



COUNCIL INFORMATION PACKAGE

SUMMARY

FEBRUARY 17, 2023

1. **C-2023-039**
Correspondence dated February 10, 2023 from the Municipality of Shuniah to The Honourable Doug Ford, Premier of Ontario, respecting a resolution of opposition regarding Bill 3.
2. **C-2023-040**
Correspondence dated February 10, 2023 from the Town of Niagara-on-the-Lake to The Honourable Doug Ford, Premier of Ontario, respecting impacts of Bill 23.
3. **C-2023-041**
Correspondence dated February 9, 2023 from the Municipality of West Nipissing respecting Bill 23.
4. **C-2023-042**
Correspondence dated February 14, 2023 from the Town of Essex to the Honourable Steven Lecce, Minister of Education, respecting support for the Town of Petrolia correspondence regarding School Board Elections.
5. **C-2023-043**
Correspondence received February 16, 2023 from Al Collins, Wainfleet Resident, respecting the statutory power of Municipal Council.
6. **C-2023-044**
Correspondence dated February 16, 2023 from the Town of Deep River to the Honourable Steven Lecce, Minister of Education respecting a resolution regarding Trustee elections.



Received February 13, 2023
C-2023-039

MUNICIPALITY OF SHUNIAH

420 Leslie Avenue, Thunder Bay, Ontario P7A 1X8
Phone: (807) 683-4545 Fax: (807) 683-6982
Email: shuniah@shuniah.org www.shuniah.org

February 10, 2023

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
Via Email: premier@ontario.ca

Dear Premier Ford,

RE: Municipal Petition in Opposition of Bill 3

At the Council meeting held on January 31, 2023, the Council of the Municipality of Shuniah passed the attached resolution # 45-23 supporting the Town of Cobourg (Resolution 406-22) and the Municipality of Greenstone (resolution 22-396) regarding Bill 3 and further opposing the changes that Bill 3 makes to the Municipal Act, 2001 and Municipal Conflict of Interest Act.

The Municipality of Shuniah resolves to petition the Government of Ontario:

1. THAT these changes to the Municipal Act, 2001, are unnecessary and would negatively affect the Municipality of Shuniah; and
2. THAT if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities; and
3. THAT the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipality Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2022; and
4. THAT if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the Planning Act and funding of more affordable housing.

A copy of the above noted resolution is enclosed for your reference and consideration.

Yours truly,


Kerry Bellamy
Clerk
KB/jk

Cc:
Lise Vaugeois, MPP Thunder Bay Superior North
Kevin Holland, MPP Thunder Bay-Atikokan
Ministry of Municipal Affairs and Housing (MMAH)
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



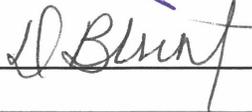
MUNICIPALITY OF SHUNIAH

COUNCIL RESOLUTION

Resolution No.: 45-23

Date: Jan 31, 2023

Moved By: 

Seconded By: 

THAT Council support the resolution put forward by the Town of Cobourg and the Municipality of Greenstone;

WHEREAS the Government of Ontario has enacted Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of Council;

AND WHEREAS this Bill will initially apply to the City of Toronto and the City of Ottawa but, according to a statement made by the Premier at the 2022 AMO annual conference, will later be expanded to include other municipalities;

AND WHEREAS this will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the COA, who currently provide objective information to the Council and public and will not take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council;

NOW THEREFORE BE IT RESOLVED THAT Council for the Corporation of the Municipality of Shuniah passes this resolution to petition the Government of Ontario:

1. THAT these changes to the Municipal Act, 2001, are unnecessary and would negatively affect the Municipality of Shuniah; and

2. THAT is the Ontario Government if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities; and

3. THAT the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipality Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2022; and

4. THAT if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the Planning Act and funding of more affordable housing;

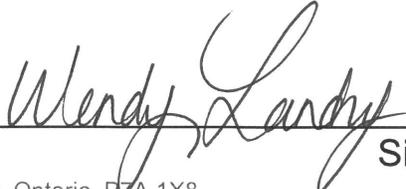
AND BE IT FURTHER RESOLVED THAT a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Lise Vaugeois, MPP, Kevin Holland, MPP, and the Association of Municipalities of Ontario and all municipalities in Ontario.”

Carried

Defeated

Amended

Deferred



Signature

Municipality of Shuniah, 420 Leslie Avenue, Thunder Bay, Ontario, P7A 1X8



Department of Corporate Services

1593 Four Mile Creek Road

P.O. Box 100, Virgil, ON L0S 1T0

905-468-3266 • Fax: 905-468-2959

Received February 13, 2023

C-2023-040

www.notl.com

SENT ELECTRONICALLY

February 10, 2023

The Honourable Doug Ford
Premier of Ontario
Queen's Park
Toronto, ON M7A 1A7

EMAIL: premier@ontario.ca

Dear Premier Ford,

RE: Bill 23

Please be advised the Council of The Corporation of the Town of Niagara-on-the-Lake, at its regular meeting held on January 31, 2023, approved the following resolution:

“WHEREAS the government of Ontario, with Bill 23, has made extensive and transformative changes to the land use planning process without meaningful consultation with the municipalities of Ontario; and

WHEREAS some of these changes will not have the intended effect of increasing a municipalities’ ability to provide affordable housing; and

WHEREAS it is important to recognize the significance of the specialty crop area to our economy, to the environmental health of our community, and the food security of Ontario; and

WHEREAS the significant restrictions to the designation of heritage properties and heritage conservation districts proposed to the Ontario Heritage Act will negatively impact our ability to protect heritage, for which Niagara-on-the-Lake is world-renowned and upon which our economy is dependent; and

WHEREAS with the removal of planning responsibilities from the Regional Municipality of Niagara (“Niagara Region”) and the change to the core mandate for Niagara Peninsula Conservation Authority (NPCA), many environmental planning review and environmental impact review functions currently provided will be eliminated, thereby, negatively impacting our natural environment, our ability to protect water and natural heritage, and address climate change; and

WHEREAS changes to the development charges will limit municipalities’ ability to fund capital costs of growth-related infrastructure and undertake proactive studies to support growth which will lead to significantly increased property taxes

to provide infrastructure for new development and will reduce the Town's Development Charges revenue by over \$1.3 million over five years; and

WHEREAS "as of right" development does not allow for local context, character or infrastructure capacity considerations;

THEREFORE, BE IT RESOLVED that the Town of Niagara-on-the-Lake requests that the Province of Ontario engage in meaningful consultation with the municipalities of Ontario on the many short and long-term impacts expected as a result of Bill 23;

FURTHER that the Province recognizes and provides feasible solutions to address the negative impacts on municipalities, including, but not limited to, heritage, environment, food security, public consultation, loss of revenue to support growth infrastructure (e.g. development charges), in order to ensure that decision-making regarding growth will address the local needs of the various municipalities while achieving the growth objectives of the Province; and

FURTHER that this motion be distributed to the Premier of Ontario, Minister of Municipal Affairs and Housing, Minister of Heritage, Sports, Tourism and Culture Industries, Minister of Agriculture, Food, and Rural Affairs, Minister of the Environment, Conservation and Parks, Minister of Economic Development, Job Creation and Trade, and Minister of Infrastructure, MPP Wayne Gates, the Niagara Region, and all municipalities within the Region of Niagara."

If you have any questions or require further information, please contact our office at 905-468-3266.

Sincerely,



Victoria Steele
(A) Town Clerk

- c.c. Honourable Steve Clerk, Minister of Municipal Affairs & Housing – minister.mah@ontario.ca
Honourable Neil Lumsden, Minister of Tourism, Culture and Sport – minister.lumsden@ontario.ca
Honourable Lisa M. Thompson, Minister of Agriculture, Food, and Rural Affairs – minister.omafra@ontario.ca
Honourable David Piccini, Minister of the Environment, Conservation and Parks – minister.mecp@ontario.ca
Honourable Victor Fedeli, Minister of Economic Development, Job Creation and Trade – MEDJCT.Minister@ontario.ca
Honourable Kinga Surma, Minister of Infrastructure – Minister.MOI@ontario.ca
MPP Wayne Gates - wgates-co@ndp.on.ca
The Regional Municipality of Niagara
All local area municipalities with the Region of Niagara



West Nipissing Ouest

Joie de vivre

The Corporation of the Municipality of West Nipissing
La Corporation de la Municipalité de Nipissing Ouest
101-225, rue Holditch Street, Sturgeon Falls, ON P2B 1T1

P/T (705) 753-2250 (1-800-263-5359)
F/TC (705) 753-3950

Received February 14, 2023
C-2023-041

February 9, 2023

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

SENT VIA E-MAIL

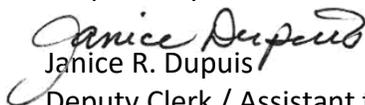
Honourable Premier Ford:

SUBJECT: BILL 23 – MORE HOMES BUILT FASTER ACT

At its meeting held on February 7, 2023, Council for the Municipality of West Nipissing passed resolution **2023/38**, a copy of which is attached hereto. The resolution supports the concerns expressed by municipalities throughout the province as it relates to the negative impacts of *Bill 23 – More Homes Built Faster Act*.

We trust the enclosed is self-explanatory.

Respectfully,


Janice R. Dupuis
Deputy Clerk / Assistant to the
Chief Administrative Officer

\Encl.

cc: Minister of Municipal Affairs and Housing
MPP for Nipissing Timiskaming
Association of Municipalities of Ontario
all Ontario municipalities



CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

Council and Committee of the Whole Meeting

Resolution # 2023/38
Title: Support resolution for Bill 23
Date: February 7, 2023

Moved by: Councillor Jérôme Courchesne

Seconded by: Councillor Anne Tessier

WHEREAS the Government of Ontario recently passed Bill 23, More Homes Built Faster Act, 2022 without providing meaningful or adequate opportunity for municipalities to provide input on ways to increase the supply of housing and to improve housing affordability in Ontario while ensuring the financial capacity of municipalities to support growth and protection of the environment;

AND WHEREAS Bill 23 will have significant negative impact on, green standards, environmental protection of wetlands, conservation, social housing and other significant areas of concern;

AND WHEREAS Bill 23 will negatively impact municipalities' ability to manage growth, fund essential services and provide new infrastructure for the community resulting in fewer affordable housing units and putting pressure on the municipal tax rate by freezing, reducing, and exempting fees and development charges;

AND WHEREAS Bill 23 will have a negative environmental impact by removing the Conservation Authority's ability to review and consult on developments impacting natural heritage and conservation;

AND WHEREAS Bill 23 will result in reduced parkland for municipalities;

AND WHEREAS Bill 23 will open up the Greenbelt for development when the Greenbelt should remain an environmentally protected area so it can continue to help with flood control, provide clean air, and protect us from natural disasters;

AND WHEREAS a preliminary analysis of Bill 23 by the Association of Municipalities of Ontario (AMO) indicates the transfer of up to \$1 billion a year in costs from private sector developers to property taxpayers without any likelihood of improved housing affordability while also undermining environmental protection;

AND WHEREAS a growing number of municipalities have joined in expressing their concern with the negative impacts of Bill 23;

NOW THEREFORE BE IT RESOLVED:

1. That the Municipality of West Nipissing formally express its opposition to Bill 23 in its current form and that this resolution be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing Steve Clark, and MPP for Nipissing Timiskaming, John Vanthof;
2. That a copy of this resolution also be sent to the Association of Municipalities of Ontario, and all Ontario municipalities.

CARRIED

CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

Réunion du Conseil et Comité plénier

Résolution # 2023/38
Titre: Résolution d'appui au projet de la loi 23
Date: le 7 février 2023

Proposé par: Councillor Jérôme Courchesne

Appuyé par: Councillor Anne Tessier

ATTENDU QUE le gouvernement de l'Ontario a récemment adopté le projet de loi 23, Loi de 2022 pour plus de logements construits plus rapidement, sans offrir aux municipalités une occasion significative ou adéquate de donner leur avis sur les moyens d'accroître l'offre de logements et d'améliorer l'abordabilité des logements en Ontario tout en assurant la capacité financière des municipalités à soutenir la croissance et la protection de l'environnement;

ATTENDU QUE le projet de loi 23 aura des répercussions négatives importantes sur les normes vertes, la protection environnementale des terres humides, la conservation, le logement social et d'autres sujets de préoccupation importants;

ATTENDU QUE le projet de loi 23 aura une incidence négative sur la capacité des municipalités à gérer la croissance, à financer les services essentiels et à fournir de nouvelles infrastructures à la collectivité, ce qui entraînera une diminution du nombre de logements abordables et exercera des pressions sur le taux d'imposition municipal en gelant, en réduisant et en exonérant les frais et les redevances d'aménagement;

ATTENDU QUE le projet de loi 23 aura un impact négatif sur l'environnement en supprimant la capacité de l'office de protection de la nature d'examiner et de consulter les développements ayant une incidence sur le patrimoine naturel et la conservation;

ATTENDU QUE le projet de loi 23 entraînera une réduction des parcs pour les municipalités;

ATTENDU QUE le projet de loi 23 ouvrira la Ceinture de verdure au développement alors que la Ceinture de verdure devrait demeurer une zone protégée sur le plan environnemental afin qu'elle puisse continuer à contribuer à la lutte contre les inondations, à fournir de l'air pur et à nous protéger contre les catastrophes naturelles;

ATTENDU QU'une analyse préliminaire du projet de loi 23 par l'Association des municipalités de l'Ontario (AMO) indique le transfert de coûts pouvant atteindre 1 milliard de dollars par année des promoteurs du secteur privé aux contribuables fonciers sans aucune probabilité d'amélioration de l'abordabilité du logement tout en compromettant la protection de l'environnement;

ATTENDU QU'un nombre croissant de municipalités se sont jointes à eux pour exprimer leurs préoccupations face aux répercussions négatives du projet de loi 23;

PAR CONSÉQUENT, QU'IL SOIT RÉSOLU,

1. Que la Municipalité de Nipissing Ouest exprime officiellement son opposition au projet de loi 23 dans sa forme actuelle et que la présente résolution soit transmise au premier ministre de l'Ontario, au ministre des Affaires municipales et du Logement, Steve Clark, et au député provincial de Nipissing Timiskaming, John Vanthof;
2. Qu'une copie de la présente résolution soit également envoyée à l'Association des municipalités de l'Ontario et à toutes les municipalités de l'Ontario.

ADOPTÉ



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
p: 519.776.7336 f: 519.776.8811 | essex.ca

Received February 14, 2023
C-2023-042

February 14, 2023

Honourable Steven Lecce, Minister of Education

Ministry of Education
315 Front Street West, 14th Floor
Toronto, ON M7A 0B8

RE: Ontario School Board Elections

Dear Minister Lecce,

At its Regular Meeting on February 6, 2023, Council received correspondence from the Town of Petrolia regarding School Board Elections in Ontario. Through discussion, Council determined that organizing, hosting, and promoting School Board Elections requires an extensive use of municipal resources and co-ordination. It was further discussed that the act of conducting School Board Elections, without compensation or re-imburement, places a significant financial burden on municipalities.

As a result of that discussion, Council passed the following resolution:

R23-02-034

Moved by: Deputy Mayor Shepley

Seconded by: Councillor Allard

That the correspondence dated January 23, 2023 from the Town of Petrolia regarding School Board Elections be received and supported; and

That a letter of support be sent to the Town of Petrolia, the Honourable Steven Lecce, Minister of Education, MPP Anthony Leardi, the County of Essex and all other municipalities.

Carried

Yours truly,

A handwritten signature in blue ink that reads "Shelley Brown".

Shelley Brown

Acting Clerk, Legal and Legislative Services
sbrown@essex.ca



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | essex.ca

c.c. Mandi Pearson, Clerk/Operations Clerk, Town of Petrolia
mpearson@petrolia.ca

Anthony Leardi, MPP
Anthony.Leardi@pc.ola.org

Mary Birch, Acting CAO, County of Essex
m.birch@countyofessex.ca

All 444 Municipalities of Ontario

To the Town Council of the Municipality of Wainfleet;

Received February 16, 2023
C-2023-043

I am writing this letter to the council because the statutory power has indicated that you are the party that has been given the authority and powers from the Lieutenant Governor in council concerning the matter brought forth in this communication.

The Municipal Act of Ontario states that all municipalities are considered a Corporation, a body corporate in law. Further to this, it is declared through the statutory powers that the inhabitants of the municipality are incorporated into the body corporate and thereby owe a duty and obligation to the enactments and regulations.

Ontario Municipal Act

“Municipality” means a geographical area whose inhabitants are incorporated.

Body Corporate.

4. (4) The inhabitants of every municipality are incorporated as a body corporate.

I understand that your party may not be completely aware of what is transpiring in the domestic law, however, according to the statutory power above I have been incorporated into the local body corporate and this was done without my consent. My constitutional right under Section 7 in the Charter or Rights and Freedoms has been limited and abridged by this statutory power.

Your council and the interactions they take with me are subject to the Charter of Rights and Freedoms as clearly indicated in the Supreme Court Judgement.

Slaight Communications. In. V. Division.

(1989) 1SCR 1038, 1989

The reference in S. 32 to the “Parliament” and a “legislative” make clear that the Charter operates as a limitation of the powers of those legislative bodies. Any statute enacted by either Parliament or Legislature which is inconsistent with the Charter will be outside the power of (ultra vires) the enacting body will be invalid.

It follows that anybody exercising statutory authority, for example, the Governor in Council or Lieutenant Governor in Council, ministers, official municipalities, school boards, universities, administrative tribunals and police officers are also bound by the Charter.

Action taken under statutory authority is valid only if it is within that scope of authority. Since neither Parliament nor a Legislature can itself pass a law in breach of the Charter, neither body can authorize action which would be in breach of the Charter. Thus, the limitation on statutory authority which are imposed by the Charter will fall down the chain of statutory authority and apply to regulations, by-laws, orders, decisions, and all other action (whether legislative, administrative or judicial) which depends for its validity on statutory authority.

Prete V. Ontario (Attorney General), 1993

The reason of Lamer J., standing alone are strongly persuasive that a statutory enactment cannot stand in the way of constitutional entitlement.

I am standing on my constitutional rights and would like your party to honour my position. I am asking your party to respect the rule of law as it pertains to my natural rights and freedoms which are better known as human right and freedoms.

R. V. Wagner 2015 ONCJ 66

The Chief Justice goes on to note that these rules bind the legislative, executive and judicial branches. The debate is not so much about whether such norms exist, but what those norms are in relation to any given case where a litigant calls on such norms to his aid.

Finally, at the developing fingers of the new natural law, which goes by the name of Human Rights, are other assertions... it rests on the proposition that there is a distinction between rules and the law. Rules and rule systems can be good but they can be evil. Thus, as important as these principles may be and essential (as it may be that in difficult cases, the judge must stand against the winds and the rains to uphold them). Those non-written principles tend to be largely replicated in the text of the case

Canada (Attorney General), V, Sam Levy et Associates Inc., 2005 FC 171

First, and most importantly, the Constitution is, under S. 52 (1) of the Constitution Act 1982, "The Supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect." The invalidity of a legislative provision inconsistent with the Charter does not arise from the fact or it be declared unconstitutional by a court, but from the operation of S. 52 (1). Thus, in principle, such a provision is invalid from the time it is enacted, and a judicial declaration to this effect is but one remedy amongst others to protect those whom it adversely affects.

It is my position that provisions of the Municipal Enactment where I am being forced into the position or role of an incorporated person are a direct violation of my constitutionally protected rights.

I am being designated a class of person under the statutory power, and officer of the corporation and through such designation I am being asked to abide by the statutory powers that govern such creature. These statutory powers are trying to stand in the way of my constitutional rights and entitlements.

Constitution, with S. 7 of Canada's Charter of Rights and Freedoms, striking me as prime example. Our written constitution reflects many, many influences, including the drafters awareness of natural law.

I agree with her that the "rule of law" is quite apart from the terms of any written constitution, part of the constitutional AIVA of this country.

The Lieutenant Governor has granted you the capacity and ability to honour my rights and the rule of law as it pertains to human rights and freedoms. As an individual standing outside the corporate body, I owe no duty or obligation to any statutory powers including by-laws and legislative acts.

Thompson Newspaper Ltd. V Canada (Director of Investigation and Research, Restrictive Trade practices Commission)

While individuals as a rule have full legal capacity by operation of law alone, artificial persons are creatures of the state and enjoy civil rights and powers only on the approval of statutory authorities.

The individual may stand upon his constitutional rights. He owes no duty to the state since he receives nothing there from beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state and can only be taken from him by due process of law, and in accordance with the constitution. He owes nothing to the public so long as he does not trespass upon their rights.

1. The expression of my individual fundamental rights and freedoms are protected and brought forth through the operation of law contained within the statutory instrument itself. The person with absolute title to property is granted the right and entitlements indicated below.

Land Title Act

Estate of First Registered Owner with Absolute Title

45. The first title registration as person as owner of land, in the Act referred to as first registered owner with absolute title, vests in the person so registered an estate in fee simple in the land, together with all rights, privileges and appurtenances, free from all estate and interest whatsoever, including estate and interest of Her Majesty, that are within the legislative jurisdiction of Ontario.

Financial Administration Act

Charges for Rights and Privileges

19.1 The Governor and Council may on the recommendation of the Treasury Board, by regulation prescribe the fees or charges to be paid for a right or privilege conferred by on behalf of Her Majesty in right of Canada by means of a license, or permit or other authorization, by person or classes of person on whom the right or privilege is conferred; or

(b) Authorize the appropriate Minister to prescribe by order chose fee or charges subject to such terms and conditions as may be specified by the Governor in Council.

As we see the Governor in Council gives authorization to minsters to charge persons or classes of persons to obtain a permit or license for a right or privilege conferred upon them.

It is my position that it is a breach of my fundamental rights and freedoms as protected in the Charter to be forced to operate under a capacity where I must pay for a permit through the form of a levy in order to obtain a right conferred upon me. I choose not to operate from the capacity of an incorporate officer and as such I need no approval from the executive members of such body. I will not submit myself to the control and regulation of the officers of the corporation body concerning my property or my building.

The statutory power designated the Building Code Enactment brings forth the fact that the minster of Municipal Affairs and Housing is the office that has the global responsibility of administrating the act. It is this office that decides the duties and obligations that rests upon the class of persons subject to the act.

The Building Code Enactment Administration

2 (1) The Minister is responsible for the administration of this Act. 1992, C 23, S. 2
(1) Director

“Minister” means the Minister of Municipal Affairs and Housing

Secondary to the Minister of Municipal Affairs and Housing, your party, the Municipal Council of Wainfleet has been granted the power and ability concerning the enforcement of this enactment.

The Building Code Enactment Enforced by Municipalities

3 (1) The council of each municipality is responsible for the enactment of this Act in the municipality, except where otherwise provided by this act.

It is my position that your powers to enforce these statutory obligations that flow from the Building Code Enactment strictly operate upon the class of person which as we said in the Municipal Act have been incorporated into the body corporate. It is this operation of law that commences the limitations and abridgment of my fundamental rights and freedoms.

It is my position that I wish to operate free from Her Majesty's interest over me and that I will not enter in to the recognition as the officer of the corporate body. The land that I am in possession of is being held under claim of right. Upon reception of this communication, your party will be legally aware, legally notified of such facts and will respond accordingly.

White v. Feast L. R. 7 Q. B. 353, Claim of Right

In a case which the defendant raises a bona fide claim of right to do the act compliant of and which forms the substance of the charge, the above observations also apply. A bona fide claim of rights ousts the justice's jurisdiction, as the parties are entitled to have it tried in the civil courts.

But in some instances, the legislature has qualified this restriction by enacting in effect that in order to oust the justice jurisdiction in the particular case, there must be not only a bona fide claim of rights but also that the defendant must give evidence to satisfy the justice that he really has fair and reasonable grounds to suppose he had the right to do the act complained of.

If I desire to develop my land in the way that I wish, I would require that your party respect my full legal capacity and the rule of law without seeking to limit and abridge my individual rights and freedoms. The statutory power designated by the Building Code enactment has produced an operation of law for your party to invoke in order to respect and ensure that I have the capacity and ability to operate under my fundamental rights and freedoms.

The Planning Act is where your party has been given the right to create by-laws to control land use and development. The Planning Act also delegates your party the power to establish a permit and license system concerning the construction of buildings and development of land.

Planning Act: Regulation Re-development Permit System

70.2 (1) The Lieutenant Governor in Council may, by regulation

- (a) Establish a development permit system that local municipalities may by by-law adopt to control land use development in the municipality; or
- (b) Delegate to municipalities the power to establish a development permit system upon such conditions as may be set out in the regulation 1994, c. 23

The statutory is indicating that your party as a municipal council have the power to establish a development permit system, which indeed is presently in operation on this territory. This development permit system is an expression of the operation of law found in the Financial Administration Act, whereby a right or privilege to partake in actions must be conferred upon the class of persons – in this case the class of person is an officer of the corporate body.

Financial Administration Act

Charges for Rights Privileges

19.1 The Governor in Council may, on the recommendation of council of the Treasury Board,

(a) By regulation prescribe the fees or charges to be paid for a right privilege conferred by or on behalf Her Majesty in right of Canada, by means of license, permit or other authorization, by persons or classes of person on whom the rights of privilege is conferred; or

(b) Authorize the appropriate Minister to prescribe by order those fees or charges.

The Building Code Enactment states the following, yet the following is only applicable upon the statutory creature which I am not.

Thompson Newspaper Ltd. v. Canada

(Director of Investigation and Research Restrictive Trade Practices Commission)

While individuals as a rule have full legal capacity by operation of law alone, artificial persons are creatures of the state and enjoy civil rights and powers upon the approval of statutory authority.

Building Code Enactment

Role of Various Persons

1.1 (1) It is the role of every person who causes a building to be constructed,

(a) to cause the building to be constructed in accordance with this Act and the building code and with any permit issued under the Act for this building

- (b) to ensure that construction is carried out only by person with the qualifications and insurance, if any, require by this Act and the Building Code.

It is my position that I do not need a permit to construct a building on or develop my property for I am not operating from the capacity of the incorporated inhabitant. To force me to be subjected to the statutory power designated by the Building Code Enactment is a direct limitation and abridgment of my Charter Rights.

Court Judgment Supreme Court

Christie v. British Columbia 2007 BCCA 631

The rule of law, a fundamental principle of our constitution, must mean at least two things. First that the law is supreme over officials of the government as well as individuals and thereby preclusive of the influence of arbitrary power.

- 2. The Building Code enactment produces an operation of law that brings forth the following obligations:

Building Code enactment Building Permits

- 8. (1) No person shall construct or demolish or cause a building to be constructed or demolished unless a permit has been issued therefore by the chief building official.
- 3. According to the statutory power, no person (class of person, officer of the corporate body) shall construct a building or cause a building to be constructed unless a permit has been issued by the chief building official.

The statutory powers are bringing forth the following operations of law:

1. That I am incorporated into the body corporate
2. That I am operating as a class being designated by an officer.
3. That I must pay for a right or privilege to be conferred upon me as this class of person.
4. That I am subject to the obligations and duties that flow from Municipal enactments and Building Code enactments, and Planning Code enactment.
5. Your party is responsible for the enforcement of provisions of this enactment.

Enforcement by Municipalities

3(1) The council of each municipality is responsible for the enforcement of this Act in the municipality, except where otherwise provided in this Act.

4. Your party has the ability to respect and ensure my fundamental rights and freedoms to operate free and clear of Her Majesty's interest. Your party has been given the power to exempt any property or person from compliance with all or part of the Building or Planning Code enactments.

Regulations

34 (1) The Lieutenant Governor in Council may make regulations governing standards for the construction and demolition of buildings, including,

19. Exempting any building or person or class thereof from compliance with all or any part of this Act and the regulation and prescribing conditions for exemption.

Planning Act

Deemed Compliance

63. If the Minister, the council of a municipality, a planning board of the Municipal Board exercises any authority under this Act including giving an approval, an exemption from an approval or a consent, the provisions of this Act that relate to or are requirements for an exercise of the authority shall be deemed to have complied with, upon the decision becoming final. 1996, C. 4, S 32, 1999, C. 12, Shed M, S. (30)

As you can see the council of a municipality has the ability to provide and exemption from an approval or consent, to provide an exemption from the obligations of and to the statutory power. It is my position that this operation of law exists in order to respect and ensure my Human Rights and Freedoms as it pertains to ownership of property.

This is the reason why I have taken time to contact you and inform you of my legal standing before your party. I will not be seeking any permits from your party and will be operating from my full legal capacity under a claim of right on my property. I believe this is my fundamental right and freedom and you can honour this by providing the exemption to the Act and respecting the rule of law.

Any statutory creature designated an agent, officer or third party representative of your corporate body should be informed that I am not operating as an incorporated person. I am standing upon my constitutional rights as found in the Charter of Rights and Freedoms. Any individual seeking to force compliance with the Building Code enactment, by showing up upon the property, requesting access to the property or seeking to force compliance with the statutory powers will be treated as a trespass and a tort of malfeasance.

I am seeking to enforce my personal rights to property that have been preserved for me under common law through the operations of statutory power and constitutional power. These rights are not civil in nature but flow from the common law through the statutory powers. These rights respect the rule of law and natural human rights and freedoms.

Interpretation Act

Duality of legal traditions and application of provincial law.

8.1 Both the common law and the civil law are equally authoritative and recognized sources of the law of property and civil rights in Canada.

Supreme Court has made it clear in case in *M. (A) v Ryan* 1997/ S.C.R. 157, that the common law must develop in accordance with Charter values. A trespass in common law equals an infringement or denial of fundamental right or freedom.

As Mayor of the council you are also considered a Peace Officer under the Criminal Code of Canada. As such, there is a duty upon you to respect and ensure common law rights from this capacity. My common law rights now flow through the Charter or are preserved by operations of law contained in the statutory as brought forth in this communications.

Criminal Code of Canada

Peace officer includes:

- (a) a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace

As mayor, you have a dual capacity to play in your relationship with me. As you have seen the council which you are C.E.O. of can provide me with a personal exemption from having a duty and obligation to the statutory power designated the Building and or Planning Code Enactment thereby ensuring my common law rights to property, thereby respecting the rule of law. As peace officer under the Criminal Code, if any statutory enforcement officer (provincial enforcement officer) attempts to regulate me, you would be under obligation to intervene should I call upon the duties of your capacity as peace officer.

7. This document will be used as evidence that I indeed send a clear and concise message to your party.

The Criminal Code defines as Municipality as follows:

Municipality includes the corporation of a city, town, village, county, township, parish or other territorial or local division of a province, the inhabitants of which are incorporated or are entitled to hold property collectively for a public purpose.

The Criminal Code of Canada is also producing a provision of law that is declaring that the inhabitants of a Municipality have been incorporated. This is in unity with what we find declared and brought forth in the Municipal Enactment.

Ontario Municipal Act

“municipality” means a geographic area whose inhabitants are incorporated.

Both of these laws are limiting my Charter rights and freedoms. I will not be forced into a corporate body and my rights to choose allowed to be negated. This is why it is expedient that your party operate the exemption on my behalf as found in the statutory power designated Building Code enactment and Planning Code enactment. For in doing so you are respecting my fundamental rights and freedoms as a human being to own property and not be regulated by others as long as I do no harm. Failure to do so will only leave me with one avenue of enforcement, which would be court claim. The property in question is now being held under a claim of right as it pertains to the Criminal Code of Canada, the essence of that claim of right, the nature of the rights sought to be exercised can be deduced through reading this document.

Criminal Code

Defence – Property

35(1) A person is not guilty of an offence if

- (a) they either believe on reasonable grounds that they are in peaceable possession of property or are acting under the authority of, or lawfully assisting a person whom they believe on reasonable grounds is in peaceable possession of property.
- (b) They believe on reasonable grounds that another person
 - is about to enter or has entered the property without being entitled by law to do so
 - is about to take the property, is doing so or has just done so, or
 - is about to damage or destroy the property or make it in operative, or is doing so
- (c) The act that constitutes the offence is committed for the purpose of
 - Preventing the other person from entering the property, or remove that person from the property or
 - Preventing the other person from taking damaging or destroying the property or making it inoperative, or taking the property from that person, and
- (d) The act committed is in reasonable circumstances

No Defence

(2) Subsection (1) does only apply if the person who believes on reasonable grounds that they are, or who is believed on reasonable grounds to be in peaceable possession of the property does not have a claim to right to it and the other person is entitled to its possession by law.

The Criminal Code affords me the right of protection from peace officers should a provincial offences officer show up on my property seeking to enforce statutory powers. A municipal by-law officer is considered a provincial offences officer and should any approach my land, I will lay an information against such individuals under the Criminal Code of Canada.

R. V. St. Louis, 1 Can. Cr. Cas 141

Anyone who, upon reasonable or probable grounds, believes that any person has committed an indictable offence, may lay an information, in writing and under oath, before a Justice of the Peace having territorial jurisdiction in respect to such offence.

High Court of Justice R.V. Richards, 20

L.J.Q.B 352, Re Monmouth LR. 5 Q.B. 251

A justice cannot refuse to receive any information from any person who offers to make oath or affirmation to the commission of an indictable offence against the law, over which the justice has territorial jurisdiction. It is a breach of the justice's oath of office for him to so refuse, and if he does he is liable to be compelled by a mandamus.

Provincial Offences Act

"Provincial Offences Officer" means

- (a) a police officer,
- (b) a constable appointed pursuant to any Act
- (c) a Municipal Law Enforcement Officer, while in the discharge of his or her duties
- (d) a by-law enforcement officer of any municipality or of any board of any municipality or any local board of any municipality, while in the discharge of his or her duties, or
- (e) an officer, employee or agent of any municipality or of any board of any municipality whose responsibilities include the enforcement of a by-law, an Act, while in the discharge of his or her duties, or

9. If your party fails to provide an exemption for me as found in article 6:3 of the Planning enactment and 34:19 of the Building Code enactments, then if any agent provincial enforcement officer or third party representative of your party attempts to produce a statutory order against me which operates upon a certain class of person (the incorporated officer), I will apply the principles of common law/ Charter Rights/ Human Rights and Freedoms against the order and it will be treated as a breach of my Charter Rights as indicated by the Supreme Court of Canada.

Provincial Offences Act

Certificate of Offence and Offence Notice

3.(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of an offence may be commenced by filing a certificate of offence alleging the offence in the office of court.

Issuance and Service

(2) A provincial offences officer who believes that one or more persons have committed an offence may issue, by completing and signing in the form prescribed under section 13

- (a) a certificate of offence certifying that an offence committed, and
- (b) either an offence notice indicating the set fine for the offence or a summons

Provincial Offences Act

Common Law Defence

80. Every rule and principle of the common law that renders any circumstance a justification or excuse for an Act or a defence to a charge continues in force and applies in respect of offences, except in so far they are altered or inconsistent with this or any other Act.

Slaight Communications Inc., v. Davidson, [1989], 1 SCR 1038, 1989

The reference in S.32 to the "Parliament" and a "legislature" make clear that the Charter operates as a limitation on the powers of those legislative bodies. Any statute enacted by either Parliament or Legislature which is inconsistent with the Charter will be outside of (ultra vires) the enacting body will be invalid. It follows that any body Governor in Council or Lieutenant Governor in Council, ministers, officials, municipalities, school board, universities, administrative tribunals and police officers, is also bound by the Charter.

Action taken under statutory authority is valid only if it is within that scope of authority. Since neither Parliament nor a Legislature can itself pass a law in breach of the Charter, neither party can authorize action which would be in breach of the Charter. Thus, the limitations on statutory authority which are imposed by the Charter will flow down the chain of statutory authority and apply to regulations, by-laws, orders, decisions and all other action (whether legislative, administrative or judicial) which depends for its validity on statutory authority.

If any agent, provincial enforcement officer or third party representative attempts to regulate me by treating me as an incorporated inhabitant, I will stand under Article 35 of the Criminal Code of Canada.

I wish to express that my intentions here were not to threaten judicial actions against your party or seem combative but simply to communicate my desire to operate from a private capacity as it pertains to my property and to have an exemption from the provisions of the Building and Planning Code enactment in order to respect my fundamental rights and freedoms.

Yours truly,



Al Collins

20808 Graybiel Rd

Port Colborne Ont

L3K 5V4

THE CORPORATION OF THE TOWN OF DEEP RIVER



P.O. BOX 400 • 100 DEEP RIVER ROAD • DEEP RIVER, ONTARIO K0J 1P0
Tel: (613) 584-2000 • www.deepriver.ca • Fax: (613) 584-3237

February 16, 2023

Via: Email

Received February 16, 2023
C-2023-044

The Honourable Stephen Lecce, Minister of Education
Ministry of Education

Re: Ontario School Board Elections

Dear Honourable Stephen Lecce,

Please be advised that Council of the Town of Deep River, at the Regular Meeting of Council on February 1st, 2023, adopted the following Resolution:

- 6.1.1 School Board Elections Correspondence
Mandi Pearson, Clerk / Operations Clerk, Town of Petrolia

RESOLUTION 2023 29

MOVED BY: Councillor Fitton

SECONDED BY: Councillor Myers

BE IT RESOLVED THAT the correspondence from Ms. Mandi Pearson of the Town of Petrolia, regarding School Board Elections, be received,

THAT Council of the Town of Deep River supports the Resolution passed by the Town of Petrolia Council to request that School Boards become responsible for conducting their own Trustee elections, or at minimum municipalities be compensated by the School Boards for overseeing such Trustee elections; and

THAT staff forward this Resolution to the Honourable Stephen Lecce, Minister of Education, and to Ontario Municipal Councils.

CARRIED

Best Regards,

Jackie Mellon
Clerk
Town of Deep River

cc: Ontario Municipal Councils