



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
SEPTEMBER 14, 2021
7:00 p.m.

Register in advance:

https://us02web.zoom.us/webinar/register/WN_m0DdxBK8Tgi8mdxna5mXHA

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

Canada: +1 613 209 3054

or +1 647 374 4685

or +1 647 558 0588

or +1 778 907 2071

or +1 438 809 7799

or +1 587 328 1099

Webinar ID: 885 0278 2284

Passcode: 083937

International numbers available: <https://us02web.zoom.us/j/kcAOPdISMj>

AGENDA

COMMITTEE OF ADJUSTMENT:

- 1. CALL THE MEETING TO ORDER**
- 2. ROLL CALL**
- 3. OPENING REMARKS**
- 4. DISCLOSURE OF PECUNIARY INTEREST**
- 5. APPROVAL OF MINUTES**
 - August 10, 2021
- 6. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION** under section 45 of the Planning Act to be heard by the Committee this date:
 - 6(a) Minor Variance Application D13-FAL – Steve and Terri-Lynn Falco–** 6537 Roszell Road, Rear Part Lot 2, Concession 3, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law #23-2018, as amended, from Section 4.12(a) Home Industries.

The purpose and effect of the application is to provide relief from:

1. Section 4.12(a) to permit the storage of four (4) trucks and four (4) trailers for a home industry use.



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
SEPTEMBER 14, 2021
7:00 p.m.

7. OTHER MATTERS

- None

8. ADJOURNMENT OF COMMITTEE OF ADJUSTMENT



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
SEPTEMBER 14, 2021
7:00 p.m.

AGENDA

PLANNING & DEVELOPMENT ADVISORY COMMITTEE

- 1. CALL THE MEETING TO ORDER**
- 2. OPENING REMARKS**
- 3. ROLL CALL**
- 4. DISCLOSURE OF PECUNIARY INTEREST**
- 5. APPROVAL OF MINUTES**
 - August 10, 2021
- 6. APPLICATION FOR SITE PLAN URBAN DESIGN REVIEW**
 - None
- 7. ZONING BY-LAW AMENDMENT**
 - None
- 8. LAND DIVISION**
 - None
- 9. OTHER MATTERS**
 - 9(a)** Property Standards Appeal – 6577 Concession 4
 - 9(b)** Review and Approval of the 2022 PDAC Meeting Dates
- 10. CLOSED MEETING**
 - None
- 11. NEXT MEETING** Tuesday, October 12, 2021 @ 7:00 p.m.
- 12. ADJOURNMENT**

MINUTES

1. CALL THE MEETING TO ORDER

The July 13, 2021 Committee of Adjustment Meeting was held on the above date and called to order at 7:00 p.m. via electronic participation.

2. ROLL CALL

MEMBERS IN ATTENDANCE

Councilor John Sepulis, Chair

Dan Kennedy

Dennis O'Connor – delayed-joined meeting at 7:19 p.m.

Deep Basi

MEMBERS ABSENT

Paul Sadhra

STAFF IN ATTENDANCE

Lynne Banks, Development and Legislative Coordinator

Courtenay Hoytfox, Clerk

Jeff Bunn, Deputy Clerk

Zachary Prince, Senior Planner, County of Wellington

Joanna Salsberg, Planner, County of Wellington

3. OPENING REMARKS

The Chair welcomed those attending the meeting to the Committee of Adjustment and informed the attendees that Township Staff would present the application, then the applicant would have the opportunity to present the purpose and details of the application and provide any further relevant information. Following this, the public can obtain clarification, ask questions and express their views on the proposal. The members of the Committee can then obtain clarification, ask questions and express their views on the proposal. All application decisions are subject to a 20 day appeal period.

4. DISCLOSURE OF PECUNIARY INTEREST

None

5. APPROVAL OF MINUTES

Moved by: Deep Basi

Seconded by: Dan Kennedy

That the Minutes of the Committee of Adjustment meeting held Tuesday, June 8, 2021 be adopted.

CARRIED

6. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION under section 45 of the Planning Act to be heard by the Committee this date:

6(a) Minor Variance Application D13-HUT –James and Sharon Hutton – 6547 Wellington Road, 34 Rear Part Lots 2 and 3, Concession 2, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law #23-2018, as amended, from Section 4.2(b)(i) Accessory Apartments.

The purpose and effect of the application is to provide relief from Section 4.2(b)(i) to permit an accessory apartment to be located 74 metres from the single detached dwelling on the lot instead of a maximum of 15 metres, as required.

- Matthew Robson, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- Deep Basi commented that this doesn't appear to be minor in nature and that a zoning by-law amendment is required.
- Dan Kennedy advised that he agrees with Deep Basi's comment.
- John Sepulis advised that he also agrees that a zoning by-law amendment is required and that the County planning report is very extensive and makes a significant argument as to why this is not a minor variance.
- There were no further questions or comments from the Committee.

That Application D13/HUT requesting relief from provisions of Zoning By-Law #023/2018, as amended, from:

Section 4.2(b)(i) Accessory Apartments to permit an accessory apartment to be located 74 metres from the single detached dwelling on the lot instead of a maximum of 15 metres, as required.

Is denied.

The Committee voted on the application as follows:

Deep Basi – Deny

Dan Kennedy – Deny

John Sepulis – Deny

Dennis O'Connor – Absent

Paul Sadhra – Absent

(b) Minor Variance Application D13-CON – Kelly Contini – 4660 Nassagaweya-Puslinch Townline, Part Lot 13, Concession 11, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, from Section 4.16.1 MDS I – New Non-Farm Uses and Section 11.3 Zone Requirements, Table 11.2 Agricultural Zone Standards to provide relief from:

1. Section 4.16.1 to permit a reduced Minimum Distance Separation Type 1 of 87 metres instead of 137 metres as required.
2. Section 11.3 Zone Requirements, Table 11.2 Agricultural Zone Standards to permit a reduced frontage of 115 metres instead of 120 metres as required.

- Jeff Buisman, agent for the applicant provided an overview of the application.
- There were no questions or comments from the public.
- Deep Basi asked if the barn has been decommissioned.
- Jeff Buisman advised that it has not been decommissioned and further advised that there is a storage area in the upper portion of the barn and a home workshop on the lower portion of the barn.
- Dan Kennedy asked if the applicant has any plans to remove the stalls in the barn.
- Jeff Buisman advised that there are no specific plans at this time.
- John Sepulis commented that the committee looked at the MDS setbacks when the applicant's consent application was before the committee earlier this year for approval.
- There were no further questions or comments from the committee.

That Application D13/CON requesting relief from provisions of Zoning By-Law #023/2018, to permit relief from:

1. Section 4.16.1 to permit a reduced Minimum Distance Separation Type 1 of 87 metres instead of 137 metres as required.
2. Section 11.3 Zone Requirements, Table 11.2 Agricultural Zone Standards to permit a reduced frontage of 115 metres instead of 120 metres as required.

Is approved with no conditions.

Dennis O'Connor joined the meeting at this point in the agenda.

6(c) Minor Variance Application D13-LAN – Malcom Lander – 2 Hemlock Crescent PV, Lot 53, Plan 61M-203, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, from Section 14.0 Site-Specific Special Provision No. sp86 to provide relief from Section 14.0 Site-Specific Special Provision No. sp86 to permit a reduced side yard set-back of 0.44 metres instead of 1.2 metres as required.

- Shawn Sawitzsky, agent for the applicant, addressed the Committee and requested that the Committee defer the application as they will be amending the application and plans based on comments received from the Township's Chief Building Official.

That Application D13/LAN requesting relief from provisions of Zoning By-Law #023/2018, as amended, from:

Section 14.0 Site-Specific Special Provision No. sp86 to provide relief from Section 14.0 Site-Specific Special Provision No. sp86 to permit a reduced side yard set-back of 0.44 metres instead of 1.2 metres as required.

Is deferred and will be placed on the next available agenda, being September 14, 2021.

7. OTHER MATTERS

None

8. ADJOURNMENT

Moved by: Deep Basi

Seconded by: Dennis O'Connor

The Committee of Adjustment meeting adjourned at 7:26 p.m.

CARRIED



Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Steven & Terri-Lynn Falco

Address: 6537 Roszell Road

City: Township of Puslinch

Postal Code: N3C 2V3

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax:

Applicant (Agent) Name(s): Nicolette van Oyen (MHBC Planning)

Address: 200-540 Bingeman's Centre Drive

City: Kitchener, ON

Postal Code: N2B 3X9

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax:

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Steven and Terri-Lynn Falco - RBC

Send correspondence to: Owner: ☐ Agent ☒ Other: _____

2. Provide a description of the "entire" property:

Municipal address: 6537 Roszell Road

Concession: 3 Lot: Part of Lot 2

Registered Plan Number: n/a

Area: 4.05 ha Depth: 742 m Frontage: 55 m
8.94 ac 2,478 ft 180 ft

Width of road allowance (if known): _____

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

☐ Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

☒ Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

Permission to store 3 trucks and 3 trailers for the Home Industry use permitted on the property

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

Sketch attached. Parking for 3 trucks and trailers to be provided to the rear of the accessory storage is not permitted under the zoning bylaw requirements for the Home Industry Use however, is required for the home industry to continue.

6. What is the current Official Plan and zoning status?

Official Plan Designation: Secondary Agricultural, Greenlands and Core Greenlands

Zoning Designation: Agricultural (A), Environmental Protection Overlay and Natural Environment

7. What is the access to the subject property?

Provincial Highway: ☐

Continually maintained municipal road: ☒

Seasonally maintained municipal road: ☐

Other: ☐ (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Roszell Road

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input type="checkbox"/>	<input type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input type="checkbox"/>	<input type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers: ☐

Ditches: ☒

Swales: ☐

Other means: ☐ (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Residential and Home Industry

The abutting properties? Residential

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

Type of Building(s)/ structures			
Main Building height	6 m	19 ft.	m ft.
*Percentage lot coverage	m	ft.	m ft.
*Number of parking spaces	3		
*Number of loading spaces	n/a		
Number of floors	2		
Total floor area	280 m ²	3,000 ft ²	m ² ft ²
Ground floor area (exclude basement)	140 m ²	1,500 ft ²	m ² ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

Front Yard	21 m	69 ft.	m	ft.
Rear Yard	600 m	2350 ft.	m	ft.
Side Yards	13.1 & 25 m	43 & 82 ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: January 2020

Date of construction of buildings property: 1971

16. How long have the existing uses continued on the subject property? 1.5 yrs

17. Has the owner previously applied for relief in respect of the subject property?

Yes ☐ No ☒

If the answer is yes, please indicate the file number and describe briefly:

--

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?


Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)		X					
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Steve Falco of the
Township of Puslinch County/Region of

Wellington do hereby authorize
MHBC Planning to act as my agent in this application.


Signature of Owner(s)

Aug. 20/21
Date

Affidavit:

I (we) Pierre Chauvin of the
Township of Centre Wellington in the County
Wellington solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the City of Waterloo of _____ in the
County/Region of Waterloo this 20 th day of

August, 20 21

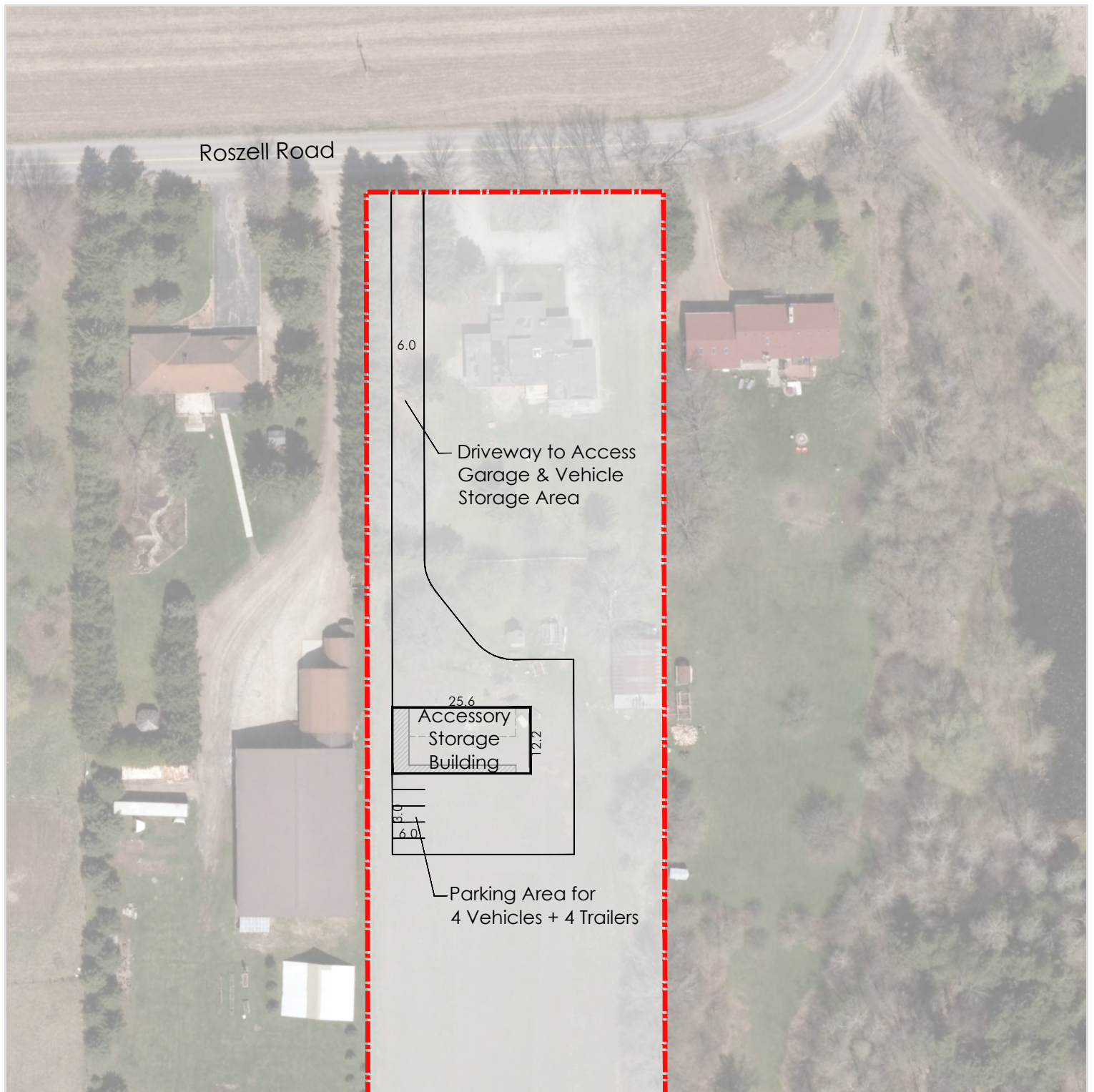

Signature of Owner or authorized
solicitor or agent

August 20, 2021

Date


Signature of Commissioner

August 20, 2021
Date



Accessory Storage Building Plan

6537 Roszell Rd
Township of Puslinch
Wellington County

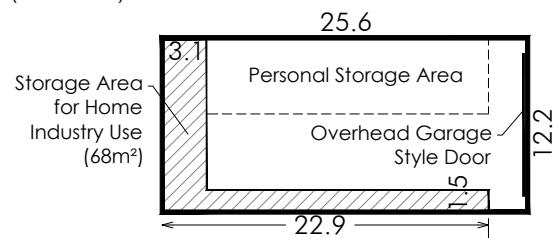
LEGEND



Subject Lands (6537 Roszell Road)

Accessory Storage Building Detail

(Not to Scale)



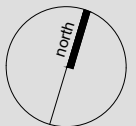
- Region of Waterloo 2019 Aerial Imagery
- For conceptual purposes only
- Garage size and location approximate

DATE: August, 2021

SCALE: 1: 25,000

FILE: 2172A

DRAWN: GC

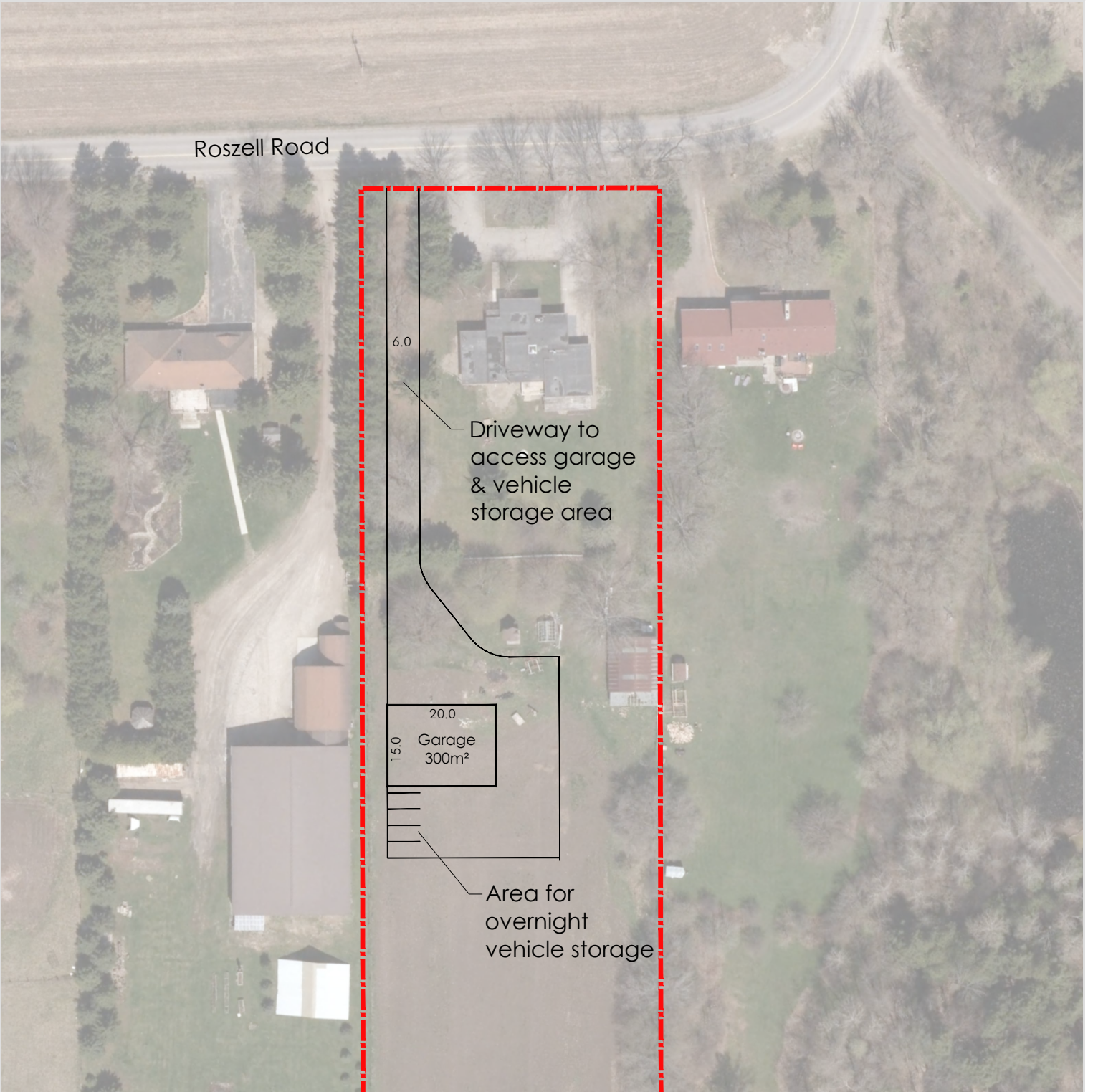


K:\2172A-6537 ROSZELL RD\CPICONCEPT_AUG9_2021.DWG



**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE**

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



Concept Sketch

6537 Roszell Rd
Township of Puslinch
Wellington County

LEGEND

 Subject Lands (6537 Roszell Road)

- Region of Waterloo 2019 Aerial Imagery
- For conceptual purposes only
- Garage size and location approximate

DATE: April, 2021

SCALE: 1: 25,000

FILE: 2172A

DRAWN: GC



C:\USERS\GICURNOW\DESKTOP\2172A- 6537 ROSZELL RD\PT\LOCATION_PLAN.DWG



**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE**

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Hillary Miller

From: Brent Smith
Sent: Thursday, September 02, 2021 8:59 AM
To: Hillary Miller
Subject: RE: Amended Minor Variance Application Notice for 6537 Roszell Road

Hi Hillary,
Puslinch Fire and Rescue Services have no additional concerns as a result of the number of trucks and trailers being increased to four each from the previous application of 3 trucks and 3 trailers.

Thanks

Brent Smith

CFPO

Puslinch Fire and Rescue Services

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Wednesday, September 1, 2021 1:42 PM
To: Building <building@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Brent Smith <bsmith@puslinch.ca>
Subject: Amended Minor Variance Application Notice for 6537 Roszell Road

Good afternoon,

Please find attached for your records, the amended Notice of Public Hearing for the minor variance application for 6537 Roszell Road. Please note that the number of proposed trucks and trailers has changed from three each to four each.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: John Arnold [REDACTED] >
Sent: Wednesday, September 01, 2021 1:57 PM
To: Planning
Subject: 6537 Roszell Rd variance request

This surely is more than a minor variance. The applicant is increasing the request for parking for the number of vehicles from 3 to 4 - a 25% increase. I'm sure that this number will be increased immediately as the business expands.

Why do we bother to have bylaws at all in that variances are constantly being varied?
I think that this request should be given a bit more thought.

John M Arnold (in my capacity as a resident and a private citizen)

[REDACTED]

[REDACTED]

[REDACTED]

Hillary Miller

From: Source Water <sourcewater@centrewellington.ca>
Sent: Thursday, September 02, 2021 4:17 PM
To: Hillary Miller
Cc: Source Water
Subject: RE: Amended Notice for Minor Variance Application - 6537 Roszell Road
Attachments: PUS-S59-21-003_2A Notice - signed.pdf

Hi Hillary,

Thank you for providing the above referenced application for review. Attached you will find the section 59 2a Notice to proceed, as well as map(s) of the property and relevant vulnerable areas. A copy has been served to the property owner.

If you have any further questions regarding this application, or in the event of any technical problem with the email or attachments, please contact me.

Danielle Walker | Source Protection Coordinator

Wellington Source Water Protection | 7444 Wellington Road 21, Elora, ON, N0B 1S0
519.846.9691 x236 | DWalker@centrewellington.ca | www.wellingtonwater.ca
Toll free: 1-844-383-9800

Wellington Source Water Protection's offices are located in the Township of Centre Wellington offices.

Centre Wellington is now in Step Three of the Province's roadmap to reopening, a three-step plan to safely and cautiously reopen the province and gradually lift public health restrictions.

Although some Township facilities remain closed to the public, many departments are offering most services electronically and scheduling appointments for services that cannot be delivered remotely. With the proper protocols in place, we are working to deliver services in a timely manner, however, you may still experience some delays or disruptions.

For a complete update on facility hours and operations and programs and services available by pre-registration or appointment only, visit the Township's website at www.centrewellington.ca/emergencyplanning and our social media platforms, www.facebook.com/CentreWellington and Twitter www.twitter.com/CentrWellington

From: Hillary Miller <hmiller@puslinch.ca>
Sent: August 26, 2021 3:22 PM
To: Source Water <sourcewater@centrewellington.ca>
Subject: Amended Notice for Minor Variance Application - 6537 Roszell Road

Good afternoon,

Please see the attached amended notice to correct the zoom meeting link for the minor variance application for 6537 Roszell Road.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Township of Puslinch
7404 Wellington Rd 34, Puslinch, ON N0B 2J0
P 519 763-1226 F 519-763-5846
www.puslinch.ca

This message (and any associated files) is intended only for the use of the individual or entity to which it is addressed. The content of the message may contain information that is confidential, subject to copyright and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient you are notified that any dissemination, distribution, copying or modification of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately, advising of the error and delete this message without making a copy. (Information related to this email is automatically monitored and recorded and the content may be required to be disclosed by the Township to a third party in certain circumstances). Thank you.

Disclaimer: This message is for the use of the intended recipient(s) only and may contain information that is privileged, proprietary, confidential, and/or exempt from disclosure under any relevant privacy legislation. If you are not the intended recipient or authorized agent thereof, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy, taking of action in reliance on or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify the sender by return e-mail and delete or destroy all copies of this message. Warning: Although the Township of Centre Wellington has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.



September 2, 2021

Restricted Land Use Notice No Prohibition or Risk Management Plan Requirement

Issued under the *Clean Water Act*, Section 59 (2) (a)

Township of Puslinch
c/o Wellington Source Water Protection
Risk Management Office
7444 Wellington Road 21
Elora, ON, N0B 1S0
1-844-383-9800
sourcewater@centrewellington.ca

Notice Number: PUS-S59-21-003		
Description and Date of Application / Supporting Documents: Minor variance application, August 25, 2021 / Public Hearing Notice, WHPA Map.		
Municipality Application No: D13/ FAL	Applicant Project No:	
Applicant: Steven & Terry-Lynn Falco	Email: N/A	
Roll No: 2301000002169000000	WHPA: D, CL ICA	Vulnerability Score: 4-6
Property Address: 6537 Roszell Road		Town: Puslinch
Municipality: Puslinch	Province: ON	Postal Code: N3C 2V3
Source Protection Plan: Grand River	Drinking Water System: Puslinch	

Property Owner: Same as above		
Mailing Address:		Town:
Municipality:	Province: ON	Postal Code:
Phone:	Alt. Phone:	Email:

This Notice is being issued under subsection 59 2(a) of the *Clean Water Act*, 2006 and was prepared in response to an Application (as described above under Description / Supporting Documents) received for the property that is identified above. One or more of the land uses proposed to be engaged in, at the above noted property, has been designated as a restricted land use under Section 59 of the *Clean Water Act* and the application is either for a provision of the *Planning Act* prescribed under Section 62, Ontario Regulation 287/07 of the *Clean Water Act* or for a building permit under the *Ontario Building Code*.

The Application was reviewed in accordance with the *Clean Water Act* and the *Grand River Source Protection Plan* which came into effect July 1, 2016. Based on the information submitted as part of the Application, Section 57 (Prohibition) or Section 58 (Risk Management Plan) of the *Clean Water Act* **do not** apply, at this time, to the activities outlined in the Application for the above referenced property.

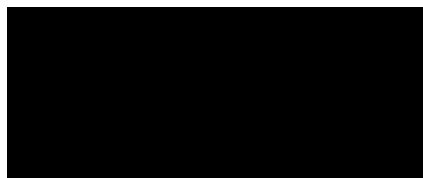


Rationale: As it pertains to this application and based on the submitted documents, the activities proposed at the subject property would not be considered a significant drinking water threat. Although this property is located within an issue contributing area for chloride (ICA), there is no indication that the activities proposed would require excessive salt application to a paved surface that would be managed through a Risk Management Plan, therefore neither section 57 nor 58 of the *Clean Water Act* apply. A section 59 2 (a) Notice to proceed is being provided.

Township of Puslinch
c/o Wellington Source Water Protection
Risk Management Office
7444 Wellington Road 21
Elora, ON, N0B 1S0
1-844-383-9800
sourcewater@centrewellington.ca

- This Notice is only effective as it relates to the above referenced Application;
- Any change to the information submitted under the Application nullifies this Notice, unless otherwise permitted by the Risk Management Official.
- This Notice is not valid for any subsequent approvals under the *Planning Act* or building permits under the *Ontario Building Code* for the property. Further Section 59 notices will be required for subsequent applications at the property and a risk management plan may be required.
- Pursuant to Section 53 (3), Ontario Regulation 287/07 under the *Clean Water Act*, this notice, once issued, is a public document. All information submitted for development of this notice is subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- This Notice has been issued under the Authority of the Risk Management Official appointed for Township of Puslinch under By-law 62/15 and/ or 058/2017. This Notice has been issued in accordance with the *Clean Water Act*, 2006, Section 59, Ontario Regulation 287/07 and the Grand River Source Protection Plan, as amended, which became effective on July 1, 2016

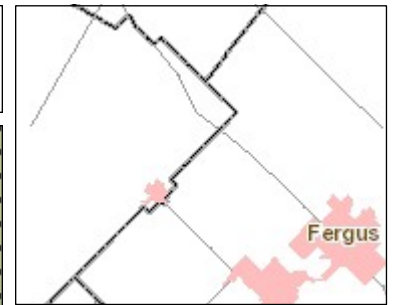
If you require further information, please contact the undersigned.



Sep 2, 2021

Emily Vandermeulen, Risk Management Inspector
519-846-9691 ext 365
evandermeulen@centrewellington.ca

Attachment- WHPA_Map_Roszell_6537



Legend

- Parcels
- Roads
 - Local Road
 - County Road
 - Highway
- Waterbodies
- Watercourses
- Well Locations
- Wellhead Protection Area Boundary
 - A
 - B
 - C
 - D
- Issue Contributing Area
 - Chloride
 - Nitrate
 - Sodium
 - TCE
- Vulnerability Score
 - 10
 - 8, D; 8, C
 - 2, 4, 6 (A, B or C)
 - 2, 4, 6, D; 2, 4, D; 2, 4, 6 (D); 4, D; 6,
- RoadsLookup

0.4 0 0.20 0.4 Kilometers

Notes

PUS-S59-21-003_2A Notice

Final Audit Report

2021-09-02

Created:	2021-09-02
By:	Danielle Walker (dwalker@centrewellington.ca)
Status:	Signed
Transaction ID:	CBJCHBCAABAAVQdZulUnQrnWUwFOACKxL8Dy8VF-JyM6

"PUS-S59-21-003_2A Notice" History

-  Document created by Danielle Walker (dwalker@centrewellington.ca)
2021-09-02 - 8:00:21 PM GMT- IP address: 74.220.174.70
-  Document emailed to Emily Vandermeulen (evandermeulen@centrewellington.ca) for signature
2021-09-02 - 8:00:59 PM GMT
-  Email viewed by Emily Vandermeulen (evandermeulen@centrewellington.ca)
2021-09-02 - 8:13:20 PM GMT- IP address: 74.220.174.70
-  Document e-signed by Emily Vandermeulen (evandermeulen@centrewellington.ca)
Signature Date: 2021-09-02 - 8:13:32 PM GMT - Time Source: server- IP address: 74.220.174.70
-  Agreement completed.
2021-09-02 - 8:13:32 PM GMT



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: September 14, 2021
TO: Lynne Banks, Development and Legislative Coordinator
Township of Puslinch
FROM: Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/FAL**
Steven & Terri-Lynn Falco
6537 Roszell Road
Rear Part Lot 2, Concession 3
SCHEDULES: **1 - Concept Plan**

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The variance requested would provide relief from section 4.12(a) of the Zoning By-law to permit the storage of four trucks and four trailers for a home industry use. The purpose of the vehicles is to transport equipment stored in the accessory building on-site to off-site events.

There are some concerns with this proposal regarding the long term use of the home industry and land use compatibility. Planning staff have provided suggested conditions to limit the height and location of trucks and trailers, as well as limiting the number of permitted trucks and trailers to ensure the home industry is incidental and secondary to the principal use. Conditions have also been proposed to limit the use of the trailers and trucks to storage, and prohibit the repair and maintenance of trucks and trailers on-site.

The Committee should be satisfied that the subject application is minor in nature, maintains the intent and purpose of the County Official Plan and the Township's Zoning By-law and represents desirable and appropriate development. If approved, the following matters are recommended to be addressed as conditions of approval:

Conditions:

1. The number of trucks and trailers on the subject property cannot exceed four trucks and four trailers.
2. That any activity relating to the repair and maintenance of a vehicle or trailer is prohibited.
3. That the trucks and trailers can only be stored to the rear of the existing accessory building as per the location drawing.
4. That the trucks and trailers associated with the home industry cannot exceed the length of 7.5 m (exclusive of hitch/tongue) or height of 3.2 m measured from the ground to the highest point of the commercial motor vehicle.
5. That the parking area be separated from the neighboring property by a 1.0 m planting strip.
6. That the home industry area within the accessory building be kept to a maximum 100m².

Proposal:

The details of the minor variance application are included in the table below:

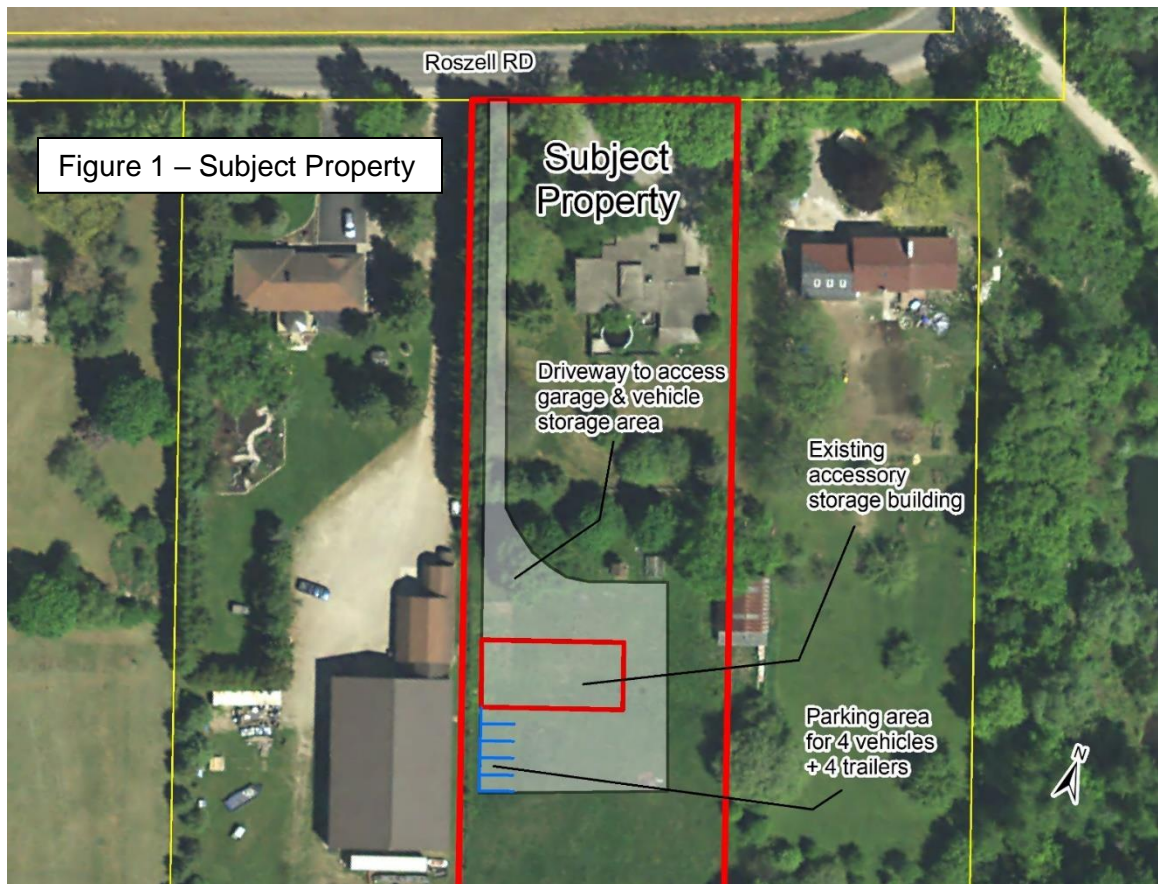
Section of the By-law	Requirements	Proposed
Section 4.12(a) Home Industries	The By-law prohibits the repairing, sale or storage of vehicles, mobile homes, trailers or heavy machinery for a home industry use.	Requesting relief of New Comprehensive Zoning By-law #23-2018, as amended, from section 4.12(a) to store four (4) trucks and four (4) trailers for a home industry use.

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> The proposal is intending to permit the storage of four trucks and four trailers used as part of a home industry use. A planning justification has not been included within the minor variance submission, however within documents submitted for the pre-consultation, the applicant indicated that the home industry on-site is Grand River Inflatables and Games, which involves the storage and transportation of equipment to events including rock-climbing, axe throwing, gaming, kayaking, and inflatable bouncing castle equipment. The subject property includes an accessory building of 312 m² (3,358.34 ft²). Of this space, the applicant has indicated they use 68 m² (731.9 ft²) to store equipment for the home industry use. Within documents submitted to the pre-consultation, the applicant has indicated that vehicles with corresponding trailers are used to transport equipment and that these vehicles are parked overnight on the subject property to the rear of the existing storage building. The applicant also specified that there are two employees that do not reside on-site and that these employees will occasionally park personal vehicles on the subject property and operate company vehicles. The applicant indicated that this is not a daily occurrence as employees also work at other locations.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> The subject property is within the Agricultural Zone (A), Natural Environment Zone (NE), and Environmental Protection Overlay. The home industry building and parking area for four trucks and four trailers is fully located within the A Zone. A home industry is a permitted use within the A Zone provided the requirements of section 4.12 can be met. Home Industries are defined in the Zoning By-law as a small-scale use providing a service that is accessory to a dwelling unit or agricultural operation. A home industry may be conducted in whole or in part in an accessory building. It includes a carpentry shop, metal working shop, a welding shop or minor equipment repair shop etc., but does not include any activity relating to the operation or maintenance of a vehicle or any activity requiring the use of toxic chemicals.

	<ul style="list-style-type: none"> • Section 4.12 contains requirements for home industries including that the home industry shall be clearly incidental and secondary to the principal residential use to which it is accessory and shall not change the residential character of the dwelling and requires that no home industry shall become a public nuisance, with regard to noise, traffic, emissions, parking or radio or television interference. • In addition to the above, 4.12.a(viii) prohibits the use of home industries for the repairing, sale or storage of vehicles, mobile homes, trailer or heavy machinery. • Outdoor storage is defined in the by-law as the storage of equipment, goods, or raw materials outside of any building or structure in the open air. The by-law further states that the overnight parking of vehicles shall not be deemed to be outdoor storage. • Section 5.2.7 requires that where uncovered surface parking areas shall be permitted in any part of any yard provided that any part of a parking area located within a required yard shall be separated from any lot lines adjacent to such required yard by a planting strip no less than one (1) meter in width. A condition has been suggested to add a buffer between the subject property and the abutting property to the West. • The intent of home industries is to allow for small scale services with limited employees and minimal off-site impacts to be incidental to a principal residential use. The intent of limiting home industry uses to exclude the repairing, sale and storage of vehicles, mobile homes, trailers and heavy machinery is to prohibit incompatible land uses. • Conditions have also been proposed to limit the use of the trailers and trucks to storage, and prohibit the repair and maintenance of trucks and trailers on-site.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The subject property is designated as Secondary Agricultural, Greenlands and Core Greenlands within the County of Wellington Official Plan. The proposed accessory building and parking area are located fully within the Secondary Agricultural Designation. • The Secondary Agricultural area permits small scale commercial and industrial uses in Section 6.5.3. • Section 6.4.4 contains requirements for Home Industries and Farm Businesses. Home industries are secondary to the principal use of the property and may be allowed, subject to zoning provisions, as a means of providing services in agricultural areas. Home industries are small in scale with a limited number of employees, and minimal off-site impacts and examples include minor equipment repair, woodworking, crats, and welding. • Planning staff have suggested conditions regarding the trucks and trailers to ensure the home industry use remains small scale and secondary to the principle residential use.
That the variance is desirable and appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The subject land is approximately 4.0 ha (10 ac) and contains a residence and home industry. • The immediate adjacent land uses to the subject property are rural residential and agricultural uses. • The surrounding rural residential uses include a mixture of dwellings and large accessory buildings. • The proposed parking area for the trucks and trailers is visually screened from

	<p>the road, and is partially screened from abutting properties by the existing accessory building.</p> <ul style="list-style-type: none"> • The parking area is adjacent the abutting property to the West. Planning staff have suggested a condition to require a minimum setback of the parking area to 1 m from the property line. • The subject property is regulated by Grand River Conservation Authority (GRCA). Any comments from the GRCA should be considered.
--	---



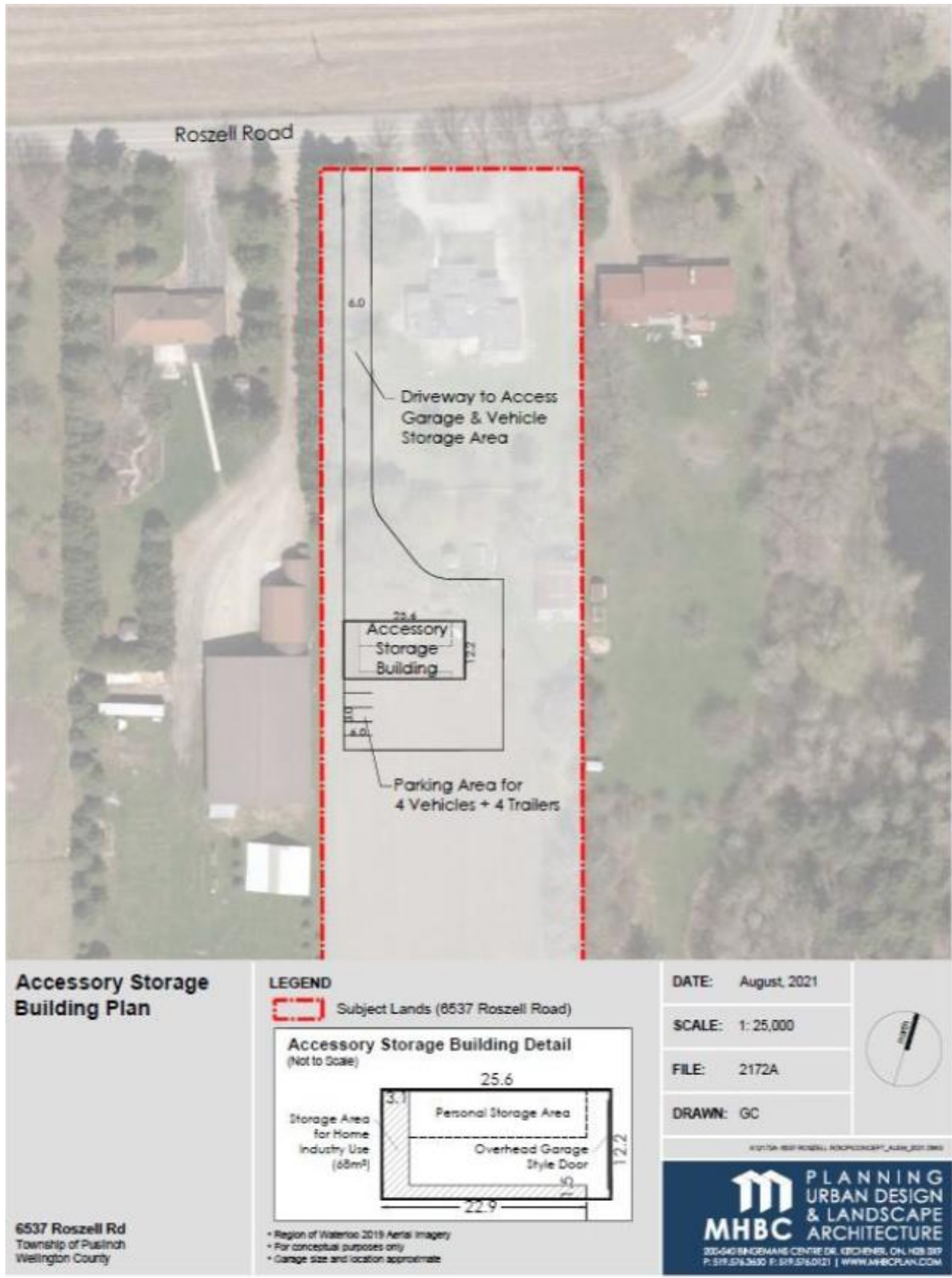
I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department

[Redacted signature]

Joanna Salsberg, B.A., M.PL.
Planner

SCHEDULE 1: Concept Plan





MINUTES

1. CALL THE MEETING TO ORDER

The August 10, 2021 Planning & Development Advisory Committee Meeting was held on the above date and called to order at 7:26 p.m. via electronic participation.

2. OPENING REMARKS

The Chair advised that the following portion of the Committee meeting will be for the Committee to review and provide comments on development planning applications.

3. ROLL CALL

MEMBERS IN ATTENDANCE

Councilor John Sepulis, Chair
Dan Kennedy
Dennis O'Connor
Deep Basi

MEMBERS ABSENT

Paul Sadhra

STAFF IN ATTENDANCE

Lynne Banks, Development and Legislative Coordinator
Courtenay Hoytfox, Clerk
Jeff Bunn, Deputy Clerk
Zachary Prince, Senior Planner, County of Wellington
Joanna Salsberg, Planner, County of Wellington

4. DISCLOSURE OF PECUNIARY INTEREST

None

5. APPROVAL OF MINUTES

- July 13, 2021

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

That the Minutes of the Planning & Development Advisory Committee Meeting held Tuesday, July 13, 2021, be adopted.

CARRIED

6. APPLICATION FOR SITE PLAN URBAN DESIGN REVIEW

None

7. ZONING BY-LAW AMENDMENT

None

8. LAND DIVISION

- 8(a) Severance Application B39-21 (D10-CUL) – Stuart & Karen Cullen – Part Lot 18, Concession 1, municipally known as 6944 Concession 1, Township of Puslinch.**

Proposed severance is 0.4 hectares with 61.69 metre frontage, vacant land proposed rural residential use.

Retained parcel is 37.69 hectares with 147.78 metre frontage, existing and proposed rural residential hobby farm with existing dwelling and barn.

- Nancy Shoemaker, agent for the applicant provided an overview of the application.
- There were no comments or questions from the public.
- There were no comments or questions from the Committee.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Deep Basi

Seconded by: Dan Kennedy

8(b) Severance application B50-21 (D10-SLA) – Abigail & Lise Slater – Part Lots 7, 8 & 9, Concession 10, municipally known as 711 Arkell Road, Township of Puslinch.

Proposed severance is 60 metre frontage x135 metre = 0.8 hectares, vacant land for proposed rural residential use.

Retained parcel 41.8 hectares with 280 metre frontage, existing and proposed rural residential use with existing 3 dwellings, storage building and shed.

- Rod Finnie, agent for the applicant, provided an overview of the application.
- There were questions or comments from the public.
- Dennis O'Connor asked if the barn has been modified to remove the holding structures inside the barn.
- Rod Finnie advised that they were removed and there are no holding structures inside the barn.
- Deep Basi asked if safe entrance is possible.
- Rod Finnie advised that safe entrance is possible.
- Dan Kennedy advised that he had the same question as Deep Basi.
- John Sepulis noted that the agent advised that the barn is pristine but recommended that MDS calculations be done.
- John Sepulis asked if all three dwellings on the property are inhabited.
- Rod Finnie advised that they are inhabited but not all the time and that they date back to the 1860's-1870's.
- John Sepulis asked Joanna Salsberg if the Township's zoning by-law allows for 3 dwellings on the property.
- Joanna Salsberg advised that they are limited to one dwelling in the Agricultural Zone, but a condition can be made to ensure that either the three dwellings are in compliance or that they can demonstrate that they are in compliance with the zoning by-law.
- John Sepulis recommended that conditions be added to the Township's comment form that if the barn is ever used to house animals then MDS1 will be required, and if MDS1 cannot be met

then a minor variance will be required, and that the owner demonstrate compliance with the Township zoning by-law with respect to the 3 dwellings located on the property.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the owner achieve zoning compliance for the three dwellings located on the retained parcel to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
4. If the barn located on the property is usable for keeping animals, then the owner must provide the MDS calculations to confirm that MDS separation can be met and if separation cannot be met, then the owner will be required to apply for, and obtain approval of, a minor variance; and that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Dennis O'Connor

Seconded by: Deep Basi

8(c) Severance application B51-21 (D10-DAG) – Dawn & Donald Dagget – Part Lot 21, Concession 1, municipally known as 4189 Sideroad 20 South, Township of Puslinch.

Proposed severance is 0.4 hectares with 65 metre frontage, vacant land for proposed rural residential use.

Retained parcel is 4.2 hectares with 57 metre frontage, existing and proposed rural residential use with existing dwelling, garage and pool.

- Jeff Buisman, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- Dennis O'Connor asked if the lands to be severed can be squared off to make a square lot.
- Jeff Buisman advised that they did consider it but there is some concern that it's closeness to the driveway on the retained lands.
- John Sepulis asked the Committee if they think that the property could be squared off.
- The Chair polled the committee members and they reached a consensus that all committee members were satisfied with the current configuration.
- John Sepulis asked if the hydro line can be relocated.
- Jeff Buisman advised that if they can do it prior to the severance.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the Owner achieve zoning conformity for the retained parcel to permit a reduced lot frontage to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
4. That the hydro line be removed to the retained lands to the satisfaction of the Township; and Further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Dan Kennedy

Seconded by: Deep Basi

8(d) Severance application B52-21 (D10-GRA) – Michele & George Gray – Part Lot 7, Concession 1, municipally known as 6655 Concession 2, Township of Puslinch.

Proposed severance is 1.0 hectares with 62 metre frontage, existing and proposed agricultural with existing shed and barn for proposed rural residential use. Shed and barn to be removed.

Retained parcel is 9.9 hectares with 15 metre frontage, existing and proposed agricultural use with dwelling and pool.

- Jeff Buisman, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- Dennis O'Connor asked if a condition can be made that the barns on the property be removed.
- Dan Kennedy agreed with the barns being removed and asked if the barn located at 6667 Concession 2 is a far enough distance away.
- Joanna Salsberg advised that the County will review the MDS when the application goes to Land Division for approval. She further noted that they have not received any farm data sheets yet.
- John Sepulis asked if the hydro line to the barn is an active line.
- Jeff Buisman advised that he isn't sure if it is an active line.
-

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the

Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

3. That the Owner achieve zoning conformity for the retained parcel to permit a reduced lot frontage to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
4. That the barn be removed from the severed lands to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Dennis O'Connor

Seconded by: Deep Basi

8(e) Severance application B53-21(D10-GRE) – Divinder & Sukhbir Grewal – Part lot 16, Concession 7, municipally known as 130 Maltby Road West, Township of Puslinch.

Proposed severance is 60 metre frontage x 122 metre = 0.73 hectares, existing and proposed rural residential use with a dwelling under construction.

Retained parcel is 8.89 hectares with 94 metre frontage, existing and proposed bush/reforested trees.

- Jeff Buisman, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- John Sepulis asked why there is a house under construction occurring on the property prior to severance.
- Jeff Buisman advised that it is all vacant land at the moment and this is the first house being built on the property.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the Owner achieve zoning conformity for the retained parcel to permit a reduced lot frontage.

CARRIED

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

8(f) Severance application B54-21 (D10-GOD) – Krista & Paul Godinho – Part lot 15, Concession 3, municipally known as 6862 Wellington County Road 34, Township of Puslinch.

Proposed severance is 50 metre frontage x 110 metre = 0.56 hectares, vacant land for proposed rural residential use.

Retained parcel is 3.4 hectares with 72 metre frontage, existing and proposed rural residential use with existing dwelling, garage, shed and barn. Barn to be removed.

- Jeff Buisman, agent for the applicant, provided an overview of the application.
- There were no questions or comments from the public.
- Dennis O'Connor requested that a condition be added that the barns be removed from the property.
- Deep Basi advised that he agreed with Dennis O'Connor.
- Dan Kennedy advised that he also agreed with Dennis O'Connor.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the barn located on the retained parcel be removed to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Deep Basi

Seconded by: Dennis O'Connor

8(g) Severance application B55-21 (D10-HAM) – Peggy Hambly – Part lot 20, Concession 2, municipally known as 4428 Sideroad 20 North, Township of Puslinch.

Proposed severance is 0.41 hectares with 25.1 metre frontage, existing and proposed rural residential use. Existing shed to be removed.

Retained parcel is 0.5 hectares with 30.5 metre frontage, existing and proposed rural residential use with existing dwelling and barn. Barn to be removed.

- Jeff Buisman, agent for the applicant provided an overview of the application.
- There were no questions or comments from the public.
- Dennis O'Connor requested that a condition be added that the barn and shed be removed.
- Deep Basi asked if a condition can be added that the driveway that is serving the retained parcel be relocated off of the severed parcel.
- Dan Kennedy advised that he agrees with both comments.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the shed located on the severed parcel, and the small horse barn located on the retained parcel both be removed to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
4. That the driveway serving the retained land be relocated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Dennis O'Connor

Seconded by: Deep Basi

8(h) Severance application B56-21 (D10-QBF) – QB Farms Inc. c/o Patrick Quirk & Chas Birkett – Part Lot 17, Concession 9, municipally known as 4555 Victoria Road South, Township of Puslinch.

Proposed severance is 50 metre frontage x 150 metre = 0.75 hectares, existing agricultural for proposed rural residential use.

Retained parcel is 40.2 hectares with 357 metre frontage, existing and proposed agricultural use with existing dwelling, sheds and cell tower.

- Jeff Buisman, agent for the applicant provided an overview of the application.
- There were no questions or comments from the public.
- Dan Kennedy asked if there is safe access to the property.
- Jeff Buisman advised that he checked and tested and noted that there is safe access.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

Moved by: Dan Kennedy

Seconded by: Deep Basi

8(i) Severance application B59-21 (D10-GER) – Mario & Elisa Geremia – Part Lot 20, Concession 4, municipally known as 4620 Sideroad 20 North, Township of Puslinch.

Proposed severance is 50 metre frontage x 90 metre = 0.45 hectares, vacant land for proposed rural residential use.

Retained parcel is 3.02 hectares with 106 metre frontage, existing and proposed rural residential use with existing dwelling.

- Jeff Buisman, agent for the applicant provided an overview of the application.
- There were no questions or comments from the public.
- Dennis O'Connor advised that he is satisfied as long as a condition regarding MDS is added.
- Deep Basi asked if safe access is possible.
- Jeff Buisman advised that yes it is.
- Dan Keened advised that he had the same question as Deep Basi.

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That safe access to the severed lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the owner achieve zoning conformity for the reduced MDS setbacks for the severed parcel.

CARRIED

Moved by: Dennis O'Connor

Seconded by: Dan Kennedy

9. OTHER MATTERS

9(a) Property Standards Appeal – 171 Townline Road

- John Sepulis, Chair, advised that the Committee will be hearing the appeal to a By-law Enforcement Order to Comply and introduced the following committee members that are present:
Deep Basi
Dan Kennedy
Dennis O'Connor
- The Chair also recognized the following people present:
Ivan Lunevski – Township of Puslinch By-law Enforcement Officer
Lynne Banks, Development & Legislative Coordinator
Jeff Bunn, Deputy Clerk
Courtenay Hoytfox, Municipal Clerk
- The Chair asked the appellant, Brian Pearson to introduce himself and then provided a brief explanation of the procedure for the hearing of the appeal and that the Committee will decide on one of the following decisions regarding the appeal: confirm the Order to Comply, rescind the Order to Comply, modify the Order to Comply or grant an extension of the Order to Comply.
- Lynne Banks swore in Ivan Lunevski to present his testimony
- Ivan Lunevski provided an overview of the complaint, his observations when he visited the property to investigate the complaint, and the issuance of the Property Standards Order, the nature of the appeal, his concerns regarding the appeal and noted that the appellant was requesting that only Item #1 of the Order be modified to allow for a fence instead of a structure. Upon the conclusion of Mr. Lunevski's testimony, the Chair advised that Brian Pearson would now be able to ask questions of Mr. Lunevski.
- Brian Pearson asked Mr. Lunevski if it would be acceptable if a fence is constructed and the materials are stored in a neat and tidy condition within the fence and can't be seen by the

neighbouring properties.

- Mr. Lunevski replied that over time, items that accumulate tend to become unsightly. He further noted that most properties in the agricultural zone are neat and tidy and do not look like a storage yard, which is not permitted under the Township's zoning by-law.
- Mr. Pearson asked if he would be permitted to put up a fence that does not have any materials stored within it.
- Mr. Lunevski responded that he would be permitted to put up a fence as long as it does not block sight line triangles and cause a safety issue.
- Mr. Pearson asked if he would be permitted to store materials within the fence as long as they are below the height of the fence and cannot be seen.
- Mr. Lunevski stated that the surrounding properties in the area are kept clean and clear of materials.
- Mr. Pearson asked how many complaints were received.
- Mr. Lunevski advised that there have been multiple complaints filed with the Township but he is not permitted to divulge how many were received.
- Deep Basi noted that there are shipping containers located on the property.
- Dan Kennedy asked what kind of a structure would be required to store the materials.
- Mr. Lunevski stated that as long as it has four walls and a roof and within the Township's standards, it would be permitted.
- John Sepulis asked what time of day the noise complaints were documented.
- Mr. Lunevski stated that there was one complaint and it wasn't specific as to the time and that the complainant was concerned about ongoing truck movements in and out of the property.
- John Sepulis asked if the fence will deteriorate over time.
- Mr. Lunevski noted that he was speaking to the materials stored inside the fence that would deteriorate over time.
- Mr. Pearson was sworn in by Lynne Banks to present his testimony and advised the Committee that there was a clear area on the property when it was purchased and he decided that it would be a good location to store materials. He also noted that the Township did confirm that storage of materials would be permitted. He stated that when Mr. Lunevski visited the property it was not in the condition that they had hoped it would be and that erecting a fence would follow the Township's by-law. He also noted that they were in the process of clearing and cleaning up the property at the time of Mr. Lunevski's visit to the property and further noted that the appeal was only for item #1 of the Property Standards Order and stated that the remedial action noted in the Order goes above and beyond what is required stating that the Order requires the materials stored in a structure and that he believes that a fence qualifies as a structure and will satisfy the by-law.
- Following Mr. Pearson's testimony, the Chair asked Mr. Lunevski if he had any questions of Mr. Pearson.
- Mr. Lunevski commented that a fence could be considered a structure as defined by the Township's zoning by-law, but the intention of the Order was to enclose the material within a building and that a fence could be considered a structure but it meet the intention of what the Order required.
- Dennis O'Connor asked with the value of the material, would it be better to keep it in a structure and out of the elements.
- Mr. Pearson advised that the materials are designed to be used and stored outside.
- Deep Basi asked if the owner would be willing to purchase a temporary storage building.
- Mr. Pearson advised that it would be a large expense but would most likely look at renting off-site storage.
- Dan Kennedy asked that with outside storage during winter, how would the owner deal with snow removal.
- Mr. Pearson advised that they would keep it neat and organized in order to not disturb the abutting owners.
- John Sepulis noted that the sketch submitted shows the proposed fence area and asked what the size of the area is.
- Mr. Pearson advised that it is roughly 40x80 and noted that if they lose the appeal, they would like to be able to store the overflow materials on site within a fenced enclosure.

- John Sepulis asked where the gate/door to the proposed facility would face.
- Mr. Pearson advised it would be facing Townline Road.
- John Sepulis asked if the height of the material would be higher than what is permitted.
- Mr. Pearson advised that it would be stored below the fence height.
- John Sepulis asked if the shipping crates would be removed.
- Mr. Pearson advised that they will be removed from the property.
- John Sepulis asked what the fence would be made out of.
- Mr. Pearson advised that it would be possibly chain link with mesh over it and it would be more opaque so that it can't be seen through.
- John Sepulis asked what would be stored within the proposed fence enclosure
- Mr. Pearson advised that it would be scaffold, racks and baskets related to scaffolding.

The Committee moved into closed session to discuss the testimony and to render a decision.

The Committee moved back into open session to announce its decision.

- John Sepulis advised Mr. Pearson that the Committee has made its decision, a copy will be sent to the owner and if the owner would like to appeal the decision, he can do so to the Superior Court.
- Lynne Banks read the following decision made by the Committee:

Modify the order to read

With respect to Item #1

1. Remove all machinery, materials and objects from the exterior by September 30, 2021.

OR

2. Ensure that all machinery, materials, or objects are stored within a building that conforms to the Township's zoning by-law and with the Township's building code requirements, and all exterior property is maintained in a neat and tidy condition.

AND in the event that the appellant decides to construct a building, the appellant shall be required to obtain a building permit and complete the final inspection of the building on or before AUGUST 10, 2022.

Item numbers 2 and 3 of the Order must be complied with by September 30, 2021.

10. CLOSED MEETING

- None

11. NEXT MEETING

- Next Regular Meeting will be held on Tuesday, September 14, 2021 @ 7:00 p.m.

102. ADJOURNMENT

Moved by: Dennis O' Connor

Seconded by: Deep Basi

That the Planning & Development Advisory Committee is adjourned at 9:41 p.m.

CARRIED



MEMORANDUM

TO: Members of the Planning and Development Advisory Committee

FROM: Lynne Banks, Development and Legislative Coordinator

MEETING DATE: September 14, 2021

SUBJECT: Appeal of Property Standards Order
Jasbir and Baljinder Gill
6577 Concession 4

Background

A Property Standards Order (the “Order”) was issued for the property known municipally as 6577 Concession 4 (shown as Attachment “1”) on July 16, 2021 in accordance with Section 25.0 of the Township of Puslinch Property Standards By-law 10/2020 (the “By-law”), which can be accessed on the Township’s website at: [Property Standards By-law 10/2020](#). The Order was the result of a formal complaint received by the Township with respect to a barbed wire fence located on the property.

Section 26.0 of the By-law allows that the owner of the property may appeal the Order if they are not satisfied with the terms or conditions of the Order, which appeal was received by the Township on August 4, 2021 as shown on Attachment “2”. The owner is requesting that the Order be rescinded.

Purpose

The purpose of this Memorandum is to provide the Committee with background information and supporting documents for its information prior to the date of the September 14, 2021 PDAC meeting at which the appeal will be heard. An aerial view of the property is shown on Attachment “3”.

Applicable Legislation and Requirements

Township of Puslinch Property Standards By-law No. 10/2020

Financial Implications

None.

Attachments

Attachment "1" – Copy of Property Standards Order dated July 16, 2021

Attachment "2" – Copy of Appeal received August 4, 2021

Attachment "3" – Aerial photo of property



Township of Puslinch,
7404 Wellington Rd 34
Puslinch ON N0B 2J0
Tel: 519-763-1226
Fax: 519-763-5846
www.puslinch.ca

ORDER

Issued pursuant to Section 15.2(2) of The Building Code Act S.O. 1992, c.23, as amended
and

The Corporation of the Township of Puslinch
By-law 10/2020, as amended.

Date: July 16, 2021

LOCATION/ADDRESS

6577 CONCESSION 4
CON 3 REAR PT LOT 4 RP;61R644 PART 1
23-01-000-002-17215-0000

in the Township of Puslinch
in the County of Wellington

ISSUED TO

GILL JASBIR SINGH,
GILL BALJINDER KAUR
6577 CONCESSION 4
PUSLINCH ON
N0B 2J0

**GIVEN TO/REGISTERED
MAIL TO**

GILL JASBIR SINGH,
GILL BALJINDER KAUR
6577 CONCESSION 4
PUSLINCH ON
N0B 2J0

The above-described property, which is owned by you or in which you have an interest has been inspected by a Property Standards Officer.

The inspection revealed that in some respect the property does not conform to the standards prescribed by the Township of Puslinch, Property Standards By-Law 10/2020 as amended.

IT IS ORDERED THAT the repairs necessary to correct the defects set out in Schedule "A" be carried out and the property brought to a condition of compliance with the prescribed standards on or before September 1, 2021.

APPEAL TO THE PLANNING DEVELOPMENT ADVISORY COMMITTEE

An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$264.00 for the processing of the appeal and are to be sent to the address below:

Secretary to the Planning Development Advisory Committee
Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

Final date for appealing this Order is August 4, 2021.

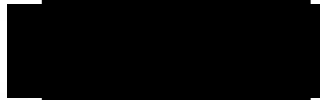
In the event that no appeal is taken, the Order shall be deemed to have been confirmed and shall be final and binding upon you, requiring you to comply with its terms within the time and in the manner specified in the Order.

FURTHER ACTION

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action, the Township of Puslinch may cause the property to be repaired or demolished and the costs of such action may be registered as lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the tax collectors roll and be collected in the same manner and with the same priorities as municipal real property taxes as described in Section 1 of the Municipal Act 2001 (S.). 2001, c.25, as amended).

DATE : July 16, 2021

SIGNATURE :



Ivan Lunevski, B.A.S (Hons), C.P.S.O.
By-law Enforcement and Property Standards Officer
(519) 763-1226 Ext: 215
Email: ilunevski@puslinch.ca

SCHEDULE 'A'

Date: July 16, 2021

Re:

Legal Description

6577 CONCESSION 4**CON 3 REAR PT LOT 4 RP 61R644 PART 1****Township of Puslinch****The item(s) listed herein are in violation of the,
Township of Puslinch, Property Standards****By-Law No. 10/2020**

ITEM LOCATION	Throughout the property	BY-LAW SEC
1 DEFECT	Barbed wire fence constructed surrounding the perimeter of the property.	1.3
REMEDIAL ACTION	Remove the barbed wire portion of the fence, in order to ensure that the fence does not pose a hazard or risk to life, limb or health of any person on or about the property.	

ITEM LOCATION	Throughout the property	BY-LAW SEC
2 DEFECT	Fence not free of accident hazards;	11.1 (b)
REMEDIAL ACTION	Remove the barbed wire portion of the fence, to ensure that it is free from accident hazards.	

FOR YOUR INFORMATION

All repairs and maintenance of property required by the standards prescribed by the By-Law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

Where a permit is required to undertake any repair required to conform with standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit.

**RECEIVED**

AUG 04 2021

Township of Puslinch

For Township Use Only

Application #

Date Received

Decision Date

**Application for Hearing of an Appeal
Before The Planning Development Advisory Committee**

Pursuant to s. 17.1 of the Statutory Powers and Procedures Act (SPPA) the PSC may order a party to pay all or part of another party's costs in a proceeding where the conduct or a course of conduct of a party has been unreasonable, frivolous or vexatious or a party has acted in bad faith.

Purpose of Application☐ Modify☒ Rescind Order☐ Extend Time for Compliance

Please complete this application and return it to the Secretary of the Committee, together with all supporting documentation referred to in this application within the appeal period prescribed by Order.

Definitions:

APPLICANT: The Applicant must be a person to whom an order has been issued by the Township of Puslinch

1. As someone who is appealing to the Hearing Committee you are:☒ The owner of the subject property☐ The occupant of the subject property☐ A person having interest in the subject property☐ Other _____**2. Applicant Information ~ Please Print**

Name: Mr. Jasbir & Baljinder Gill	Telephone NO: [REDACTED]
Email [REDACTED]	Fax No:
Address: 6577 Concession 4, Puslinch, ON N0B2J0	Business NO:

3. Representative Information

(If the Applicant is to be represented by another individual, please provide the following contact information for the representative)

Name: Mr. Paul Sial	Position: Son
Address: [REDACTED]	Company Name: [REDACTED]

Telephone NO: [REDACTED]	Email: [REDACTED]
Business NO:	Fax NO:

4. Particulars of Dispute (Use attachments, if necessary.)

4.1 Provisions of the Order in dispute: (List those sections of the By-Law in dispute)

1. Property Standards By Law 1.3

No person shall occupy a property if there is a condition which poses or constitutes an unsafe condition.

2. Property Standards By Law Sec 11.1 (b)

A fence on a property separating adjoining property shall be maintained in a good state of repair and free of accident hazard.

3.

4.2 Description of the portion of the order that is in dispute: (List what specific recommendation, condition, or portion of the order you dispute)

1. Removal of barbed wire portion of the fence, to ensure that it is free as both accident hazard and does not pose a risk to life limb or health of any persons.

This is an agricultural property and an active farm. Such properties in Wellington County based on By Law 4.2 are allowed to have fences that have barbed wire to protect their livestock and crops from wildlife in the area.

2.

3.

4.3 Concise statement by the Applicant regarding the nature of this dispute, including reasons for non-acceptance of the condition(s) given by the Officer: (Describe what the nature of your dispute is.)

This fence is in line with The Corporation of the Township of Centre Wellington County By Law 2018-34 that Sec. 4.2 (a) Barbed wire fence can be used on an agricultural property. This property is currently being utilized as an agricultural property (we are an active farm). A similar By Law governs The Corp. of Minio Sec.7 which states a Barbed wire fence can be used on farm fences. Several adjacent farms and neighbors follow the same protocol for fences on their property's (please see attached pictures and testimonials). Our neighbors are very concerned about the potential this ruling could have for the fences on their farms. Farmers like us need to protect our crops against wild coyotes that roam our 25 acres of property. These fences protect our pets and mitigate the risk of robberies which have occurred frequently in this area. We are an older couple in our 70's and this action has caused us undue stress because we believe these allegations are completely unwarranted.

4.4 What is the current condition of the property: (Indicate any changes to the property since the date the order was issued.)

This fence has been on the property for several decades but was completely re-built from the ground up in May 2019. As such this fence is brand new (see attached pictures & Schedule C documentation). The preexisting fence in question was removed by the complaining neighbor without asking and they refused to split the cost of this new fence. We then installed the fence on our side of the property line, in an effort to prevent conflict.

5. **Supporting Documentation:** (List and attach copies of drawings, site plans, photographs, correspondence and other relevant documents and documentation that you are providing in support of this application.)

1. Schedule A County By Laws for barbed fences on Sec.4.4 (a) & Minto Sec.7
2. Schedule B Letter from Neighbor Trish Wallace 6571 Concession Rd 4
3. Schedule C Invoice & Email from Fence Contractor (builds fences like this all the time in Puslinch)
4. Schedule D Pictures of our fence and adjacent properties
5. Schedule E Original order July 16, 2021

6. **Affirmation and Signature of Applicant or Representative**

The undersigned affirms that the information provided in this application is accurate to the best of their knowledge.

Dated:

1st August 2021

of

[Redacted Signature]

Signature of Applicant or Representative

Paul Sial (son of applicant)

Name and Position of Applicant or Representative (Please Print or Type)

Note:

1. After receipt of this application, the Secretary to the Planning Development Advisory Committee will inform you about further arrangements in the form of a notice of hearing.
2. Please notify the Secretary to the Planning Development Advisory Committee or Clerk's Office in writing immediately of any change of address. The committee will communicate with you by mail at the address shown in this notice unless you notify the committee of a change in your address.
3. The Planning Development Advisory Committee is subject to the Municipal Freedom of Information and Protection of Privacy Act. Personal information provided on this form is collected under the authority of the Building Code Act, 1992 and will be used for the purpose of a hearing before the Planning Development Advisory Committee. Please direct any questions about the collection of information to the Clerk's Office.
4. In the even any party to the proceedings do not attend the hearing it may take place in their absence and they will not be entitled to any further notice of proceedings.
5. Where an application to extend the time for compliance is submitted, the applicant shall be deemed to agree with the facts contained in the Order.

Return this application to the Secretary to the Planning Development Advisory Committee at the following address:

Secretary to the Planning Development Advisory
Committee Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

The fee for this application is **\$264.00 due at the time of application.**

- 2.5 The replacement of a **fence** is subject to the provisions and requirements of this By-law.
- 2.6 An **outdoor swimming pool enclosure** approved by the **Township** by a **Permit** issued prior to the passing of this By-law shall be deemed to be legal non-complying provided the **outdoor swimming pool enclosure** is maintained in good **repair**.
- 2.7 The replacement of an **outdoor swimming pool enclosure** is subject to the provisions and **Permit** requirements outlined in this By-law.

3. GENERAL PROVISIONS

- 3.1 No **person** shall erect, own or maintain, or cause or permit the erection or maintenance of any **fence** on lands within the **Township** except in conformity with the provisions of this By-law.
- 3.2 Notwithstanding any other provision of this By-law, no **person** shall on any **Lot** erect, cause to be erected, or maintain or permit a **Fence** that obstructs the view of a motorist or pedestrian or is determined to be a safety hazard.
- 3.3 No **person** shall erect a **fence** on a **highway** or right of way unless such **fence** has been so authorized by an encroachment agreement with the **Township**.
- 3.4 The **Owner** of a **fence** shall maintain the **fence** in good **repair** and in compliance with the requirements of this By-law.
- 3.5 No **Person** shall own, install, excavate, construct or maintain, or cause or permit the installation, excavation or construction of an **outdoor swimming pool** without an **outdoor swimming pool enclosure permit**.
- 3.6 No **Person** shall own, place, cause or permit to be placed water in an **outdoor swimming pool** unless a final inspection has been completed under an **outdoor swimming pool enclosure permit**.
- 3.7 No **Person** shall own, erect, cause or permit to be erected an **outdoor swimming pool enclosure** other than in accordance with this By-law and the **outdoor swimming pool enclosure permit** and the approved plans.
- 3.8 The **Owner** of an **outdoor swimming pool** shall maintain an **outdoor swimming pool enclosure** in good **repair** and in compliance with the requirements of this By-law.
- 3.9 The **Owner** of an **outdoor swimming pool** shall ensure that a gate or a door of a **building** that forms part of the **outdoor swimming pool enclosure** is locked when the area is not in active use or no responsible person is in attendance.
- 3.10 The **Owner** of an **outdoor swimming pool** that is a hot tub, whirlpool or spa shall ensure that the lid is closed and locked when not in active use or no responsible person is in attendance.

4. FENCES - RESTRICTED

- 4.1 Except for an invisible **fence** no **fence** or attachment to a **fence** shall be used as a conductor of electricity unless the **fence** is located on **agricultural property** that is in actual use for raising livestock and the **fence** or attachment:
- (a) carries electricity of not more than 12 volts;
 - (b) is designed and installed only to contain livestock; and
 - (c) a sign is installed that is clearly visible and legible at the intersection of a **fence** line adjacent to a public **highway** or other place to which the public has access warning that the **fence** carries electricity.

- 4.2 No barbed wire or other barbed or sharp material shall be used in a **fence** except in accordance with the following:

- (a) on **agricultural property** and for the purpose of containing livestock;

The Corporation of the Township of Centre Wellington

By-law 2018-34

A By-law to regulate fences in the Township of Centre Wellington
and to Repeal By-law 2002-30

Whereas section 11 (2), paragraph 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;

And Whereas section 11 (3), paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes a municipality to pass a By-law respecting structures including fences;

And Whereas section 8 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes a municipality to regulate or prohibit in respect of matters within their jurisdiction and to provide for a system of obtaining permits in relation to those matters;

And Whereas section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes a municipality to delegate its powers and duties to a body;

And Whereas the Council of the Corporation of the Township of Centre Wellington deems it necessary and expedient to regulate the height, type of fences and outdoor swimming pool enclosures in the Township of Centre Wellington;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Agricultural Property" means any lands designated as an agricultural zone under the provisions of the **Township's Zoning By-law** and any **Lot** where the predominant use is for agricultural purposes.

"Building" means a building as defined in the Building Code Act, as amended or a structure or any part thereof used or intended to be used for supporting or sheltering any use or occupancy.

"Commercial Property" means any lands designated as a commercial zone under the provisions of the **Township's Zoning By-law** and any **Lot** where the predominant use is for commercial purposes.

"Committee" means the Committee of Adjustment for the **Township** or other Committee appointed pursuant to this By-law.

"Corner Lot" means a **lot** situated at the intersection of and abutting upon two or more **streets**, or upon two parts of the same **street**, the adjacent sides of which **street** or **streets** (or in the case of a curved corner, the tangents at the **street** extremities of the side **lot lines**) contain an angle of not more than 135 degrees. In the case of a curved corner, the corner of the **lot** shall be deemed to be the point of the **street line** nearest the point of intersection of the said tangents.

"Driveway Sight Triangle" means an area of land contained within and determined by measuring from the point of intersection of a **street line** and a driveway, a distance of 4 metres (13.1 feet) along such **street line** and 6 metres (19.7 feet) along such driveway, joining such points with a straight line to form a triangle.

"Exterior Side Lot Line" means a side lot line that abuts a **street**.

"Exterior Side Yard" shall mean the **yard** of a **corner lot** extending from the **front yard** to the **rear yard** between the exterior side **lot line** and the nearest wall of the principal **building** or structure on the **lot**.

"Finished Grade" means the existing ground level upon which the **fence**, **outdoor swimming pool** or **outdoor swimming pool enclosure** is erected on or to be erected upon.

"fence" means a structure, wall or barrier, erected at **finished grade** for the purpose of defining

17.7 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

18. SEVERABILITY

18.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the **Township** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

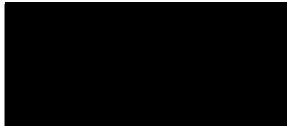
19. SINGULAR AND PLURAL USE

19.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

20. REPEAL

20.1 That By-law 2002-30 and all amendments thereto are hereby repealed.

Read a first, second and third time and finally passed this 25th day of June, 2018.



Mayor – Kelly Linton



Clerk – Kerri O'Kane



Centre Wellington

By-laws

The following are some of the more frequently requested By-laws for the Township of Centre Wellington. If you would like to obtain a copy of a by-law that is not on the list, please contact us.

By-law Name	By-law Number
Animal Control By-Law	2019-70 (/en/township-services/resources/Documents/LegislativeServices/19-70.pdf)
Cemetery By-Law	2015-060 (/en/township-services/resources/Documents/LegislativeServices/15-060---Cemetery.pdf) (/en/township-services/resources/Documents/LegislativeServices/5001-05-Noise-By-law.pdf)
Clean Yards By-Law	2019-65 (/en/township-services/resources/Documents/LegislativeServices/19-65-Clean-Yards-By-Law.pdf) (/en/township-services/resources/Documents/LegislativeServices/19-70.pdf)
Comprehensive Zoning By-Law	2009-045 (/en/doing-business/resources/Documents/Planning/Zoning/ZBL-

	<u>Consolidation Feb2019 Text-Only.pdf</u>
Development Charges By-Law	<u>2021-11 (/en/township-services/resources/Documents/LegislativeServices/21-11-.pdf)</u>
Fees & Charges By-Law	<u>2021-02 (/en/township-services/resources/Documents/LegislativeServices/21-02.pdf)</u> <u>2020-57 (/en/township-services/resources/Documents/LegislativeServices/20-57.pdf)</u> <u>Fees & Charges Schedule (/en/township-services/resources/Documents/LegislativeServices/2021-Fees-and-Charges-Schedules---Final-with-Parks--Recreation-amended-to-0-increase.pdf)</u>
Fence By-Law	<u>2018-34 (/en/township-services/resources/Documents/LegislativeServices/18-34.pdf)</u>
Heritage Permit By-Law	<u>2008-083 (/en/township-services/resources/Documents/LegislativeServices/2008-083.pdf)</u>
Littering By-Law	<u>2020-48 (/en/resources/20-48.pdf)</u>
Noise By-Law	<u>5001-05 (/en/township-services/resources/Documents/LegislativeServices/20-48.pdf)</u>

	<u>tiveServices/5001-05-Noise-By-law.pdf</u>
Open Air Burning By-Law	<u>2019-35 (/en/township-services/resources/Documents/LegislativeServices/19-35-.pdf)</u>
Parking By-Law & Amendments	<u>5000-05 (/en/township-services/resources/Documents/LegislativeServices/5000-05-Parking-By-law.pdf)</u> <u>5487-16 (/en/township-services/resources/Documents/LegislativeServices/5487-16.pdf)</u> <u>2021-23 (/en/township-services/resources/Documents/LegislativeServices/21-23-.pdf)</u>
Procedure By-Law	<u>2002-091 (/en/township-services/resources/Documents/LegislativeServices/2002-91.pdf)</u>
Purchasing By-law	<u>2013-93 (/en/township-services/resources/Documents/Purchasing-By-Law-2013-093.pdf)</u>
Sale and Discharge of Fireworks	<u>2002-047 (/en/township-services/resources/Documents/LegislativeServices/2002-47.pdf)</u>
Sign By-Law	<u>2013-004 (/en/township-services/resources/Documents/LegislativeServices/13-004.pdf)</u>

Site Alteration By-Law	2019-25 (/en/township-services/resources/Documents/LegislativeServices/19-25-.pdf)
Site Plan Control By-Law	2004-041 (/en/township-services/resources/Documents/LegislativeServices/2004-041.pdf)
Vital Services By-Law	2020-47 (/en/resources/20-47-.pdf)

Contact Us

Legislative Services General Inquiry
Legislative Services
1 MacDonald Square, Elora, ON, N0B 1S0
T.: [519.846.9691](tel:519.846.9691) x901
[E-Mail this contact](#)
[Map this Location](#)

© 2018 Township of Centre Wellington, 1 MacDonald Square, Elora, Ontario, Canada, N0B 1S0, Phone: [\(519\) 846-9691](tel:519.846.9691), [Email Us](#)

[Designed by eSolutionsGroup](#)

The Corporation of the Town of Minto

By-Law 00-59

Being a by-law to provide for the regulation,
erection and maintenance of fences in the urban residential areas of the
Town of Minto

Whereas Section 210 (25-30) of the Municipal Act, RSO, 1990, M.45 and amendment thereto, provides that councils of local municipalities may prescribe the height, description and manner of building and maintaining fences.

And whereas it is deemed desirable to establish regulations concerning fences for the Town of Minto.

Therefore the Municipal Council of the Corporation of the Town of Minto enacts as follows:

1. No person shall construct, erect, maintain, or keep within the urban residential areas of the Town of Minto any hedge or any fence in contravention of the provisions of this by-law unless such fence existed prior to the passing of this by-law and is not moved, altered or enlarged in any way.
2. For the purpose of this by-law, the following definitions shall apply:
 - a. **"Fence"** shall mean a structure of vertical or horizontal members erected as a barrier, enclosure or demarcation along any street, highway or property line or separating or purporting to separate any parcel of land from the parcel of land immediately adjacent thereto.
A fence may be constructed of posts and boards, wood, steel, wire plastic, fiberglass, concrete, stone, brick or any combination thereof.
 - b. **"Fence Height"** shall be the measurement from the base of the fence or grade of the adjacent ground to the finished top of the fence.
In the case of the fence required to restrict access to a private swimming pool, the minimum height required shall be as measured at the outside wall or side of the required fence.
Where the fence required for a private swimming pool will abut an existing embankment, retaining wall, climbable fence or other structure such that the purpose of the fence is negated, the minimum separation of 1.5m is required. Notwithstanding the above, where the grade at the fence location is irregular, the fence height shall be the measurement from the mean of the grade of the adjacent ground to the mean of the finished top of the fence.
 - c. **"Farm fence"** shall mean a fence erected for the purpose of containing livestock, enclosing crops, water areas, woodlots, buildings, fields or laneways for the operation of agriculture.
 - d. **"Hedge"** shall mean a continuous line of plantings or plant material, shrubs or trees arranged to form a fence or boundary.
 - e. **"Fence line"** shall mean the fence line or location of the fence and shall be as measured to the front or outside face of the fence or supports. Where a fence is constructed on a property line, the outside face or front of the fence shall be parallel to the property line and the vertical elevation of the fence shall not exceed an angle of 90°; the angle to be measured between the vertical elevation and the property of the fence owner. For purpose of this provision, the grade of the property is to be assumed as level.

- f. **“Established building line”** shall mean the building line or building setback as defined by the applicable zoning by-law.
 - g. **“Private outdoor swimming pool”** shall mean a tank, structure or body of water which may be used for swimming purposes and which has a possible maximum depth greater than one half metre (0.5m) but shall not include an existing natural body of water, a water course or a pond in the areas zoned Agricultural and Open Space in the applicable zoning by-law.
 - h. **“Urban residential area”** shall mean the former Village of Clifford, Town of Harriston, the Town of Palmerston and Minto Highland Estates.
3. A solid fence may be erected up to a maximum height of 2.0m if located back of the front building line except in an industrial and commercial zone when the height shall be 3.0m. If located between the front building line and the street line the maximum height shall be 0.9m in any zone.
 4. A lattice, louvered or other open type of fence construction may be erected up to a height of 2.0m if located back of the front building line or if between the front building line and the street line up to 0.9m in height except that a fence erected of chain link with a maximum height of 2.4m will be permitted when used to enclose or protect a property for institutional, commercial or industrial purposes.
 5. On a corner lot, within the triangular space formed by the outer edge of the street pavement or curb line for a distance of 5.0m from their point of intersection, no fence or hedge shall be erected or shall be maintained higher than 1.0m as measured from the centre line of the road abutting such fence or hedge.
 6. Notwithstanding the provisions of Sections 3 and 4 above, on a corner lot a fence not exceeding 1.0m in height may be erected to the property line provided the fence conforms to the provisions of Section 5 above.
 7. Barbed wire may only be used on the top and to the inside of commercial and industrial fences and on farm fences.

Fencing of Private Outdoor Swimming Pools

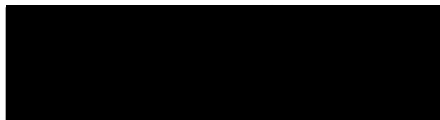
8. Notwithstanding the other provisions of this by-law, no person shall construct or maintain a private outdoor swimming pool unless the pool, or the land on which the pool is located is effectively fenced or enclosed in accordance with the following provisions;
 - a. every fence shall be not less than 1.5m in height;
 - b. every fence shall be so constructed that all horizontal or diagonal structural members shall be located on the inside or pool side of the fence;
 - c. every outside face of a fence shall be so constructed that it cannot be used in a manner similar to a ladder. For the purpose of this section, a shadow-type fence is deemed to comply, provided the horizontal members are 1.1m apart;
 - d. every fence shall be constructed so that the only means of entry is by gates or doors of 1.5m in height. Each gate shall be equipped with a lock and kept secured when the pool is not in use;
 - e. a dwelling, building or accessory building may be utilized to effectively enclose any pool;
 - f. a hedge shall not be used as or considered to be a fence for the purpose of this section.

9. The provisions of this section shall not apply to any pool which is subject to the regulations under the Public Health Act, RSO, 1980, Chapter 409, Section 9, paragraph 36.
10. Notwithstanding the height restrictions of this by-law, nothing shall prevent a salvage yard from erecting a fence up to a maximum height of 3.0m.
11. Notwithstanding the provisions of this by-law, nothing shall prevent the construction and maintenance of farm fences in areas zoned Agricultural or Open Space, by the applicable zoning by-law.
12. The use of any device for projecting an electric current through or in conjunction with a fence is prohibited, except on farm fences in areas zoned Agricultural by the zoning by-law.
13. The provisions of this by-law shall not apply to the erection of fences for public safety by the Corporation of the Town of Minto or any local boards thereof, any Public Utility Commission including telephone, gas and Ontario Hydro, all Boards of Education and the County of Wellington.
14. Any person who contravenes any provisions of this by-law is guilty of an offense and is liable on conviction, to a fine of not more than two thousand dollars (\$2,000.00) exclusive of costs and recoverable under the Provincial Offences Act.
15. All fence by-laws passed by the previous Village of Clifford, Town of Harriston, Town of Palmerston and Township of Minto become null and void on the passing of this by-law.
16. This by-law shall come into effect upon final reading thereof.

Read a first and second time this 12th day of September 2000.



Mayor – Wm. R. Lawless

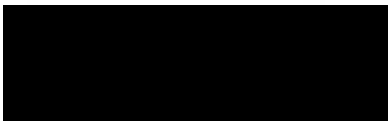


Clerk – Dianne Friesen

Read a third time this 12th day of September 2000.



Mayor – Wm. R. Lawless



Clerk – Dianne Friesen

Town of Minto

Set Fine Application

Part 1 Provincial Offences Act

By-law 00-59, Urban Fences

Item	Column 1, Short form wording	Column 2, Offence creating provision	Column 3, Set fine (includes costs)
1	Fail to properly fence an urban private outdoor swimming pool.	Section 8	\$125.00

**Note: The penalty provision for the offences indicated above is section 61 of the
Provincial Offences Act, R.S.O. 1990, c.P.33.**

Letter - Fence

[REDACTED]

Thu 2021-07-29 12:38 PM

[REDACTED]

1 attachments (169 KB)

Letter - Fence.pdf;

Jasbir,

Here is the letter. Please review it and let me know what you think.

Paul

To Whom It May Concern,

I'm writing to you regarding the barbed wire fence running the length of my property line. My family and I have resided at [REDACTED] Concession Rd 4 in Puslinch for over 25 years. We have fencing which was installed when the area was majority farmland, which is topped with barbed wire. It is used for livestock and to help deter trespassing by both people and local wildlife. There are a number of wild animals which travel over the property during the course of a year, from wild turkeys in the spring to coyotes all year round. As per people trespassing, there have been a number of robberies throughout the neighbourhood over the years, including my own house. My son raised his 3 children here without incident with regard to fence and I have never felt unsafe letting them play in the yard. Having the fence in place provides an extra layer of safety and peace of mind in our rural habitat.

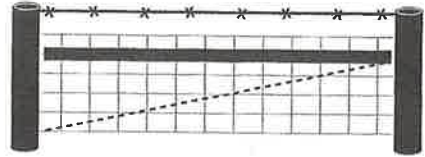
Thank you for your time.

Sincerely,

Trish Wallace

ENTZ FENTZ LTD.

R.R.#1 Plattsville, Ont., N0J 1S0
936810 Blenheim Road



H.S.T. # 899733539 (519) 696-4444 Electro Braid • Woven Wire • High Tensile • Board • Deer Fencing

Customer Jass Gill

Date May-19

Address Jassbir Gill

Quantity	Description	Amount
390	ft. 13/48/6 woven wire 6" cedar posts - 16 ft. post spacings @ 6.75	2632 50
2	single panels @ 150. ⁰⁰	300 00
3	double panels @ 250. ⁰⁰	750 00
2	floaters @ 25. ⁰⁰	50 00
2	10 ft mesh gates - installed @ 275. ⁰⁰	550 00
-	moving/floating charge	200 00
Sub total		4482 50
Notes: <u>tarb - 25 per ft.</u>		H.S.T 582 73
		TOTAL 5075 23



No

3583

Locate required

Thank You

Fence image 1

Jasbir Gill [REDACTED]

Sat 2021-07-24 9:54 PM

To: Jasbir Gill <[REDACTED]>

An example of fence with barbed wire at top. We do miles of this every year.



Get [Outlook for Android](#)

Fence image 2

Jasbir Gill [REDACTED]

Sat 2021-07-24 9:55 PM

To: Jasbir Gill [REDACTED]



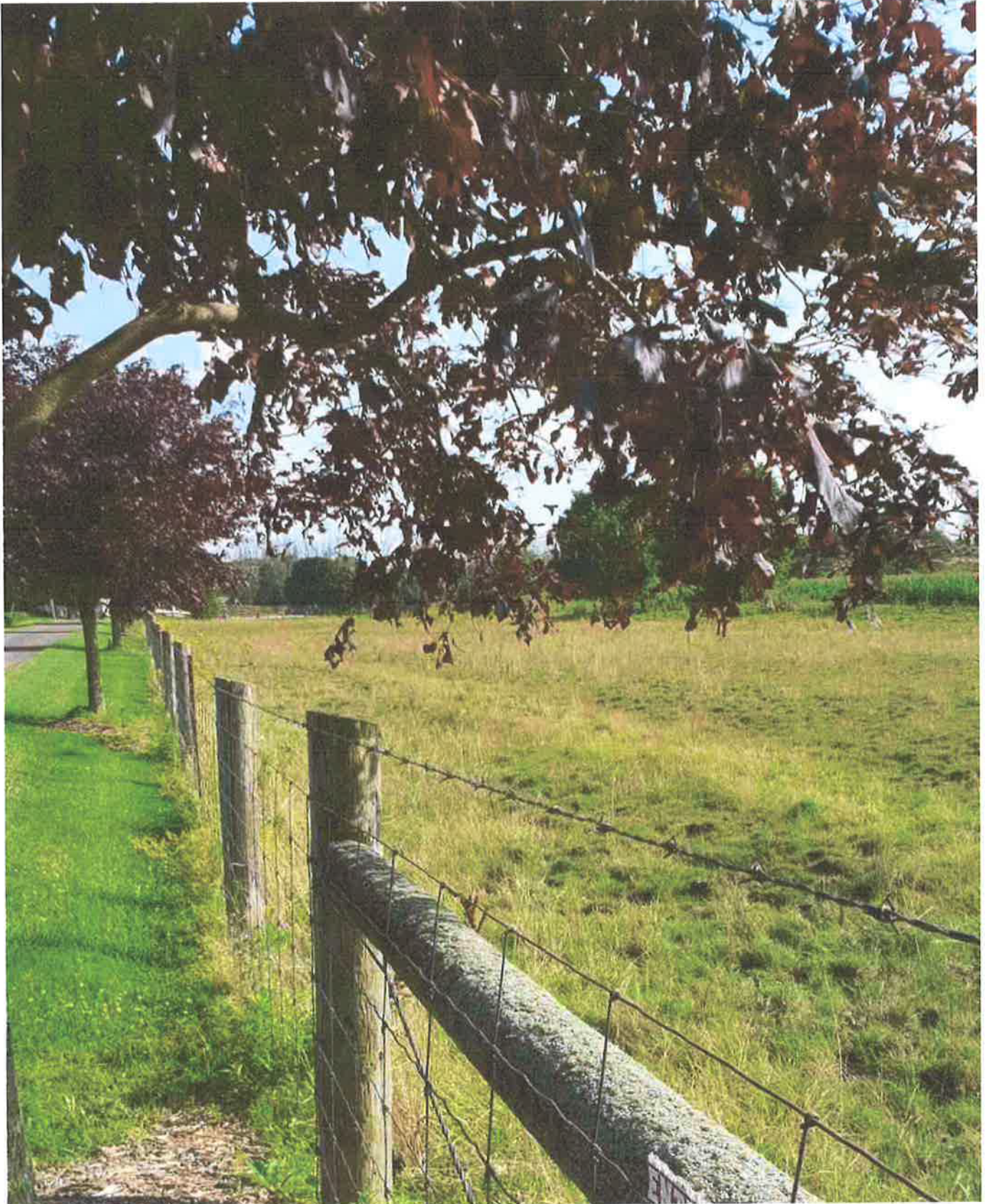
Get [Outlook for Android](#)

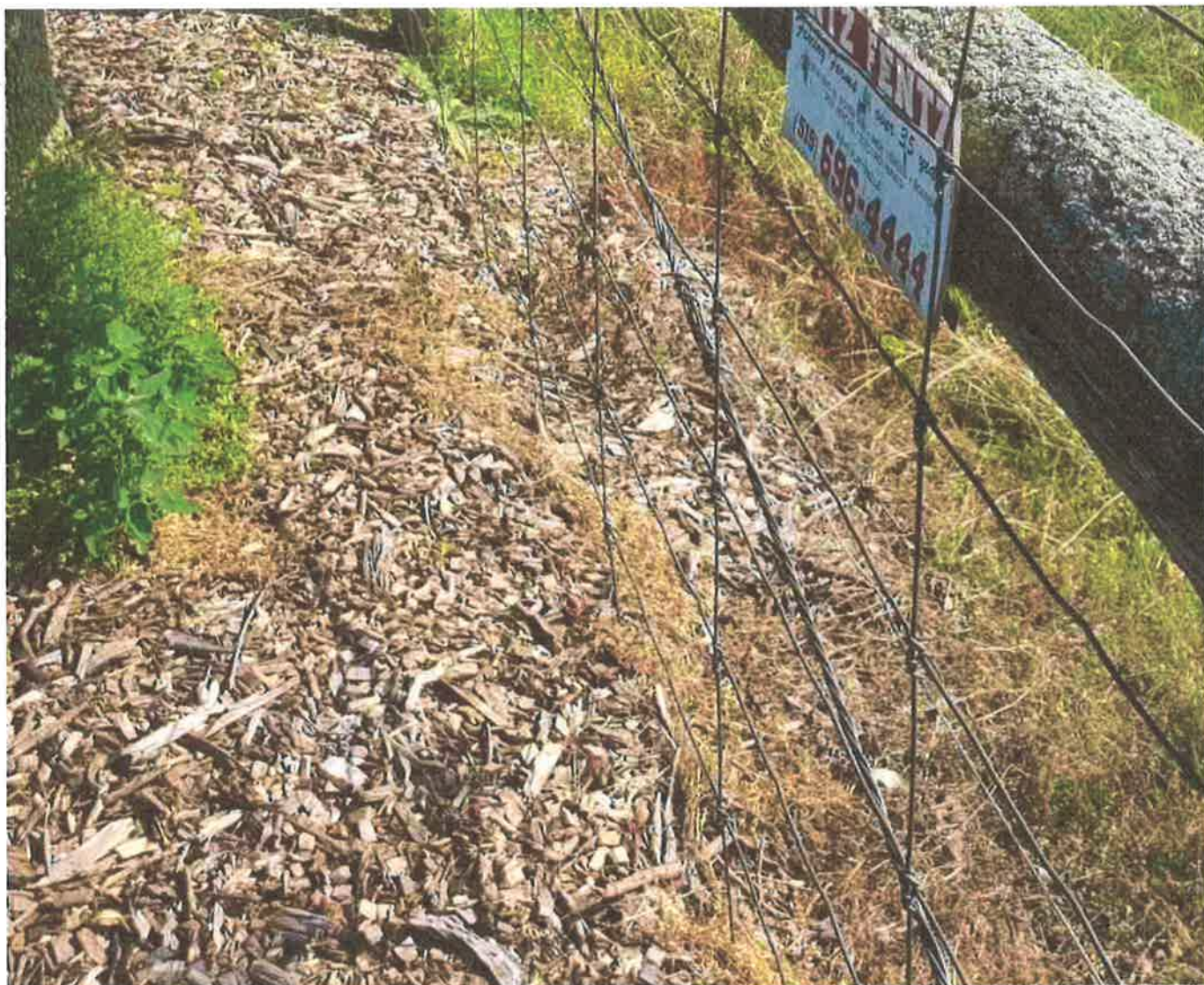
Fence image 3

Jasbir Gill [REDACTED]

Sat 2021-07-24 9:57 PM

To: Jasbir Gill [REDACTED]





Get [Outlook for Android](#)

Fence image 4

Jasbir Gill [REDACTED]

Sat 2021-07-24 9:58 PM

To: Jasbir Gill [REDACTED]



Get [Outlook for Android](#)

Fence image 5

Jasbir Gill [REDACTED]

Sat 2021-07-24 10:00 PM

To: Jasbir Gill [REDACTED]



Get [Outlook for Android](#)

Fence image 6

Jasbir Gill [REDACTED]

Sat 2021-07-24 10:02 PM

To: Jasbir Gill [REDACTED]



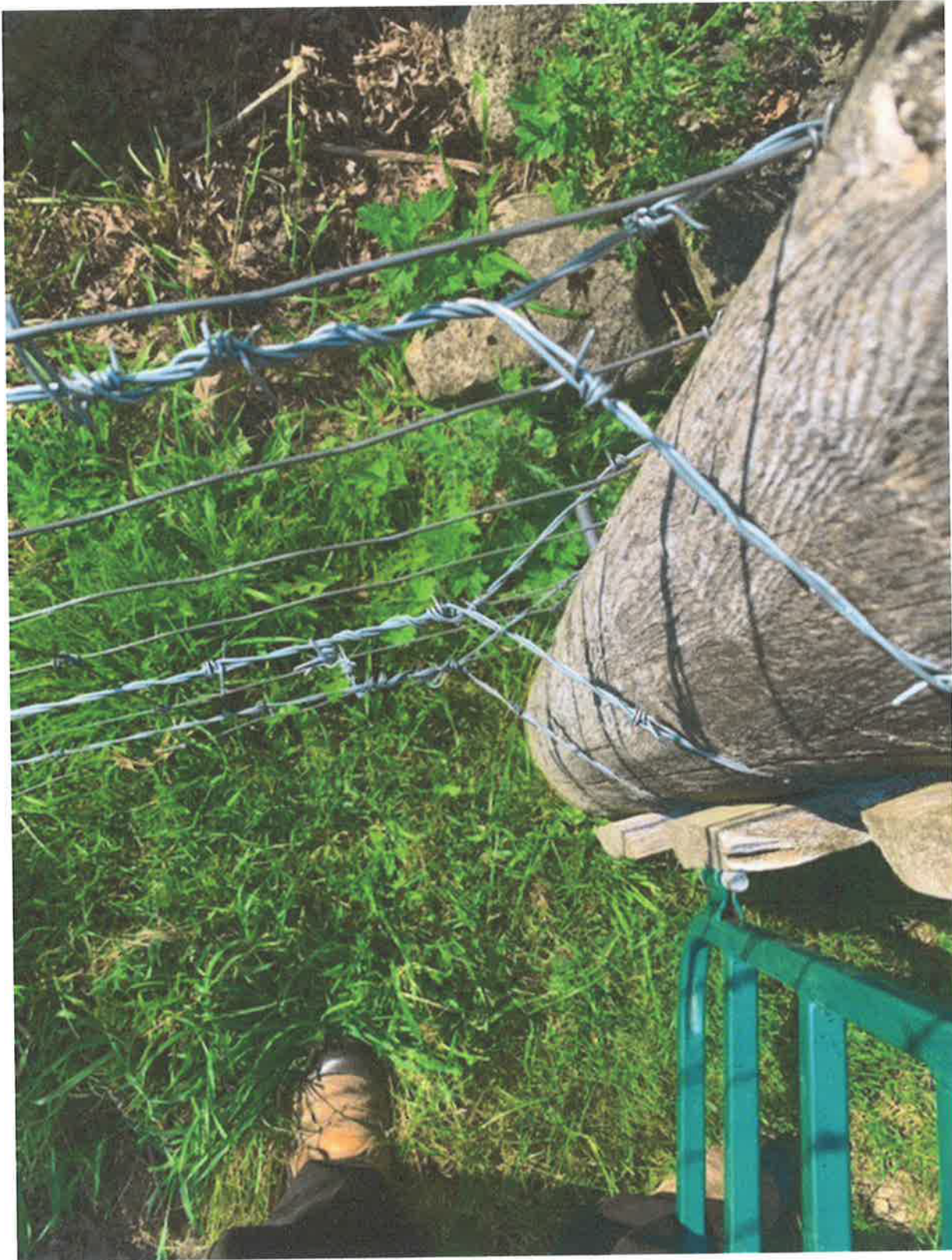
Get [Outlook for Android](#)

Fence image 7

Jasbir Gill [REDACTED]

Sat 2021-07-24 10:03 PM

To: Jasbir Gill [REDACTED]



FENCE BETWEEN MY FARM AND FARM ON EAST SIDE

Jasbir Gill [REDACTED]m

Sun 2021-08-01 11:19 AM

To: Jasbir Gill [REDACTED]

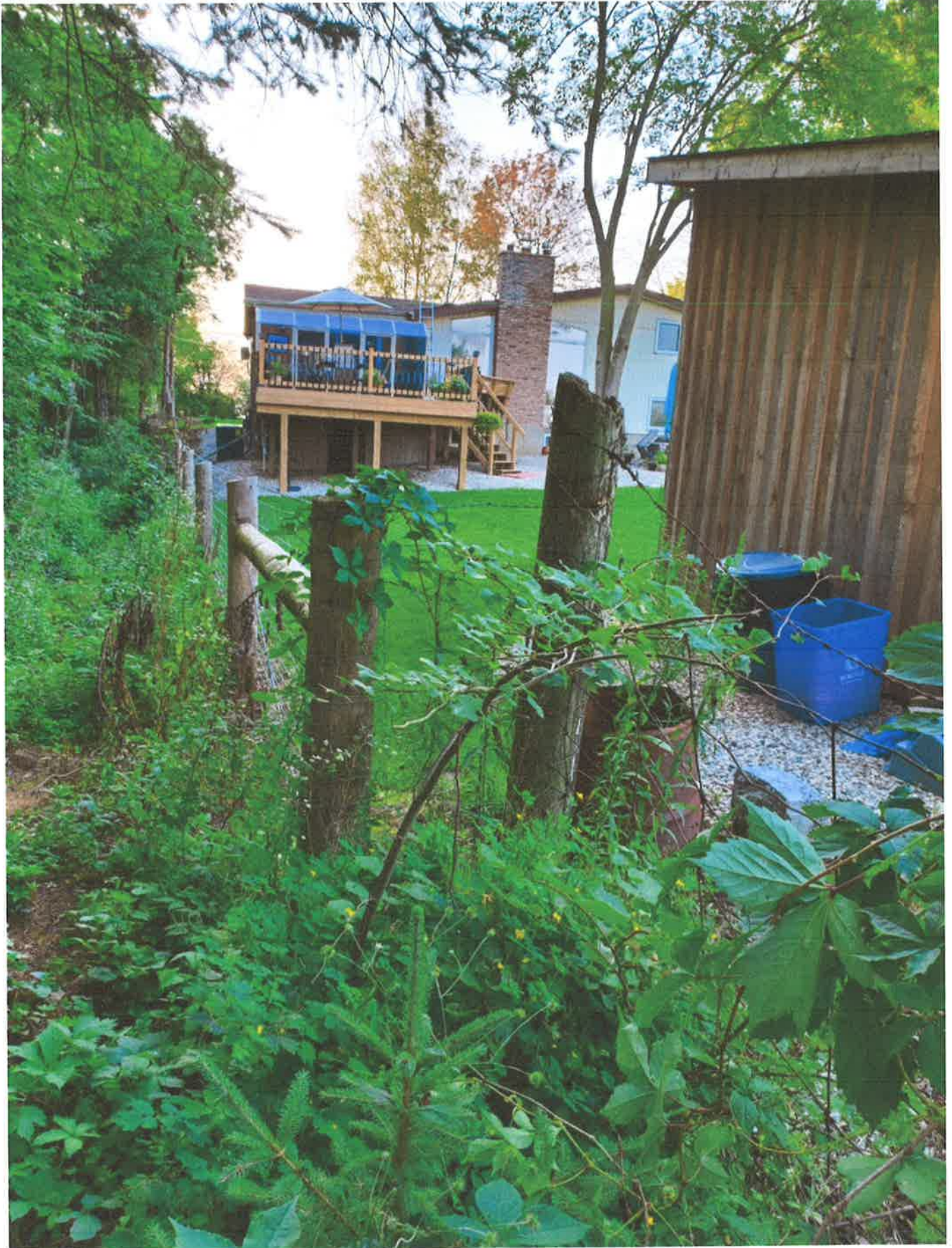


My FARM ON LEFT SIDE AND NABOUR ON RIGHT SIDE

Jasbir Gill [REDACTED]

Sun 2021-08-01 12:04 PM

To: Jasbir Gill [REDACTED]



FENCE ON MY SIDE BETWEEN NABOUR AND MY PROPERTY

Jasbir Gill [REDACTED] [REDACTED]

Sun 2021-08-01 11:13 AM

To: Jasbir Gill [REDACTED]

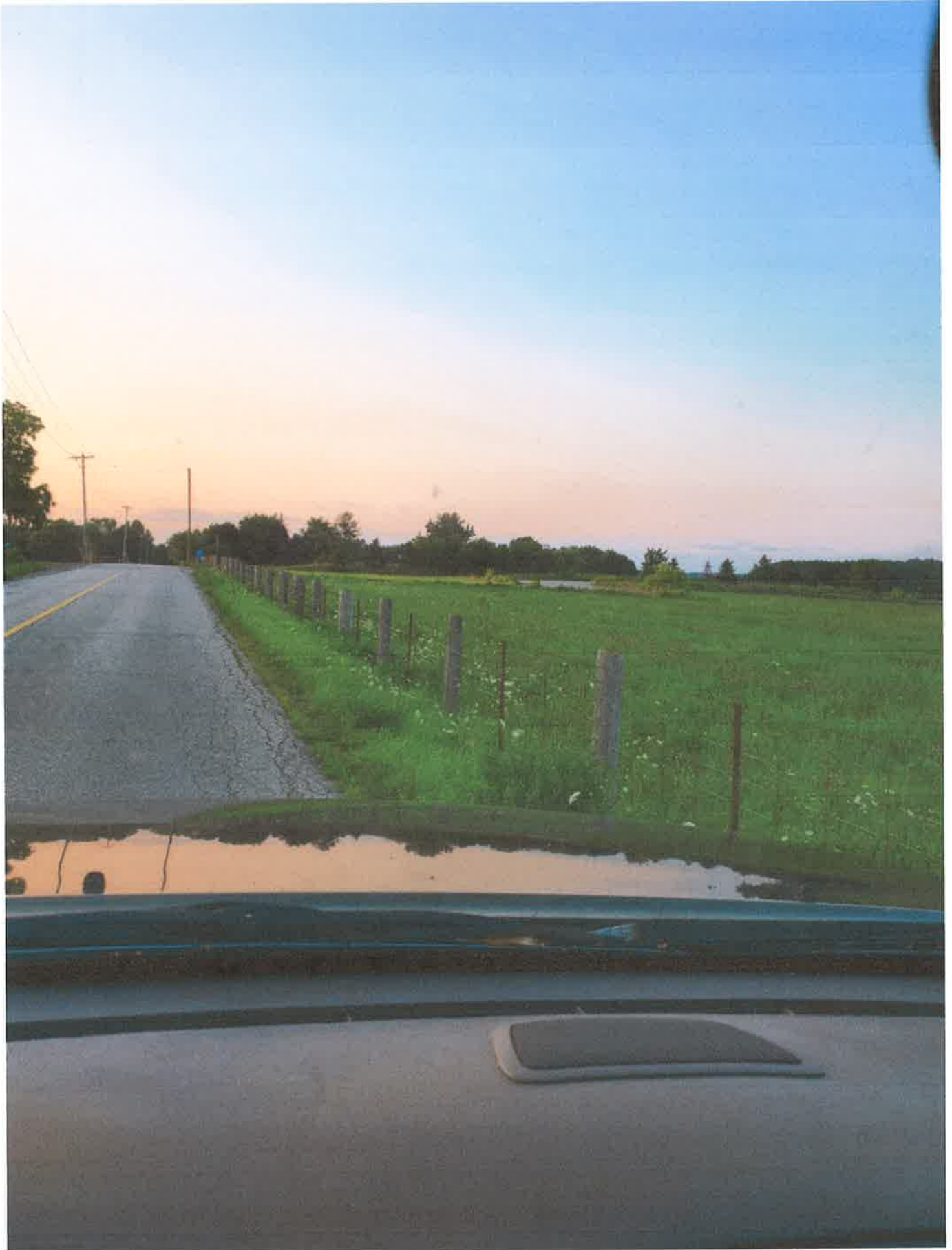


Barbed fence on Deter Farm

Jasbir Gill [REDACTED]

Sun 2021-08-01 11:08 AM

To: Jasbir Gill [REDACTED]





Township of Puslinch,
7404 Wellington Rd 34
Puslinch ON N0B 2J0
Tel: 519-763-1226
Fax: 519-763-5846
www.puslinch.ca

ORDER

Issued pursuant to Section 15.2(2) of The Building Code Act S.O. 1992, c.23, as amended
and

The Corporation of the Township of Puslinch
By-law 10/2020, as amended.

Date: July 16, 2021

LOCATION/ADDRESS

6577 CONCESSION 4
CON 3 REAR PT LOT 4 RP;61R644 PART 1
23-01-000-002-17215-0000

in the Township of Puslinch
in the County of Wellington

ISSUED TO

GILL JASBIR SINGH,
GILL BALJINDER KAUR
6577 CONCESSION 4
PUSLINCH ON
N0B 2J0

**GIVEN TO/REGISTERED
MAIL TO**

GILL JASBIR SINGH,
GILL BALJINDER KAUR
6577 CONCESSION 4
PUSLINCH ON
N0B 2J0

The above-described property, which is owned by you or in which you have an interest has been inspected by a Property Standards Officer.

The inspection revealed that in some respect the property does not conform to the standards prescribed by the Township of Puslinch, Property Standards By-Law 10/2020 as amended.

IT IS ORDERED THAT the repairs necessary to correct the defects set out in Schedule "A" be carried out and the property brought to a condition of compliance with the prescribed standards on or before **September 1, 2021**.

APPEAL TO THE PLANNING DEVELOPMENT ADVISORY COMMITTEE

An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$264.00 for the processing of the appeal and are to be sent to the address below:

Secretary to the Planning Development Advisory Committee
Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

Final date for appealing this Order is August 4, 2021.

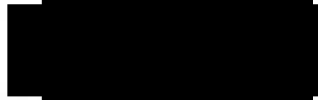
In the event that no appeal is taken, the Order shall be deemed to have been confirmed and shall be final and binding upon you, requiring you to comply with its terms within the time and in the manner specified in the Order.

FURTHER ACTION

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action, the Township of Puslinch may cause the property to be repaired or demolished and the costs of such action may be registered as lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the tax collectors roll and be collected in the same manner and with the same priorities as municipal real property taxes as described in Section 1 of the Municipal Act 2001 (S.). 2001, c.25, as amended).

DATE : July 16, 2021

SIGNATURE :



Ivan Lunevski, B.A.S (Hons), C.P.S.O.
By-law Enforcement and Property Standards Officer
(519) 763-1226 Ext: 215
Email: ilunevski@puslinch.ca

SCHEDULE 'A'

Date: July 16, 2021

Re:

Legal Description

6577 CONCESSION 4**CON 3 REAR PT LOT 4 RP 61R644 PART 1****Township of Puslinch****The item(s) listed herein are in violation of the,
Township of Puslinch, Property Standards****By-Law No. 10/2020**

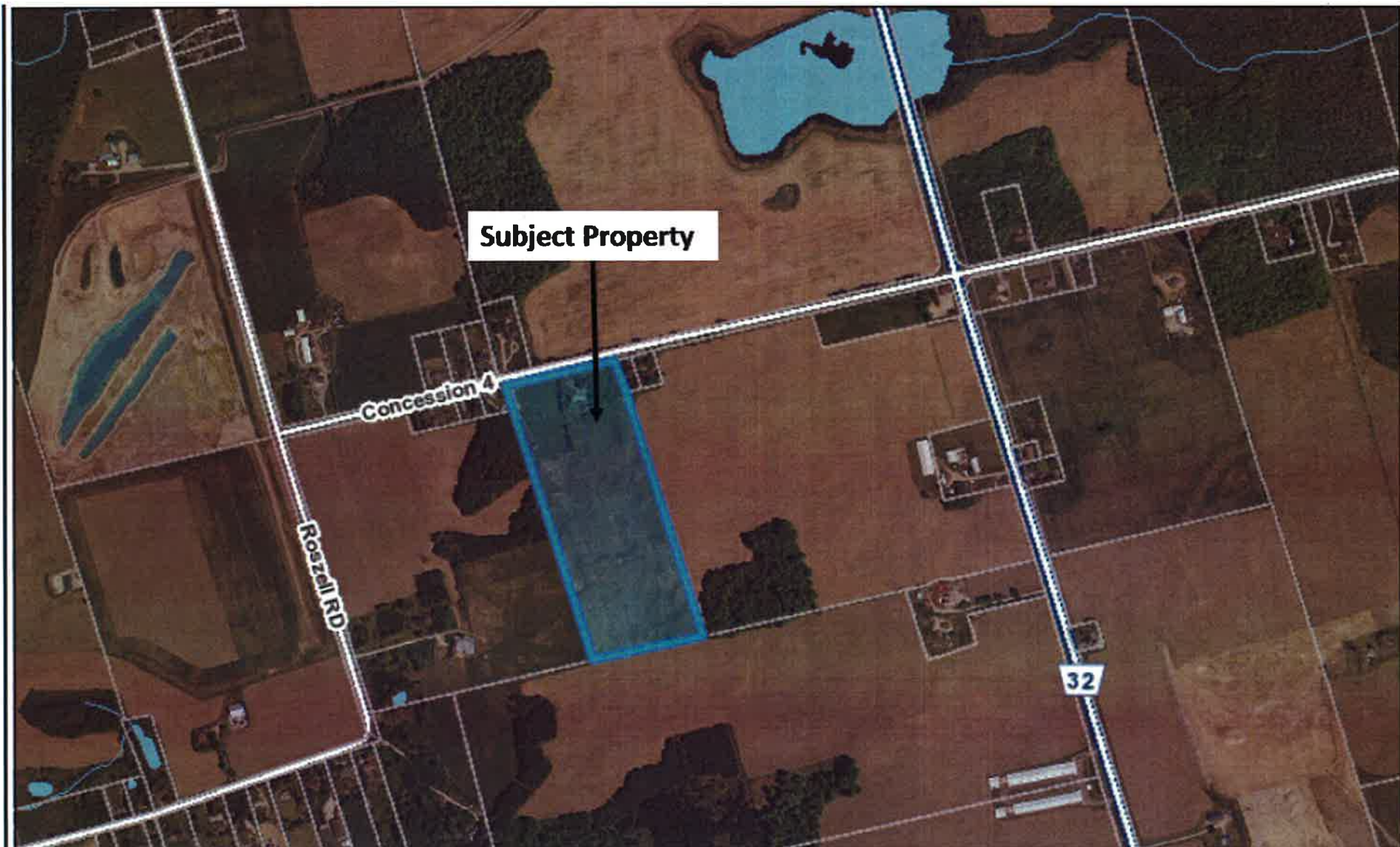
ITEM LOCATION	Throughout the property	BY-LAW SEC
1 DEFECT	Barbed wire fence constructed surrounding the perimeter of the property.	1.3
REMEDIAL ACTION	Remove the barbed wire portion of the fence, in order to ensure that the fence does not pose a hazard or risk to life, limb or health of any person on or about the property.	

ITEM LOCATION	Throughout the property	BY-LAW SEC
2 DEFECT	Fence not free of accident hazards;	11.1 (b)
REMEDIAL ACTION	Remove the barbed wire portion of the fence, to ensure that it is free from accident hazards.	

FOR YOUR INFORMATION

All repairs and maintenance of property required by the standards prescribed by the By-Law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

Where a permit is required to undertake any repair required to conform with standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit.





Property Standards Order

By-law Enforcement Officer & Property

Standards Officer

Written Testimony

TO: Planning Development and Advisory Committee

FROM: Ivan Lunevski, By-law Enforcement & Property Standards Officer

MEETING DATE: September 14, 2021 – 7:00 PM

SUBJECT: Proposed Standards Appeal – **6577 Concession 4**

BACKGROUND:

The Township of Puslinch received a formal complaint regarding a newly constructed page wire fence with a barbed wire component surrounding the entire property. In the complaint details, the complainant advised that they were concerned about the health and safety of their children, and an impending accident as a result of the barbed wire fence.

INSPECTION

Staff attended the property on July 5, 2021, to conduct an inspection of the reported complaint. Upon completion of the inspection, staff observed a page wire fence approximately 4 ft and 8 inches in height with the top layer of the fence covered in barbed wire (See Attachment “2” for photographs). During the inspection, staff spoke with Mr. Paul Gill, who identified himself as the son of the property owners and was advised that the fence was recently rebuilt and the barbed wire was constructed in order to prevent intruders and break-ins on the property. Mr. Gill also advised that there are no livestock or farm uses on the property.

On July 13, 2021, staff spoke with Ms. Baljinder Gill who contacted the Township to inquire regarding the inspection. Staff inquired with Ms. Gill to confirm the purpose of the barbed wire fencing. Ms. Gill advised staff that the property has been subject to break-ins in the past and the barbed wire fence is installed in order to keep intruders. Staff inquired with Ms. Gill if there is any livestock being kept on the property, and Ms. Gill confirmed that there is no livestock currently kept on the property.

On July 16, 2021, the Township issued a Property Standards Order (Attachment #1) requesting that the barbed wire portion of the fence is removed and the property is brought into standards

with the Township of Puslinch Property Standards By-law 10/2020 as amended by September 1, 2021.

APPEAL OF ORDER

On July 8, 2021, the Township received an application to appeal the Property Standards order dated August 1, 2021, from Mr. Jasbir and Baljinder Gill. In the appeal application (Attachment #3), Mr. and Ms. Gill are disputing the Property Standards Order for the following reasons:

1. The style of fence is in line with provisions included in the Township of Centre Wellington and Town of Minto By-laws.
2. Several adjacent farms and neighbours follow the same protocol for fences on their property and currently own a barbed-wire fence.
3. The property owner referred to themselves as farmers and advised that the barbed wire fencing helps them protect our crops against wild coyotes that roam their property.
4. The barbed wire fence protects their pets and mitigates the risk of robberies that occur frequently in the area.
5. That the owners are an older couple in their 70's and the actions which were taken against them have caused them undue stress and believe that the allegations are "completely unwarranted".

In the appeal application, the appellants request that the Property Standards Order is **rescinded**.

REVIEW OF APPEAL APPLICATION

The property located at 6577 Concession 4 is Zoned as Agricultural (A) Zone covering an area of 24.8 acres. The property contains a single-family detached dwelling with an approximate size of 1440 square feet and an attached garage of 565 square feet built in the year 1974. The property has a residential character and appears to be used for residential purposes.

Township staff have conducted a review of the appeal application and conducted follow-up research and investigation on the matter.

Staff has spoken with Andrew Barrie, an Environmental Specialist at OMAFRA and was able to determine that the erection of barbed wire fencing is a standard farm practice for the purpose of keeping livestock from roaming away from the property and for protecting livestock from wild animals.

Staff has also received a letter from Mr. Jim Haddon & Robin Macleod (Attachment #4), advising of the following:

The home of Mr Haddon and Ms. Macleod is situated very close to the property line and the installation of barbed wire fencing causes several concerns for them including but not limited to:

1. Probable injury of an elderly resident when stepping out to dispose of garbage, could easily slip and fall into the barbed wire, especially in the winter.
2. When young grandchildren visit on the property, although supervised could be hurt if they take a “bad step or fall” close to the fence and “could lose an eye or worse”
3. Cutting the lawn is difficult as the lawn is on a slope down towards the fence at the back of their property and it’s difficult to balance the mower without running into the fence.
4. Concerns about wild animals “get hung up” on the barbed wire.
5. The property owners do not own livestock or crops or have any agricultural-related uses on the property.
6. The barbed wire fencing is only constructed in the front property and not in the rear where the farm field is located.

Mr. Haddon and Ms. Macleod also advised that they have no concerns with the page wire fencing, and would be grateful if the barbed wire at the top of the fence removed.

In review of the evidence, staff has the following comments and conclusions:

1. The erection of barbed wire fencing is a standard farm practice for the keeping of livestock.
2. The property owner does not own livestock or have an active agricultural use.
3. The barbed wire fencing only extends in and surrounds the front and side yard of the property and not the rear yard by the field.
4. The erection of barbed wire fencing is a fortification that was made with the intention to prevent unauthorized entry, and not as a standard farm practice.
5. The erection of barbed wire fencing on the property is deemed an “excessive fortification” and is a barrier designed to hinder, obstruct or prohibit access to or from the property and creates an unsafe condition on the property.
6. The erection of barbed wire fencing is also prohibited and in violation of the Township’s Fortification of Land By-law 2012-054 Section 3.1 (a):

3.1 No person shall:

- (a) excessively fortify any land or cause, permit or maintain the excessive fortification of land;; and/or,
- (b) apply, use, cause, permit or maintain excessive protective elements to or on land; and/or

7. The erection of barbed wire causes the fence to create a condition for potential “accident hazard” which is a violation of the Township’s Property Standards By-law Section 11.1 (b).
8. The fencing By-law enacted in the Township of Centre Wellington attached in the appeal application considers the erection of barbed wire fencing only on agricultural properties for the sole purpose of “containing livestock within the property”. Furthermore, the enactment of this By-law and any other By-laws beyond the jurisdiction of the Township of Puslinch bears no relevance or significance in the enforcement of The Township of Puslinch Property Standards By-law 10-2020.

Therefore, the Township requests that the Planning Development and Advisory Committee **confirms** the order as written.


POWERS OF THE COMMITTEE

Pursuant to Section 15.3 (3.1) of the Building Code Act, 1992, S.O. 1992, c. 23:

On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee’s opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order.
2. Extend the time for complying with the order.

Respectfully submitted,



Ivan Lunevski, B.A.S(Hons), C.P.S.O.
By-law Enforcement and Property Standards Officer



Township of Puslinch,
7404 Wellington Rd 34
Puslinch ON N0B 2J0
Tel: 519-763-1226
Fax: 519-763-5846
www.puslinch.ca

ORDER

Issued pursuant to Section 15.2(2) of The Building Code Act S.O. 1992, c.23, as amended
and
The Corporation of the Township of Puslinch
By-law 10/2020, as amended.

Date: July 16, 2021

LOCATION/ADDRESS

**6577 CONCESSION 4
CON 3 REAR PT LOT 4 RP;61R644 PART 1
23-01-000-002-17215-0000**

**in the Township of Puslinch
in the County of Wellington**

ISSUED TO

**GILL JASBIR SINGH,
GILL BALJINDER KAUR
6577 CONCESSION 4
PUSLINCH ON
N0B 2J0**

GIVEN TO/REGISTERED MAIL TO

**GILL JASBIR SINGH,
GILL BALJINDER KAUR
6577 CONCESSION 4
PUSLINCH ON
N0B 2J0**

The above-described property, which is owned by you or in which you have an interest has been inspected by a Property Standards Officer.

The inspection revealed that in some respect the property does not conform to the standards prescribed by the Township of Puslinch, Property Standards By-Law 10/2020 as amended.

IT IS ORDERED THAT the repairs necessary to correct the defects set out in Schedule "A" be carried out and the property brought to a condition of compliance with the prescribed standards on or before **September 1, 2021**.

APPEAL TO THE PLANNING DEVELOPMENT ADVISORY COMMITTEE

An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$264.00 for the processing of the appeal and are to be sent to the address below:

Secretary to the Planning Development Advisory Committee
Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

Final date for appealing this Order is August 4, 2021.

In the event that no appeal is taken, the Order shall be deemed to have been confirmed and shall be final and binding upon you, requiring you to comply with its terms within the time and in the manner specified in the Order.

FURTHER ACTION

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action, the Township of Puslinch may cause the property to be repaired or demolished and the costs of such action may be registered as lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the tax collectors roll and be collected in the same manner and with the same priorities as municipal real property taxes as described in Section 1 of the Municipal Act 2001 (S.). 2001, c.25, as amended).

DATE : July 16, 2021

SIGNATURE :

A black rectangular box redacting the signature of Ivan Lunevski.

Ivan Lunevski, B.A.S (Hons), C.P.S.O.
By-law Enforcement and Property Standards Officer
(519) 763-1226 Ext: 215
Email: ilunevski@puslinch.ca

SCHEDULE ‘A’

Date: July 16, 2021

Re:

Legal Description

6577 CONCESSION 4

CON 3 REAR PT LOT 4 RP 61R644 PART 1

Township of Puslinch

The item(s) listed herein are in violation of the,
Township of Puslinch, Property Standards
By-Law No. 10/2020

ITEM LOCATION		Throughout the property	BY-LAW SEC
1	DEFECT	Barbed wire fence constructed surrounding the perimeter of the property.	1.3
REMEDIAL ACTION		Remove the barbed wire portion of the fence, in order to ensure that the fence does not pose a hazard or risk to life, limb or health of any person on or about the property.	

ITEM LOCATION		Throughout the property	BY-LAW SEC
2	DEFECT	Fence not free of accident hazards;	11.1 (b)
REMEDIAL ACTION		Remove the barbed wire portion of the fence, to ensure that it is free from accident hazards.	

FOR YOUR INFORMATION

All repairs and maintenance of property required by the standards prescribed by the By-Law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

Where a permit is required to undertake any repair required to conform with standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit.

6577 CONCESSION 4 - ATTACHMENT '2'

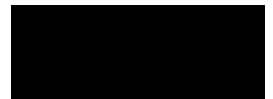


By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 1



I. Lunevski

6577 CONCESSION 4 - ATTACHMENT '2'



By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 2



I. Lunevski

6577 CONCESSION 4 - ATTACHMENT '2'

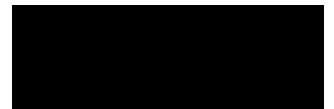


By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 3



I. Lunevski

6577 CONCESSION 4 - ATTACHMENT '2'



By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 4



I. Lunevski

6577 CONCESSION 4 - ATTACHMENT '2'

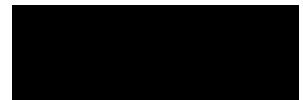


By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 5



I. Lunevski

6577 CONCESSION 4 - ATTACHMENT '2'

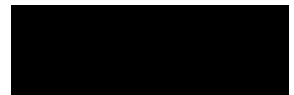


By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 6



I. Lunevski

6577 CONCESSION 4 - ATTACHMENT '2'



By-Law Enforcement

LOCATION
6577 Concession 4, Puslinch,
ON

DATE:
July 5, 2021

Photograph # 7



I. Lunevski

**RECEIVED**

AUG 04 2021

Township of Puslinch

For Township Use Only

Application #

Date Received

Decision Date

**Application for Hearing of an Appeal
Before The Planning Development Advisory Committee**

Pursuant to s. 17.1 of the Statutory Powers and Procedures Act (SPPA) the PSC may order a party to pay all or part of another party's costs in a proceeding where the conduct or a course of conduct of a party has been unreasonable, frivolous or vexatious or a party has acted in bad faith.

Purpose of Application☐ Modify☒ Rescind Order☐ Extend Time for Compliance

Please complete this application and return it to the Secretary of the Committee, together with all supporting documentation referred to in this application within the appeal period prescribed by Order.

Definitions:

APPLICANT: The Applicant must be a person to whom an order has been issued by the Township of Puslinch

1. As someone who is appealing to the Hearing Committee you are:☒ The owner of the subject property☐ The occupant of the subject property☐ A person having interest in the subject property☐ Other _____**2. Applicant Information ~ Please Print**

Name: Mr. Jasbir & Baljinder Gill	Telephone NO: [REDACTED]
Email [REDACTED]	Fax No:
Address: 6577 Concession 4, Puslinch, ON N0B2J0	Business NO:

3. Representative Information

(If the Applicant is to be represented by another individual, please provide the following contact information for the representative)

Name: Mr. Paul Sial	Position: Son
Address: [REDACTED]	Company Name: [REDACTED]

Telephone NO: [REDACTED]	Email: [REDACTED]
Business NO:	Fax NO:

4. Particulars of Dispute (Use attachments, if necessary.)

4.1 Provisions of the Order in dispute: (List those sections of the By-Law in dispute)

1. Property Standards By Law 1.3

No person shall occupy a property if there is a condition which poses or constitutes an unsafe condition.

2. Property Standards By Law Sec 11.1 (b)

A fence on a property separating adjoining property shall be maintained in a good state of repair and free of accident hazard.

3.

4.2 Description of the portion of the order that is in dispute: (List what specific recommendation, condition, or portion of the order you dispute)

1. Removal of barbed wire portion of the fence, to ensure that it is free as both accident hazard and does not pose a risk to life limb or health of any persons.

This is an agricultural property and an active farm. Such properties in Wellington County based on By Law 4.2 are allowed to have fences that have barbed wire to protect their livestock and crops from wildlife in the area.

2.

3.

4.3 Concise statement by the Applicant regarding the nature of this dispute, including reasons for non-acceptance of the condition(s) given by the Officer: (Describe what the nature of your dispute is.)

This fence is in line with The Corporation of the Township of Centre Wellington County By Law 2018-34 that Sec. 4.2 (a) Barbed wire fence can be used on an agricultural property. This property is currently being utilized as an agricultural property (we are an active farm). A similar By Law governs The Corp. of Minio Sec.7 which states a Barbed wire fence can be used on farm fences. Several adjacent farms and neighbors follow the same protocol for fences on their property's (please see attached pictures and testimonials). Our neighbors are very concerned about the potential this ruling could have for the fences on their farms. Farmers like us need to protect our crops against wild coyotes that roam our 25 acres of property. These fences protect our pets and mitigate the risk of robberies which have occurred frequently in this area. We are an older couple in our 70's and this action has caused us undue stress because we believe these allegations are completely unwarranted.

4.4 What is the current condition of the property: (Indicate any changes to the property since the date the order was issued.)

This fence has been on the property for several decades but was completely re-built from the ground up in May 2019. As such this fence is brand new (see attached pictures & Schedule C documentation). The preexisting fence in question was removed by the complaining neighbor without asking and they refused to split the cost of this new fence. We then installed the fence on our side of the property line, in an effort to prevent conflict.

5. **Supporting Documentation:** (List and attach copies of drawings, site plans, photographs, correspondence and other relevant documents and documentation that you are providing in support of this application.)

1. Schedule A County By Laws for barbed fences on Sec.4.4 (a) & Minto Sec.7
2. Schedule B Letter from Neighbor Trish Wallace 6571 Concession Rd 4
3. Schedule C Invoice & Email from Fence Contractor (builds fences like this all the time in Puslinch)
4. Schedule D Pictures of our fence and adjacent properties
5. Schedule E Original order July 16, 2021

6. **Affirmation and Signature of Applicant or Representative**

The undersigned affirms that the information provided in this application is accurate to the best of their knowledge.

Dated:

1st August 2021

of

[Redacted Signature]

Signature of Applicant or Representative

Paul Sial (son of applicant)

Name and Position of Applicant or Representative (Please Print or Type)

Note:

1. After receipt of this application, the Secretary to the Planning Development Advisory Committee will inform you about further arrangements in the form of a notice of hearing.
2. Please notify the Secretary to the Planning Development Advisory Committee or Clerk's Office in writing immediately of any change of address. The committee will communicate with you by mail at the address shown in this notice unless you notify the committee of a change in your address.
3. The Planning Development Advisory Committee is subject to the Municipal Freedom of Information and Protection of Privacy Act. Personal information provided on this form is collected under the authority of the Building Code Act, 1992 and will be used for the purpose of a hearing before the Planning Development Advisory Committee. Please direct any questions about the collection of information to the Clerk's Office.
4. In the even any party to the proceedings do not attend the hearing it may take place in their absence and they will not be entitled to any further notice of proceedings.
5. Where an application to extend the time for compliance is submitted, the applicant shall be deemed to agree with the facts contained in the Order.

Return this application to the Secretary to the Planning Development Advisory Committee at the following address:

Secretary to the Planning Development Advisory
Committee Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

The fee for this application is **\$264.00 due at the time of application.**

August 25th, 2021

James Haddon and Robin Macleod

[REDACTED]

[REDACTED]

To Whom it May Concern,

This letter is to address our concern with our neighbour's fence which consists of page wire with barbed wire along the top. Our home is situated very close to the property line and it concerns us for several reasons. One, my 86 year mother lives with us and when she takes her recycling to the back shed, especially in the winter, could easily slip and fall into the barbed wire or our young grandchildren that visit and play outside and although are supervised, it would only take a moment for one of them to take a bad step or fall and if they were close to the fence they could lose an eye or worse. Even cutting our lawn proves problematic as our lawn is on a slope down towards the fence at the back of our property and it's difficult to mow our lawn and balance the mower without running into the fence. Lastly, I would hate to see a deer or any animal get hung up on the barbed wire.

The neighbour's fence doesn't encompass their entire property nor do they keep livestock. Some of the property is leased out to a local farmer that has about 10 acres under crop which he tends. It seems absurd to have a barbed wire fence on a property that is basically residential. We have no issues with the page wire fencing, just the barbed wire at the top of the fence and would be grateful to have the barbed wire removed at least on our side of the property.

Regards,

James Haddon and Robin Macleod



Planning & Development Advisory Committee
Committee of Adjustment
2021 Application Submission Deadline and Meeting Dates
7404 Wellington Road 34, Council Chambers, Township of Puslinch

**APPLICATION for MINOR VARIANCE
SUBMISSION DEADLINE**

2022 PDAC and CofA MEETING DATE

Friday December 10, 2021	Tuesday January 11, 2022 @7p.m.
Friday, January 7, 2022	Tuesday February 8, 2022 @7p.m.
Friday, February 11, 2022	Tuesday March 8, 2022 @7p.m.
Friday, March 11, 2022	Tuesday April 12, 2022 @7p.m.
Friday, April 8, 2022	Tuesday May 10, 2022 @7p.m.
Friday, May 13, 2022	Tuesday June 14, 2022 @7p.m.
Friday, June 10, 2022	Tuesday July 12, 2022 @7p.m.
Friday, July 8, 2022	Tuesday August 9, 2022 @7p.m.
Friday, August 12, 2022	Tuesday September 13, 2022 @7p.m.
Friday, September 9, 2022	Tuesday October 11, 2022 @7p.m.
Friday, October 7, 2022	Tuesday November 8, 2022 @7p.m.
Friday, November 11, 2022	Tuesday December 13, 2022 @7p.m.