

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL AGENDA
MARCH 10, 2026 – 6:30 P.M.
COUNCIL CHAMBERS

C04/26

1. **Call to Order**
2. **National Anthem**
3. **Land Acknowledgement Statement**
4. **Disclosures of Interest and the General Nature Thereof**
5. **Mayor's Announcements & Remarks**
6. **Councillor's Announcements & Remarks**
7. **Adoption of Previous Council Minutes**
 - a) Minutes of the Regular Meeting of Council held February 10, 2026
 - b) Minutes of the Special Meeting of Council held February 12, 2026
8. **Public Meeting**
9. **Delegations**
 - a) Zohaib Masood Re: Request for site-specific amendment to By-law No. 011-2018 for 43962 Highway 3
10. **Consent Agenda**
11. **Staff Reports & Recommendations**
 - a) Community and Development Services Staff Reports
 - i. CDS-001/2026 Re: Request for Amendment to the Exotic Animal By-law No. 011-2018
 - b) Planning Staff Reports
 - i. PSR-002/2026 Re: Zoning By-law Amendment File No. Z01/2026W 12381 Lakeshore Road, Wainfleet
 - ii. Memorandum Re: Transfer of Part of the Abandoned Rail Corridor

12. Review of Correspondence

- a) Correspondence Item C-025 Re: Request for proclamation - Mountainview LemonAID Day for FACS Niagara
- b) Correspondence Item C-045 Re: Request for exception to half-load restrictions on Abbey Road
- c) Correspondence from ADR Chambers Re: Code of Conduct Investigation Report - File No. IC-35690-0925

13. By-laws

- a) By-law No. 010-2026 being a by-law to delegate financial and staffing authority to the Chief Administrative Officer for the period of Nomination Day until the End of Term.
- b) By-law No. 011-2026 being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 1, Part Lot 23 in the Township of Wainfleet and known municipally as 12381 Lakeshore Road.
- c) By-law No. 012-2026 being a by-law to authorize the transfer by the Corporation of the Township of Wainfleet in favour of applicants for the abandoned rail corridor as set out in Schedule "A" attached hereto.

14. Notices of Motion**15. Closed Meeting****16. Rise & Report****17. By-law to Confirm the Proceedings of Council**

- a) By-law No. 013-2026 being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its Regular Meeting of Council held March 10, 2026.

18. Adjournment



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL MINUTES**

C02/26
FEBRUARY 10, 2026
6:30 P.M.
COUNCIL CHAMBERS

PRESENT: B. Grant Mayor
 J. Anderson Councillor
 T. Gilmore Councillor
 S. Van Vliet Councillor

REGRETS: J. MacLellan Councillor

STAFF PRESENT: M. Luey Chief Administrative Officer
 A. Chrastina Clerk
 L. Earl Manager of Community & Development Services
 C. Hart Manager of Financial Planning/Deputy Treasurer
 S. Ivins Planner
 M. Jemison Drainage Superintendent
 A. Jenkins Supervisor of Accounting
 R. Nan Manager of Operations
 D. Scott Planning Technician
 M. Tardif Senior By-law Enforcement Officer

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1. **Call to Order**
Mayor Grant called the meeting to order at 6:30 p.m.
 2. **National Anthem**
 3. **Land Acknowledgement Statement**
Mayor Grant acknowledged that the land on which we gather is the traditional territory of the Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.
 4. **Disclosures of Interest**
None.
 5. **Presentations**
None.
 6. **Mayor's Announcements & Remarks**
Mayor Grant provided the following remarks:
 - Please note that these meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com.

- I'd like to take a moment to acknowledge our Roads crew. We have a very small team working lots of extra hours to clear our vast road network for the travelling public - thanks for your great efforts!
- A quick shout out also to our Rec team for the great ice in our Arena – excellent job!
- We have a Special meeting of Council Thursday February 12th at 6:00pm to consider the Engineering Reports for the Shafley and Collver Drains
- Our next regular meeting of Council is Tuesday March 10, 2026 at 6:30pm

7. Councillor's Announcements & Remarks

Councillor Anderson requested information on the Official Plan update and offered kudos to staff who prepared the insert circulated with the interim tax bills.

The Manager of Community & Development Services advised that staff expect to receive and review the consultant's gap analysis of the existing policy framework by next week. Following that review, staff will meet with Council representatives and the consultant to discuss the findings and identify preferred topics, priorities, and areas of focus for the Official Plan policy work. The first public meeting is scheduled for the April 14 Council meeting. This meeting will serve as a formal kick-off to the Official Plan Update process and outline the scope of work, timelines, and opportunities for public engagement.

Councillor Gilmore advised that he will be away for the March 10, 2026 regular meeting.

8. Adoption of Previous Council Minutes

Resolution No. C-2026-011

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

"**THAT** the minutes of the regular meeting of Council held January 20, 2026 be adopted as circulated."

CARRIED

9. Public Meeting

a) Zoning By-law Amendment Z01/2026W – 12381 Lakeshore Road

Mayor Grant called the Public Meeting to order at 6:36 p.m. and advised that the purpose of the Public Meeting is to provide information about the proposed amendment and provide opportunity for public input.

The Planner provided an information report outlining application details, progress and comments received.

Callum Gomez of Upper Canada Consultants (on behalf of the applicant) provided technical information and comments in support of the application.

There were no comments or questions received from members of Council.

There were no public comments received.

The Planner provided information regarding next steps and appeal rights.

The Public Meeting was adjourned at 6:42 p.m.

10. Delegations

None.

11. Consent Agenda

Resolution No. C-2026-012

Moved by Councillor Anderson

Seconded by Councillor Gilmore

“THAT the following items be received and the recommendations contained therein be approved and acted upon:

- a) ASR-001/2026 Re: 2025 Development Charge Reserve Fund Statement
- b) ASR-002/2026 Re: 2025 Summary of Tax Adjustments
- c) ASR-003/2026 Re: 2025 Remuneration Report
- d) BSR-001/2026 Re: Summary of 2025 Building Activity”

CARRIED

12. Staff Reports & Recommendations

a) By-law Enforcement Staff Reports

- i. Memorandum Re: Clean Yards By-law No. 016-2021

Resolution No. C-2026-013

Moved by Councillor Van Vliet

Seconded by Councillor Anderson

“THAT the memorandum respecting Clean Yards By-law No. 016-2021 be received; and

THAT the recommendations contained therein be approved and acted upon.”

CARRIED

b) Drainage Staff Reports

- i. DSR-002/2026 Re: Award of Tender for Drain Reconstruction – Ellsworth Drain

Resolution No. C-2026-014

Moved by Councillor Gilmore
Seconded by Councillor Anderson

“THAT Drainage Staff Report DSR-002/2026 respecting the Award of Tender for Drain Reconstruction – Ellsworth Drain be received; and

THAT Council direct Staff to award the tender for the reconstruction of the Ellsworth Drain to Anthony’s Excavating Central Inc.”

CARRIED

c) Public Works Staff Reports

- i. PWSR-004/2026 Re: Award of Tender for 2026 Road Rehabilitation

Resolution No. C-2026-015

Moved by Councillor Gilmore
Seconded by Councillor Anderson

“THAT Report PWSR-004/2026 respecting the Award of Road Rehabilitation Tender be received; and

THAT Council direct the Manager of Operations to award the Tender to the lowest bidder, Walkers Construction Limited, for \$892,000, excluding HST.”

CARRIED

15. Correspondence

- a) Correspondence Item C-017 Re: Integrity Commissioner Annual Report

Councillor Van Vliet thanked Council and staff for their efforts resulting in this report.

16. By-laws**Resolution No. C-2026-016**

Moved by Councillor Anderson
Seconded by Councillor Van Vliet

“THAT the following by-laws be read and passed this 10th day of February, 2026:

- a) By-law No. 004-2026 being a by-law to appoint a Deputy Clerk for the Corporation of the Township of Wainfleet.
- b) By-law No. 005-2026 a by-law to amend By-law No. 016-2021, being a by-law for Maintenance of Yards in the Township of Wainfleet.”

CARRIED

17. Notices of Motion

None.

13. Closed Meeting**Resolution No. C-2026-017**

Moved by Councillor Gilmore

Seconded by Councillor Anderson

“**THAT** Council now move into closed session to discuss:

- c) Item under Section 239(2)(e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (a potential litigation matter)
- a) Item under Section 239(2)(b) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees – 1 item (a property matter)
- b) Minutes of the Closed Meeting of Council held January 20, 2026”

CARRIED

14. Rise & Report

The Clerk reported that Council met in closed session pursuant to exemptions under Section 239 of the Municipal Act to receive updates on a potential litigation matter and a property matter. Further, Council adopted previous closed session minutes.

18. By-law to Confirm the Proceedings of Council**Resolution No. C-2026-018**

Moved by Councillor Van Vliet

Seconded by Councillor Anderson

“**THAT** By-law No. 006-2026 being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its Regular Meeting of Council held February 10, 2026 be read and passed this 10th day of February, 2026.”

CARRIED

19. Adjournment

There being no further business, the meeting was adjourned at 7:30 p.m.

B. Grant, MAYOR

A. Chrastina, CLERK

DRAFT



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL MINUTES**

C03/26
FEBRUARY 12, 2026
6:00 P.M.
COUNCIL CHAMBERS

PRESENT:	B. Grant	Mayor
	J. Anderson	Councillor
	T. Gilmore	Councillor
REGRETS:	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	M. Luey	Chief Administrative Officer
	A. Chrastina	Clerk
	M. Jemison	Drainage Superintendent
OTHER:	S. Brickman	Project Engineer and Manager
	A. Hall	Project Coordinator

1. Call to Order

Mayor Grant called the meeting to order at 6:00 p.m.

2. Land Acknowledgement Statement

Mayor Grant acknowledged that the land on which we gather is the traditional territory of the Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.

3. Disclosures of Interest

None.

4. Staff Reports & Recommendations

a) Drainage Staff Reports

- i. DSR-003/2026 Re: Shafley Road Drain and Collver Drain Engineering Report Update

M. Jemison provided a brief overview of the staff report and S. Brickman delivered a presentation covering the history and technical components of the project.

Mayor Grant called for any person who has signed the petition to withdraw from it and also for those present owning lands within the area requiring drainage who have not signed the petition an opportunity to do so. There were no respondents

Resolution No. C-2026-019

Moved by Councillor Gilmore
Seconded by Councillor Anderson

“THAT Drainage Staff Report DSR-003/2026 respecting the Shafley Road Drain and Collver Drain Reports be received; and

THAT a By-law be given two readings to provisionally adopt the Shafley Drain Engineer’s Report dated January 9, 2026, prepared by Headway Engineering, under Section 4, Chapter D. 17 of the Drainage Act, R.S.O. 1990; and

THAT a By-law be given two readings to provisionally adopt the Collver Drain Engineer’s Report dated January 9, 2026, prepared by Headway Engineering, under Section 4, Chapter D. 17 of the Drainage Act, R.S.O. 1990; and

THAT Staff be directed to advance the Shafley Drain to that of the Court of Revision, as per Section 46(1) of the Drainage Act, R.S.O. 1990; and

THAT Staff be directed to advance the Collver Drain to that of the Court of Revision, as per Section 46(1) of the Drainage Act, R.S.O. 1990; and

THAT Councillor Anderson, Councillor MacLellan and Councillor Van Vliet be appointed as members to the Shafley Drain Court of Revision and Mayor Grant be appointed as an alternate member to be tentatively scheduled for March 11, 2026, at 4:00 p.m.; and

THAT Councillor Anderson, Councillor MacLellan and Councillor Van Vliet be appointed as members to the Collver Drain Court of Revision and Mayor Grant be appointed as an alternate member to be tentatively scheduled for March 11, 2026, at 4:30 p.m.”

CARRIED

15. By-laws**Resolution No. C-2026-020**

Moved by Councillor Anderson
Seconded by Councillor Gilmore

“THAT the following by-laws be read and passed this 12th day of February, 2026:

- a) By-law No. 007-2026 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Shafley Road Drain) – Provisional Adoption Only.
- b) By-law No. 008-2026 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Collver Drain) – Provisional Adoption Only.

CARRIED

16. By-law to Confirm the Proceedings of Council

Resolution No. C-2026-021

Moved by Councillor Gilmore

Seconded by Councillor Anderson

“**THAT** By-law No. 009-2026 being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its Special Meeting of Council held February 12, 2026 be read and passed this 12th day of February, 2026.”

CARRIED

17. Adjournment

There being no further business, the meeting was adjourned at 6:18 p.m.

B. Grant, MAYOR

A. Chrastina, CLERK



SCHEDULE "B" TO BY-LAW NO. 023-2023

TOWNSHIP OF WAINFLEET

DELEGATION REQUEST FORM

Please fill out and return no later than 4:30 p.m. on the Tuesday prior to the meeting you wish to appear. Completed forms are to be submitted to the Clerks Department and can be dropped off or emailed to achrastina@wainfleet.ca

If you are speaking to an item listed on the agenda, the deadline for submission is 12:00 p.m. on the day of the scheduled meeting.

Name: Zohaib Masood

Address: 43962 Highway 3 Wainfleet

Telephone: 9052493937 E-mail: Zohaib-masood2000@yahoo.ca

Date of Meeting: March 16 2026

Subject Matter to be Discussed:	Request for council consideration of a site specific amendment to the township of Wainfleet Exotic Animal By law No. 11-2018 as it applies to 43962 Highway 3
Action Requested:	That council consider whether a site specific amendment to the exotic Animal By law is appropriate for the subject property on a go forward basis

Have you previously spoken on this issue? Yes No
If an individual has previously appeared as a delegation, a further delegation from the same individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have material for distribution at the meeting? Yes No
If yes, specify: Written delegation statement and Attachment A-Animals requested for site specific consideration

Do you have a copy of your notes/presentation to attach? Yes No
If yes, specify: Written Attachment statement and delegation

Delegations are required to provide the Clerk's Department presentation materials for publication in Council's agenda package.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments, will become public documents and listed on Township meeting agendas and posted to the Township's website.

Zohaib Masood
Signature

March 3 2026
Date

Attachment A – Animals Requested for Site-Specific Consideration

Exotic Animal By-law No. 011-2018

Property: 43962 Highway 3, Wainfleet, Ontario

Applicant: Zohaib Masood

Purpose of This Attachment

This attachment is submitted in support of a request for Council's consideration of a site-specific amendment to Exotic Animal By-law No. 011-2018, limited exclusively to the property municipally known as 43962 Highway 3, Wainfleet.

This submission identifies only the animals for which approval is being sought as part of the proposed site-specific amendment and is intended solely to assist Council in its legislative review on a go-forward basis.

Animals Currently Housed on the Subject Property

The following animals are currently housed at 43962 Highway 3 and are the only animals included in this request:

- Two (2) adult Bengal tigers (*Panthera tigris tigris*)
- One (1) juvenile tiger, approximately 8 months of age (*Panthera tigris tigris*)
- One (1) hyena (*Hyaenidae*)

The adult Bengal tigers are known as Aspen and Jagger.

The juvenile tiger is known as Atlas.

The hyena is known as Marilyn.

Scope and Limitations of the Request

- This request does not seek approval for any additional exotic or regulated animals beyond those identified above.
- This request does not seek approval for breeding, public exhibition, public access, commercial activity, or expansion of animal numbers.
- This request is strictly limited to the animals currently housed on the subject property as identified in this attachment.
- Animals not currently housed on the subject property are expressly excluded from this request and form no part of this submission.

Containment and Site Context (High-Level Summary)

The subject property is a rural parcel with established containment infrastructure intended to prevent escape and restrict public access. Existing measures include secure perimeter fencing, controlled access points, and separation distances from adjacent uses consistent with rural land-use patterns.

Detailed containment, care, and operational information can be provided to Council or staff if requested as part of the review process.

Clarification

This attachment is provided solely for the purpose of Council's consideration of a site-specific amendment to Exotic Animal By-law No. 011-2018 on a go-forward basis. It is not intended to validate, excuse, or address any past circumstances, enforcement matters, or proceedings of any kind.

Submitted by:

Zohaib Masood

February 2026

TO: Mayor Grant & Members of Council

FROM: Lindsay Earl, Manager of Community & Development Services

DATE OF MEETING: March 10, 2026

SUBJECT: **Request for Amendment to the Exotic Animal By-law No. 011-2018**

RECOMMENDATION(S):

THAT Council deny the request to amend the Township's Exotic Animal By-law No. 011-2018 to permit the keeping of three (3) Bengal tigers and one (1) hyena at 43962 Highway #3.

EXECUTIVE SUMMARY:

The Township has received a request to amend its Exotic Animal By-law to permit the keeping of three (3) Bengal tigers (consisting of 2 adults and one juvenile) as well as one (1) hyena at 43962 Highway #3 for the previously stated purpose of establishing a tiger sanctuary or rehabilitation facility.

The Township's Exotic Animal By-law currently prohibits the keeping of exotic animals, including tigers and hyenas, within municipal boundaries, subject to limited exemptions that do not apply to this property.

After review of the request and consideration of the broader regulatory, public safety, financial, and legal implications, staff recommend that Council not amend the Exotic Animal By-law to permit exotic animals at this location.

This recommendation is grounded in the purpose of the by-law, public safety considerations, the absence of a provincial licensing framework governing such facilities, and the broader enforcement context currently associated with the property.

BACKGROUND:

The Township enacted its Exotic Animal By-law in 2018 to regulate and, where appropriate, prohibit the keeping of certain animals within municipal boundaries to protect public safety and welfare. The by-law reflects Council's determination that certain species pose inherent risks that cannot be adequately mitigated in a typical municipal setting.

Tigers and hyenas fall within the definition of prohibited exotic animals under the by-law.

The subject property at 43962 Highway #3 is currently the subject of enforcement proceedings under the Exotic Animal By-law. Staff have issued compliance-related

correspondence and have taken steps consistent with the Township's enforcement protocols.

The individual advancing the request is not the registered owner of the property. While a signed owner consent letter has been provided, it does not include contact information for the registered owner, and Township staff have been unable to confirm that the applicant has lawful authority to seek amendments on behalf of the property owner.

On March 3, 2026, the applicant submitted a written request that Council amend the by-law to permit the keeping of three (3) Bengal tigers (consisting of 2 adults and one juvenile) as well as one (1) hyena at this location. Staff further note that the present request does not include any proposal, operational plan, or supporting documentation related to the establishment of a wildlife sanctuary, despite earlier representations that approvals would be pursued on that basis.

At present, Ontario does not have a comprehensive legislative or regulatory framework for private tiger sanctuary facilities. While legislative proposals addressing exotic wildlife have been introduced at the provincial level, none are currently enacted or operational. In the absence of provincial governance, municipalities remain the primary regulatory authority with respect to land use and local animal control matters.

OPTIONS/DISCUSSION:

Purpose of Exotic Animal By-law

The Township's Exotic Animal By-law exists to safeguard residents, emergency responders, neighbouring properties, and the broader community from risks associated with inherently dangerous species. Council's adoption of the by-law reflects recognition that certain animals, by their nature, present significant safety, containment, and liability risks.

Tigers are apex predators with substantial strength and unpredictable behaviour, even when raised or housed in captivity. The by-law's prohibition is preventative in nature and is intended to reduce the likelihood of incidents rather than respond after harm has occurred.

The addition of a hyena to the request further underscores the open-ended nature of the proposal and raises concerns among staff regarding the potential for continued expansion of prohibited species without an established regulatory framework. Hyenas are specifically identified as prohibited animals within the Township's Exotic Animal By-law as they are wild, predatory species with powerful bite force, territorial behaviour and demonstrated capacity to cause serious injury or death to humans and other animals.

Amending the by-law on a site-specific basis would represent a significant departure from the policy intent underlying the existing regulation. It would introduce a use that Council has previously determined is incompatible with community safety objectives.

Public Safety Considerations

The keeping of large exotic predators carries inherent public safety concerns, including the risk of escape, structural enclosure failure, human error, severe weather events, or other unforeseen circumstances.

In the event of an emergency involving large exotic animals, response may require specialized equipment, trained wildlife professionals, tranquilization resources, and coordinated inter-agency support. The Township does not maintain these resources internally, nor does it have the appropriate contacts available.

Even where external agencies are available, response times, coordination complexity, and financial implications may be significant. The Township would be exposed to both operational risk and potential liability in the event of an incident.

Absence of Provincial Licensing/Regulatory Framework

There is currently no provincial system in place that permits or prohibits private sanctuaries for tigers and similar animals, or establishes a licensing regime, standardized operating criteria, inspection protocols, minimum facility standards, or ongoing oversight requirements for private tiger sanctuary facilities.

In the absence of a provincial framework, the Township would bear greater responsibility for oversight and enforcement. Municipal by-laws are not designed to regulate the operational complexities associated with large exotic wildlife facilities, and doing so would require the development of new regulatory mechanisms and inspection capacity.

Precedent and Expansion Risk

Staff have concerns regarding the sequence of events in this matter. The exotic animals were brought onto the property prior to any inquiry being made to the Township regarding permissibility. The applicant has since sought permission for a use that was established in contravention of the Township's existing by-law.

Council should be aware that retroactively amending a by-law to permit a prohibited use that has already been established may create a precedent risk. It may signal that compliance with municipal regulations is optional pending later approval.

Staff also note that enforcement has required significant municipal resources to date. In the event of continued non-compliance or future expansion in the number or type of exotic animals on the property without further regulatory intervention, removal and containment of large exotic animals would involve substantial logistical coordination, public safety planning, and financial cost exposure to the Township.

Staff are not satisfied that sufficient information has been provided to demonstrate how long-term containment, public safety, emergency response coordination, liability coverage, and ongoing animal management would be addressed in a manner consistent with

municipal standards. In the absence of a provincial framework governing such facilities, the responsibility for oversight would effectively, and inappropriately, fall to the Township.

Options

Council may deny the request to amend the Township’s Exotic Animal By-law No. 011-2018. This approach maintains the integrity of the existing regulatory framework and aligns with the original intent of the by-law (**Recommended**).

Alternatively, Council may direct staff to prepare a draft amendment for further consideration. This would require additional staff time, legal review, and potentially the development of operational standards and enforcement protocols (Not recommended).

FINANCIAL CONSIDERATIONS:

Maintaining the existing by-law does not introduce new financial obligations beyond those associated with ongoing enforcement.

Permitting a tiger facility may expose the Township to increased liability risk, potential emergency response costs, monitoring and enforcement expenses, and indirect reputational impacts. The removal of large exotic animals, if required in the future, can be costly and resource-intensive.

OTHERS CONSULTED:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Finance |
| <input checked="" type="checkbox"/> Clerks | <input checked="" type="checkbox"/> Communications |
| <input checked="" type="checkbox"/> Community & Development Services | <input checked="" type="checkbox"/> Operations |
| <input type="checkbox"/> Fire | <input checked="" type="checkbox"/> Other: Township Solicitor |

ATTACHMENTS:

N/A

Respectfully submitted by,

Approved by,

Lindsay Earl
Manager of Community/Dev. Services

Mallory Luey
Chief Administrative Officer

TO: Mayor Grant & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: March 10, 2026

SUBJECT: **Zoning By-law Amendment File No. Z01/2026W
12381 Lakeshore Road, Wainfleet**

RECOMMENDATION(S):

THAT Planning Staff Report PSR-002/2026 be received; and

THAT Zoning By-law Amendment File No. Z01/2026W for the lands known municipally as 12381 Lakeshore Road be approved for the reasons outlined in this report; and

THAT the application be deemed to be consistent with the Provincial Planning Statement (2024) and conform with the Niagara Official Plan and the Township of Wainfleet Official Plan; and

THAT the Zoning By-law Amendment attached as Appendix “C” be adopted.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a recommendation regarding a zoning by-law amendment application filed by Upper Canada Consultants on behalf of Michael & Kaylee Misztal for lands known municipally as 12381 Lakeshore Road (subject property).

The applicant proposes to construct an accessory building (detached garage) on the subject property. The zoning by-law amendment proposes to rezone the subject property from its current Residential Lakeshore – RLS.C15 zone to a site-specific Residential Lakeshore – RLS.C15-48 zone to permit a maximum overall lot coverage of 32% and a maximum accessory building lot coverage of 13.5%.

Staff are of the opinion that the application is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan and the Township of Wainfleet Official Plan. As such, staff recommend that the application be approved.

BACKGROUND:

The subject property is located on the south side of Lakeshore Road, between Daley Ditch Road and Brawn Road, and is known municipally as 12381 Lakeshore Road. The subject property is approximately 368.2m² in area and contains a single detached

dwelling, as presented in Figure 1. The surrounding land use is predominantly residential.

Figure 1 – Subject Property



The subject property is designated as Rural Lands in the Niagara Official Plan, designated as Lakeshore Residential in the Township Official Plan and zoned Residential Lakeshore – RLS.C15 under Zoning By-law 034-2014.

The applicant proposes to construct an accessory building (detached garage). The proposed site plan and building elevations are shown in Appendix “A”. The application proposes to rezone the subject property to a site-specific Residential Lakeshore – RLS.C15-48 zone to permit a maximum overall lot coverage of 32% and a maximum accessory building lot coverage of 13.5%.

On December 23, 2025, the zoning by-law amendment application was filed along with the following materials:

1. Planning Brief prepared by Upper Canada Consultants (dated December 23, 2025);
2. Draft Zoning By-law Amendment prepared by Upper Canada Consultants (undated);

3. Site Plan and Building Elevations prepared by Maxwell Homes Inc. (dated December 12, 2025);
4. Letter Outlining Proposed Site Works prepared by Maxwell Homes Inc. (undated).

The application was deemed complete on January 12, 2026. Notice of complete application and public meeting for the application was given on January 16, 2026. On February 10, 2026, a public meeting was held and an information report was presented to Council.

OPTIONS/DISCUSSION:

Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act* addresses matters of Provincial interest and requires local planning authorities to have regard to, among other matters:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3;

2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1);
2017, c. 23, Sched. 5, s. 80.

Considering the requested zoning provisions and the surrounding land uses, Planning staff are of the opinion that the proposed zoning by-law amendment maintains the Provincial interest described under Section 2 of the *Planning Act*.

Provincial Planning Statement, 2024

The Provincial Planning Statement, 2024 (PPS) provides overall policy directions on matters of provincial interest relating to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Any decision on planning matters shall be consistent with the policies of the PPS.

The subject property is designated as being within Rural Lands. The predominant use of Rural Lands shall be agricultural uses, agriculture-related uses and on-farm diversified uses; however, additional uses such as the management or use of resources, resource-based recreational uses, limited residential development, home occupations and home industries, cemeteries and other rural land uses are permitted. Residential development is permitted where site conditions are suitable for the provision of appropriate sewage and water services.

The subject property and surrounding area contain historical lakeshore residential uses that are serviced by septic systems and wells or cisterns. The proposed zoning by-law amendment will facilitate the construction of an accessory building (detached garage). The proposed garage and lot coverages will not impact the existing servicing of the lot, being a Class 5 holding tank.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. Based on the Ministry of Citizenship and Multiculturalism's (MCM) Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to its proximity to Lake Erie. Typically, a Stage 1-2 Archaeological Assessment would be required for the area of development. The proposed accessory building will be constructed over the existing gravel driveway, which consists of an 8 - 10-inch bed of Granular A stone. The proposed accessory building will use the existing stone bed for a slab foundation, and there are no plans for further deep ground disturbance. As such, an archaeological assessment was not required for this application. In recognizing that resources may still be discovered during construction activities, staff offer the following archaeological advisory clause for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured

to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.”

The zoning by-law amendment is consistent with the PPS.

Niagara Official Plan

As of March 31, 2025, the Niagara Region became an upper-tier municipality without planning authority. This means that Niagara Region is no longer responsible for setting long-term planning policies through an official plan and will no longer be the approval authority for the Township's Official Plan and amendments to it. However, the existing Niagara Official Plan (NOP) is now deemed to part of the Township's Official Plan and development proposals must conform to the policies of the NOP. Through a Planning Service Agreement with the Township, Niagara Region will continue to provide planning support to the Township for matters such as land use compatibility, archaeological potential, site condition, gas and petroleum resources, natural heritage, urban design and water protection screening matters. Niagara Region will also continue to comment on *Planning Act* applications as it relates to Regional infrastructure and waste collection.

The subject property is designated as Rural Lands under the NOP. The predominant use of Rural Lands is intended to be agriculture, but some limited non-farm development, such as residential uses, may be permitted where development is at a scale and density suitable to the physical character of the site and where the site can be adequately serviced with private services (water and septic). Furthermore, Policy 4.1.8.3 of the NOP recognizes that the Rural Lands along the Lake Erie shoreline contain historical patterns of seasonal and permanent residential development and states that these uses and expansions thereof continue to be permitted in accordance with local official plans and zoning by-law provisions. The proposed zoning by-law amendment to facilitate the construction of an accessory building is compatible with the rural landscape, is not out of character for the area and does not impact the existing private servicing.

The subject property is mapped as being within an Area of Archaeological Potential on Schedule K of the NOP. Policy 6.4.2.1 of the NOP states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. As discussed above, the area of the proposed accessory building has been previously disturbed through excavation and grading activities associated with the installation of the existing stone driveway, and the stone will be used for the slab foundation of the accessory building. Given that there will be no further deep ground disturbance, an archaeological assessment was not required for this application.

The proposed zoning by-law amendment conforms with the NOP.

Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications that have environmental impacts on natural environment hazards and/or natural heritage features such as valleylands and wetlands.

The subject property is not impacted by any NPCA regulated features.

Township of Wainfleet Official Plan, 2016

The subject property is designated as Lakeshore Residential in the Township of Wainfleet Official Plan (OP). Permitted uses within the Lakeshore Residential designation include seasonal and full-year single detached dwellings and secondary suites, tourist cabins and resorts, home occupations, public and private utilities, parks and open spaces, bed and breakfast establishments and group homes.

The OP does not contain specific policies for accessory buildings. The design policies in 3.3.5.3 speak to lot creation and new dwellings and encourage development that reflects the character of the area. Specifically, the design policies require building heights to reflect the pattern of heights of adjacent housing, to have similar lot coverages as adjacent housing, to maintain the predominant average front yard setback for adjacent housing and to provide for similar side yard setbacks to preserve spaciousness on the street. There are several one-storey accessory buildings in the area. The proposed detached garage is one storey, is consistent with the front yard setbacks of other accessory buildings in the area and maintains appropriate side yard setbacks. It is staff's opinion that the proposed detached garage is generally consistent with the design policies for the Lakeshore Residential designation.

The proposed zoning by-law amendment conforms with the OP.

Township of Wainfleet Zoning By-law 034-2014

The subject property is zoned Residential Lakeshore – RLS.C15. Permitted uses within the Residential Lakeshore – RLS zone include a single detached dwelling, semi-detached dwelling, converted dwelling, bed and breakfast, day care facility and group home. Permitted accessory uses include a secondary suite and home occupation, as well as accessory buildings.

Accessory Building in the RLS Zone:

Provision	Required	Proposed	Comments
Max. Lot Coverage ¹	4%	13.36%	Does not comply
¹ provided the overall lot coverage of the zone is not exceeded	15%	31.37%	Does not comply
Min. Front Yard	6m	12.1m	Complies
Min. Exterior Side Yard	6m	N/a	N/a
Min. Interior Side Yard	1m	1.2m	Complies
Min. Rear Yard	1m	Greater	Complies
Max. Height	6.5m	4.4m	Complies

The subject property is an undersized lot of record, and due to its small size, the lot coverage is significantly elevated, even for a small structure. The proposed detached garage is 49.2m² in size and has a height of 4.4m, which is well below the maximum height permitted for the RLS zone. The proposed detached garage is similar in scale and placement to other accessory buildings in the immediate area and does not negatively impact surrounding properties or the character of the neighbourhood.

It is staff's opinion that the proposed zoning by-law amendment is reasonable and appropriate for the subject property.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

Public Meeting

A statutory public meeting was held on February 10, 2026. Notice of the public meeting was mailed to landowners within 120m of the subject property on January 16, 2026. Additionally, a public notice sign was posted on the subject property, and the notice, along with the application materials, was posted on the Township's website.

The applicant's agent, Callum Gomez at Upper Canada Consulting, gave a brief presentation regarding the proposed zoning by-law amendment. There were no comments or questions from Council, and no member of the public spoke at the public meeting.

Patricia Misztal, 12375 Lakeshore Road, provided written comments in advance of the public meeting, which indicated her support for the proposed zoning by-law amendment.

A copy of the draft public meeting minutes is attached as Appendix "B".

Township Department & Agency Comments

The application was circulated to external agencies and Township Departments for review and comment on January 16, 2026. The following comments have been received:

Enbridge Gas noted no objection, but that they reserve the right to amend or remove development conditions.

The Building Department noted no objections and that a detailed review of plans will occur at the building permit stage. It was noted that a declaration of use, grading plan and site plan showing the setbacks to the existing holding tank will be required as part of the building permit application.

The By-law Department noted no concerns.

The Drainage Superintendent noted that the subject property is not assessed to a municipal drain and as such there are no concerns or comments.

Report Reviewed By:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Finance |
| <input checked="" type="checkbox"/> Clerks | <input checked="" type="checkbox"/> Communications |
| <input checked="" type="checkbox"/> Community & Development Services | <input checked="" type="checkbox"/> Operations |
| <input checked="" type="checkbox"/> Fire | <input type="checkbox"/> Other: |

CONCLUSION:

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z01/2026W, for the lands known municipally as 12381 Lakeshore Road. It is the opinion of staff that the application is consistent with the Provincial Planning Statement and conforms with Regional and Township planning policies, and as such, recommends that the application be approved.

ATTACHMENTS:

- 1) Appendix "A" – Site Plan & Elevation Drawings
- 2) Appendix "B" – Draft Minutes of the Public Meeting held on February 10, 2026
- 3) Appendix "C" – Zoning By-law Amendment

Respectfully submitted by,

Approved by,

Sarah Ivins
Planner

Mallory Luey
Chief Administrative Officer

APPENDIX "A"

Site Plan & Elevation Drawings

17'-8" x 30'-0" DETACHED GARAGE

12381 LAKESHORE RD. WAINFLEET

SITE NOTES

SLOPE GRADE MINIMUM 2% TO DRAIN SURFACE WATER AWAY.

9.14.6.1. SURFACE DRAINAGE

THE BUILDING SHALL BE LOCATED OR THE BUILDING SITE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.

9.14.6.2. DRAINAGE AWAY FROM WELLS OR LEACHING BEDS

SURFACE DRAINAGE SHALL BE DIRECTED AWAY FROM THE LOCATION OF A WATER SUPPLY WELL OR LEACHING BED.

ALL LUMBER & CLADDING AFFECTED BY MOISTURE TO BE A MINIMUM 6" ABOVE FINISHED GRADE.

LOT AREA		
DESCRIPTION	LOT AREA	%
LOT AREA	368.2 m ²	100%

LOT COVERAGE SUMMARY		
DESCRIPTION	AREA (m ²)	%
EXISTING DWELLING	53.20 m ²	14.45%
PROPOSED DETACHED GARAGE	49.20 m ²	13.36%
COVERED PORCHES	13.10 m ²	3.56%
	115.50 m ²	31.37%

ZONING: RLS.C15

ACCESSORY BUILDINGS MAX HEIGHT 6.5m

REQUESTED AMENDMENT TO ZONING BYLAW

13.36% FOR ACCESSORY STRUCTURES.
4% PERMITTED

31.37% LOT COVERAGE FOR ZONING RLS.C15.
15% PERMITTED
PREVIOUS MINOR VARIANCE ALLOWED 18%



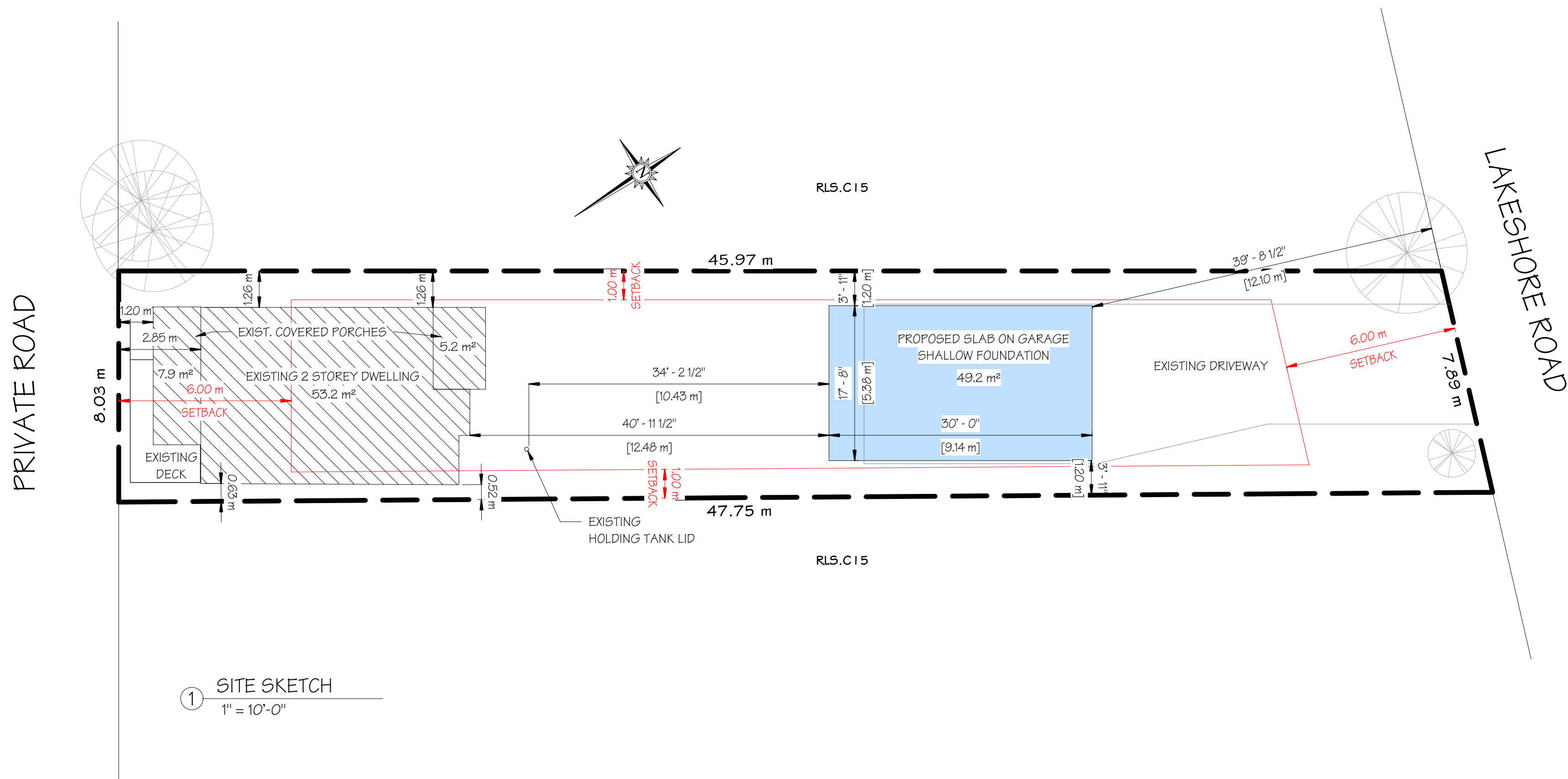
MAXWELL HOMES INC.
5041 ELCHO ROAD, WELLANDPORT

NOT FOR CONSTRUCTION

STEVE GREENWOOD BCIN: 34676
MAXWELL HOMES INC. BCIN: 108433

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① SITE SKETCH
1" = 10'-0"

PROJECT:
17'-8" x 30'-0"
DETACHED GARAGE

12381 LAKESHORE RD.
WAINFLEET

DRAWING TITLE:
SITE SKETCH

PROJECT #	25-046
DATE	DEC 12 2025
DRAWN BY	S. GREENWOOD
CHECKED BY	S. GREENWOOD

SP1

SCALE: As indicated



MAXWELL HOMES INC.
5041 ELCHO ROAD, WELLANDPORT

NOT FOR CONSTRUCTION

STEVE GREENWOOD BCIN: 34676
MAXWELL HOMES INC. BCIN: 108433

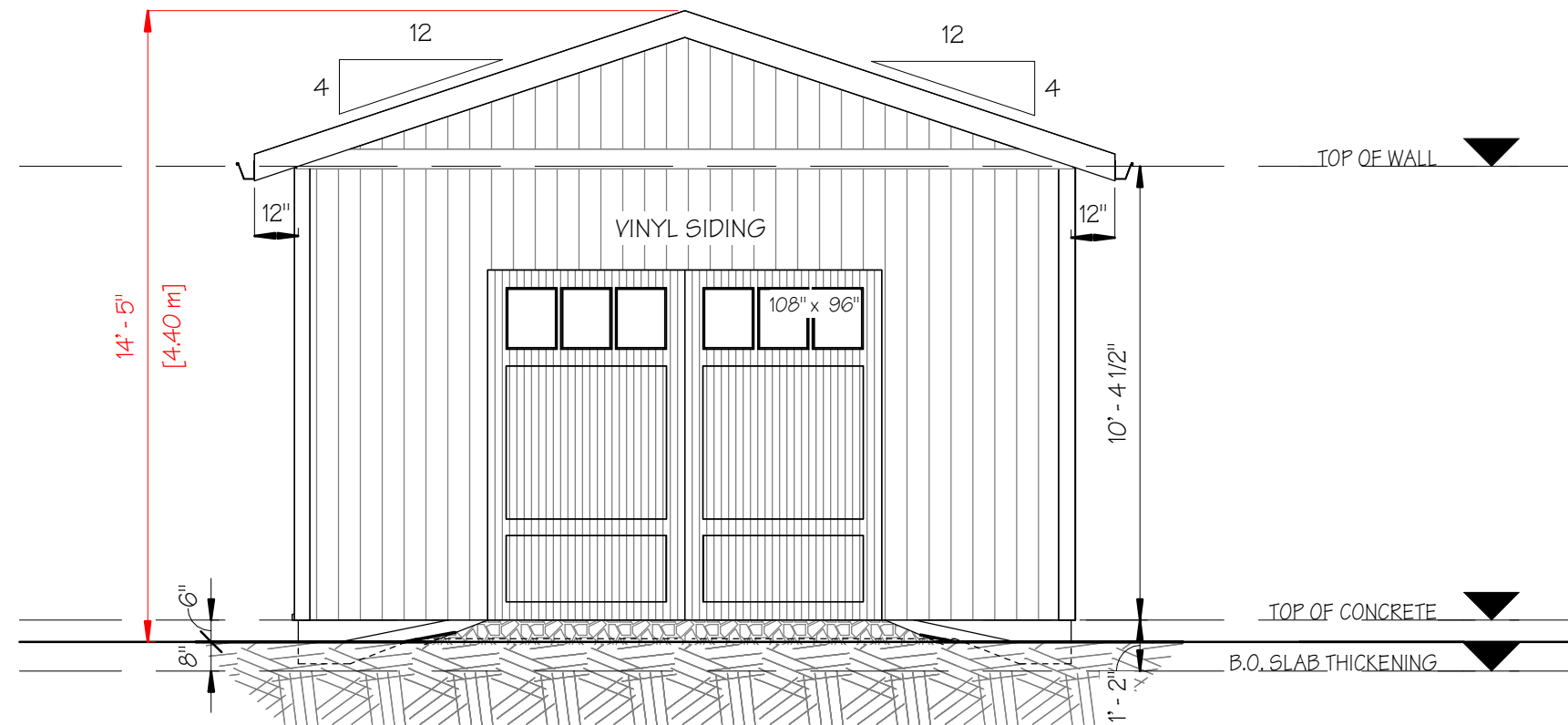
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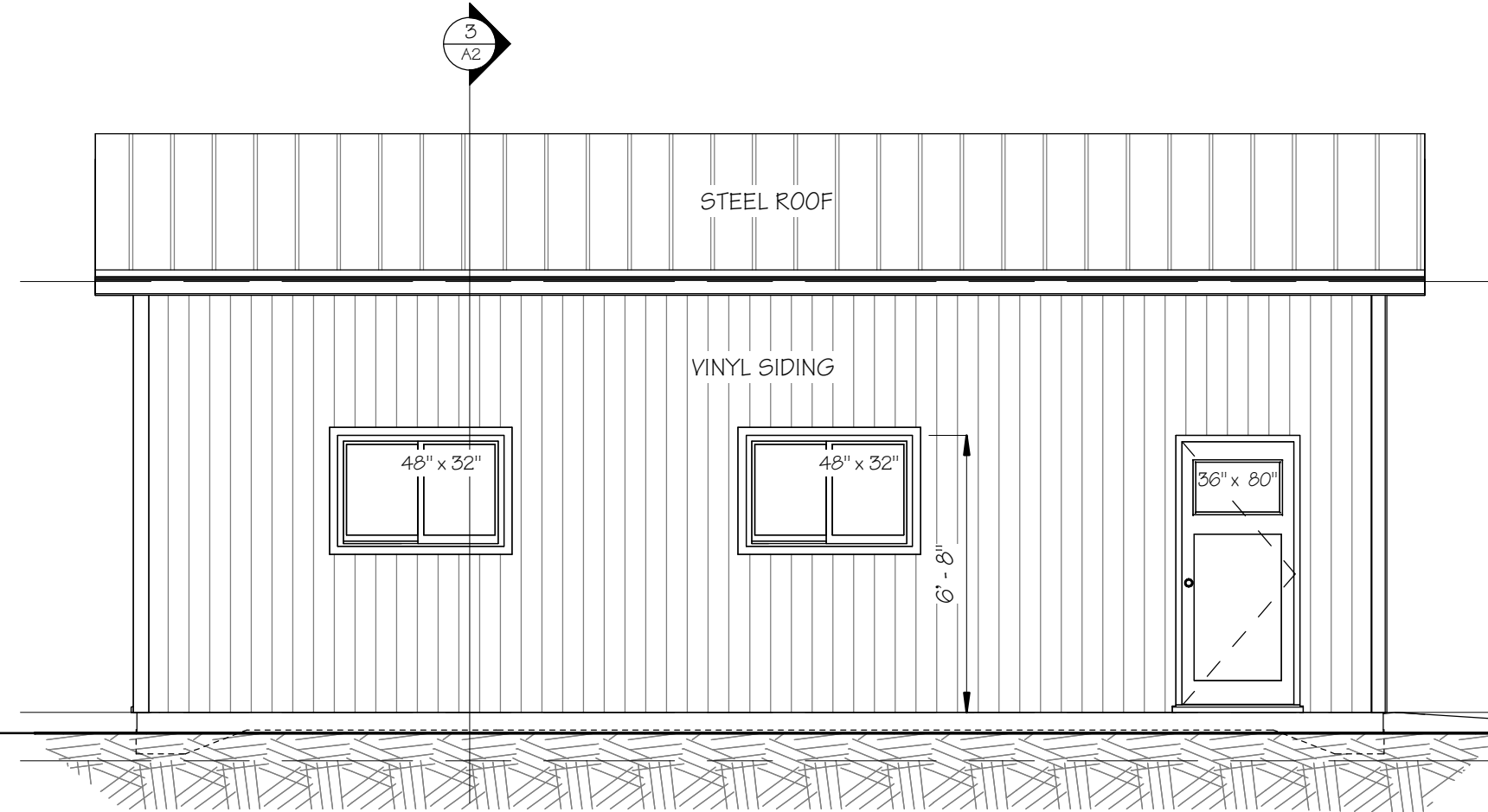
SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	17.94 m ²	5.4%
W, S, & G AREA:	1.0 m ²	

SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	30.12 m ²	6.5%
W, S, & G AREA:	2.0 m ²	

MAX ALLOWABLE OPENINGS 7%



① NORTH ELEVATION
1/4" = 1'-0"



② EAST ELEVATION
1/4" = 1'-0"

ELEVATION NOTES

DOWNSPOUTS SHALL CONFORM TO ARTICLE 9.26.18.2. - OBC 9.14.6.5.

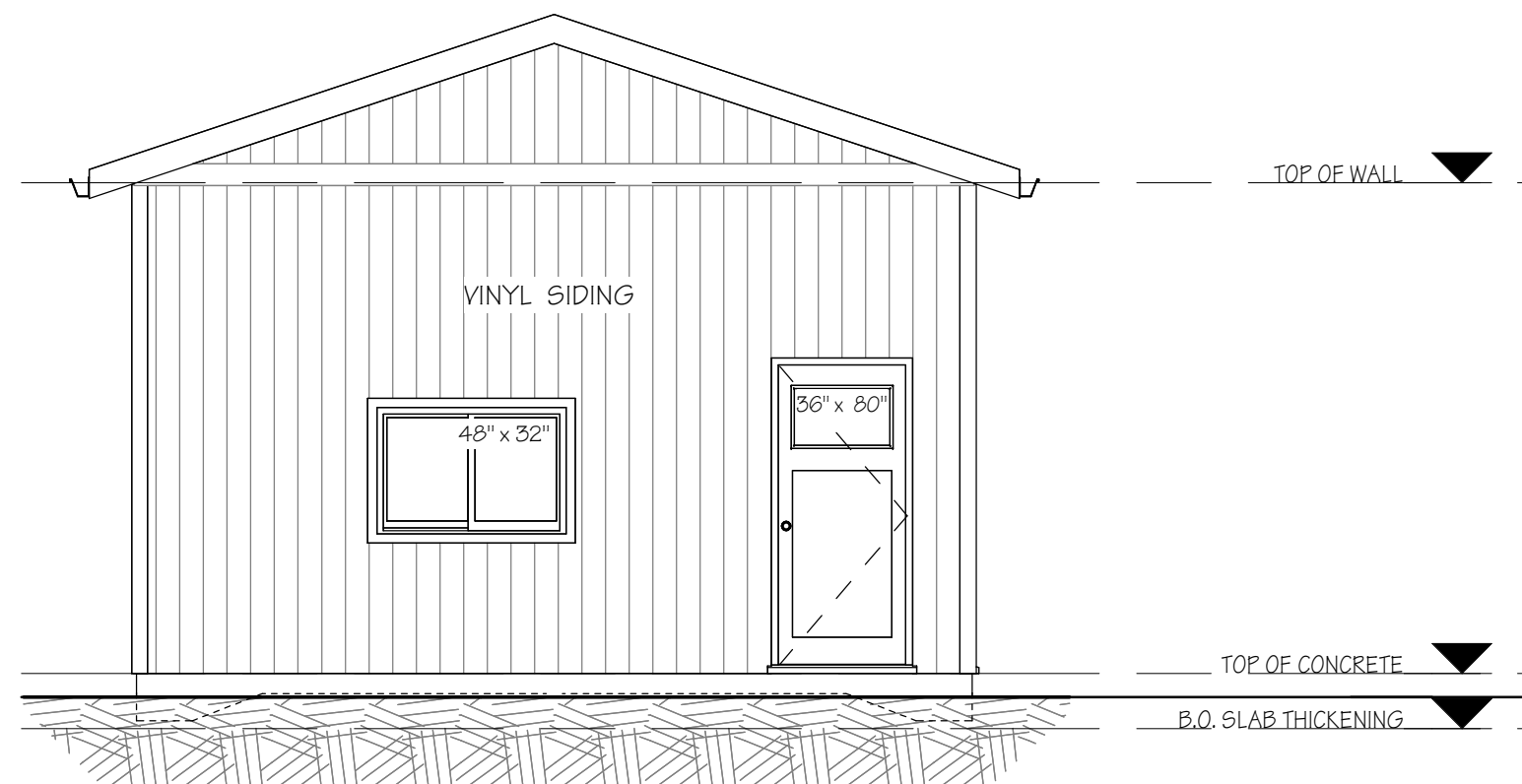
THE UNOBSTRUCTED VENT AREA SHALL BE NOT LESS THAN 1/300 OF THE INSULATED CEILING AREA. OBC 9.19.1.2.

CEILING INSULATION SHALL BE INSTALLED IN A MANNER THAT WILL NOT RESTRICT A FREE FLOW OF AIR THROUGH ROOF VENTS OR THROUGH ANY PORTION OF THE ATTIC OR ROOF SPACE. - OBC 9.19.1.3.

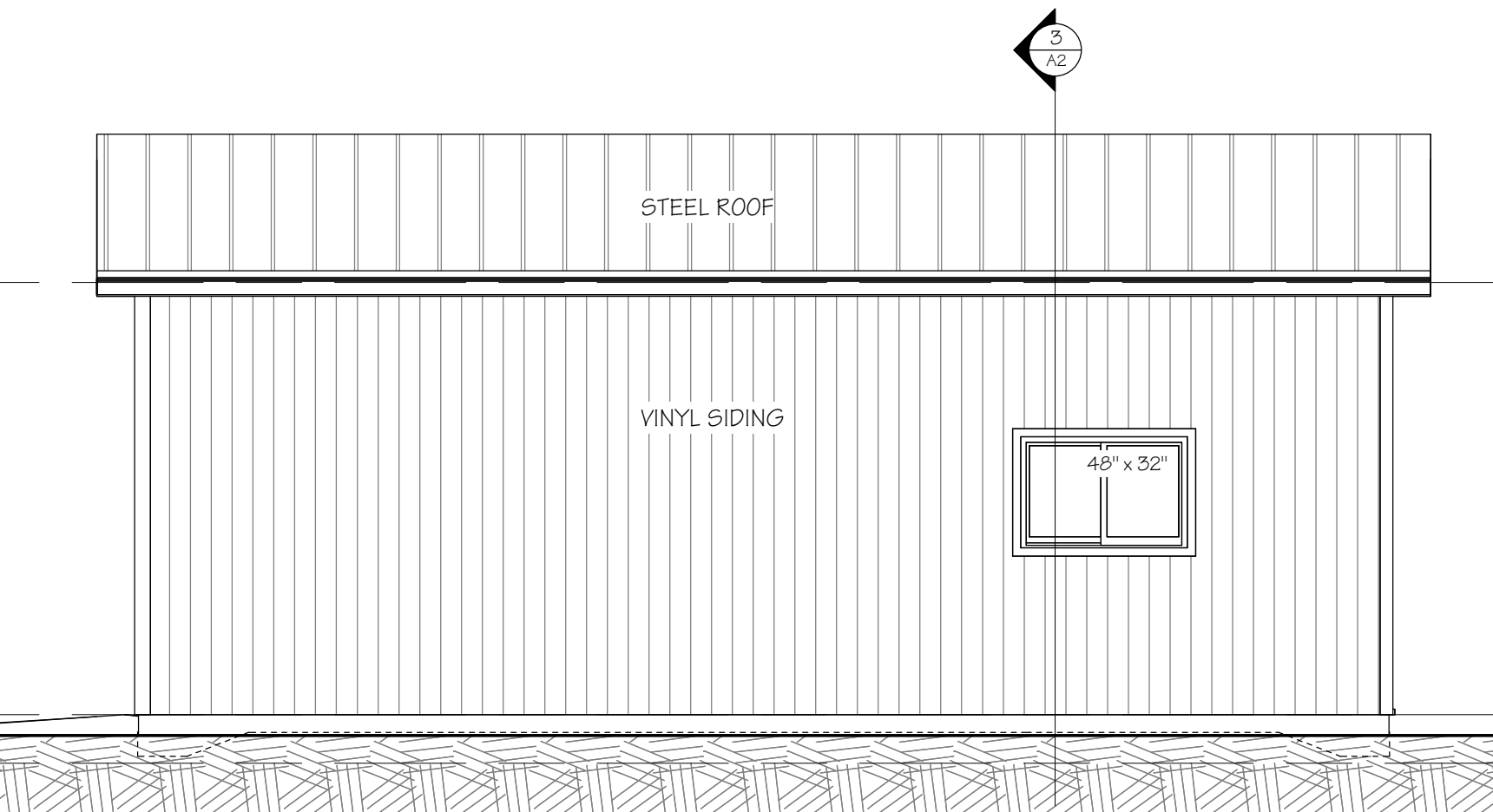
SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	17.94 m ²	6.7%
W, S, & G AREA:	1.2 m ²	

SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	30.12 m ²	2.9%
W, S, & G AREA:	0.9 m ²	

MAX ALLOWABLE OPENINGS 7%



③ SOUTH ELEVATION
1/4" = 1'-0"



④ WEST ELEVATION
1/4" = 1'-0"

PROJECT:
17'-8" x 30'-0"
DETACHED GARAGE

12381 LAKESHORE RD.
WAINFLEET

DRAWING TITLE:
ELEVATIONS

PROJECT #	25-046
DATE	DEC 12 2025
DRAWN BY	S. GREENWOOD
CHECKED BY	S. GREENWOOD

A3

SCALE As indicated

APPENDIX “B”

Draft Minutes of the Public Meeting held on February 10, 2026

8. Public Meeting

a) Zoning By-law Amendment Z01/2026W – 12381 Lakeshore Road

Mayor Grant called the Public Meeting to order at 6:36 p.m. and advised that the purpose of the Public Meeting is to provide information about the proposed amendment and provide opportunity for public input.

The Planner provided an information report outlining application details, progress and comments received.

Callum Gomez of Upper Canada Consultants (on behalf of the applicant) provided technical information and comments in support of the application.

There were no comments or questions received from members of Council.

There were no public comments received.

The Planner provided information regarding next steps and appeal rights.

The Public Meeting was adjourned at 6:42 p.m.

APPENDIX “C”

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 00X-2026**

Being a by-law pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 1, Part Lot 23 in the Township of Wainfleet and known municipally as 12381 Lakeshore Road.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 23 of Zoning By-law 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Residential Lakeshore – RLS.C15 to Residential Lakeshore – RLS.C15-48, as shown on Schedule “A” attached hereto.

THAT Table 12 of Section 7.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the RLS section:

Zone	#	By-Law #	Address	Description of Special Provision
RLS	48	00X-2026	Con. 1, Pt. Lot 23	Maximum Lot Coverage: 32% Maximum Accessory Building Lot Coverage: 13.5%

THAT pursuant to Section 34(17) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, no further public meeting is required.

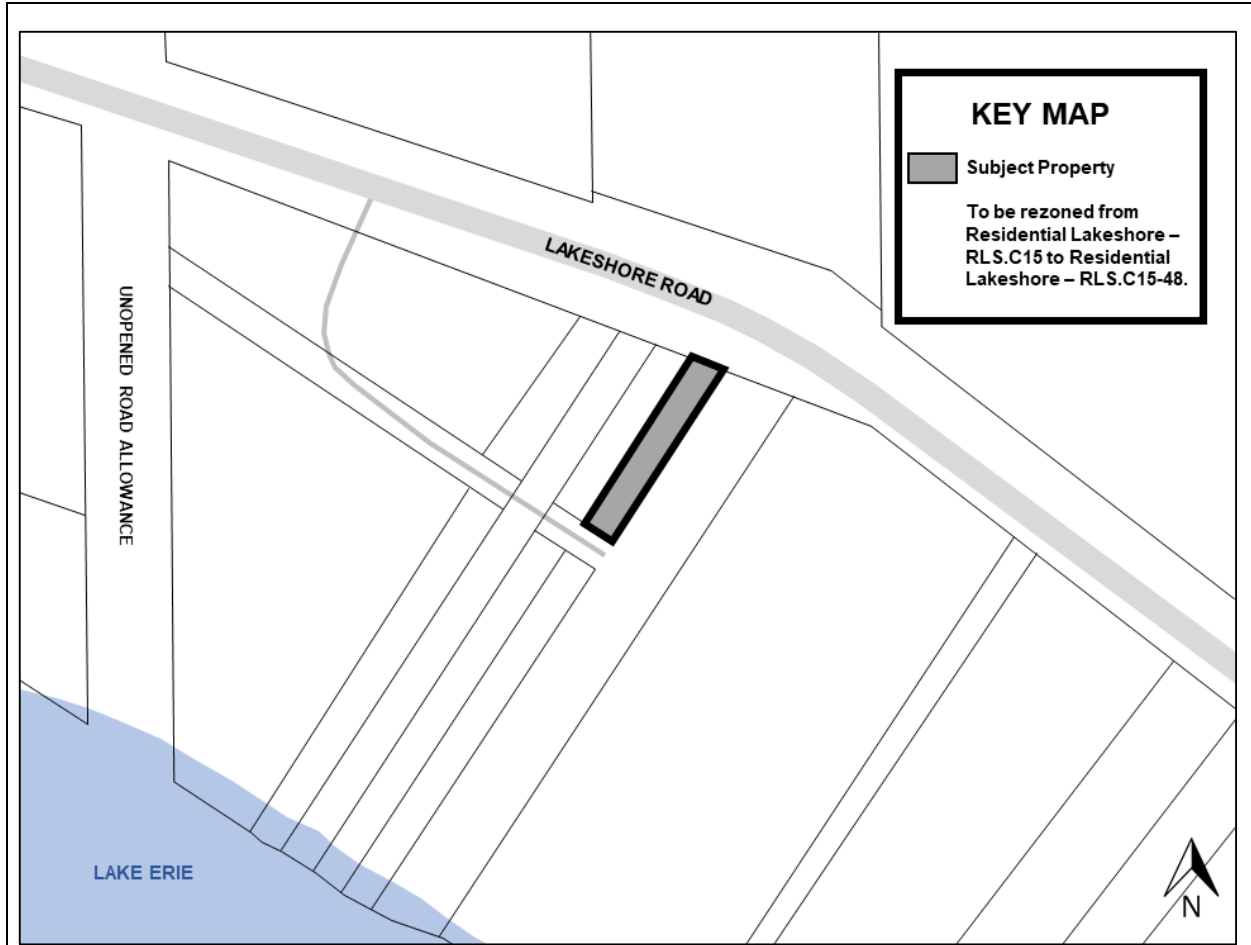
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

BY-LAW READ AND PASSED THIS 10TH DAY OF MARCH, 2026.

B. Grant, MAYOR

A. Chrastina, CLERK

SCHEDULE A TO BY-LAW 00X-2026



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 00X-2026:

This by-law affects lands described as Concession 1, Part Lot 23 in the Township of Wainfleet and known municipally as 12381 Lakeshore Road. This by-law has been enacted to rezone the subject property to a Residential Lakeshore – RLS.C15-48. Exception 48 permits a maximum overall lot coverage of 32% and a maximum accessory building lot coverage of 13.5%.

File No. Z01/2026W (Misztal)

THIS IS SCHEDULE "A" TO BY-LAW NO. 00X-2026.
PASSED THIS 10TH DAY OF MARCH, 2026.

MAYOR

CLERK

Memo

To: Mayor Grant & Members of Council
From: Sarah Ivins, Planner
Date: March 10, 2026
Re: Transfer of Part of the Abandoned Rail Corridor

In 1997, the Township acquired the abandoned rail corridor that runs west to east from Wainfleet Dunnville Townline Road to Deeks Road South between Forks Road/Highway #3 and Willford Road in Concession 5.

In 2010 Council deemed these lands surplus to the Township's needs and had the rail corridor surveyed with the intent of selling sections to adjacent landowners for the cost of \$1. The purchased section of the abandoned rail corridor is required to merge with the adjacent parcel, and no new lots are to be created.

Adjacent landowners are required to submit an application form along with an application fee, which covers the Township's cost for processing the application. Upon closing of the transaction, the applicant is required to pay their proportionate share of the survey costs (with interest) and their own legal fees. In order to complete the transaction, a by-law that authorizes the Mayor and Clerk to execute the necessary documents is required to be adopted. This process was identified in Planning Staff Report PSR 012-2021, and Council directed staff to continue to receive and process applications for the disposal of the abandoned rail corridor.

Staff have received an application from Claude Campeau (LD01/2025W) to purchase Parts 1 & 2 on Reference Plan 59R-14257 (attached) to merge with the properties to the north of the abandoned rail corridor. Through the processing of the application, it was discovered that there was an issue with the title of the Campeau properties as a result of an old Planning Act violation in the chain of title. This meant that the transfer of the rail corridor lands could not be completed until this title issue had been corrected.

The title issue was resolved through the Committee of Adjustment's approval of Validation of Title applications. A new Reference Plan 59R-18517 (attached) was prepared, which divides Parts 1 & 2 on Reference Plan 59R-14257 into three parts to align with the three Campeau parcels to the north.

Given that the applicants had to have a new reference plan prepared, they have requested that their proportionate share of interest charges on the original survey costs be waived. Wilson Opatovsky Barristers & Solicitors (acting on behalf of the Township) prepared a preliminary calculation of interest, which amounted to \$1,079.50 as of February 3, 2026. A final calculation of interest will be determined at the closing date, which is anticipated to be in late March. In consultation with the Finance Department, staff have no objections to the interest costs being waived in this circumstance.

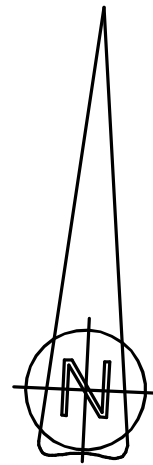
By-law No. 012-2026 authorizes the Mayor and Clerk to execute the documents required to complete the transfers to the applicants in accordance with the program originally established by Council in 2010 and further endorsed by Council in 2021, save and except the exclusion of the interest charges on the original survey.

OTHERS CONSULTED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Finance |
| <input checked="" type="checkbox"/> Clerks | <input checked="" type="checkbox"/> Communications |
| <input checked="" type="checkbox"/> Community & Dev. Services | <input checked="" type="checkbox"/> Operations |
| <input checked="" type="checkbox"/> Fire | <input checked="" type="checkbox"/> Other: Wilson, Opatovsky Barristers & Solicitors |

PLAN OF SURVEY OF
PART OF LOT 38
CONCESSION 5
TOWNSHIP OF WAINFLEET
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:1000
 THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 860mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1000
 RASCH & HYDE LTD.
 ONTARIO LAND SURVEYORS



SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1				0.3679 Ha.
2	PART OF LOT 38	5	ALL OF 64005-0105 (LT)	0.2702 Ha.
3				0.3424 Ha.

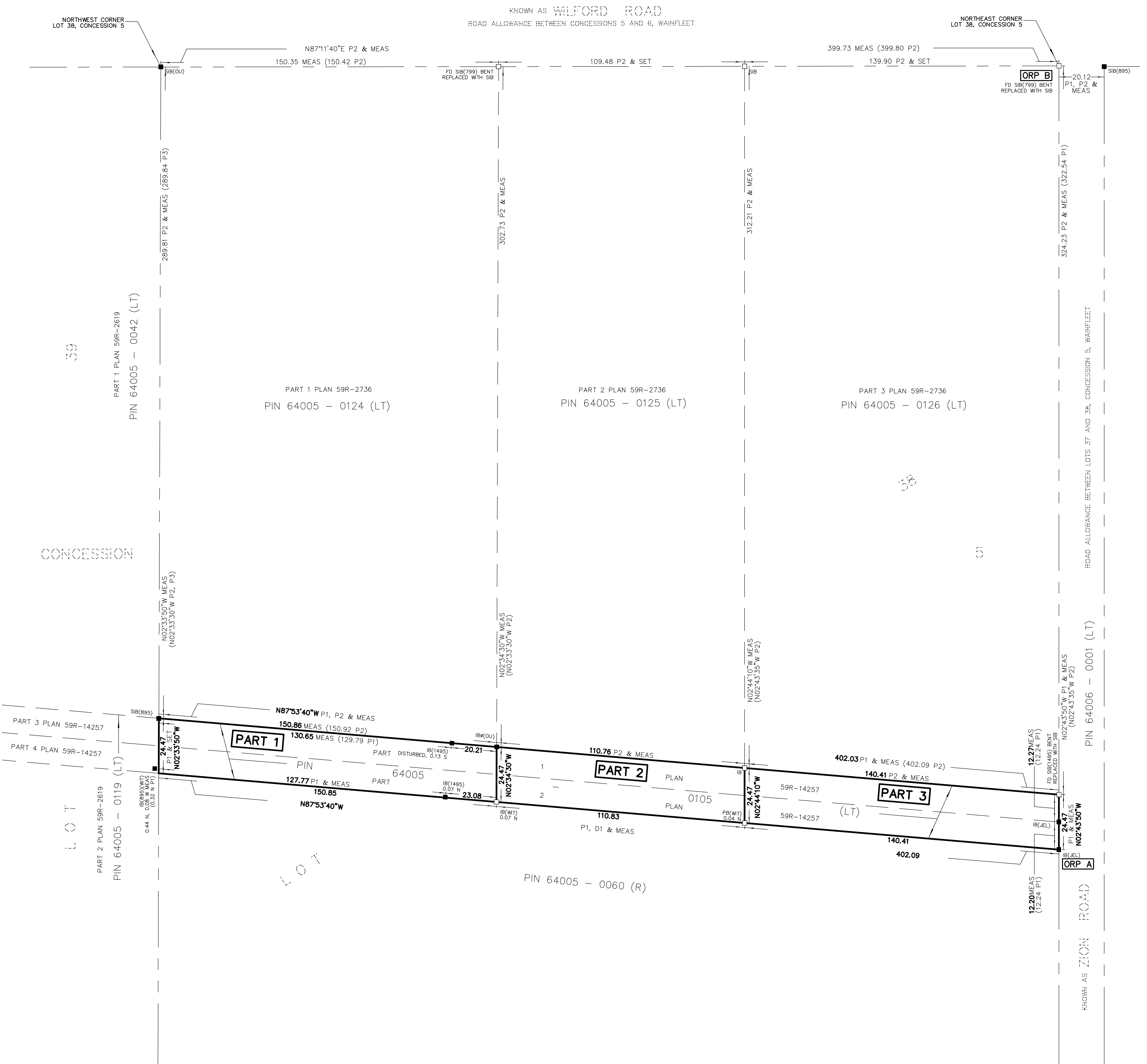
PLAN 59R-18517

Received and deposited

January 29th, 2026

Alana Kinsey

Representative for the
 Land Registrar for the
 Land Titles Division of
 Niagara South (No.59)



DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0.99977378)

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A IB(EL)	4757280.39	624688.75
ORP B SIB	4757628.61	624672.10

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17, (NAD 83-
 CSRS:CBNV6 (Epoch 2010.0)) (CENTRAL MERIDIAN 81° WEST LONGITUDE).
 COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE
 WITH SECTION 14 (2) OF O. REG 216/10.

CAUTION

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH
 CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE

DISTANCES and COORDINATES SHOWN ON THIS PLAN ARE IN
 METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE

BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-
 CSRS:CBNV6 (Epoch 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS A AND B
 (ORPs) USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO
 THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

ROTATION NOTE

FOR COMPARISON PURPOSES, THE GRID BEARINGS SHOWN ON
 P1 HAVE BEEN NOT BEEN ROTATED.
 FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON
 P2, P3 HAVE BEEN ROTATED 01°01'30" COUNTER-CLOCKWISE.

LEGEND

- DENOTES SURVEY MONUMENT PLANTED
 - DENOTES SURVEY MONUMENT FOUND
 - SIB DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
 - SSIB DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
 - IB DENOTES IRON BAR (15mmX15mmX60cm)
 - IBR DENOTES ROUND IRON BAR (20mm DIA X 60cm)
 - CC DENOTES CUT CROSS
 - CM DENOTES CONCRETE MONUMENT
 - PB DENOTES PLASTIC BAR
 - WIT DENOTES WITNESS
 - OU DENOTES ORIGIN UNKNOWN
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - ORP DENOTES OBSERVED REFERENCE POINT
 - (799) DENOTES R. H. FUNK O.L.S.
 - (895) DENOTES CLARKE & LANE O.L.S.
 - (1495) DENOTES P. D. REITSMA O.L.S.
 - (JEL) DENOTES J. E. LANTHIER O.L.S.
 - P1 DENOTES PLAN 59R-14257
 - P2 DENOTES PLAN 59R-2736
 - P3 DENOTES PLAN 59R-2619
 - D1 DENOTES INST R0649170; PIN 64005-0060 (R)
- N=NORTH, S=SOUTH, E=EAST, W=WEST

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS SURVEY WAS COMPLETED ON THE 10th DAY OF DECEMBER 2025.

JANUARY 22, 2026
 DATE

Harold D. Hyde
 HAROLD D. HYDE
 ONTARIO LAND SURVEYOR

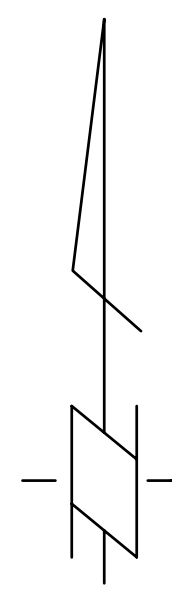
THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM V-121613

RASCH + HYDE LTD.
 Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
 DUNNVILLE, ONT, N1A 2X1
 DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
 (FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 1000 SURVEY : 25-338 DRWN BY : T. Matheson



SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF LOT 38	5	ALL OF 64005-0059 (LT)	4901.8 sq.m.
2				4905.8 sq.m.
3				5004.8 sq.m.
4	PART OF LOT 39			5001.6 sq.m.
5				93.2 sq.m.
6				93.2 sq.m.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: APRIL 14, 2010

DOUG MARR
ONTARIO LAND SURVEYOR

PLAN 59R-14257

RECEIVED & DEPOSITED

DATE: JUNE 3, 2010

S. WEDEKIND
ASST. DEP. LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH (59)

PLAN OF SURVEY OF
**PART OF LOTS 38 & 39
CONCESSION 5**
IN THE
**TOWNSHIP OF WAINFLEET
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1:1000

MARK GILMORE O.L.S.
2010

BEARING NOTE:
BEARINGS SHOWN HEREON ARE GRID BEARINGS, DERIVED FROM MONUMENTS 1092002026 AND 00119693413 (THE VALUES OF WHICH ARE SHOWN HEREON) AND ARE REFERRED TO THE ZONE 17 CENTRAL MERIDIAN BY 00° 00' WEST LONGITUDE OF THE UNIVERSAL TRANSVERSE MERCATOR GRID SYSTEM AND ARE REFERRED TO THE NORTH AMERICAN DATUM.

NOTE:
DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID COORDINATES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9997884819.

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB STANDARD IRON BAR
- SSB SHORT STANDARD IRON BAR
- IB IRON BAR
- IRB ROUND IRON BAR
- IT IRON TUBE
- CM CONCRETE MONUMENT
- CC CUT CROSS
- WT WITNESS
- OU ORIGIN UNKNOWN
- JEL LANTHIER & GILMORE SURVEYING LTD.
- 995 D.A. LANE O.L.S.
- 1495 D.D. REITSMAN O.L.S.
- P1 PLAN 59R-9762
- P2 PLAN 59R-2619
- P3 PLAN 59R-9874
- P4 PLAN 59R-2736
- D1 INST. No. R0649170
- D2 INST. No. A405160
- HCM HORIZONTAL CONTROL MONUMENT
- FD FOUND

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

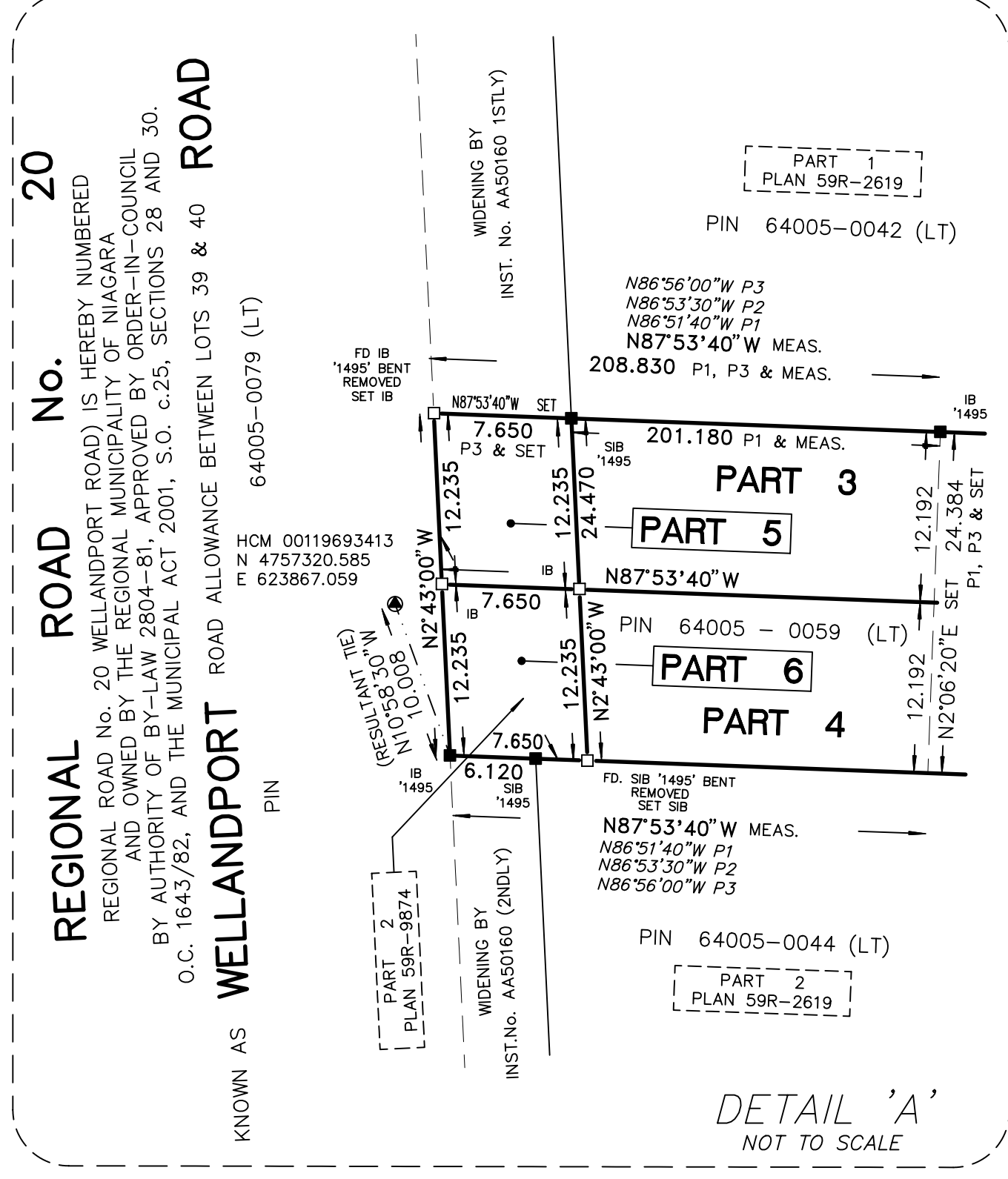
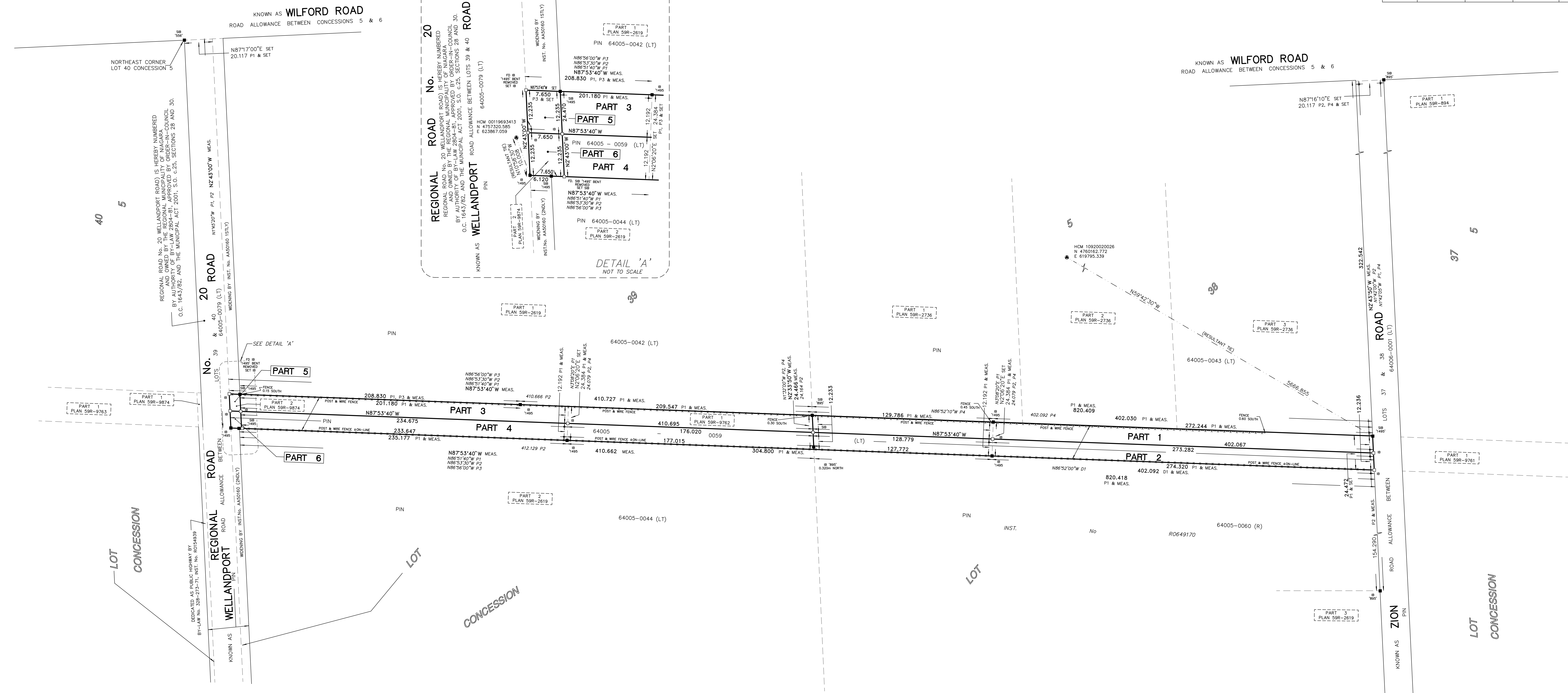
(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

(2) THE SURVEY WAS COMPLETED ON APRIL 14, 2010.

APRIL 14, 2010
DATE

MARK GILMORE
ONTARIO LAND SURVEYOR

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST., PORT COLBORNE, ONT. (905) 835-5477
SCALE 1:1000 CM/BP MARK GILMORE O.L.S. SURVEY 20-568



February 5, 2026

Received February 6, 2026
C-2026-025

5th Annual Mountainview LemonAID Day for FACS Niagara

Please help us spread the word about this "Kids Helping Kids" initiative and let's make the summer sweet for kids served by FACS

Dear Mayor Grant and the Township of Wainfleet,

Let me take a moment to thank you for your past support in raising awareness for Mountainview LemonAID Day for FACS Niagara. We truly appreciate you getting behind our cause year after year.

On Saturday, June 13, 2026, Mountainview LemonAID Day will once again bring the Niagara community together to give our most vulnerable children a summer to remember. Each June, kids across Niagara host lemonade stands and donate the proceeds to support FACS Niagara, helping send the children we serve to weeklong day and overnight camps - experiences they might not otherwise have. Since 2022, LemonAID Day has raised more than \$370,000 and provided over 2,500 weeks of summer camp for children supported by FACS Niagara.



For kids who have experienced adversities beyond their years, summer camp provides them with a chance to learn important life skills that build confidence, resilience, and a sense of belonging while giving them a safe space to grow, explore and just be kids.

The success of LemonAID Day relies on the participation of our community. We would be grateful for your assistance in bringing awareness about the event to your municipality. This can be done in several ways,

1. Sharing LemonAID Day content you are tagged in from FACS Niagara Foundation's Instagram or Facebook accounts.
2. Declaring **Saturday, June 13, 2026**, as Mountainview LemonAID Day for FACS Niagara in your city!
3. On LemonAID Day, encourage local councillors to host or visit a stand in their community. We would be pleased to share a list of stands located in your local community.

Again, thank you for supporting FACS Niagara through Mountainview LemonAID Day and helping us send Niagara kids to camp this summer!

Sincerely yours,



Rhiannon Burkholder
Chair, FACS Niagara Foundation

Imran Chaudary
Virk Poultry Farms
22181 Abbey Rd
Wainfleet, Ontario L0S 1V0
Email: icvirk@gmail.com
Phone: 905-414-7373

March 1, 2026

Township of Wainfleet Council
31940 Highway 3
Wainfleet, ON L0S 1V0

Dear Members of Council,

Re: Request for Exception to Half-Load Restrictions on Abbey Road

I am writing on behalf of Virk Poultry Farms to respectfully request that the Township of Wainfleet Council consider granting an exception to the seasonal half-load bylaw currently in effect on Abbey Road.

We are currently constructing a new layer poultry barn on Abbey Road. This project requires the delivery of essential construction materials and the regular access of heavy construction vehicles during the restricted time period. The seasonal half-load limitations significantly impact the project schedule and our ability to complete the barn within required agricultural and contractual timelines.

The materials required include structural components, concrete, steel, equipment, and other essential building supplies that cannot reasonably be transported under reduced load limits. Delays in delivery may result in financial loss and operational setbacks for our farm operation.

We fully understand that the purpose of the half-load bylaw is to protect municipal infrastructure during vulnerable seasonal conditions. We are prepared to cooperate with the Township to mitigate any potential impact, including limiting the amount of heavy vehicles using the road to only what is necessary and coordinating delivery schedules when road conditions are most suitable.

We respectfully request that Council consider granting a temporary exemption or special permit to allow construction-related vehicles to access the property during the restricted period.

Thank you for your time and consideration of this request. I would be pleased to provide any additional documentation or attend a Council meeting if required.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Imran Chaudary

Virk Poultry Farms



ADR
C H A M B E R S

Integrity Commissioner Office
for the Township of Wainfleet

MICHAEL L. MAYNARD
Integrity Commissioner
Township of Wainfleet
E-mail: mmaynard@adr.ca

BENJAMIN M. DRORY
Senior Investigator
Office of the Integrity Commissioner
E-mail: bdrory@adr.ca

February 23, 2026

PRIVATE AND CONFIDENTIAL

SENT BY EMAIL TO:

Mr. Peter Aarts

AND TO:

Councillor Terry Gilmore

AND TO:

**Amber Chrastina, Township Clerk – for distribution to all Members of
Wainfleet Township Council**

**Re: Code of Conduct Investigation Report (“Report”)
File No. IC-35690-0925**

INTRODUCTION AND DELEGATION OF INVESTIGATIVE POWERS

This is my Investigation Report respecting a referral for inquiry (“Complaint”) initiated by Mr. Peter Aarts (“Mr. Aarts”) against Member of Council Mr. Terry Gilmore (“Councillor Gilmore”), under the Township of Wainfleet’s (the “Township”) *Code of Conduct for Council Policy* (the “Code of Conduct”, or

alternately the “Code”).¹

Mr. Michael L. Maynard, Integrity Commissioner for the Township, delegated some of his investigative powers and duties to me, Mr. Benjamin M. Drory, on October 10, 2025, to inquire into, investigate, and report upon these matters, subject to his review and approval. I facilitated the exchange of written submissions between the parties, and sought further evidence, including interviewing both parties and a witness. The civil “balance of probabilities” standard of proof applied to this matter.

THE COMPLAINT

Mr. Aarts stated the following in his Complaint, which was sworn at the Township Clerk’s Office on September 22, 2025:

1. *Terry Gilmore, using his Office as a Councilor ... organized a meeting to discuss a “minor Township issue.”*
2. *The “Township issue” is a proposed dwelling on Misener Road that requires a Minimum Distance Separation I setback calculation, as per the MDS I policy guidelines.*
3. *The responsibility to supply all necessary documents for obtaining the permit is that of the applicant, not Council.*
4. *The proposed dwelling ... could be moved to a location on the same lot that complies with MDS I setback policies.*
5. *The applicant ... is an owner of JLA Grain.*
6. *Terry Gilmore is an employee of JLA Grain.*
7. *On August 12, 2025, Terry Gilmore came to my residence to request an email stating the livestock barn on the property is empty.*
8. *Terry Gilmore requested the letter eight times during the conversation.*
9. *During the discussion, Terry Gilmore was reckless with the truth. He*

¹ Code of Conduct for Council Policy (By-law No. 044-2016 (August 2, 2016))
<https://www.wainfleet.ca/sites/24/files/2024-06/BL044-2016-Council-Code-of-Conduct-AS-AMENDED.pdf>

made several false or misleading statements about the MDS I ...

10. *Terry Gilmore was selective with the information ... including claiming the only factor was the livestock barn, and excluding the manure storage until it was brought up by myself.*
11. *Terry Gilmore was misleading about the ... consequences of providing said information. That is, that the email would be used to circumvent the MDS I setback policy.*
12. *Terry Gilmore attempted to convince me to write a letter prior to understanding the ... guidelines and ... the importance of the manure tanks in the MDS I setback calculation.*
13. *The consequences of writing the requested letter could have harmed my business.*
14. *Terry Gilmore reduced the importance of MDS I calculations to "just Township bureaucracy" and "some bureaucratic thing." Neither of these statements promotes public confidence.*
15. *...*
16. *The statements ... do not promote respect for the Township, or its by-laws and policies.*
17. *A lack of knowledge ... of the MDS I ... resulted in false or misleading statements and claims about Township policies (i.e. a livestock barn being empty means no MDS I setback is required.)*
18. *This lack of knowledge on the part of Terry Gilmore does not promote public confidence in the reliability, fairness and honesty of the Township of Wainfleet.*
19. *Terry Gilmore threatened to use the fire department as a means of acquiring information about the activity status of the livestock barn.*
20. *The MDS I Document outlines how to get information about a livestock barn when the owner/operator will not provide the information himself. A fire department inspection is not an option.*

21. *Terry Gilmore involved himself in the "issue", despite the ... pecuniary conflict of interest, before I was made aware ... through an official Township letter.*
22. ...
23. *Terry Gilmore visited my residence ... prior to the Township's official letter being written.*
24. *Terry Gilmore conversed with Sarah Ivins (Planner) ... prior to the Township's official letter being written. It is unclear when or if these communications stopped.*
25. *In the official letter... the Planner indicates a willingness to follow the MDS I guidelines. In the ensuing phone conversations and emails, there seemed to be a resistance to implement the MDS I setback.*
26. *It is my understanding that these actions are not part of Terry Gilmore's official duties as a Councilor of the Township of Wainfleet and interfered with the normal practices and duties of the Planning Department.*
27. *Terry Gilmore admitted to "trying to get [his nephew's building permit] into the Committee of Adjustment," claiming it was his "Councilor duties."*
28. *The Committee of Adjustment is to make independent decisions, free from the influence of Councilors.*
29. *I had no further conversations with Terry Gilmore.*

Mr. Aarts attached a significant amount of supporting documentation. He described the timeline as follows:

Tuesday, August 12: *Terry Gilmore texts to set up a time to meet about a "minor Township issue."*

Tuesday, August 12: *Terry Gilmore comes to my residence to request a letter indicating that the livestock barn is empty.*

...

Wednesday, August 13: Township letter, detailing MDS I setback requirement, is dated.

Monday, August 18: Township called ... David Scott asks if a letter was received. No letter was received yet, but told David Scott that Councilman Terry Gilmore was here on behalf of the Township.

Tuesday, August 19: Letter received.

Tuesday, August 19: Called Township ... Talked to Sarah Ivins to confirm that she had to do the calculation.

Thursday, August 21: Sarah Ivins calls ... explains that the permit was issued because no MDS I setback was required. She claims it falls under the Nutrient Management Act.

Thursday, August 21: Email follow-up ... Explained why the liquid manure storage does not fall under the Nutrient Management Act. ...

Monday, August 25: Called Ontario Federation of Agriculture ... Spoke with Neil Cousins. ...

Monday, August 25: Email from Neil Cousins with information about MDS I calculations.

...

Tuesday, August 26: Email from Duncan Goetze ... with OMAFA contact information.

Tuesday, August 26: ... Sarah Ivins says permit was issued based on Guideline #12 of the MDS I Document.

Tuesday, August 26: ... Read MDS I Guideline #12 to Sarah Ivins, explaining her incorrect calculation ...

Tuesday, August 26: Email to Sarah Ivins ... Restating Guideline #12 requirements ...

...

Thursday, August 28: Sarah Ivins calls twice (@ 4:01pm and 4: 11 pm) ...

Friday, August 29: Called Nancy Rutherford (OMAF) ... Nancy says she will call the Township.

...

Friday, August 29: Called Duncan Goetze Duncan explains that legacy permitting protects use of manure storage unless the land has been rezoned.

Friday, August 29: Sarah Ivins ... wants to arrange a farm visit on Tuesday or Thursday. Tentatively agreed on Thursday. ...

...

Wednesday, September 3: Sarah ... [c]onfirms attendees are Sarah Ivins and Ben Hopkins and the reason for the visit is to confirm measurements and assess condition of the tanks.

Thursday, September 4: Sarah Ivins, Ben Hopkins, Dean Glenny, Peter Aarts in attendance (@9:00am). Sarah says condition of tanks looks good. Ben Hopkins steps out measurements and takes photo of manure storage. Sarah Ivins is verbally reminded of the proper use of MDS I Guideline #12 and the importance of preserving the value of the farm.

...

Tuesday, September 9: Sarah Ivins confirms in email ... that Ben Hopkins found no concerns with the condition of the manure storage and therefore are considered reasonably capable of storing manure. The MDS I setback is to be applied for the proposed dwelling on Misener Road (reduced setback of 336m (1,100ft) is required ...). Permit will either be amended to comply with the setback or be cancelled, depending on the applicant's preference.

Ms. Ivins (Planner, Assistant Secretary-Treasurer (Committee of Adjustment)) sent Mr. Aarts the following letter dated August 13, 2025, which Mr. Aarts said he received on August 19, 2025:

PETER JOHN AARTS
ANITA LYNN AARTS

...

Dear Property Owner,

The Planning Department has received an application for building permit for a single detached dwelling for a vacant lot on the east side of Misener Road. A Minimum Distance Separation (MDS) calculation is to be completed for all nearby livestock operations as part of the application submission.

MDS calculations are generally required when new development, new lots or the addition of new sensitive land uses are proposed in proximity to existing agricultural operations. To ensure that the proposed dwelling does not encumber your ability to operate your farm, I must complete a calculation to determine how far away the new dwelling must be placed and if the proposed use is compatible with the surrounding uses in the Agricultural Area. MDS calculations are completed in accordance with the requirements of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) through a computer program called AgriSuite.

The Planning Department has completed a review of all properties within 750m of the subject property ... through ... aerial imagery and Google street view.

... [Y]our property was identified as possibly having livestock. In order to complete the MDS calculation the Township requires one of the following:

- Information regarding the type and number of current livestock units on your farm, as well as the type and location of manure storage. ...*
- Confirmation that the livestock barn is currently unoccupied and the length of time that it has been unoccupied.*
- Confirmation that the barn is no longer reasonably capable of housing livestock (meaning that all infrastructure to support the livestock use has been removed, such as removal of stall, feeding implements, etc.).*

If you can please respond by to me via email ... by ... August 19, 2025. If you have any questions or require assistance ... please do not hesitate to contact me ...

Mr. Aarts submitted a variety of supporting email correspondence. He wrote to Ms. Ivins on Thursday evening, August 21, 2025, after speaking with Ms. Ivins earlier that day:

From: Peter Aarts

To: Sarah Ivins

Subject: URGENT: Proposed building permit for dwelling on Misener road

Sent: August 21, 2025, 7:49 pm

Hi Sarah.

Further to the discussion we had... I still have some concerns regarding the Minimum Distance Separation I calculation.

Under Guideline #3 of the MOS I Document, it states ... reasons for which an MOS I calculation would not be necessary. Included ... are: (i) Certain unused manure storages in accordance with Implementation Guideline #21, and (ii) Temporary field nutrient storage sites (as defined under the Nutrient Management Act, 2002).

... Guideline #21 states that an MDS I setback is not required when:

- 1. the structure has been deemed by a municipal building official ... as no longer being structurally sound or reasonably capable of storing manure; or,*
- 2. the portion of the lot ... is zoned such the structure shall not be used for storing manure; or,*
- 3. the floor area of the unused manure storage is < 40m².*

...

Additionally, under Wainfleet's Minimum Distance Separation (MOS I) Guide ... "MDS I & II do not apply to abattoirs, apiaries, feed storages, greenhouses, kennels, slaughterhouses, pastures, stockyards, or livestock facilities less than 10m²"

*My existing manure storage facility does not meet these reasons ... So ... **an MDS I calculation should be performed prior to approving the proposed application.** Should my understanding be incorrect, please direct me to the MOS I guideline that exempts my liquid manure storage from requiring a minimum distance setback.*

I will provide you with the relevant information regarding the manure storage:

1. Manure storage volume: +/-1,645m³
2. Type of manure stored: liquid
3. Manure storage type: M1 (Liquid, outside, no cover, straight-walled storage)

Mr. Duncan Goetze (Farm Policy Analyst, Ontario Federation of Agriculture) spoke with Mr. Aarts on the morning of Tuesday, August 26, and then emailed him later that afternoon:

From: Duncan Goetze
To: Peter Aarts
Subject: Minimum Distance Separation in Wainfleet
Sent: August 26, 2025, 2:44 pm

... I have collected a few links that you might find useful.

... [T]he Minimum Distance Separation (MDS) Document² provides the rules that spatially separate sensitive land uses from livestock facilities, manure structures, and anaerobic digesters. The MDS can be a challenging policy document to read. I recommend using the AgriSuite website³ to help simplify the MDS's many rules, but the website alone does not account for every exception and special case discussed in the MDS. Another resource is OMAFA's newly updated Ag Maps⁴, which has tools for drawing shapes on the map and a number of data layers.

OMAFA is available to municipalities if they have difficulty interpreting the MDS. They have been helpful in the past where we've encountered disagreements about MDS interpretations. They've also recently been doing educational outreach on MDS for municipalities and other planners. ... I can also help to interpret the policies at play if it would be helpful.

Wainfleet has also posted its own MDS materials.⁵ Their MDS files are trimmed down from the province's MDS Document to make it a bit easier to

² The Minimum Distance Separation (MDS) Document – Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853 (Ontario Ministry of Agriculture, Food, and Rural Affairs) <https://www.ontario.ca/files/2023-07/omafra-minimum-distance-separation-document-en-2023-07-26.pdf>

³ AgriSuite <https://agrisuite.omafra.gov.on.ca/>

⁴ AgMaps <https://www.lioapplications.lrc.gov.on.ca/AgMaps/Index.html?viewer=AgMaps.AgMaps&locale=en-CA>

⁵ Minimum Distance Separation MDS (Township of Wainfleet) <https://www.wainfleet.ca/mds>

read. Their wording makes it seem like they are hesitant to reduce MDS setbacks, which is somewhat odd given your present circumstance. The Region of Niagara probably won't have anything to say about the MDS, seeing as the province took away their planning responsibilities. It perhaps should be noted that it is rather difficult to reverse planning decisions made for developments on your neighbour's property, as the province took away "third party" appeal rights for planning decisions. For that reason, it's important to get it right on the first try.

The OMAFA planner for Wainfleet ... is Nancy Rutherford. ...

Take care and reach out any time,

Mr. Aarts also spoke with Ms. Ivins that day, and wrote to her that evening:

From: Peter Aarts

To: Sarah Ivins

Subject: Proposed Dwelling Misener Rd

Sent: August 26, 2025, 5:48 pm

... Further to our conversation... I will further outline my concerns with the proposed dwelling on Misener Road.

... [Y]ou explained that Guideline #12 of the MDS I Document applies ... Guideline #12 outlines when a reduced MDS I setback is permitted.

...

... Guideline #12 is applicable as it meets the criteria outlined ... This, however, only reduces the setback for the proposed dwelling to no closer than the furthest of the four dwellings located within 60 degrees to the north and 60 degrees to the south of the line connecting the livestock facility and the proposed dwelling ...

...

According to Guideline #12, the proposed dwelling may be no closer to the livestock facility than the existing dwelling located at 52225 Misener Road, the furthest of the four dwellings.

Thus, according to my calculations, the reduced setback may be no closer to

the livestock facility than 1,026 feet. ...

Mr. Aarts slightly corrected himself at 8:03 am the next morning:

Hi Sarah,

I want to make a correction to the minimum distance I calculated. ... [T]he minimum distance should be calculated to the furthest point of the furthest of the four dwellings. This makes the setback calculation +/-1,100 feet.

Ms. Ivins emailed Mr. Aarts on September 3, 2025, regarding a property visit for the next day:

... Ben Hopkins, Chief Building Official, and myself will be attending the property ... to take some measurements to confirm the volume of the storage tanks (to finalize a MDS calculation) and to assess the condition of the storage tanks. ...

Ms. Ivins wrote to Mr. Aarts again on September 9, 2025:

... I can confirm that the Chief Building Official ... found no concerns with respect to the condition of the manure storage tanks and therefore they are considered reasonably capable of storing manure. As such, the MDS I setback is to be applied for the proposed dwelling on Misener Road. In accordance with Implementation Guideline #12, a reduced setback of 336m (1,100 ft) is required for the proposed dwelling. This is based on the distance between the closest point of the manure storage tanks to the furthest corner of the dwelling located at 52225 Misener Road. The building permit for the proposed dwelling will either be amended to relocate the dwelling so that it complies with the MDS I setback or the permit will be cancelled, depending on the applicant's preference. ...

Mr. Aarts also provided an unofficial transcript of his interactions with Councillor Gilmore on Tuesday, August 12, 2025 – which was the basis for this complaint. Councillor Gilmore and Mr. Aarts texted each other that afternoon, beginning at 4:33 pm (Councillor Gilmore on the left):

Hi Pete, are you around tonight after supper? I need to talk to you about a minor Township issue.

Sure Terry. What time are you thinking

Anytime after 6

How is 6.30

What is the issue regarding

Your empty barn and your nephew's house. Nothing that affects you.

Councillor Gilmore gave Mr. Aarts email addresses for himself and Mr. David Scott during the text exchange.

On top of an informal written transcript, Mr. Aarts also provided our Office a video of his in-person interaction with Councillor Gilmore on August 12, 2025 – which lasted 19 minutes and 50 seconds, seemingly taken from a camera at his front door. Councillor Gilmore began driving away at the (20:04) mark. I have condensed Mr. Aarts' transcript as follows (with Councillor Gilmore again on the left):

... It hasn't been used for livestock

Right

... So. I figured you probably knew that, that if you ever wanted to use it again for animals, there'll be this extra layer of bureaucracy.

OK

... It's just the fact that there's ... dwellings ... in the circle.

Mhmm. yep.

... [I]f you have an active operation then you don't have to ... comply with anything new they make. But if you stop doing it and then you wanna come back, then ... then you get to play by the new rules ... so to speak. ...

Right.

... I figured you probably knew that, but I wasn't sure.

Yeah, I'm not aware of all of this stuff, no.

Yeah, so anyway ... he just needs an email saying that you're the registered owner of this property, this barn is vacant ...

Who needs that?

Jonathan will. ... He needs it for his building permit.

Why do you need that for a building permit?

Because ... of the proximity to the barns. So ... if you had animals in there ...

... [H]ow far does he need to be away?

I think it's 500 feet.

And ... how close is it now?

I don't know. I'd have to look it up. ... But ... the reason I said it doesn't really affect you because ... Ross' house is closer and ... so is his rental house.

Yeah. Like if I wanted to do something.

If you want to put livestock back in there, then it's not that you can't do it ... you gotta have this number and you gotta have the storage here and ... all this stuff. ... [I]t's just they're within the proximity.

Right. So why can't he just do it anyways now?

What's that?

If he can't build it without having me sign some letter?

Well, I don't know. ... Sarah just said that we need ... an email just to verify that the barn is empty.

Yep.

That's all. So ... like I said if you decided to do something down the road then that's ...

Yeah, then that would change everything again.

But it's not gonna ... matter whether he has a house there or not cause there's already all those other houses.

Yeah yeah. Yep.

So he's really no closer or farther than the other houses ... so that's all ... just if you could send an email to the planner.

I'll have to think about it cause really ... you know ... I have ... if he could build his house further back, then, I guess. What would be the problem with that?

Uhh ... well ... he might have to put it out in the middle of the field.

I guess he could do that. No I'm just not looking at making any kind of thing that's gonna change my future plans, right?

... It ... doesn't matter because the fact that he's putting it there doesn't affect any future plans that you ... might have. It's just ... the building's empty now, and ... the Township just needs to verify that the building's empty. ...

Well, I'll have to give it some thought.

Well I'll send you the guy's email. ... Dave Scott ... he's a planning tech. ... So I'll text you his Township email and mine ...

What if they already know it's empty?

Well, they don't particularly. Like, how would the Township know that it's empty?

Well, I could just say that it's not empty ... like ... I don't know. ... I'm more looking at ... what's the future for that piece of property ... I'm not looking at making it harder for myself.

Well, this doesn't do that. That's all I'm trying to tell you ... there's four or five other dwellings that are already in the donut, so to speak.

Yeah, so that's why I don't understand why there's a problem to begin with.

It really isn't a problem. It's just as part of the building permit process. If there's a barn they have to determine if it's vacant ... That's really all there is to it, so ... I don't know whether ... you don't have anything in there, but I don't know that ... it would make any particular difference. ... It's just Township bureaucracy.

Oh, I get it.

The way you gotta do stuff. But ... it won't make any difference to you down the road. It's totally totally irrelevant. ... I mean this is just some bureaucratic thing that the planner wants ... that's all it really is.

I get that ... bureaucracy as far as that kinda stuff goes. I'm just looking to not make it any more difficult for myself for if I, somewhere down the road, ... I decide to sell it and somebody wants to do something there, cause if they put another house there, that could make it even harder.

Yeah, well, there won't be any other houses going there.

Yeah I get that. But there's the one going in now, so ... I mean they could move the house back further and it wouldn't be issue either, I guess. I'll have to give it some ...

...

Yeah, yeah. Yep. Well you have my Township email. You don't need that but, yeah ... let me know ...

Well, you know where I'm coming from, right. I'm just thinking of my future. You know, if ... he's going by what you're allowed to do, I don't have any problem with that. But I'm not gonna change something that I'm allowed to do. If I have to go through the hoops of something, I guess I'll have to do that. So ... that's just my thought.

Yeah, all I'm saying is ... when and if you decide to put something in there, it

would be whatever the new rules are. And I don't even know what the new rules are. ...

...

What about manure storage? Cause I have storage tanks. Can I use them the way they are? ...

...

Yeah, storing ...

Storing manure.

Well, I don't know why you couldn't. But ... I'd have to drill down further. So that's ... yeah that's ... It's really just a declaration that the barns are empty.

But he needs it for his building permit?

According to Sarah, yeah. She has to verify that the barns are empty.

And what if I don't verify that the barns are empty?

... I don't know.

I'm not trying to be a hardass, I'm just saying ...

No, no, no. I don't know.

I feel like I'm giving up rights to myself, or future potential people.

I don't ... I'm confident that's not the case. Sarah can verify that, because ... that's why I asked her about well, what if you wanted to put something in there later? And she said, well ... whatever the new MDS rules are regarding the new livestock ...

See ... if I don't, then this means, to me, that just means that they're not empty, or it's not verified ... I'm just trying to get my head around it.

I mean, I can ask some more questions from her about that. Like what I don't want to have happen is well. ...

Cause if they can build it and it's really not gonna change anything ... then they can just go ahead and build it, right? As long as they're doing what they have to do.

Yeah, yeah, oh yeah. Definitely. It's ... uhh ... you know, I thought about that too, well what if ... they say, well, maybe the Fire Chief should go in and do an inspection. And then he can sign an affidavit that yeah, I went and inspected it, the barn is empty. Well, that might pacify 'em. But what's that gonna ...

The Fire Chief is not qualified for that, is he? He's a fire chief.

No, but, he can come in and say ... I wanna come and ... I don't wanna get to that point, right? Well, I'll send you the guy's ... contact and my township email, so just cc me. And then if you want me to do it ... you could just ask him those questions before you ... like ... cause he'd be the guy that could answer them. He's the planning guy. And if you want me to find out any other information, then I'll find out other information.

So ... you know ... you talk about the Fire Chief coming and doing an inspection ...

Oh ... I ... that's just hypothetical.

I know, but I'm just saying that would be going in there for a false pretenses of something else.

Yep.

You know what I'm saying?

I'm, just ... hypothetical. No he probably can't do that without a reason.

I mean I do get it inspected for insurance purposes, right? So I would think that would be good enough.

Mhmmm.

You know.

Alright well I'll just text you the contact info.

Yep. and if I have another question I'll contact you.

Yeah, OK that's fine. But basically, all it needs to say is that I'm the owner of ... this barn, and this barn is vacant. That's all there is to it. As far as ... what else they have to do I don't know what that would be.

I'm sure they got other ways to do things. I mean, they can ... set back the house further to where it's not an issue, right? Put it somewhere else further away. ... I don't know the footage of what he's allowed.

Yeah, well ... the frontage along that road is all the same distance, right? Like as far as being along the road ...

They could make a longer driveway and set it back if that's an issue.

Yeah, I don't know how close it is to ... I didn't find that out.

Yeah, I don't know what the footage is.

I think it's 500 feet. That number sticks in my head.

Yeah, I don't know. I thought the barn was further than 500 feet, but I have no idea.

...

Yeah, so it would be the livestock barn itself. I'll ask Sarah ... how close it is ... I didn't really get into it with her, I just ... I was talking to her about some other stuff and ... cause my nephew's building a barn at his house too, a bardominium type thing. ... So we're trying to get that into Committee of Adjustment and blah blah blah blah. Just doing my, uh, my councillor duties.

Oh, yeah. It never ends, eh?

Oh, off and on. Not too much going on, but ... alright, well anyway, I'll text you his email, my Township email, both together. And then if you have any other issues, then buzz me. Don't send the Township an email about it. Just call me, or text me.

Yeah, I'll call you.

For whenever it's official just cc and then I have it on my Township ...

Try to look up some more information with this ... what I'm looking at. What the distances are ...

Yeah, I can try and find out, I should refresh my memory on it anyway.

I mean if you say that I can't put pigs in there or any kind of livestock ... or I'm limited to how many ...

Yeah, I think that's what the thing would be is how many and how you're storing the manure ... is really what they get cranky about. But, whether ... there's his house or there's other houses there, any of them are going to trigger it.

Well, I had to do all that with the last barn I built. I had to do all the measurements and all that kind of stuff.

For your implement shed?

No, for the last livestock barn that I did. A permit and all that kind of stuff. I had to deal with it some at that time, I'm sure the rules are more strict ... And a lot of it's further back because the barns are just so much bigger, right?

I'll find that out, and I'll [inaudible] you back [inaudible].

Code of Conduct

Mr. Aarts asserted that Councillor Gilmore contravened sections 2(b), 2(c), 2(e), 5(c), 5(g), 7(a), 7(b), 11(a), and 12(a) of the Township's Code of Conduct. Those provisions state:

2. Key Principles

...

b. Members shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members shall also not extend... preferential treatment to ... organizations or groups in which they ... have a direct or indirect pecuniary interest.

c. Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

...

e. Members shall seek to serve the public interest by upholding the laws and policies established by the Federal and Provincial government, and by Council.

...

5. Use of Staff, Property, Service and Other Resources of the Township

...

c. Nor shall any Member use, or attempt to use, their authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing Staff with the intent of interfering with that person's duties [T]here are distinct and specialized roles carried out by Council as a whole and by Members ... Similarly, there are distinct and specialized roles expected of Staff ...

...

g. No Member shall attempt to influence Staff to circumvent normal processes in a matter ...

...

7. Improper Use of Influence

- a. *No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.*
- b. *Members shall not contact members of any tribunal regarding any matter before it, including, but not limited to, the Committee of Adjustment ...*

...

11. Respect for the Township and its By-Laws and Policies

- a. *Members shall encourage public respect for the Township, its by-laws and policies.*

12. Respectful Workplace

- a. *Members shall treat members of the public, one another, and Staff appropriately and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.*

I also observed (although not cited by Mr. Aarts) that section 5(h) of the Code of Conduct mandates the following, which I consider highly relevant:

5. Use of Staff, Property, Service and Other Resources of the Township

...

- h. *No Member shall involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer.*

RESPONSE

Councillor Gilmore submitted his written Response on October 24, 2025:

1. Introduction

... The core of my interaction with the Complainant was an attempt to fulfill my duty as an elected official to diligently serve and assist a resident, by facilitating personal and timely communication with the appropriate municipal department.

I assert that my conduct was, at all times, in accordance with the Code.

2. Specific Allegations and Code of Conduct

Key Principles ... Making a false or misleading statement

DENIED. *My statements were an accurate reflection of my knowledge ... which is why I repeatedly deferred to staff and encouraged that communication.*

Conscientiousness2(a)

DENIED. *I arranged ... this meeting with the intention of serving my constituents in keeping with my role as an elected official.*

Integrity and improper influence2(b)

DENIED. *I performed my function as a Councillor in a manner consistent with all other such meetings, with the intent of finding a middle ground and advancing the issue. I did not direct staff; I repeatedly referred the resident to the appropriate person. There is no pecuniary interest and the assertion that I am an employee of JLA Grain is false. I am a self-employed contractor.*

Use of Township Staff /Resources

5(c)

DENIED. *I did not use my authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing staff with the intent of interfering with any person's duties ... I repeatedly referenced staff and their role in the matter.*

5(g)

DENIED. *I did not attempt to influence staff to circumvent normal processes in this matter. On the contrary, I was attempting to obtain key information for staff to be able to move the process forward for my constituents.*

Improper use of influence 7(a), (b)

DENIED. *I did not direct staff; use my influence outside of my duties as a Councillor; nor attempt to influence the Members of any Tribunal. I referred the resident to the appropriate staff.*

Respect for the Township and its By-laws and Polices 11(a)

DENIED. *... [W]ith a tenure of over 10 years, I have always demonstrated the utmost respect for the Township I serve, its residents, and our staff. As a legislator, I hold the By-laws of the Township, as well as it's policies, in the highest regard. I strongly reject this allegation.*

Respectful Workplace 12(a)

DENIED. *... I strongly reject the allegation that I have abused, bullied, intimidated or otherwise treated anyone in a disrespectful manner. ... [T]here will often be times when there is disagreement or debate on a matter, but mutual respect has been a hallmark of my time on Council with the public, fellow Members, and staff.*

3. Factual Chronology of Events

I can confirm items 1, 2 and 3 on the Timeline provided by the Complainant.

4. ... Allegation of Making False Statements (or Misrepresentation)

... My statements ... were a prudent and appropriate exercise of my role... The questions posed by the Complainant were often operational, technical or procedural in nature, which are explicitly the responsibility of municipal staff, not elected Council.

The records ... demonstrate that I attempted to obtain the information related to the occupancy of the barn in question, to assist staff; and appropriately and repeatedly, referred the Complainant to the relevant staff member, to ensure accurate technical or procedural information was provided to him.

My statement that "I do not know the answers" was an accurate reflection of my lack of technical expertise on a particular administrative matter or question, and a deliberate act to prevent any misrepresentation by deferring to the appropriate authoritative source (staff). ...

4.(b) Use of the Unofficial Transcript/Video Evidence

... While I cannot verify the accuracy of the transcription ... the context of my statements was an attempt to simply liaise between a resident and staff to help get a house built. ... [I]n my opinion, our interaction was calm and respectful.

5. Context of the Matter

The spirit and intent of my interaction ... was to serve my constituents diligently ... by addressing a pressing concern to get a house built and assist staff by getting the information they needed to move forward with their response.

Staff had indicated they required confirmation that the barn ... was, in fact, vacant. My conversation ... was an effort to help staff by clarifying the administrative process and directing the Complainant to provide the required documentation. It was strictly about the barn. It was the complainant who raised the ... manure tanks and related speculative matters.

There was no element of financial gain, nor malice, in my actions. ... I am not an employee of JLA Grain. I am a self-employed contractor. My only objective was to apply a sensible, common-sense approach to facilitate the resolution of a building permit issue, which is an expected and necessary part of the Councillor's role.

The ... records ... shows that procedures were being followed and continued to be followed, and, that my referral of technical or procedural questions back to staff was appropriate for an operational matter such as this.

I strongly believe my actions are those of a Councillor acting in good faith to serve his constituents, and ... maintaining the integrity of the staff-Council relationship and my elected office.

6. Conclusion and Requested Outcome

I was more than a little surprised to receive this complaint from a person with whom I had previously enjoyed long-standing friendship ...

... I respectfully submit that:

1. *My actions were consistent with my duties as a municipal Councillor and ... the ... Code of Conduct.*

2. *The allegations of contravention are unsubstantiated by the objective evidence.*
 ...

REPLY

Mr. Aarts submitted the following Reply on November 5, 2025:

Regarding Pecuniary Interest in the Matter:

Councillor Gilmore is a self-employed contractor who I believe has, for an extended period of time, done contract work for JLA Grain. I have witnessed this myself, and Councillor Gilmore has shared about it publicly on Facebook. His status ... should be able to be verified through the following records:

- I Grain delivery receipts ... signed ... upon delivery ... to the terminal;*
- II Driver signatures in JLA Grain Truck Safety Logs;*
- III Payment or compensation records;*
- IV Other persons working at JLA Grain.*

His status ... confirms Councillor Gilmore's pecuniary interest in the matter as well as his inability to stay objective ... in this particular situation.

Councillor Gilmore has publicly removed himself from matters of Council in the past for the reason of being a contract employee. At the ... Meeting of Council on December 11, 2023, Councillor Gilmore declared a conflict of interest ... because he was a contract employee of the petitioner ...

It is my belief ... that the ethical standards of Council apply not only in public settings ... but also in all other matters where members represent the Township. ... Councillor Gilmore was acting as a representative of the Township of ... and should therefore be held to the same standards of conduct ...

Regarding respect for the Township and its policies:

Although Councillor Gilmore's conversation was calm in appearance, there were several instances where he showed little respect for the Township and its policies. The MDS I Policy was established by the Government of Ontario for the purpose of protecting the rights of farmers to operate in agricultural areas. In the Township ... where agriculture is central to the community, the MDS I Document is of the utmost importance. Through the use of words such as "just Township bureaucracy"

and “some bureaucratic thing,” Councillor Gilmore reduces the importance of the Document and disrespects the Policy itself. His statement about ... Township staff getting “cranky” and that the letter was to “pacify them” shows little respect for the Planning Department staff.

Regarding the Knowledge of Policies and Normal Processes:

Councillor Gilmore demonstrated sufficient familiarity ... to note that the proposed dwelling would need to be located significantly farther into the field in accordance with Minimum Distance I regulations. This indicates that he did ... possess knowledge of the MDS requirements relevant to the area.

... [I]t would be reasonable to expect that he possess enough knowledge of the matter to answer basic questions. Without sufficient understanding to address ... the appropriate procedure – official notice from the Township by letter – should have been followed. However, Councillor Gilmore requested the information before I had received any formal correspondence from the Township. Had the proper process been followed, I would have immediately understood the importance of the manure storage in the matter, as it was referenced in the letter. Following the standard process would also have avoided the added stress of feeling intimidated by a threat to involve the fire department. The Township obtained the information they needed by dealing with me directly; Councillor Gilmore’s involvement was unnecessary to “facilitate the resolution of a building permit issue.”

... I had no prior knowledge of the issue ... According to Wainfleet’s own MDS I Guide, it is the responsibility of the Applicant to collect information from the livestock facility owner for submission to the Township. A Member of Council making such a request on behalf of one constituent ... already involving a lack of impartiality is not acting in good faith. This appears to have been an attempt to ... push through a building permit that never should have been approved.

Councillor Gilmore also claimed that his interaction ... was intended to “assist staff.” However, on August 18 ... David Scott called me to ask if I had received a letter about the proposed dwelling. I told him I had not received a letter, but that Councillor Gilmore met with me to discuss the matter. Mr. Scott indicated that he was surprised that Councillor Gilmore had already discussed the matter with me. He seemed to have been unaware of this “assistance.”

Regarding False/Misleading Statements:

...

- *The property is still permitted as a livestock facility, and, as such, I retain my right to re-establish a livestock operation ... using existing facilities, including the manure storage.*

...

- *Ross' house is located outside the 120-degree intervening area ...*

...

- *A new, non-compliant dwelling in the area would affect the ability to expand operations in the future ...*

Had I listened to Councillor Gilmore's confident claims about this matter not affecting my farm, and written the letter, my livelihood could have been affected.

Regarding Respect for Residents and Intimidation:

... Councillor Gilmore threatened to use the fire department as a means of acquiring information about the status of the livestock barn. ... This attempt to coerce me into giving the requested documentation made me feel threatened and intimidated. In no way were these words respectful of my rights ...

Regarding Friendship:

To clarify ... this Complaint is not coming from a friend of Councillor Gilmore, but from a resident of the Township ... In fact, Councillor Gilmore ... appeared to be using our long-standing friendship as a means of trying to coerce me into doing something that wasn't integral or looking out for my ... best interest. He was therefore not impartial; he was looking out for one constituent's best interests over another ... It appears he was trying to use that very friendship as a means of gaining an advantage over me for another constituent ... with whom he does business.

... [I]ntegrity would have required Councillor Gilmore to acknowledge, "I cannot speak to this matter on your behalf," and to recuse himself entirely from the situation.

Conclusion:

... [H]ad the proper procedures been followed ... and had Councillor Gilmore not inserted himself in the matter, thereby creating a conflict of interest, there would be no need for a Complaint. I have sincere concerns about the integrity and ethics of the matter, and I respectfully believe that ... the Integrity Commissioner is there is to uphold matters such as these.

... I believe that it is especially important for Councillors in agricultural communities to respect and uphold the ... policies that establish these protections for farmers. ... I strongly support holding elected officials to the highest of standards regarding ethics and conduct in public as well as private. ... I believe the context and evidence of the matter support the need for an investigation.

Mr. Aarts attached the following image, which he described as an October 17, 2024 Facebook post by Councillor Gilmore. He asserted the pictured truck had JLA Grain's logo on its door.

[continued on next page]



Terry Gilmore

Oct 17, 2024 · 🌐



New truck, New logo, great weather, great day. Love life in Wainfleet.



INTERVIEWS

I reached out to both parties inviting opportunities to speak, and spoke with the Respondent first simply because he was available earlier.

Respondent

I asked Councillor Gilmore why he approached Mr. Aarts on August 12. He replied that the Township's Planning Department needed a letter stating Mr. Aarts' barn was empty – they had issued a building permit, but then realized the letter was necessary, so they were going to send it to Mr. Aarts and allow him

some time – but Councillor Gilmore suggested he had a personal relationship with Mr. Aarts as a friend, so he'd just go ask if he would provide it.

Councillor Gilmore said there was a significant backstory between Mr. Aarts and the rest of his family, but he was friends with both of them, so he was just trying to expedite the permit process. He said Ms. Ivins told him if Mr. Aarts didn't respond within about a week then they'd make some assumptions, so he replied he'd just go speak with him – Ms. Ivins didn't ask him to do so, he just volunteered.. Councillor Gilmore said the well-known animosity between Mr. Aarts and his family didn't affect him because that was personal between them, but he was trying to expedite the permit for Mr. Aarts' nephew ('Jonathan'), despite the fact Jonathan and Mr. Aarts don't get along.

Councillor Gilmore said Jonathan had already put the driveway in, but suddenly needed a letter stating Mr. Aarts' barn was empty, and they were ready to dig foundation the next day. Councillor Gilmore told me Mr. Aarts' barn has been empty for 25 years, and "everybody in the Township knows it" – so he went to see if Mr. Aarts would send an email confirming so, to prevent more delay and expense. He said Ms. Ivins only told him she needed confirmation the barn was empty.

Councillor Gilmore said Jonathan is the son of 'Lenny', and Lenny and Jonathan own JLA Grain together (with Lenny as its President), and he does contract driving for them. He said 'Ross' is an unrelated property owner across the highway. Councillor Gilmore said his relationship with JLA Grain was contractual – he is a sole proprietor, using the business name 'Gilmore Driver Service' – he drives people's trucks, and invoices them hourly. He confirmed that the Facebook picture was of a new JLA Grain truck he drives.

I asked Councillor Gilmore why he felt it was important to approach Mr. Aarts on August 12, rather than just let the application process play out like usual. He replied that waiting for a response from Mr. Aarts would have probably added a week or two to the process, and he speculated that if Mr. Aarts ignored the letter and the Township made some assumptions, then Mr. Aarts would have probably sought some recourse against the Township. He said there are only certain windows for farming activities, and the farm was between planting and harvest seasons, so the owners (Jonathan's family) were anxious to get things going and build in the summer rather than the winter. Councillor Gilmore said he was just trying to facilitate that, and thought he might be able to bridge the animosity

because of his personal relationship with Mr. Aarts – which he acknowledged was clearly an oversight on his part. Councillor Gilmore said Mr. Aarts' barn had been empty for 25 years, so he only asked for a letter saying so. I asked how Councillor Gilmore knew the barn was empty – to which he replied there's been no activity, and there's no livestock in or around it, it was the family farm where Mr. Aarts, Lenny, and their sisters grew up, and Lenny's business was across the road. He acknowledged that it was hyperbolic to say "everybody" knew, since the Township has 6,000 residents, but he said everyone in the vicinity knew the barns were empty. He added that the MDS was "a big circle around the barn", within which several houses already existed, so adding another wouldn't affect that there were already other residential buildings in the circle.

I asked Councillor Gilmore why he mentioned the Fire Department with Mr. Aarts. He replied that it was just a friendly conversation, and Mr. Aarts asked about saying the barns weren't empty – which startled him because he knew that wasn't true, so he didn't know what to say. He said the Fire Department can inspect any building they deem necessary in the Township, but it wasn't a threat – it was just conversation, he was only speaking with Mr. Aarts the way he had for 30 years, and he said in the moment the Fire Department reference was hypothetical. He acknowledged using the term "bureaucratic stuff", but said Township staff could corroborate that he says that all the time but also has the utmost respect for them. Councillor Gilmore said he made no demands of Mr. Aarts, and gave him contact methods for replying, but asked to be cc'd so there'd be a paper trail. He told me "if I'm not able to ask someone to expedite someone to do something, then I don't need to be in my role."

Councillor Gilmore elaborated that he asked Ms. Ivins what would happen if Mr. Aarts didn't respond to her letter within 7 days – to which she replied they'd make some assumptions, and Councillor Gilmore thought was worse than letting Mr. Aarts know what happening, in case he was away (because he's retired and travels around), so he didn't want Mr. Aarts returning and alleging that the Township made an assumption and then going after them for it. Councillor Gilmore said he had no pecuniary interest in the building permit application, and he was just acting on the Township's behalf. He said it would have only been an ordinary house, next to five others in a row, and it would have made no sense for the applicants to build it way back in the middle of the field, because "it wasn't the only house in the 'donut.'"

Councillor Gilmore said the main problem in this situation was Mr. Aarts' relationship with Lenny and the rest of his family – he thought Mr. Aarts was only doing all of this out of spite for them, which troubled him personally, although he acknowledged it was irrelevant to everything relating to the MDS. He noted he had worked for JLA Grain since 2001, and said Lenny asked him if he was sure he wanted to speak with Mr. Aarts, to which he replied he had a good relationship with Mr. Aarts, so asking him might expedite matters because Lenny couldn't do it. Councillor Gilmore acknowledged that in hindsight he probably shouldn't have done so, because his friendship with Mr. Aarts has ended since Mr. Aarts won't speak with him now. He said Mr. Aarts was bothered because the permit application involved Lenny and Jonathan potentially getting something of value, so he was disappointed that Mr. Aarts was “doing this basically out of spite,” but he didn't want to drag the rest of the family into all the interpersonal stuff.

Following our call, Councillor Gilmore sent me documentation that established his business number and GST/HST registration for Gilmore Driver Service. He also sent me a sampling of invoices he sent local customers for “hourly driver service”, including some to Len Aarts at JLA Grain Inc. on Misener Road. I am satisfied that Councillor Gilmore operates as a sole practitioner, and has a remunerative relationship with JLA Grain Inc.

Complainant

I spoke with Mr. Aarts the following week. He said the building permit application was initiated by Jonathan Aarts (his nephew) and his wife Nadine – they have an approximately 70-acre farm across the road from his farm and wanted to build a house on it. Mr. Aarts said the permit process requires a minimum distance setback ('MDS'), which he hadn't known about until Councillor Gilmore approached him by texting him and coming to his place on August 12. He said the Township later wrote a letter describing the setback requirement, dated August 13, but he didn't receive it until August 19 – the Building Planner (Ms. Ivins) first said an MDS I was needed, but then later said it wasn't needed. Mr. Aarts thought the Guidelines clearly indicated a calculation was needed, so he and Ms. Ivins emailed back and forth in the ensuing days, and he felt Ms. Ivins had been encouraged not to follow the Guidelines for some reason, even though she previously followed the setback rules for other houses. To him, it seemed Ms. Ivins may have been influenced by somebody encouraging her to say the rules weren't met. He said he communicated with staff at the Ontario Federation of Agriculture ('OFA') and the Ontario Ministry of Agriculture, Food, and

Agribusiness ('OMAF'), both of whom highly recommended using the Guidelines for such situations.

Mr. Aarts said he has a liquid manure storage on his farm, which by his calculations the proposed house needed to be 1,100 feet away from, and ultimately Ms. Ivins agreed with him that it was necessary in order to approve the application. He said the building permit didn't go forward – Ms. Ivins' final email said it would be approved based on 1,100 feet setback, but the applicants had the option to pull the permit, so the Building Department ultimately did what they were supposed to. He said the applicants had a lot of space on their property to satisfy a permit (70 acres), but they proposed to put the house in the closest spot possible.

Mr. Aarts said Jonathan and his father ('Leon Aarts') own a company known as JLA Grain Elevator and Farm, who Councillor Gilmore drives a truck for, which in his eyes put Councillor Gilmore in a conflict of interest, and he never should have been involved in the matter. He said JLA Grain is a grain elevator, and many people had witnessed Councillor Gilmore drive their truck – he, his wife, and his daughter had all witnessed it, as well as several other JLA Grain employees. He added that Councillor Gilmore is also on a Township drainage committee with Leon, so Councillor Gilmore is an associate of Leon and works for both Leon and Jonathan, so to him Councillor Gilmore shouldn't have been involved in this situation from the start.

Mr. Aarts added that Councillor Gilmore drives trucks for at least two or three other local businesses, and he found that Councillor Gilmore recused himself from a Council conversation owing to a conflict of interest because he worked for the company involved – so that established that Councillor Gilmore knew what conflicts of interest are, and knows what he should and shouldn't do, even though the building permit was more semi-private since it didn't go before Council for approval.

Mr. Aarts thought the permit applicants and the Planning Department knew the MDS I Guidelines quite well, and that Councillor Gilmore also had prior knowledge of them. He said 'Ross' only came up because Councillor Gilmore was telling him the proposed house wouldn't affect him "because Ross' house was already there" – but to him Ross' house didn't really come into play, so he was unsure why Councillor Gilmore mentioned him. He said Councillor Gilmore's whole process caught him off guard – his initial text said the Township had an

issue and he wanted to meet, so he agreed just to see what was going on, but he thought if the Township had an issue they'd normally send a letter explaining what it was. He said when he asked Councillor Gilmore what the matter was about, he replied it was his empty barns and Jonathan's house – which didn't strike him as a normal procedure for a building permit. He said Councillor Gilmore was minimizing his concern throughout their conversation, saying he had nothing to be concerned about; but he wondered why Councillor Gilmore was there if it wasn't really a concern, since he came under the pretenses as a Township Councillor. He said Councillor Gilmore told him the Township just needed a letter saying his barns were empty, to which he asked where the house would be if the rules were followed, and Councillor Gilmore replied it'd be out in the middle of the field. Mr. Aarts asked Councillor Gilmore what would happen if he didn't give him the information, to which he replied the Township could just send in the Fire Department for an inspection – which intimidated him in the moment, and then Councillor Gilmore further minimized the matter by saying it was “just Township bureaucracy” that wouldn't really affect him. He said Councillor Gilmore mentioned Ms. Ivins a couple of times, and Ms. Ivins seemed very resistant to follow the Guidelines initially, even though she knows the Guidelines and had made others in the community follow them. However, Mr. Aarts acknowledged that dealing with Ms. Ivins was fine in the end – he just didn't know “why there was resistance there.”

Mr. Aarts confirmed that his barns are empty, but said he learned it didn't really matter if his barns or the manure storage were empty because the MDS calculations would have been the same – it was more about potential use for the barns, and he uses the manure storage occasionally. He added that Mr. David Scott asked him during a short discussion on August 18 if he had received a letter – to which he replied ‘no’, but told him Councillor Gilmore had talked to him about it, which seemed to surprise Mr. Scott because he didn't know Councillor Gilmore was going to ask him about it. He noted that Ms. Ivins and Mr. Scott work in the same office in the Township's Planning Department.

Mr. Aarts acknowledged that he knew Councillor Gilmore for a long time and had some friendship or relationship with him – they had both been residents of Wainfleet their whole lives, and were involved in sports when they were younger and attended a couple of social events; but he said they were never close friends, and he thought Councillor Gilmore used the “so-called friendship” to gain his trust to go to his home to talk about the permit. He felt that Councillor Gilmore knew more about the MDS I than he was leading on, because Councillor Gilmore told

him “the house needed to be out in the middle of the field” – considerably farther out than the applicants wanted. He said the Ontario Federation of Agriculture (“OFA”) and the Ontario Ministry of Agriculture, Food and Agribusiness (“OMAFRA”) both told him Councillor Gilmore wasn’t following the Guidelines as written, which the provincial government instituted to prevent conflicts like these – regarding things like building barns when buildings and manure storages are already there. Finally, he added that Nadine Gill (Jonathan’s wife, and his co-applicant) was the local OFA representative at the time, so it was her job to know these things, and she knows all the MDS setback rules if you’re building a barn.

Witness – Sarah Ivins

I spoke with Ms. Ivins, a Planner with the Township’s Community & Development Services department. She said there are three individuals in her department – David Scott reports to her, and she reports to their Manager, Lindsay Earl.

I asked Ms. Ivins about the Misener Road building permit application the Township received in summer 2025, and her conversation with Mr. Aarts after she sent him her August 13 letter. She said the application was from Jonathan Aarts and Nadine Gill-Aarts, for a single detached dwelling, and she never received the completed form back from Mr. Aarts, but he called to clarify that there wasn’t livestock (only the manure storage), so the Township could go forward with their Minimum Distance Separation calculation. I asked if Ms. Ivins was aware of any relationship between the applicants and Mr. Aarts, to which she replied that she thought Mr. Aarts was Jonathan’s uncle.

I asked Ms. Ivins to briefly describe how the MDS rules governed the permit application. She said anytime there’s a new sensitive land use, including residential (like a new dwelling), the Township must review the Minimum Distance Separation for any livestock facilities nearby – including structures that can potentially house livestock, even if they currently don’t. She said when an applicant hasn’t provided that information, the Township would reach out to the property owners where there could potentially be livestock, to determine if the proposed location complies with the MDS setback. She said rule’s purpose is to minimize conflicts between residential users and farm operators, so that farm operators don’t get complaints about smell or normal operations, and ensure new residential uses are adequately separated from them.

Ms. Ivins said the permit application was revoked, at the applicant's request, around September or October 2025. She said the necessary setback between the proposed dwelling and the manure storage tanks was 336 metres⁶ – substantially farther than in the application, so the applicants needed to move the dwelling back considerably to comply with the MDS – i.e., more towards the middle of the field than adjacent to the road.

I asked Ms. Ivins why Mr. Aarts might have thought she had initially been reluctant to apply the MDS rules. She said she wasn't reluctant to apply the MDS, but they disagreed over its interpretation because she initially thought the MDS wasn't relevant to Mr. Aarts' barns, since they were no longer capable of housing livestock without renovations – there was no livestock there, and hadn't been in over 20 years. However, she said Mr. Aarts kept hypothesizing about what would happen if he re-established livestock use, so she told him he'd then have to do a new MDS II calculation of his own because he'd be establishing new livestock facility, and he had said he was only using the barns for storage, and there were no stalls, manure distribution, or feeding systems. She said her unoccupied livestock calculation created a different setback than just for manure storage tanks, but after speaking with OMAFRA (the provincial body that established the Guidelines) they clarified what was needed to satisfy the MDS, so she then did a final MDS calculation based on that and determined that her interpretation had been incorrect, so she made a different calculation and determined the 336m setback. The applicant was notified of such and chose to revoke their application.

Ms. Ivins recalled speaking with Councillor Gilmore about the permit application, but didn't recall exactly when because he just "popped into the office", so it hadn't been formally noted. She said Councillor Gilmore only asked her questions about the MDS, and why it needed to be applied to Mr. Aarts' property, given that it hadn't housed livestock for over 20 years. She said she told him what MDS was and what the Township needed to move forward with the application. I asked who reached out to who, and she replied Councillor Gilmore reached out to her, wanting clarification because the Township flagged MDS as an issue in its review. She denied asking Councillor Gilmore to help her with anything respecting the application. I asked if it was common for Members of Council to become involved in the building permit process, to which Ms. Ivins replied it is quite common in the Township – anytime a resident has problem with the process, or if they've been rejected and aren't satisfied with the information from staff, they usually contact a

⁶ This measurement converts to 1,102 feet

Member of Council, who then reach out to Township staff to try to help resolve the issue.

Ms. Ivins said this permit application process took about a couple of weeks – including speaking with the applicant, Mr. Aarts, Councillor Gilmore, and the Building Department. She said Councillor Gilmore told her he knew Mr. Aarts personally and might reach out to him, but she certainly didn't ask him to do that, and Councillor Gilmore never followed up with her about any of his conversations with Mr. Aarts. She added that she told Councillor Gilmore her department would be sending Mr. Aarts the formal letter.

ANALYSIS

The details in this case clearly reveal some unfortunate aspects to relationships impacted by the sequence of events. Although Councillor Gilmore believed he was interjecting himself into the permit application process for positive reasons, I find that he contravened the *Code of Conduct* in two ways by approaching Mr. Aarts on the evening of August 12, 2025. Most clearly, Councillor Gilmore usurped the role of Township staff – i.e., the handling of technical matters for the building permit application on Misener Road. Section 5(c) of the *Code of Conduct* states:

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Members when performing their other roles. ... Similarly, there are distinct and specialized roles expected of Staff in both the carrying out of their responsibilities and in dealing with the Council.

Section 5(h) of the *Code of Conduct* mandates:

No Member shall involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer.

The building permit application was unquestionably an administrative matter falling within the jurisdiction of the Township's Chief Administrative Officer (who has oversight over all Township staff.) It should have been overseen by Ms. Ivins' department, and ultimately was. Ms. Ivins made clear that she did not seek Councillor Gilmore's assistance with the application, and that he undertook any actions on his own volition – which Councillor Gilmore also corroborated.

Councillor Gilmore also contravened the Code's "undue use of influence" provision:

7. *Improper Use of Influence*

- a. *No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.*

I find that the August 12 interaction did not relate to Councillor Gilmore exercising his official duties – because nothing in his duties formally includes trying to speed up any particular building permit application. Mr. Aarts’ evidence creates a clear impression that he was uncomfortable during the conversation, and felt pressured by a Member of Council to provide a legally consequential statement that he didn’t understand at the time and felt could have led to negative consequences for him, such as giving up legal rights. Mr. Aarts also clearly perceives his nephew Jonathan (the applicant) to be adverse in interest to himself, and the evidence establishes that Councillor Gilmore is in an ongoing economic relationship with Jonathan’s company, as a contractor for JLA Grain. There was a reasonable appearance that Councillor Gilmore was interjecting himself into the matter to benefit Jonathan, who he has some degree of economic reliance upon – an appearance that made Councillor Gilmore’s interjection inappropriate. Councillor Gilmore acknowledged in writing that he “was attempting to obtain key information for staff to be able to move the process forward for my constituents”, and verbally told me that simply letting the application process just play out would have added a week or two to the process, and the owners (i.e., Jonathan and his wife) “were anxious to get the ball rolling and do construction in the summer rather than the winter.”

The evidence establishes that Mr. Aarts’ barn was factually uninhabited, but the fact that Councillor Gilmore (and seemingly many others) knew that does not impact the analysis. I accept that Mr. Aarts was intimidated in the moment that if he admitted so, it could negatively impact him in future, which was exacerbated by the fact that Township staff hadn’t reached out to him by that point. Very simply – the only inquiry to Mr. Aarts from anybody associated with the Township should have been made by Township staff. I acknowledge Ms. Ivins’ statement that Members of Council interjecting themselves into planning matters is apparently common in the Township; however, that should not be assumed to make such an approach compliant with the *Code of Conduct*.

CONCLUSION

I have determined that Councillor Gilmore contravened sections 5(h) and 7(a) of the *Code of Conduct*, through his interaction with Mr. Aarts on the evening of August 12, 2025. By approaching Mr. Aarts about an ongoing building permit

application, Councillor Gilmore usurped an administrative role that was clearly within the purview of Township staff, which was exacerbated by the fact that he was in an economic relationship with the applicant through his role as a contractor for the applicant's company (JLA Grain Inc.) The evidence establishes that at least part of Councillor Gilmore's motivation was to benefit Jonathan. As such, Councillor Gilmore's intervention into the permit application process, before Township staff had even reached out to Mr. Aarts, constituted an improper use of influence that I accept intimidated Mr. Aarts in the moment.

Publication

The Formal Complaint Procedure to the Code of Conduct establishes the following (I note uncommon) procedural steps when our Office finds that the *Code of Conduct* has been contravened.

17. Formal Complaint Procedure

...

e. Investigation

...

xvi. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct ... unless the Member has had at least seven (7) days notice of the basis for the proposed finding and any recommended sanction and an opportunity ... to comment ...

...

xix. Where the Complaint is sustained in whole or in part, the Integrity Commissioner shall ... report to Council outlining the findings, the terms of any ... recommended corrective action.

...

f. Penalties Regarding a Contravention by a Member

i. The potential penalties ... shall be those authorized under subsection 223.4(5) of the MA, namely:

1. a reprimand; and
2. suspension of remuneration paid to the Member in respect of the Member's services ... for a period of up to 90 days.

ii. The Integrity Commissioner may also recommend in his or her report that Council take the following actions:

1. removal of the Member from membership of a committee;
2. removal of the Member as chair of a committee;
3. ...;
4. ...; and
5. a written and/or verbal request for an apology from the Member to Council, the Complainant, or both.

iii. The power to impose penalties ... is delegated to the Integrity Commissioner, and the Integrity Commissioner shall ... exercise the power personally.

iv. A penalty imposed by the Integrity Commissioner takes effect immediately upon the filing of their report ... with the Clerk of the Township.

g. Reporting An Investigation:

...

iii. The Integrity Commissioner shall provide a copy of their report ... to the Complainant, to the Member ... and to all other Members at the same time as filing the report with the Clerk ...

iv. The report ... shall include:

...

5. where ... the Member has contravened the Code of Conduct ... the penalty under subsection 17(f) ... to be imposed, including a copy of a letter of reprimand, if imposed ...

...

vi. Where the Integrity Commissioner has filed a report ... with the Clerk ... the Clerk ... shall place the report on the next available Council agenda as

an information item.

My view (which I have stated in other municipalities) is that I do not believe the options listed in section 17(f)(ii) are legally permissible as a direct response to an Integrity Commissioner's report. Pursuant to s. 223.4(1) of the *Municipal Act, 2001* – which is the constating legislation governing our jurisdiction – there is only clear legislative authority for a reprimand or a suspension of pay. That section reads (fully):

Inquiry by Commissioner

223.4 (1) *This section applies if the Commissioner conducts an inquiry under this Part ...*

...

Penalties

(5) *The municipality may impose either of the following penalties on a member of council ... if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:*

1. *A reprimand.*
2. *Suspension of the remuneration paid to the member in respect of his or her services as a member of council ... for a period of up to 90 days.*

This is the first time our Office has issued a Report finding a contravention of the *Code of Conduct* by Councillor Gilmore since we were appointed as the Township's Integrity Commissioner. I believe a reprimand is the most appropriate sanction for this case's circumstances – they arose from an error in judgment by Councillor Gilmore, and I hope that this Report will be a meaningful learning opportunity. I have accepted that Mr. Aarts was intimidated by Councillor Gilmore on August 12, 2025. However, I also acknowledge that nothing about the building permit application ultimately changed substantively owing to Councillor Gilmore's interjection – Township staff ultimately agreed with Mr. Aarts' technical objections. The only lasting consequence in fact seems to have been a deterioration in the relationship between Councillor Gilmore and Mr. Aarts. That is for them to address between themselves as they might wish; however, in my view that is already a sufficient consequence – on top of the public reporting we are obligated to fulfill – such that I believe imposing a further financial penalty upon Councillor Gilmore is unnecessary to aid in addressing this situation. Our letter of reprimand

is being provided to the Township's Clerk along with this Report, and this Report is being provided to Township Council for information.

Prior to the formal release of this Report, Councillor Gilmore was provided an opportunity to comment, in accordance with section 17(e)(xiv) of the Code of Conduct. However, he advised on February 16, 2026 that he had no further comment respecting this matter.

Conclusion

I thank the parties for their cooperation in this complaint process and now consider the matter to be concluded.

Respectfully submitted by,



Benjamin Drory, Senior Investigator

Endorsement and Issuance of Report

I, Michael L. Maynard, Integrity Commissioner for the Township of Wainfleet, have reviewed the evidence, process, and results of Mr. Drory's Investigation. I agree with and endorse this Report in respect of Complaint IC-35690-0925, and hereby issue it to Parties and the Township, along with a letter of reprimand, in conclusion of this matter.



Michael L. Maynard
Integrity Commissioner



ADR
CHAMBERS

Integrity Commissioner Office
for the Township of Wainfleet

MICHAEL L. MAYNARD
Integrity Commissioner
E-mail: mmaynard@adr.ca

February 23, 2026

PRIVATE AND CONFIDENTIAL

SENT BY EMAIL TO:

Councillor Terry Gilmore
TGilmore@wainfleet.ca

Cc: Township of Wainfleet Council

Re: Code of Conduct Investigation Report ("Report")
File No. IC-35690-0925

Dear Councillor Gilmore,

This letter will serve to confirm that you are hereby reprimanded for the contraventions of sections 5(h) and 7(a) of the Code of Conduct referenced in Report IC-35690-0925 prepared by Mr. Benjamin M. Drory, the Investigator to whom I delegated responsibility to investigate and report upon this complaint. I have reviewed and am in agreement with that report.

Yours truly,

Michael L. Maynard
Integrity Commissioner

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 010-2026

Being a by-law to delegate financial and staffing authority to the Chief Administrative Officer for the period of Nomination Day until the End of Term.

WHEREAS Section 275 of the Municipal Act, 2001, provides that after the first day during the election for a new Council when it can be determined that three quarters (3/4) of the members of the outgoing Council of the municipality will not be returning, the Council of a local municipality shall not take any of the following actions:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
- d) Making any expenditures or incurring any other liability which exceeds \$50,000.

AND WHEREAS the Chief Administrative Officer already has been delegated the authority to hire or remove any employee except officers of the Township from/to employment with the Township of Wainfleet;

AND WHEREAS Section 275(6) of the Municipal Act, 2001, provides that nothing in the section prevents any person from exercising any authority of a municipality that is delegated to the person prior to nomination day for the election of the new council;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet deems it necessary and appropriate to delegate authority to the Chief Administrative Officer to be able to take certain actions in the event that Council itself is precluded from acting;

AND WHEREAS Section 5 of the Municipal Act, 2001, provides that a municipality's power shall be exercised by by-law.

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Chief Administrative Officer shall be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000.00 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
2. **THAT** the Chief Administrative Officer is hereby delegated the authority to appoint or remove from office any officer of the municipality, save and except an officer whose appointment is required by the Municipal Act, 2001;

3. **THAT** the Chief Administrative Office shall only exercise these delegated authorities when required after the first day on which it can be determined that $\frac{3}{4}$ of the outgoing Municipal Council will not be returning;
4. **THAT** the Chief Administrative Officer will report the exercise of such delegated authority to the new Council as soon as is practicable in the new term;
5. **AND THAT** this by-law shall come into force on the passing thereof.

BY-LAW READ AND PASSED THIS 10TH DAY OF MARCH, 2026

B. Grant, MAYOR

A. Chrastina, CLERK

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 011-2026**

Being a by-law pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 1, Part Lot 23 in the Township of Wainfleet and known municipally as 12381 Lakeshore Road.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 23 of Zoning By-law 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Residential Lakeshore – RLS.C15 to Residential Lakeshore – RLS.C15-48, as shown on Schedule “A” attached hereto.

THAT Table 12 of Section 7.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the RLS section:

Zone	#	By-Law #	Address	Description of Special Provision
RLS	48	011-2026	Con. 1, Pt. Lot 23	Maximum Lot Coverage: 32% Maximum Accessory Building Lot Coverage: 13.5%

THAT pursuant to Section 34(17) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, no further public meeting is required.

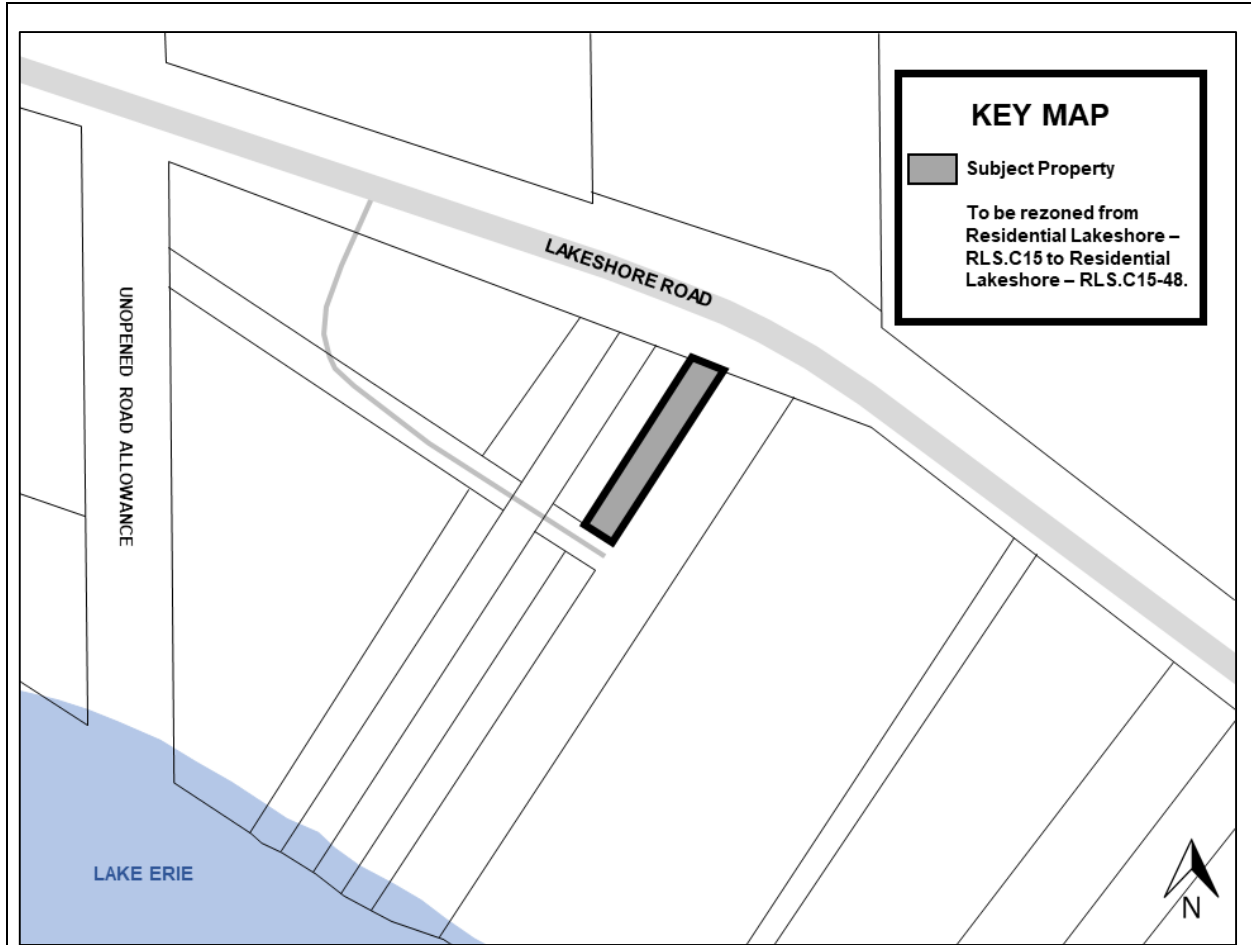
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

BY-LAW READ AND PASSED THIS 10TH DAY OF MARCH, 2026.

B. Grant, MAYOR

A. Chrastina, CLERK

SCHEDULE A TO BY-LAW 011-2026



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 011-2026:
 This by-law affects lands described as Concession 1, Part Lot 23 in the Township of Wainfleet and known municipally as 12381 Lakeshore Road. This by-law has been enacted to rezone the subject property to a Residential Lakeshore - RLS.C15-48. Exception 48 permits a maximum overall lot coverage of 32% and a maximum accessory building lot coverage of 13.5%.

File No. Z01/2026W (Misztal)

THIS IS SCHEDULE "A" TO BY-LAW NO. 011-2026.
 PASSED THIS 10TH DAY OF MARCH, 2026.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 012-2026

Being a by-law to authorize the transfer by the Corporation of the Township of Wainfleet in favour of applicants for the abandoned rail corridor as set out in Schedule "A" attached hereto.

WHEREAS Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, permit a municipality to pass by-laws in accordance with the Act;

AND WHEREAS certain lands within the Township conveyed by Canadian National Railway to the Township by Transfer registered January 15, 1997, as instrument RO719089;

AND WHEREAS such lands do not comprise part of the Public Highway and are deemed surplus by the Township of Wainfleet;

AND WHEREAS the Applicants listed in Column 1 of attached Schedule "A" have applied to acquire such lands from the Township as they abut the Applicant's lands;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** those lands set out in Column 3 of Schedule "A" hereto be conveyed by the Corporation of the Township of Wainfleet in favour of the Applicants therefore set out in Column 1 of Schedule "A" hereto as the adjoining land owners pursuant to the resolution of the Corporation of the Township of Wainfleet.
2. **THAT** in each case, the lands are to be conveyed to an abutting land owner such that the parcels will merge pursuant to the Planning Act of Ontario and no new parcels of land are created thereby.
3. **THAT** the Mayor and the Clerk of the Corporation of the Township of Wainfleet are hereby authorized to sign or execute such deeds or other documents as may be necessary to effect such conveyances.
4. **AND THAT** the Corporation of the Township of Wainfleet accept the sum of \$1.00 for each parcel together with the Township's costs including the proportionate share of the survey costs, excluding interest, and reimbursement of the Township's legal costs in connection with such transfer.

BY-LAW READ AND PASSED THIS 10TH DAY OF MARCH, 2026.

B. Grant, MAYOR

A. Chrastina, CLERK

SCHEDULE "A" TO BY-LAW NO. 012-2026

PURCHASER	PURCHASER'S PROPERTY	LANDS AVAILABLE TO BE SOLD Originally Part 1 & 2 59R14257
Claude Campeau	PT LT 38, CON 5 PIN 64005-0124	PT 1 59R18517
Tracey Ann Campeau	PT LT 38, CON 5 PIN 64005-0125	PT 2 59R18517
Ronald Freeman & Tracey Ann Campeau	PT LT 38, CON 5 PIN 64005-0126	PT 3 59R18517

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 013-2026

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its Regular Meeting of Council held March 10, 2026

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its Regular Meeting of Council held March 10, 2026, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 10TH DAY OF MARCH, 2026

B. Grant, MAYOR

A. Chrastina, CLERK