
TO:	FINANCE AND CORPORATE SERVICES COMMITTEE
PREPARED BY AND KEY CONTACT:	M. MASLIWEC, ACTING SENIOR MANAGER, ACCOUNTING AND REVENUE, EXT. 5128
SUBMITTED BY:	C. MILLAR, DIRECTOR OF FINANCE AND TREASURER
GENERAL MANAGER APPROVAL:	D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER
DATE:	APRIL 3, 2019
SUBJECT:	CITY OF BARRIE ACT CHARGES FOR 685 YONGE STREET

RECOMMENDED MOTION

1. That the Report to Finance and Corporate Services Committee dated April 3, 2019 concerning the City of Barrie Act Charges for 685 Yonge Street, be received.

PURPOSE & BACKGROUND**Report Overview**

2. The purpose of this Report is to provide the Committee with additional background about the City of Barrie Act and the charges related to it that were included in a tax certificate for 685 Yonge Street.
3. An Act respecting the City of Barrie (Bill PR38, R.S.O. 1960), otherwise referred to as the City of Barrie Act (1960), has been in place since 1960. The intent of the Act was to allow developers to recover costs plus interest for the extension of works and services, such as sanitary sewers and watermains, external to their development from adjacent land at the time those owners connect or use those services. City staff are required to undertake “best efforts” to collect these charges.
4. In 1995 the Simcoe County Roman Catholic Separate School Board (School Board) received approval from the City for the construction of St. Peter’s High School, which is located on the southeast corner of Yonge Street and Ashford Drive (201 Ashford Drive). Included as part of this project was the extension of the sanitary sewer by the School Board’s contractors to the site of the high school.
5. The School Board’s project engineers, Reinders and Associates (Barrie) Limited (Reinders), followed normal practices and procedures at the time and consulted with City staff to determine whether the City of Barrie Act could be used to recover costs from property owners that had frontage along the project area. Reinders was advised by both the Municipal Works Department and the Treasury Department that the Act did cover this project. As previously mentioned, the City of Barrie Act charges are payable only at the time of connection to the service.
6. On December 14, 2018, the City received an Open Delegation Request from James Boseovski, Michael Boseovski and Steven Ferri, asking to bring forward a deputation regarding the matter of the City providing details for the City of Barrie Act charge attached to their Tax Certificate as well as the by-law or direction from Council.

7. The Finance and Corporate Services Committee, at its meeting on February 5, 2019, received an Open Delegation from Mr. Brendan Ruddick, a representative of the previous owner of the property at 685 Yonge St. Motion 19-G-037 was approved as follows, related to this matter

"That the Report to Finance and Corporate Services Committee, dated February 5, 2019, concerning City of Barrie Act charges for 685 Yonge Street, be deferred to the April, 2019 Finance and Corporate Services Committee for a decision if documentation related to the City of Barrie Act charges, for 685 Yonge Street, cannot be located."

ANALYSIS

8. City staff continued to search for relevant documentation. A summary of the motions, minutes and by-law that were located is provided below:

On April 10, 1995, the City of Barrie's Planning Committee recommended the approval of motion 95-P-69 with respect to the Simcoe County Roman Catholic Separate School Board South Painswick High School at 201 Ashford Drive. As part of the recommendation, under Special Conditions, Item 9, the Simcoe County Roman Catholic Separate School Board was required to satisfy the following:

"If Pope John Paul II is to be connected to sanitary sewers the sanitary sewer shall be constructed across the entire frontage of the high school and elementary school sites to the satisfaction of the Municipal Works Department".

On April 24, 1995, City Council adopted Planning Committee Report No. 13 in accordance with resolution 95-A-203 below:

"95-A-203 Moved by: Ald. S.B.A. Trotter
 Seconded by: Ald. M-F. Bartley

That Planning Committee Report No. 13, (APPENDIX 'B') Section "C" now circulated be adopted.

CARRIED"

Further, during the by-laws portion of the meeting, Council adopted a confirmatory by-law in accordance with 95-A-207 below:

"95-A-207 Moved by: Ald. S.B.A. Trotter
 Seconded by: Ald. M-F. Bartley

That leave be granted to introduce the following Bill and this Bill be read a first, second and third time this day and finally passed:
BILL #127 (BY-LAW NUMBER 95-91)

A By-law of The Corporation of the City of Barrie to confirm the proceedings at its meeting held on the 24th day of April, 1995.

CARRIED UNANIMOUSLY"

The confirmatory By-law 1995-91, adopts, ratifies and confirms each motion, resolution and other action passed and taken by Council at its April 24, 1995 meeting. Further, it authorizes and directs the Mayor and proper Officers of the Corporation to do all things necessary to give effect to the said action or to obtain approvals where required.

9. Based on a review of this additional information, it is the opinion of staff that the City of Barrie has the legal authority to impose and collect City of Barrie Act charges from the owners of 685 Yonge Street, a benefiting property owner, for the works undertaken by the Simcoe County Roman Catholic Separate School Board.
10. A letter explaining the City of Barrie's position, along with related documentation, was e-mailed to Mr. Ferri, the legal representative for Ashford Kingston Developments Limited, the previous owners of 685 Yonge St., on March 14, 2019. The letter and associated documentation are attached (Appendix "A").
11. It is worth noting that the original tax certificate (No.52354) that was issued on Aug. 8, 2018 referenced four City of Barrie Act charges that as of that date totalled \$88,145.76. Two of the charges, \$23,347.31 due to Heritage Glen North Limited and \$31,129.71 due to Barbican Properties Inc., were cancelled by the City on the basis of documentation submitted by Mr. Ferri, the legal representative for Ashford Kingston Developments, that showed the companies had been dissolved/discontinued. The City of Barrie's past practice has been to collect these charges and forward them on to the Public Trustee. The remaining two charges are related to the Simcoe County Roman Catholic Separate School Board and are the ones being disputed.

ENVIRONMENTAL MATTERS

12. There are no environmental matters related to the recommendation.

ALTERNATIVES

13. The following alternative is available for consideration by Finance and Corporate Services Committee:

Alternative #1

Finance and Corporate Services Committee could recommend that a grant of \$33,668.74 be provided, funded from the Wastewater Capital Reserve Fund, to reimburse the Simcoe County Roman Catholic Separate School Board for their City of Barrie Act charges that were identified in the tax certificate attachments.

This alternative is not recommended as it may set a precedent that will have financial implications for the City of Barrie. In addition, the previous owners have already benefitted from the cancellation of \$54,477.02 in City of Barrie Act charges related to Heritage Glen North Limited and Barbican Properties Inc.

FINANCIAL

14. There are no financial implications associated with the recommendation to receive this report.

LINKAGE TO 2018-2022 STRATEGIC PLAN

15. The 2018-2022 Council Strategic Plan has not been finalized as of the writing of this report.

APPENDIX 'A'

THE CORPORATION OF THE CITY OF BARRIE



BY EMAIL (sferri@loonix.com)

March 14, 2019

Loopstra Nixon, LLP
Woodbine Place
135 Queens Plate Drive, Suite 600
Toronto, ON M9W 6V7

Attention: Steven C. Ferri

Dear Mr. Ferri:

RE: Tax Certificate No. 52354 - 685 Yonge Street
Property Roll #4342 050-005-30800-0000, Con 12 Plan 1213 Lot 11 to 12
Ashford Kingston Developments Limited

Further to your request on behalf of Ashford Kingston Developments Limited, "...that the City provide an explanation of the legal basis for the purported charges..." I provide the following information:

In 1960, the Province of Ontario enacted the City of Barrie Act (1960) (COBA). The Act provided that if a person was required to pay the entire cost of works pursuant to the by-laws of the City of Barrie and the works were on a highway with lots abutting directly that are not owned by the person who has paid for the entire works, the City shall not be required to permit the owners of such lots to connect to or use such works until the benefiting property owners had paid their portion of the cost of the works. The calculation of the costs is to be determined on the basis of the benefiting properties' frontage. The Act also requires the City, when it receives payment from any benefiting property owners to repay the person who paid for the entire cost of the work. A copy of the City of Barrie Act is attached.

On April 10, 1995, the City of Barrie's Planning Committee recommended the approval of motion 95-P-69 with respect to the Simcoe County Roman Catholic Separate School Board South Painswick High School at 201 Ashford Drive. As part of the recommendation, under Special Conditions, Item 9, the Simcoe County Roman Catholic Separate School Board was required to satisfy the following:

"If Pope John Paul II is to be connected to sanitary sewers the sanitary sewer shall be constructed across the entire frontage of the high school & elementary school sites to the satisfaction of the Municipal Works Department".

Page 2

This motion is contained within pages 9 to 12 of the Planning Committee Report #13 dated April 10, 1995 (attached).

On April 24, 1995, City Council adopted Planning Committee Report No. 13 (minutes attached) in accordance with resolution 95-A-203 below:

"95-A-203 Moved by: Ald. S.B.A. Trotter
 Seconded by: Ald. M-F. Bartley

That Planning Committee Report No. 13, (APPENDIX 'B') Section "C" now circulated be adopted.

CARRIED"

Further, during the by-laws portion of the meeting, Council adopted a confirmatory by-law (bottom of page 6 and top of page 7 of the attached minutes), in accordance with 95-A-207 below:

"95-A-207 Moved by: Ald. S.B.A. Trotter
 Seconded by: Ald. M-F. Bartley

That leave be granted to introduce the following Bill and this Bill be read a first, second and third time this day and finally passed:
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CARRIED UNANIMOUSLY"

The confirmatory By-law 1995-91 (attached), adopts, ratifies and confirms each motion, resolution and other action passed and taken by Council at its April 24th, 1995 meeting. Further, it authorizes and directs the Mayor and proper Officers of the Corporation to do all things necessary to give effect to the said action or to obtain approvals where required.

Given the above, the City has the legal authority to impose and collect City of Barrie Act charges from the owners of 685 Yonge Street, a benefiting property owner, of the works undertaken by the School Board.

Sincerely,

M. Masliwec for

Craig Millar
Director of Finance and Treasurer

BILL Pr38

1ST SESSION, 26TH LEGISLATURE, ONTARIO
8-9 ELIZABETH II, 1960

An Act respecting the City of Barrie

MR. JOHNSTON (Simcoe Centre)

TORONTO

PRINTED AND PUBLISHED BY RAPHAEL JOHNSON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL P-38

An Act respecting the
City of Barrie

1st Reading

February 11th, 1960

2nd Reading

March 3rd, 1960

3rd Reading

March 8th, 1960

Mr. JOHNSTON (Simcoe Centre)

1960

BILL Pr38

1960

An Act respecting the City of Barrie

WHEREAS The Corporation of the City of Barrie by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is deemed
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Notwithstanding any special or general Act, Cost of
where a person has been required to pay the entire cost of local
any work, as defined in *The Local Improvement Act*, pursuant to
the provisions of the by-laws of The Corporation of the City of Barrie or the by-laws of The Public Utilities Commission of the City of Barrie and the work is in a highway upon
which lots abut directly that are not owned by the person
who has paid the entire costs thereof, The Corporation of
the City of Barrie and The Public Utilities Commission of
the City of Barrie shall not be required to permit the owners
of such lots to connect to or use such works until the cost
has been paid by such owners according to the extent of their
respective frontages thereon, determined by an equal charge
per foot of such frontage.

(2) The following may be included in the cost of the work: what
included
in cost

1. The actual cost paid.

2. Interest.

2. Where the work mentioned in section 1 is the opening Building
of a street, curbs and gutters or sidewalks, The Corporation permits
of the City of Barrie shall not be required to issue a building
permit for such lots until such cost has been paid.

3. The Corporation of the City of Barrie and The Public Repayment
Utilities Commission of the City of Barrie, when they receive to person
payment of the frontage charges mentioned in section 1, shall cost in
first
instance

Pr38

2

repay the same to the person who in the first instance paid for the entire cost of the work.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Barrie Act, 1960.*

Pr38

City of Barrie

C05/Planning Committee Minutes

REPORT NO. 13 OF THE PLANNING COMMITTEE

For consideration by the Council
of the City of Barrie on April 24, 1995

The Planning Committee met at 8:15 p.m. on April 10, 1995

PRESENT: Mayor J.R. Laking
Ald. O.J. Perri, Ald. J.N. Tascona
Ald. R.W. Warman, Ald. A.L. Burns
Ald. D.W. Morrison, Ald. S.B.A. Trotter
Ald. M-F. Bartley, Ald. D.E. Kirkpatrick
Ald. E.A. Black, Ald. M.A. Ramsay

City Administrator, P. Lee
City Clerk, J. Craig
City Treasurer, L. Knowles
Dir. of Planning & Development, J. Taylor
Dir. of Municipal Works, K. Columbus
Dir. of Parks & Recreation, S. Armatage
Acting Fire Chief, J. Lemieux
City Clerk's Assistant, C. Strudwick

PRESS: John Ryan - Examiner
Scott Caldwell - B101 FM
Terry Leigh - Trillium Cable TV
Lori Martin - Barrie-Advance
Cindy Coffey - Rock 95

**The Planning Committee reports having met and recommends adoption
of the following recommendation(s):**

SECTION "A"

**95-P-66 DRAFT PLAN OF SUBDIVISION AND REZONING - STOLLAR
CONSTRUCTION LTD. - LITTLE LAKE PLANNING AREA
M.M.A. FILE 43T-91052**

1. That the proposed draft plan of subdivision by Stollar Construction Ltd., and Salpan Investments Ltd., as prepared by R.G. Robinson and Associates (Barrie) Ltd., dated December 12, 1994, (File No. 43T-91052/D12-249) for lands located on the east side of St. Vincent Street, 600 metres north of Cundles Road East, be approved subject to the following conditions:

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Planning Committee Report No. 13: April 10, 1995

95-P-66 Continued...

SPECIAL CONDITIONS

2. That prior to final approval the owner submit for review and approval of the Parks and Recreation Department a streetscape/landscape plan which addresses fencing and landscape treatment adjacent to St. Vincent Street per Section 5.5b) of Official Plan Amendment No. 55.
3. That a temporary second means of access be provided to St. Vincent Street until a permanent second municipal road allowance is provided to the site, to the satisfaction of the City's Municipal Works Department.
4. That, pursuant to Section 9.14 of Official Plan Amendment No. 55 (the Little Lake Secondary Plan), all servicing requirements and municipal infrastructure improvements that are common to both the Little Lake and East Bayfield Secondary Plan Areas and which are intended to serve both these communities shall be sized and constructed appropriately. That the owner shall be required to contribute their fair share towards the cost of these facilities as mutually agreed to by the Director of Municipal Works and the landowners' representative for the East Bayfield and Little Lake Secondary Plan.

STANDARD CONDITIONS

5. That the road allowances included in this draft plan be shown and dedicated as public highways.
6. That the streets be named to the satisfaction of the City of Barrie.
7. That any dead ends and open sides of road allowances created by this draft plan be terminated on 0.3 metre reserves.
8. That bicycle paths/lanes be incorporated along collector and arterial roads within or adjacent to the plan of subdivision.

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Planning Committee Report No. 13: April 10, 1995

95-P-66 Continued...

9. That the developer/owner is advised that draft approval does not in itself constitute a commitment by the City of Barrie, the Barrie Public Utilities Commission or the Ministry of the Environment and Energy to provide servicing access to the City's Pollution Control Plant or the Barrie P.U.C. Water Supply Plant. The subject plan may proceed to registration provided there is sufficient plant capacity and capability to serve the development. Plant capacity will be allocated for new development on a priority basis at the time of payment of Development Charges.
10. That the owner agree to enter into a subdivision agreement with the City of Barrie to satisfy all requirements, financial and otherwise of the City with regard to provision of roads, sidewalks, grading, landscaping, fencing, payment of development charges, and engineering studies to support municipal services including stormwater management facilities.
11. That the subdivision agreement be registered on title at the owners expense.
12. That the lands be appropriately zoned by the City in accordance with the draft plan following approval by the Ministry of Municipal Affairs pursuant to the requirements of the Planning Act. That Block 257 be zoned Local Convenience Commercial C5 in accordance with Section 3.2.4 of Official Plan Amendment No. 55.
13. That all roads and services be designed in accordance with the City's latest development standards and specifications.
14. That all road widenings, sight triangles and 0.3m reserves be conveyed to the appropriate authority.
15. That in the subdividers agreement the owner agrees to provide such temporary turning circles as may be required by the City. Lots that are required for temporary turning circles shall be conveyed to the owners of abutting lands when the City is satisfied that the turning circles are no longer necessary.

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Planning Committee Report No. 13: April 10, 1995

95-P-66 Continued...

16. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
17. That the subdivision agreement contain phasing arrangements to the satisfaction of the City.
18. That the owner agree in the subdivision agreement to satisfy the requirement of the Barrie Public Utilities Commission with respect to the provision of electric and water supply facilities.
19. That the owner carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant archaeological remains to the satisfaction of the Development Plans Review Unit of the Ministry of Culture and Communications.
No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Culture and Communications.
20. That the owner shall convey Block 263 to the City as parkland, pursuant to the provisions of the Planning Act, to the satisfaction of the Parks and Recreation Department, per the Little Lake Developers Group Cost Sharing Agreement.
21. That prior to final approval of the plan, the owner/developer shall provide at their expense a tree assessment and preservation study for the review and approval by the City of Barrie
22. That prior to final approval the owner be required to obtain an exception to the City of Barrie Tree Cutting By-law and shall not remove any trees from the site without written approval from the Director of Parks and Recreation.
23. That the owner/developer provide at their expense a soils report on any proposed parkland for approval by the City if so requested by the City. The owner/developer shall be responsible for any remedial soil works as required by the City.

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Planning Committee Report No. 13: April 10, 1995

95-P-66 Continued...

24. That prior to final approval the owner shall prepare a soils and hydrogeological report and well survey to the satisfaction of the Municipal Works Department and undertake any recommended mitigation measures.
25. That prior to final approval of the plan and prior to commencing any grading or construction on the proposed plan, the following reports shall be prepared to the satisfaction of the Ministry of Natural Resources, the Nottawasaga Valley Conservation Authority and the City's Municipal Works Department.
 - a) A stormwater management report.
 - b) A report detailing the means whereby erosion and siltation and their effect will be minimized and contained on site during and after the construction period.
26. That prior to final approval, the Ministry of the Environment and Energy shall advise that a noise report has been prepared and provision for the intended noise attenuation measures have been incorporated into the subdividers agreement, between the owner and the City, to the satisfaction of the Ministry of the Environment and Energy.
27. If noise levels in excess of the acceptable levels allowed by the M.O.E.E., will remain, despite the implementation of any required noise control features, the following warning clause shall be included in the subdivision agreement and in all subsequent offers of Purchase and Sale for the affected lots:

"Purchasers are advised that despite the inclusion of noise control features within the development areas and within the individual building units, noise levels may continue to be of concern, occasionally interfering with some activities of the dwelling occupants."

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Planning Committee Report No. 13: April 10, 1995

95-P-66 Continued...

28. That the developer/owner agree to register the plan of subdivision within three (3) years of Draft Approval. If the plan is not registered within that time the City of Barrie may withdraw draft approval or grant a one year "extension" which shall be based on written information provided by the owner to substantiate the extension. (PD(P)033/95 - File: D12-249/D14-1063)

SECTION "B"

**95-P-67 REZONING APPLICATION BY BARBAY HOLDINGS INC. (SADLON CENTRE),
364 ST. VINCENT STREET, RESTRICTED INDUSTRIAL (M1) SPECIAL**

1. That the application by Barbay Holdings Inc., (Sadlon Centre), 364 St. Vincent Street, as advertised and presented at the public meeting held January 9, 1995, be approved subject to the following:
2. That the existing permitted uses in the present Restricted Industrial M1 zone be amended to exclude manufacturing uses which involve machinery or activities which generate inordinate amounts of noise, vibration and dust (eg. punch presses).
3. That the permitted uses in the M1 Zone be further amended to exclude a crisis care facility, firehall and police station.
4. That the present general provision in the Zoning By-law prohibiting outside storage be maintained. That except for parking and loading, no events or other activities be permitted outside of a building. That in the event there is any temporary storage associated with the repair or service of vehicles, that such temporary storage be located on the northerly portion of the property screened from the existing residential dwellings to the south, by the building, fencing or landscaping.
5. That any automotive repair only be permitted in the by-law inside the northerly portion of the building.
6. That accessory retail uses not exceed 15% of the gross floor area of the building.

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Planning Committee Report No. 13: April 10, 1995

95-P-67 Continued...

7. That the implementing zoning by-law require a 2 metre high solid board fence along the south property line and a 3 metre wide tree planting and landscaping buffer along the west and north property lines.
8. That the setback provisions for any new building or addition to the existing building used for a permitted industrial use, be 60 metres adjacent to a residential zone, per the City's Zoning By-law. Further, that the setback provision for any new building or addition be 14 metres from the northerly lot line per the request of the Ministry of Transportation.
9. That the subject lands be developed under Site Plan Control per Section 41 of the Planning Act or any successor therein.
10. That prior to the passage of the implementing by-law, the developer/owner enter into an agreement with the City regarding the dedication of a road widening along St. Vincent Street, contribution to boundary road improvements on St. Vincent Street and contribution towards the upgrading and relocation of existing traffic signals at the intersection of St. Vincent Street and Bell Farm Road all to the satisfaction of the Director of Municipal Works.
11. That further to the report prepared by Ross Cotton of Reid and Associates (1994) Ltd. dated October 1994, that the subject lands be developed under site plan control subject to the following:
 - oimprovement of the St. Vincent Street entrance;
 - oexpansion of the east parking lot to the north;
 - orelining of existing parking area and further design to provide internal cross accessways;
 - othe northwest area of the site is to be used for employee parking and overflow parking with driveway along the north property line;
 - odue to the outcome of the Master Drainage Study for the Sophia Creek watershed, provision be incorporated for the City's requested major on-line detention facility;

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Planning Committee Report No. 13: April 10, 1995

95-P-67 Continued...

- oif the northwest parking area is to be developed,
a berm and landscaping planting is to be provided
as shown;
 - othe south area of the site is to be a "low activity
area" with no public use or access, no public
entrances into the building and restrictions
on lighting;
 - othe existing south laneway should be phased out when
Bell Canada ceases operation and then only used
for emergency access. In the interim, dust
control measures are to be used on the laneway;
 - olighting on site is to be designed and controlled
to shield abutting dwellings from direct
lighting.
12. That the City Solicitor and City staff meet with Mr.
Sadlon's representatives to more precisely determine
the referenced by-law provisions and the terms of
the development agreement.
13. That the developer/owner be responsible for the City's
legal costs with respect to the drafting of the by-law
and any associated development agreement.
(PD(P)46/95)(File: D14-1042)

SECTION "C"

**95-P-68 CONDOMINIUM-APPROVAL GOLDCASTLE DEVELOPMENT CORP.,
15, 35, 45, 55, 65, 75, 4, 14, 34, 44, 54, 64 & 74 CEDAR POINT DRIVE**

1. That Goldcastle Development Corp. be granted an exemption
pursuant to Section 50(3) of the Condominium Act for
property known municipally as 15, 35, 45, 55, 65,
75, 4, 14, 34, 44, 54, 64 and 74 Cedar Point Drive
subject to the City being satisfied that all matters,
financial and otherwise, are to the satisfaction of
the City prior to final approval of the condominium
development.
2. That the condominium plan be amended to reflect a separate
block of land south of units 35-42 and 73 adjacent
to Dunlop Street West prior to final approval of the
Condominium Plan.

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Planning Committee Report No. 13: April 10, 1995

95-P-68 Continued...

3. That the owner/developer provide street lighting along Cedar Point Drive on the existing 13 poles at a cost of \$5,000.00 to the satisfaction of the Municipal Works Department prior to registration of the condominium plan.
4. That the owner/developer provide stormwater easements to the City, where appropriate, throughout the proposed condominium development to the satisfaction of the Municipal Works Department prior to registration of the condominium plan.
5. That the developer/owner be responsible for all costs associated with addressing these conditions.
PD(P)41/95) (File: D12-260)

95-P-69 APPLICATION FOR SITE PLAN APPROVAL SIMCOE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD SOUTH PAINSWICK HIGH SCHOOL - 201 ASHFORD DRIVE (ST. PETER'S)

1. That Site Plan Control Application File D11-1028 (Simcoe County Roman Catholic Separate School Board) as prepared by W.M. Salter and Associates Inc., dated February 10, 1995, for property known municipally as 201 Ashford Drive be approved subject to the following conditions:

SPECIAL CONDITIONS

2. That prior to registration of the site plan agreement By-law 95-71 rezoning the lands from Agricultural to Institutional be in full force and effect.
3. That pursuant to the request from the Simcoe County Roman Catholic Separate School Board, the owner be allowed to develop the site and a building permit may be applied for and issued for the lands prior to full municipal services being available to the site subject to the following:
 - a. That the site plan be registered on title.
 - b. That the owner satisfy the Fire Chief, Chief Building Official and City Solicitor with respect to provisions for fire fighting, emergency services, public liability, and construction permits.

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Planning Committee Report No. 13: April 10, 1995

95-P-69 Continued...

- c. That no occupancy of the building be permitted until connections to full municipal services have been provided to the satisfaction of the Director of Municipal Works and the Chief Building Official.
- d. That the City take any letters of Credit considered necessary by the City Solicitor to secure these conditions.
- 4. That traffic signals shall be constructed at the intersection of Ashford Drive and Yonge Street pursuant to the cost sharing provisions of Council Resolution 94-G-502.
- 5. The owner shall dedicate to the City of Barrie a 3m road widening adjacent to Yonge Street and a 5m x 5m sight triangle at the intersection of Yonge Street and Ashford Drive.
- 6. That the owner shall construct the Yonge Street road improvements at the intersection of Ashford Drive including a southbound left turn storage lane and asphalt sidewalk across the frontage of the subject lands from Ashford Drive to the Yonge Street driveway to the satisfaction of the Municipal Works Department.
- 7. That the owner shall reconstruct to full urban standard the south half of Ashford Drive across the frontage of the school lands. The urbanization shall include necessary pavement widenings and municipal sidewalk.
- 8. That the owner shall contribute \$159,633 towards urban road improvements of Yonge St. to the satisfaction of The Municipal Works Department.
- 9. If Pope John Paul II is to be connected to sanitary sewers the sanitary sewer shall be constructed across the entire frontage of the high school & elementary school sites to the satisfaction of the Municipal Works Department.
- 10. That access to Yonge St shall be restricted to right-in right-out only.

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Planning Committee Report No. 13: April 10, 1995

95-P-69 Continued...

11. That the owner shall prepare a hydrological study and well survey and undertake any recommended mitigation measures to the satisfaction of the Municipal Works Department.
12. That a 5% cash-in-lieu of parkland dedication not be required for the subject development.
13. That a pedestrian crossover be installed in the Ashford Drive and Big Bay Point Road area, simultaneously with the development of the school, pursuant to Council Policy Resolution 94-G-502.

STANDARD CONDITIONS

14. That a stormwater management report be completed by a Civil Engineer to the satisfaction of the Municipal Works Department, and shall conform to the approved Lover's Creek Master Drainage Report.
15. That a Civil Engineer design, inspect and certify sanitary servicing for the subject property to the satisfaction of the Municipal Works Department.
16. That the developer/owner amend the site plan drawings as required to conform to the Municipal Works Department's technical requirements and standards.
17. That prior to the issuance of any building permit the developer/owner obtain a Road Occupancy Permit for any and all works occurring on the municipal right-of-way.
18. That the landscape plan, tree removal provisions, and fencing details be finalized to the satisfaction of the Parks and Recreation Department.
19. That the developer/owner comply with all requirements of the Public Utilities Commission as related to electrical and water servicing for the development.
20. That the garbage containment area be internalized within the main building, and the recycling centre be located to the satisfaction of the Planning and Development Department.

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Planning Committee Report No. 13: April 10, 1995

95-P-69 Continued...

21. That the Zoning Administrator advise that the final approved site plan conforms to the provisions of Zoning By-law 85-95.
22. That the developer/owner be responsible for any and all costs associated with the preparation, registration and implementation of any conditions associated with the Development Agreement.
23. That prior to registration of the site plan, the developer/owner provide the Planning and Development Department with written confirmation that all conditions of the Municipal Works, Parks and Recreation and Planning and Development Departments, and the Public Utilities Commission have been completed to their satisfaction.
24. That if a building permit is not issued within one (1) year of Council's approval of this Site Plan Application, site plan approval shall become null and void. (PD(P)48/95 - File: D11-1028/D14-1066)

**95-P-70 SIMCOE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD
COST SHARING RE TEMPORARY SIDEWALK**

That the Municipal Works Department be requested to negotiate with the Simcoe County Roman Catholic Separate School Board on a 50% cost sharing basis to install temporary sidewalks on one side of Ashford Drive and the east side of Highway #11 from Ashford Drive to Big Bay Point Road.

The meeting adjourned at 9:36 p.m.

CHAIRMAN

The Planning Committee Report No. 13 was adopted by Council on April 24, 1995.

C04-Council Minutes

City of Barrie
Minutes of the Seventeenth
Meeting of Council
First Session

Council Chambers
Monday, April 24, 1995
7:02 p.m.

95-A-191 The City Clerk called the meeting to order and recorded the following present:

Present: Mayor J.R. Laking,
Ald. J.N. Tascona, Ald. D.E. Kirkpatrick,
Ald. A.L. Burns, Ald. M.A. Ramsay
Ald. S.B.A. Trotter, Ald. E.A. Black,
Ald. R.W. Warman, Ald. M-F. Bartley,
Ald. O.J. Perri

Absent: Ald. D.W. Morrison

Student

Mayors: Mahmuda Ahmed, Warnica Public School
Kim Moffatt, Portage View Public School

City Administrator, P. Lee
City Clerk, J. Craig
City Treasurer, L. Knowles
Mgr. of Design & Const. Services,

W. McArthur

Dir. of Parks and Recreation, S. Armatage
Dir. of Planning & Development, J. Taylor
Deputy City Clerk, J. Charlebois

Press: Terry Leigh, Trillium Cable TV
Cindy Coffey, Rock 95
John Ryan, Examiner
Lori Martin, Barrie Advance
Scott Caldwell, B101 FM

95-A-192 Mayor J.R. Laking opened the meeting with a prayer for guidance and welcomed the visitors in attendance.

95-A-193 Mayor Laking called upon Mahmuda Ahmed of Warnica Public School and Kim Moffatt of Portage View Public School to come forward and give their comments on their term of Office as Student Mayor.

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95-A-194 On behalf of her school and the student body, Kim thanked Members of Council and staff for the opportunity to serve as Student Mayor. She stated she appreciated the closer look at how Council operates. It was also a great privilege to sit beside the Mayor during the meetings. Kim stated she is happy and proud to be a resident of the City.

95-A-195 On behalf of her school, Mahmuda thanked Members of Council and staff for the opportunity to serve as Student Mayor. She stated it was an excellent way to learn how the City operates and she learned a lot about local government. Mahmuda also found the experience very educational and enjoyable.

Mayor Laking presented Mahmuda and Kim with City of Barrie pins and thanked them for participating in the Student Mayor Program.

95-A-196 Jo Charlebois, Deputy City Clerk requested Erin Cummins of West Bayfield Public School to come forward and be sworn into office as Student Mayor.

After being sworn into office, Erin took a seat on the dais beside Mayor Laking. Mayor Laking introduced her to the Members of Council, Department Heads and the News Media.

95-A-197 The Council Minutes dated April 10, 1995 were adopted as printed and circulated.

95-A-198 Mayor Laking requested if there was anyone in the audience who wished to address Council concerning Bill #95, a Bill to Stop Up and Close part of Ferndale Drive Unopened - The Municipal Act, R.S.O. 1990, c. M.45, clause 297(1).

There was no one present to address this Bill.

95-A-199 Moved by: Ald. S.B.A. Trotter
Seconded by: Ald. M-F. Bartley

That General Committee Report No. 16 (APPENDIX 'A') Section "A" now circulated be adopted.

Ald J.N. Tascona declared a conflict of interest in the foregoing motion as he resides on Theresa Street. He did not participate in the discussion nor vote on the question at this meeting.

CARRIED



3

CARRIED

CARRIED

<u>YES</u>	<u>NO</u>
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CARRIED

CARRIED

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95-A-204 continued....

BILL #183 (BY-LAW NUMBER 95-81)

A By-law of The Corporation of the City of Barrie to stop up and sell the soil and freehold of part of Barrie View Drive, more particularly described as Part of Streets-1, Section 51M-401, Registered Plan 51M-401, more particularly described as Part 1 on 51R-25119, City of Barrie, County of Simcoe (94-G-411 - File: D12-160)

95-A-205 Moved by: Ald. D.E. Kirkpatrick
Seconded by: Ald. S.B.A. Trotter

AMENDMENT

That Bill #183 be deferred for two months.

RECORDED VOTE

YES NO

Mayor J.R. Laking		x
Ald. A.L. Burns		x
Ald. R.W. Warman		x
Ald. J.N. Tascona		x
Ald. O.J. Perri		x
Ald. M.A. Ramsay	x	
Ald. E.A. Black		x
Ald. D.E. Kirkpatrick	x	
Ald. M-F. Bartley	x	
Ald. S.B.A. Trotter	x	
	<u>4</u>	<u>6</u>

LOST

Upon the question of the adoption of the original motion moved by Ald. E.A. Black and Ald. A.L. Burns, the vote was taken as follows:

RECORDED VOTE

YES NO

Mayor J.R. Laking	x	
Ald. A.L. Burns	x	
Ald. R.W. Warman	x	
Ald. J.N. Tascona	x	
Ald. O.J. Perri	x	
Ald. M.A. Ramsay		x
Ald. E.A. Black	x	
Ald. D.E. Kirkpatrick	x	
Ald. M-F. Bartley		x
Ald. S.B.A. Trotter		x
	<u>7</u>	<u>3</u>

CARRIED

April 24, 1995

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95-A-206 Moved by: Ald. S.B.A. Trotter
 Seconded by: Ald. M-F. Bartley

That leave be granted to introduce the following Bills and these Bills be read a first, second and third time this day and finally passed:

BILL #95 (BY-LAW NUMBER 95-82)

A By-law of The Corporation of the City of Barrie to stop up to vehicular traffic the soil and freehold of Part of the Road Allowance between Concessions 6 and 7, in the City of Barrie and County of Simcoe, more particularly described as Part 1 on Reference Plan 51R-25312 (94-G-509 - Ferndale Drive Unopened - File: T00)

BILL #111 (BY-LAW NUMBER 95-83)

A By-law of The Corporation of the City of Barrie to widen Huronia Road over Part of Parcel 10-5, Section 51-INN-13, being Part of the North half of Lot 10, Concession 13 (formerly Township of Innisfil), now City of Barrie, County of Simcoe, more particularly described as Parts 1 and 2 on Reference Plan 51R-2441 (91-P-114 - Maxine Holdings Ltd. - Committee of Adjustment B12/91 - File: C05)

BILL #115 (BY-LAW NUMBER 95-84)

A By-law of the Corporation of the City of Barrie to commit to the use of and hold for the use of The Public Utilities Commission of the City of Barrie, lands described as Part of Lot 11, Concession 13 (formerly Township of Innisfil), now in the City of Barrie, County of Simcoe, and more particularly described as Part 1 on Reference Plan 51R-25277, an easement for purposes of access to a transformer for maintenance and repair (95-G-121 - Fire Station #3 - File: P8-349)

BILL #116 (BY-LAW NUMBER 95-85)

A By-law of the Corporation of the City of Barrie to repeal By-law 89-315, a by-law authorizing the entering into an agreement with Al Meghji and Farida Meghji (deck has been removed - File: D16 TR)

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95-A-206 continued....

BILL #117 (BY-LAW NUMBER 95-86)

A By-law of the Corporation of the City of Barrie to authorize the execution of a Transfer to Weavexx Corporation of Part of the East half of the North half of Lot 8, Concession 13, Geographic Township of Innisfil, now in the City of Barrie, to correct title (name of company "Tandy Leather Company of Canada Limited" should have been "Tandy Leather Co. of Canada Limited")

BILL #119 (BY-LAW NUMBER 95-87)

A By-law of The Corporation of the City of Barrie to authorize the acquisition of Part of Parcel 10-5, Section 51-INN-13, being Part of the North half of Lot 10, Concession 13 (formerly Township of Innisfil), now City of Barrie, County of Simcoe, more particularly described as Parts 1 and 2 on Reference Plan 51R-24441, for road widening purposes and Part 3 on Reference Plan 51R-24441 for park purposes, from 593912 Ontario Inc. (94-P-114 - Maxine Holdings - Committee of Adjustment B12/91 - Little Avenue and Huronia Road - File: C05)

BILL #120 (BY-LAW NUMBER 95-88)

A By-law of The Corporation of the City of Barrie to adopt an amendment to the Official Plan (O.P.A. #132) (95-P-55 - Markborough Properties Inc. - southwest corner of Hwy. #400 and Essa Road interchange - File: D09 132)

BILL #121 (BY-LAW NUMBER 95-89)

A By-law of The Corporation of the City of Barrie to amend By-law 85-95 a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie (95-P-55 - Markborough Properties Inc. - southwest corner of Hwy. #400 and Essa Road interchange - from C3(SP40)(H12) to C3(SP92)(H39) - File: D14-1055)

BILL #123 (BY-LAW NUMBER 95-90)

A By-law of The Corporation of the City of Barrie to amend By-law 85-95 a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie (94-P-107 & 95-P-27 - Dibacco, Gillespie, Evers - north of Mapleview Drive West & east of Hwy #131 - A to R3, R4, RM1, RM2-TH and I - D14-1026)

CARRIED UNANIMOUSLY

95-A-207 Moved by: Ald. S.B.A. Trotter
Seconded by: Ald. M-F. Bartley

That leave be granted to introduce the following Bill and this Bill

April 24, 1995

be read a first, second and third time this day and finally passed:

BILL #127 (BY-LAW NUMBER 95-91)

A By-law of The Corporation of the City of Barrie to confirm the proceedings at its meeting held on the 24th day of April, 1995.

CARRIED UNANIMOUSLY

95-A-208 Moved by: Ald. M-F. Bartley
 Seconded by: Ald. M.A. Ramsay

That the meeting adjourn at 7:46 p.m.

CARRIED

Mayor

Clerk

Bill No. 127

BY-LAW NUMBER 95- 91

To confirm the proceedings of Council at
its meeting held on the 24th day of April,
1995

The Council of the Corporation of the City of Barrie
hereby enacts as follows:

1. The action of Council, at its meeting held on the
24th day of April, 1995 in respect to each recommendation
contained in the following Report of the following
Committee:

Report No. 16, Sections A and B
of General Committee

Report No. 13, Sections A and B and C
of Planning Committee

and in respect of each motion, resolution and other action
passed and taken by the Council at its meeting is, subject
to the prior approval of the Ontario Municipal Board or
other Provincial or Crown Ministry or agency, where
required, hereby adopted, ratified and confirmed.

2. The Mayor and the proper Officers of The
Corporation are hereby authorized and directed to do all
things necessary to give effect to the said action or to
obtain approvals where required, and the Mayor and Clerk
are hereby directed to execute all documents necessary in
that behalf and the Clerk is hereby authorized and directed
to affix the Corporate Seal of the Corporation to all such
documents.

THIS By-law shall come into force and effect upon the
day of passing thereof.

READ a first and second time this 24th day of April,
1995.

READ a third time and finally passed this 24th day of
April, 1995.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR

CITY CLERK