

4.3 Provincial Policy Statement, 2020

The Provincial Policy Statement ("PPS"), issued under the authority of Section 3 of the *Planning Act* "provides policy direction on matters of provincial interest related to land use planning".¹³ As you know, planning applications, including the Official Plan Application and the Zoning Application, are required to be consistent with these policies. Relevant PPS policies are provided below with commentary on how the Official Plan Application and Zoning Application are consistent with the policy.

⁹ See pg. 18: https://middlesexcentre.on.ca/sites/default/files/201904/37_op_july_2018_consolidation.pdf

¹⁰ See pg. 3-7: <https://www.middlesex.ca/sites/default/files/Complete%20OP%20for%20Web.pdf>

¹¹ See pg. 3-7: <https://www.middlesex.ca/sites/default/files/Complete%20OP%20for%20Web.pdf>

¹² See pg. 3-7: <https://www.middlesex.ca/sites/default/files/Complete%20OP%20for%20Web.pdf>

¹³ <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

1.1.1 Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

Response: The Property contains two residential dwellings that have existed thereon since prior to Bob owning the Property and before the creation of the Municipality in 1998. These residential dwellings, the Upper House and the Lower House, offer the opportunity for Bob and his tenants to live in a rural area for the long term. The Lower House is rented out at market-based rent which maximizes the productive use of the Property and is superior to having it sit vacant. The Zoning Application and Official Plan Application will assist in ensuring these current uses and benefits are preserved.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

*a) building upon rural character, and leveraging rural amenities and assets;
c) accommodating an appropriate range and mix of housing in rural settlement areas;*

Response: The Property is located in a rural setting which offers Bob and Walker Construction the opportunity to operate its business from outside of densely populated settlement areas within the Municipality. While not specifically related to agriculture, Walker Construction's business and use of the property is analogous to agriculture and rural in character. The business also serves many rural clients. Additionally, local individuals are employed by Walker Construction. The two residential dwellings on the Property contribute to the range and mix of housing in the rural area in which the Property sits. The Zoning Application and Official Plan Application will assist in ensuring these current uses and benefits are preserved.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

*a) the management or use of resources;
e) home occupations and home industries;
g) other rural land uses.*

Response: The Property is used and managed in a manner which maximizes its productivity – Bob can and will work with the Municipality to ensure this remains the case into the future. Walker Construction operates as a home occupation/industry at the Property. The rural setting of the Property permits Walker Construction's operations to remain outside of densely populated settlement areas. While not specifically related to agriculture, Walker Construction's business is rural in character. The two residential dwellings on the Property contribute to the range and mix of housing in the rural area in which the Property sits. The Zoning Application and Official Plan Application will assist in ensuring these current uses and benefits are preserved.

5.0 NEXT STEPS

On behalf of Bob, I wish to again communicate his desire to resolve the Zoning Issues once and for all. To this end, I can make myself available to review the Zoning Application and the Official Plan Application along with any of the items contained within this letter. My list out outstanding items is as follows:

- 1) Confirming the contents of the Zoning Application and the Official Plan Application are satisfactory;
 - a. the draft site plans contained the applications may require revision and Bob is aware of this – he simply needs instruction from me via your office as to what details are necessary;
- 2) Submitting a site plan application for the Property;
 - a. To be as efficient as possible, my view is that this should be dealt once you have reviewed the of the Zoning Application and Official Plan Application. For instance, the size of the parking area may need to be set during the approval process of the other applications. This should be communicated to the development review coordinator as well as Mr. Russell. For clarity, when reviewing the draft site plans submitted with the Zoning Application and the Official Plan Application, you will note that Bob has provided a “close-up drawing” of the barn and highlighted in yellow where he intends to create a parking lot. Bobo wishes to install cedar trees around the area and is agreeable to other such plantings around the Property.
- 3) Ensuring that by-law enforcement (Mr. Russell) is aware of the state of things and that Bob continues to work with the Municipality to bring the Property into compliance and address the Zoning Issues. I will forward this letter and the various enclosures to Mr. Russell.

To accomplish any or all of the above, Bob has instructed me that inspections of the Property can occur at any time and he or Nathan will assist the inspector(s) where applicable.

After you have reviewed the foregoing, please contact me at your convenience to discuss.

Yours very truly,

HARRISON PENSA LLP



Logan Burnett
LOB/ntr
6177508_1

Enclosures

**SCHEDULE "A" –
The January Letter and the June Letter**

January 21, 2021

Robert Alan Walker
10432 Melrose Dr,
Komoka, ON
N0L 1R0

Dear: Robert Alan Walker

**RE: Zoning issues at 10432 Melrose Drive, Middlesex Centre, ON
CON 4 S PT LOT 9
Roll No. 393900001010900
File No. By-20-102**

An inspection was conducted at the above mentioned property on November 25th 2020.

The above mentioned property is currently zoned Agricultural (A1). This property is 10 acres in size and with a two single family residences (one has been converted into a duplex). The front of the large shed has been illegally converted into a dwelling unit without any permits, and the rest of the building is being used in connection with a Walker Construction.

Below, I have included the definitions of each use.

CONTRACTOR'S YARD or SHOP means the use of land, buildings, or structures, or portion thereof, for the purpose of storing equipment, vehicles, or material, or for performing shop work or assembly work by any building trade or other construction contractor.

OPEN STORAGE means the storage of goods, materials or equipment in the open air on a lot or portion thereof.

Pursuant to Zoning By-law No. 2005-005 Section 5.1.1, no land shall be used and no building or structure shall be erected, used, or altered in the Agricultural (A1) Zone except for the following purposes.

- accessory use
- agricultural use
- bed & breakfast establishment
- conservation use
- converted dwelling
- dog kennel
- forestry use
- grain handling facility, existing legally on the date of passing of this By-law
- home occupation
- riding school
- single detached dwelling
- portable asphalt plant
- wayside pit

Issue 1 – Dwelling in accessory building and Duplex - (Zoning By-law 2005-005 Section 5.1.11(a))

Zoning By-law only allows for one single detached dwelling or one converted dwelling, or one bed and breakfast establishment. The inspection revealed that the large shed was converted into dwelling without building permits/ re-zoning or permission from the municipality. In addition, the house set in middle of the property has been converted into a duplex without permits/ rezoning or permission.

Not True had building Permit of Elect Permit.

Accessory shed with Dwelling

You are hereby requested to cease from using the dwelling in the large shed and remove all, kitchen cabinets, appliances, bathroom facilities, plumbing, walls, and drywall by **April 1, 2021**. In addition, this space must not be used as an office.

All Bathroom Facilities were there before drywall added.

Converted house in middle of property

Option 1

Remove second dwelling unit, second kitchen and plumbing from the second unit by **April 1, 2021**.

Plumbing Was Here and inspected by Michel Centre

OR

Option 2

Apply for a Planning Act application to re-zone the property, request an official plan amendment, and include a proposed site plan for the property to allow the converted dwelling and single detached dwelling to remain. You must specifically outline the current use and details why you feel this request is reasonable and how it's consistent with applicable Planning policy by **April 1, 2021**.

Tu Revo & Anne Marie

Issue 2 - Township of Lobo Zoning By-law 95-100 Section 3.10 a)

Zoning By-law 95-100 Section 3.10 a) permitted a home occupation on a property zoned A1. However, the home occupation shall be secondary to a single dwelling occupied by the owner as his primary residence. Both primary residences are both being rented out.

Option 1

Evict tenant from the property and move into one of the single detached dwelling units or remove the contracting yard from the property by **April 1, 2021**.

Issue 3 - Township of Lobo Zoning By-law 95-100 Section 3.10 b)

Zoning By-law 95-100 Section 3.10 b) permitted a home occupation on a property zoned A1. At no time shall any home occupation employ more than one person who does not reside in a dwelling to which such home occupation is secondary. Walker construction currently has about 10 employees that work on the property.

Option 1

You are hereby requested to cease all operations from the property by **April 1, 2021**.

OR

Option 2

Apply for a Planning Act application to re-zone the property to allow Walker Construction, a *Contractor's Yard or Shop*, to operate out of property, request an official plan amendment, rezone the property and apply for a site plan agreement, and include a proposed site plan for the property. You must specifically outline the current business using the property and details of each operation and why you feel this request is reasonable how it's consistent with applicable Planning policy by **April 1, 2021**.

Issue 4- Open Storage – (Zoning By-law 2005-005 Section 4.23(a)

Zoning By-law prohibits the use of open storage. The inspection revealed that multiple open storage areas have been erected on the property.

Option 1

You are hereby requested to remove all trailers, equipment, vehicles, construction material/ debris, garbage containers, outside salt bay, and aggregate storage by April 1, 2021.

OR

Option 2

Apply for a Planning Act application to re-zone the property, request an official plan amendment, apply for a site plan agreement with a site plan to permit Open Storage on the property. You must specifically outline the use being conducted on the property, desired activity, details of the business and how it's consistent with applicable Planning policy by **April 1, 2021**.

Issue 5- Sea Containers & Truck Boxes – (Zoning By-law 2005-005 Section 4.25 (g)

Zoning By-law prohibits the use of a truck, bus, coach, or railway car or part thereof this includes transport truck trailers, and sea containers. The inspection revealed that a transport truck trailer is being used for storage.

Option 1

You are hereby requested to remove transport truck trailer from the property by **April 1, 2021**.

Issue 6 – Buildings built without permits (Building By-law 2012-008 Section 5.1)

Erect salt bay in corner of property, converted dwelling in house, converted dwelling in large shed and lean-to structure near large shed was built without permits.

Option 1

Apply for a building permit for work done or remove from the property by **April 1, 2021**.

Issue 7- Site Alteration without permit (Site Alteration By-law 2018-087 Section 4.1)

Fill was added on the east side of the property to extend a parking lot and create a berm.

Option 1

Restore lands to previous grade and remove fill or apply for a site alteration permit by April 1, 2021.

Action & Penalty

The Municipality is requesting that you address the above mentioned issued by **April 1, 2021**.

Failure to act by April 1, 2021 will result in charges being issued.

Please be advised that multiple offences are on this property for building, fire, and zoning.



Under the Planning Act every corporation guilty of an offence under the Planning Act R.S.O 1990, c. P. 13 Section 67 is liable to a fine of \$50,000 per offence, and upon a subsequent conviction a fine of \$25, 000 per day.

A re-inspection of the property will take place on or about **April 1, 2021** to view compliance.

Thank you for your cooperation and understanding and we appreciate your immediate attention to this matter. Should you require further information pertaining to this matter, please feel free to contact me.

Yours in Health & Safety,

Mark Russell, *CMM III, MLEO(C), C.P.S.O*
By-law Enforcement Officer
Municipality of Middlesex Centre
10227 Ilderton Road, RR#2 Ilderton, Ontario, N0M 2A0
Phone: 519-666-0190 Ext 242 Fax: 519-666-0271
E-mail: russell@middlesexcentre.on.ca

June 8, 2021

Robert Alan Walker
10432 Melrose Dr,
Komoka, ON
N0L 1R0

Dear: Robert Alan Walker

**RE: Zoning issues at 10432 Melrose Drive, Middlesex Centre, ON
CON 4 S PT LOT 9
Roll No. 393900001010900
File No. By-20-102**

A re-inspection was conducted at the above mentioned property on **May 19th 2021.**

The above mentioned property is currently zoned Agricultural (A1). This property is 10 acres in size and with a two single family residences (one has been converted into a duplex). The front of the large shed has been illegally converted into a dwelling unit without any permits, and the rest of the building is being used in connection with a Walker Construction.

Below, I have included the definitions of each use.

CONTRACTOR'S YARD or SHOP means the use of land, buildings, or structures, or portion thereof, for the purpose of storing equipment, vehicles, or material, or for performing shop work or assembly work by any building trade or other construction contractor.

OPEN STORAGE means the storage of goods, materials or equipment in the open air on a lot or portion thereof.

Pursuant to Zoning By-law No. 2005-005 Section 5.1.1, no land shall be used and no building or structure shall be erected, used, or altered in the Agricultural (A1) Zone except for the following purposes.

- | | | |
|--------------------------|-----------------------------------------------------------------------------------|---------------------------------|
| - accessory use | - agricultural use | - bed & breakfast establishment |
| - conservation use | - converted dwelling | - dog kennel |
| - forestry use | - grain handling facility, existing legally on the date of passing of this By-law | |
| - home occupation | - riding school | - single detached dwelling |
| - portable asphalt plant | - wayside pit | |

Issue 1 – Dwelling in accessory building and Duplex - (Zoning By-law 2005-005 Section 5.1.11(a))

Zoning By-law only allows for one single detached dwelling or one converted dwelling, or one bed and breakfast establishment. The inspection revealed that the large shed was converted into dwelling without building permits/ re-zoning or permission from the municipality. In addition, the house set in middle of the property has been converted into a duplex without permits/ rezoning or permission.

Accessory shed with Dwelling

You are hereby requested to cease from using the dwelling in the large shed and remove all, kitchen cabinets, appliances, bathroom facilities, plumbing, walls, and drywall by **August 3, 2021**. **In addition, this space must not be used as an office.**

Converted house in middle of property

Option 1

Remove second dwelling unit, second kitchen and plumbing from the second unit by **August 3, 2021**.

OR

Option 2

Apply for a Planning Act application to re-zone the property, request an official plan amendment, and include a proposed site plan for the property to allow the converted dwelling and single detached dwelling to remain. You must specifically outline the current use and details why you feel this request is reasonable and how it's consistent with applicable Planning policy by **August 3, 2021**.

Issue 2 - Township of Lobo Zoning By-law 95-100 Section 3.10 a)

Zoning By-law 95-100 Section 3.10 a) permitted a home occupation on a property zoned A1. However, the home occupation shall be secondary to a single dwelling occupied by the owner as his primary residence. Both primary residences are both being rented out.

Option 1

Evict tenant from the property and move into one of the single detached dwellings or remove the contracting yard from the property by **August 3, 2021**.

Issue 3 - Township of Lobo Zoning By-law 95-100 Section 3.10 b)

Zoning By-law 95-100 Section 3.10 b) permitted a home occupation on a property zoned A1. At no time shall any home occupation employ more than one person who does not reside in a dwelling to which such home occupation is secondary. Walker construction currently has about 10 employees that work on the property.

Option 1

You are hereby requested to cease all operations from the property by **August 3, 2021**.

OR

Option 2

Apply for a Planning Act application to re-zone the property to allow Walker Construction, a *Contractor's Yard or Shop*, to operate out of property, request an official plan amendment, rezone the property and apply for a site plan agreement, and include a proposed site plan for the property. You must specifically outline the current business using the property and details of each operation and why you feel this request is reasonable how it's consistent with applicable Planning policy by **August 3, 2021**.

Issue 4- Open Storage – (Zoning By-law 2005-005 Section 4.23(a))

Zoning By-law prohibits the use of open storage. The inspection revealed that multiple open storage areas have been erected on the property.

Option 1

You are hereby requested to remove all trailers, equipment, vehicles, construction material/ debris, garbage containers, outside salt bay, and aggregate storage by **August 3, 2021**.

OR

Option 2

Apply for a Planning Act application to re-zone the property, request an official plan amendment, apply for a site plan agreement with a site plan to permit Open Storage on the property. You must specifically outline the use being conducted on the property, desired activity, details of the business and how it's consistent with applicable Planning policy by **August 3, 2021**.

Issue 5- Sea Containers & Truck Boxes – (Zoning By-law 2005-005 Section 4.25 (g))

Zoning By-law prohibits the use of a truck, bus, coach, or railway car or part thereof this includes transport truck trailers, and sea containers. The inspection revealed that a transport truck trailer is being used for storage and multiple sea containers.

Option 1

You are hereby requested to remove transport truck trailer and sea containers from the property by **August 3, 2021**.

Issue 6 – Buildings built without permits (Building By-law 2012-008 Section 5.1)

Converted dwelling in house, and converted dwelling in large shed were built without permits.

Option 1

Apply for a building permit for work done or remove from the property by **August 3, 2021**.

Issue 7- Site Alteration without permit (Site Alteration By-law 2018-087 Section 4.1)

Alteration to the east side of the property to extend a parking lot and create a berm.

Option 1

Apply for a site alteration permit by **August 3, 2021**.

Action & Penalty

The Municipality is requesting that you address the above mentioned issued by **August 3, 2021**.

Failure to act by August 3, 2021 will result in charges being issued.

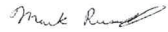
Please be advised that multiple offences are on this property for building, fire, and zoning.

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A re-inspection of the property will take place on or about **August 3, 2021** to view compliance.

Thank you for your cooperation and understanding and we appreciate your immediate attention to this matter. Should you require further information pertaining to this matter, please feel free to contact me.

Yours in Health & Safety,



Mark Russell, *CMM III, MLEO(C), C.P.S.O*
By-law Enforcement Officer
Municipality of Middlesex Centre
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SCHEDULE "B" – Aerial Map of the Property



**SCHEDULE "C" –
Cloudpermit Application CA-3539033-B-2021-458**

For use by Principal Authority	
Cloudpermit application number	CA-3539033-B-2021-458
Roll number	3939000010109000000
Application submitted to	Middlesex Centre, Ontario

Project Information		
Address	Unit number	Lot / con.
10432 MELROSE DR	10432	2504077
Municipality	Postal code	Plan number / other description
Middlesex Centre, Ontario	NOL 1R0	
Estimated cost of construction	Area of work	
1000 CAD	600.0 m ²	

Subject Land Information		
Address	Legal description	Roll number
10432 MELROSE DRIVE (Primary)	CON 4 S PT LOT 9	3939000010109000000


Purpose of Application	
Application type Agricultural / Alteration / Other (Agricultural)	
Proposed use of building	Current use of building
Parking Lot and Berm	Parking Lot
Description of proposed work Looking to maintain current berm for hidden sightlines and maintain current auxiliary parking. Approximately 600m ² .	

Applicant			
Last name	First name	Corporation or partnership	
Walker	Nathan		
Street address	Unit number	Lot / Con.	
26 Mapleton Place			
Municipality	Postal code	Province	Email address
Middlesex Centre	NOL 1R0	Ontario	
Other phone	Fax	Mobile phone	
		5198521492	

Property owner			
Last name Walker	First name Robert	Corporation or partnership	
Street address 10432 Melrose Drive	Unit number	Lot / Con.	
Municipality Middlesex centre	Postal code N0L1R0	Province Ontario	Email address
Other phone +1 5194715873	Fax	Mobile phone +1 5164762771	

Tarion Warranty Corporation (Ontario New Home Warranty Program)	
Is proposed construction for a new home as defined in the Ontario New Home Warranties Plan Act?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is registration required under the Ontario New Home Warranties Plan Act?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Completeness and Compliance with Applicable Law	
This application meets all the requirements of clauses 1.3.1.3.(5)(a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Payment has been made of all fees that are required, under the applicable by-law, resolution or regulations made under clause 7.1(1)(c) of the Building Code Act, 1992, to be paid when the application is made.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
This application is accompanied by the plans and specification prescribed by the applicable by-law, resolution or regulation made under clause 7.1(1)(b) of the Building Code Act, 1992.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7.1(1)(b) of the Building Code Act, 1992 which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The proposed building, construction or demolition will not contravene any applicable law.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Declaration of Applicant
<p>Applicant</p> <p>I, Nathan Walker, do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.</p> <p> Digitally signed on May 25, 2021 at 8:51:47 a.m. EDT by Nathan Walker.</p>
<p>Personal information contained in this form and schedules is collected under the authority of subsection 8.(1.1) of the Building Code Act, 1992, and will be used in the administration and enforcement of the Building Code Act, 1992. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.</p>

Berm is in blue, 6" tall to block out the view of the parking lot.

The Red area outlines the area that is where we would like auxiliary parking.

