



# COUNCIL INFORMATION PACKAGE

## SUMMARY

MARCH 24, 2023

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1. **C-2023-080**  
Correspondence dated March 16, 2023 from the Ontario Land Tribunal respecting a proceeding commenced under the Planning Act. Case No: OLT-22-004608 (Vacant Lot Rathfon Road)
2. **C-2023-081**  
Correspondence dated March 17, 2023 from the Ministry of Natural Resources and Forestry respecting amendments to Ontario Regulation 161/17 under the Public Lands Act regarding the use of floating accommodations.
3. **C-2023-082**  
Correspondence dated March 17, 2023, from Karen Usick, Community Coordinator, Niagara Health System respecting a request for proclamation – Canadian Viral Hepatitis Day (Can Hep Day).
4. **C-2023-083**  
Correspondence dated March 22, 2023 from the Municipality of South Huron respecting a motion regarding a Report to Council - Cannabis Act Information.
5. **C-2023-084**  
Correspondence dated March 22, 2023 from the Town of Plympton-Wyoming respecting a motion of support regarding Barriers for Women in Politics.
6. **C-2023-085**  
Correspondence dated March 22, 2023 from the Town of Plypton-Wyoming respecting a motion of support regarding Future Accuracy of the Permanent Register of Electors.
7. **C-2023-086**  
Correspondence dated March 23, 2023 from the Municipality of West Perth respecting a motion of support for Huron County Call to Action: Cannabis Act Review.



Property Address: Vacant Lot Rathfon Road (Concession 2 Part Lots 8 & 9, 59-R-691 Parts 5 & 6)  
 Municipality: Township of Wainfleet  
 Municipal Reference Number: A14/2022W  
 OLT Case No.: OLT-22-004610  
 OLT Lead Case No.: OLT-22-004608  
 OLT Case Name: Homeextent Inc. v. Wainfleet (Township)

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Homeextent Inc.  
 Subject: Minor Variance  
 Description: to request relief from provisions of Zoning By-law 034-2014 to permit the construction of a dwelling  
 Property Address: Vacant Lot Rathfon Road (Concession 2 Part Lots 8 & 9, 59-R-691 Parts 5 & 6)  
 Municipality: Township of Wainfleet  
 Municipal Reference Number: A15/2022W  
 OLT Case No.: OLT-22-004611  
 OLT Lead Case No.: OLT-22-004608  
 OLT Case Name: Homeextent Inc. v. Wainfleet (Township)

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Homeextent Inc.  
 Subject: Minor Variance  
 Description: to request relief from provisions of Zoning By-law 034-2014 to permit the construction of a dwelling  
 Property Address: Vacant Lot Rathfon Road (Concession 2 Part Lots 8 & 9, 59-R-691 Parts 5 & 6)  
 Municipality: Township of Wainfleet  
 Municipal Reference Number: A16/2022W  
 OLT Case No.: OLT-22-004612  
 OLT Lead Case No.: OLT-22-004608  
 OLT Case Name: Homeextent Inc. v. Wainfleet (Township)

**Heard:** February 6, 2023 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Homeextent Inc.

Jennifer Meader

Township of Wainfleet

No one appeared

## **DECISION DELIVERED BY JEAN-PIERRE BLAIS AND A. CORNACCHIA AND ORDER OF THE TRIBUNAL**

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### **INTRODUCTION**

[1] The matter before the Tribunal involves three appeals. First, two appeals pursuant to s. 53(19) of the *Planning Act* (“Act”) based on the refusal of the Committee of Adjustment (“Committee”) of the Township of Wainfleet (“Township”) of two related Consent applications. Second, one appeal pursuant to s. 45(12) of the Act based on the Committee’s refusal of three related Minor Variance applications. The appeals were administratively consolidated due to the obvious overlapping of issues and evidence.

[2] The Applications by Homeextent Inc. (“Applicant/Appellant”) are with respect to vacant lands located on Rathfon Road, known municipally – in the absence of a municipal address - as Roll No. 271400000209001, in the Township (“Subject Lands”).

[3] The Notice of a Hearing Event was given administratively by the Tribunal. No other person sought party or participant status.

[4] No counsel appeared at the hearing on behalf of the Township. Although the matter was not contested, the Tribunal must nevertheless be satisfied that the application satisfies all legislative tests.

### **EVIDENCE**

[5] The Applicant/Appellant called Craig A. Rohe as an expert witness. He was retained by the Applicant/Appellant in this matter. Mr. Rohe was qualified by the Tribunal as an expert in land use planning. He gave comprehensive and uncontested evidence evaluating the Applications against the relevant legislative tests.

## **Subject Property**

[6] The Subject Lands have an area of approximately 10.95 hectares (“ha”), with a frontage of 108.51 metres (“m”) on Rathfon Road, between Lakeshore Road and Gord Harry Trail. They abut properties containing single detached dwellings to the north, west and south. An actively cultivated agricultural field is located to the east. They do not currently contain any structures and are not in agricultural production. They have been left to naturalize.

## **The Applications**

[7] As part of a development proposal, the Applicant/Appellant filed with the Township two Consent applications and a Minor Variance application (“Applications”):

- a. A Consent application to sever Parcel 1 for future residential use and for a concurrent partial discharge of mortgage (municipal file B17/2022W);
- b. A Consent application to sever Parcel 2 for future residential use and for a concurrent partial discharge of mortgage (municipal file B18/2022W); and,
- c. Minor Variance applications for relief from the Township’s Zoning By-law 034-2014 (“ZBL”) for minimum lot frontage for Parcel 1 (35.53 metres), for Parcel 2 (37.42 metres) and for retained Parcel 3 (35.56 metres) (municipal files A14/2022W, A15/2022W and A16/2022W).

[8] The severances sought would result in three parcels. Two severed parcels would be for residential development. The larger retained parcel would be for either future agricultural use, for residential development or both. The three Minor Variances seek to reduce lot frontages for each parcel to less than the 46 m as required under the ZBL. The Applications are inextricably linked because the proposed development cannot move forward without the approval of the consent Applications and the Minor Variance Application.

[9] The parcels will not be served by municipal water and sewage services. They are in an area with an environmentally sensitive aquifer. As a result, the Applicant/Appellant is proposing that the private water system will use a cistern rather than a well. The proposed private septic system has been designed to reduce nitrogen seepage.

[10] Township staff recommended approval of the Applications, subject to conditions with respect to the Consent applications (“Conditions of Approval”). However, the Township’s Committee of Adjustment refused the Applications on September 23, 2022.

## **ANALYSIS**

### **Do the Proposed Consent Applications have Regard for the Criteria set out at s. 51(24) of The Act?**

[11] Section 51(24) of the Act contains an extensive list of criteria to which the Tribunal must have regard in considering the Consent applications. Mr. Rohe testified extensively on those criteria.

[12] Mr. Rohe first analyzed the matters of Provincial interest in s. 2 of the Act, the Provincial Policy Statement 2020 (“PPS 2020”) and the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) as they apply in this matter.

### **Matters of Provincial Interest, PPS 2020 and the Growth Plan**

[13] Although the Subject Lands are in a rural area and are considered rural lands under the PPS 2020, Mr. Rohe testified that they are not considered to be wholly within a prime agricultural area given the class of soil that is present. Under the PPS 2020, settlement areas are the preferred location for growth. In this instance, the Subject Lands are among a large concentration of residential properties. In Mr. Rohe’s view, the Subject Lands are an appropriate location for limited growth and their development will be compatible with the rural landscape. The inclusion of new dwellings on the Subject Lands infills a gap along an existing strip of rural dwellings.

[14] Mr. Rohe also testified that the agricultural resources of the Province would be protected by accommodating development on lands not currently in active agricultural production. The creation of two residential lots is in keeping with the general character of the area and does not limit or fragment reasonable agricultural opportunities, particularly on the retained parcel. Mr. Rohe also explained that the Subject Lands are currently vacant, overgrown with cultural thicket and are not actively farmed.

[15] Mr. Rohe noted that the proposed development will be more than sufficiently set back from nearby livestock facilities. Given this, and the interceding land uses, namely open fields, existing residential development and municipal roads, Mr. Rohe concluded that a Minimum Distance Separation calculation was not necessary.

[16] For similar reasons, Mr. Rohe testified that the proposed Applications conform with the Growth Plan, particularly in respect of non-agricultural development in rural areas, compatibility with the rural landscape and surrounding land uses, natural and cultural heritage matters, and the provisioning of private water and sewage systems.

### **Conformity with Official Plans**

[17] With respect to conformity with relevant official plans and the ZBL, Mr. Rohe explained that the subject Lands are designated as “Rural” under the Regional Municipality of Niagara’s Official Plan 2015 (“Regional OP”), as “Rural Area” under the Township’s Official Plan 2016 (“Township OP”) and as “Rural A4-2” under the ZBL.

[18] Mr. Rohe explained that the land use designations under the Regional OP, the Township OP and the ZBL permit the creation of lots for residential purposes in rural areas where the Subject Lands are located. He opined that each proposed lot would have sufficient area to provide for a dwelling and private services and will have access to a publicly maintained road and utilities. The Subject Lands are located between existing residential development, which have similar lot frontages, and their use will be compatible to the surrounding area. He also carefully reviewed the consent criteria under the Regional OP and Township OP and confirmed that the consent applications

conform with those criteria.

[19] He also opined that the creation of proposed residential lots is not premature and will contribute to the Province's housing supply.

[20] The Applications are supported by three technical studies requested by the Township. Mr. Rohe explained that the supporting studies demonstrate that lot creation and residential development can proceed with no impact on the natural environment, archaeological heritage, or ground water resources, particularly given the proposed Conditions of Approval.

### **Environmental Impact Study**

[21] The Subject Lands were evaluated through an Environmental Impact Study to determine if there would be any significant impacts on existing natural areas or features on or adjacent to the Subject Lands. Mr. Rohe explained that the study completed by Ecological and Environmental Solutions concluded that the Subject Lands do not contain any significant natural features, except for a small encroachment of a significant woodland in the northwest corner of the large, retained parcel. The proposed lot lines do not encroach within the featured boundary and are located outside of the 120 m screening associated with such significant woodlands. Mr. Rohe further explained that the Study identified invasive species present on the proposed lots which will be removed to facilitate development, to the benefit of the overall natural environment. Appropriate measures in this regard are contemplated in the Conditions of Approval, such as the planting and preserving of native species, including trees.

### **Stage 1-2 Archaeological Assessment**

[22] As the Subject Lands are close to Lake Erie, they are considered to exhibit archeological potential. Therefore, Detritus Consulting Ltd. completed a Stage 1 and 2 Archaeological Assessment. Through field review, no archaeological resources have been discovered. The preparation of required reports to the Ontario Ministry of Heritage, Sport, Tourism and Cultural Industries and the obtainment of Provincial letters of



concurrence are subject to Conditions of Approval.

### **Hydrogeological Report**

[23] Mr. Rohe explained that the Township is a rural municipality that does not have any municipal water and sanitary services. The proposed lots would have to be supported by private water and septic systems. Although the Subject Lands are located within a highly vulnerable aquifer, the Hydrological Report prepared by Terra-Dynamics Consulting Inc. concluded that private services can be accommodated on the proposed lots with no negative impact to groundwater. The proposed lots are to be just under 1 ha in size, with the retained parcel being 9.7 ha. These lot sizes were deemed appropriate in the circumstances to address sanitary system matters. The provision of potable water will occur through truck-filled cisterns rather than wells. Appropriate measures with respect to potable water and nitrogen reducing septic installations are subject to Conditions of Approval.

[24] Overall, Mr. Rohe testified that, in his professional opinion, the proposed Consent applications have regard to the criteria set out in s. 51(24) of the Act. In his opinion, the Applications had regard to matters of Provincial interest in s. 2 of the Act, were consistent with the PPS 2020, and conformed to the Growth Plan, the Regional OP and the Township's OP. The Subject Lands are a suitable location for growth as they are set among primarily residential dwellings, have frontage on a public highway and can be supported by appropriate private water and sanitary services.

[25] The Tribunal accepts this comprehensive and uncontested evidence and finds same. The Tribunal also finds that the Conditions of Approval that support this finding are reasonable in the circumstances pursuant to s. 51(25) of the Act.

### **Does the Proposed Minor Variance Satisfy the Four Tests set out at s. 45(1) of the Act?**

[26] To succeed, an applicant for authorization of variances must satisfy the Tribunal that the four tests set out under s. 45(1) of the Act are met. The four tests require an

applicant to satisfy the Tribunal that the variances:

- i. Maintain the general intent and purpose of the official plan;
- ii. Maintain the general intent and purpose of the zoning by-law;
- iii. Are desirable for the appropriate development or use of the land building or structure; and
- iv. Are minor.

### **Official Plan and Zoning By-law**

[27] As noted above, the Applications are inextricably linked. As a result, the legislative, public policy and public interest analysis overlaps considerably.

[28] The Tribunal is satisfied that the proposed variances meet the general intent and purpose of the Regional OP, the Township's OP and the ZBL. The evidence is that OPs and the ZBL permit residential lot creation on the Subject Property. Mr. Rohe testified that lot frontage value was derived from the Regional OP. It was unclear, in his view, why the minimum frontage requirement was set at 46 m. However, he speculated that the 46 m standard may have been considered appropriate to optimize agricultural use. In any event, lot frontage requirements are stated, in the Regional OP and the Township's OP, to be flexible based on circumstances. Mr. Rohe reiterated that the proposed lots are appropriately sized to accommodate single detached dwellings on cistern-based water services while providing sufficient area for amenities, drainage, and a nitrogen-reducing sanitary services.

### **Desirable**

[29] The Tribunal also finds that the proposed reduced frontage will allow the Subject Lands to be used for their proposed purposes. The proposed frontage is like other rural residential properties in the area. The Subject Lands are an appropriate location for limited growth and their development will be compatible with the rural landscape. The inclusion of new dwellings on the Subject Lands infills a gap along an existing strip of

rural dwellings. The reduced frontages which are part of the overall development proposal are desirable to support the proposed development.

### **Variances are Minor**

[30] The Tribunal is satisfied that the variances sought are minor and will not cause any adverse impacts on the residents of the abutting properties.

[31] The requested reduction for the two proposed smaller parcels appropriately reduces a larger-than-required frontage given the proposed residential purpose for these parcels. The reduced frontage for the larger retained parcel will still provide sufficient area for both residential development and agricultural access to the field at the rear of that parcel.

[32] Accordingly, the Tribunal finds that the four tests at s. 45(1) of the Act have been met and that the appeal should be allowed.

### **CONCLUSION**

[33] Overall, the Tribunal accepts the uncontested evidence of Mr. Rohe and finds that the proposed Applications meet all the relevant legislative tests, including sections 45(1), 51(24) and 51(25) of the Act. The Applications have regard to matters of Provincial interest in s. 2 of the Act, are consistent with the PPS 2020, and conform to the Growth Plan, the Regional OP and the Township's OP. It represents good planning.

### **ORDER**

[34] **THE TRIBUNAL ORDERS** that

- i. The appeals of Consent applications B17/2022W and B18/2022W are allowed and provisional consents are to be given as described in **Attachment 1** to this Order, subject to the conditions set out in **Attachment 2** to this Order.

- ii. The appeal of Minor Variance applications A14-A15-A16/2022W is allowed and the variances to the Township of Wainfleet By-law No. 034-2014, are authorized as set out in **Attachment 3** to this Order.

*“Jean-Pierre Blais”*

JEAN-PIERRE BLAIS  
MEMBER

*“A. Cornacchia”*

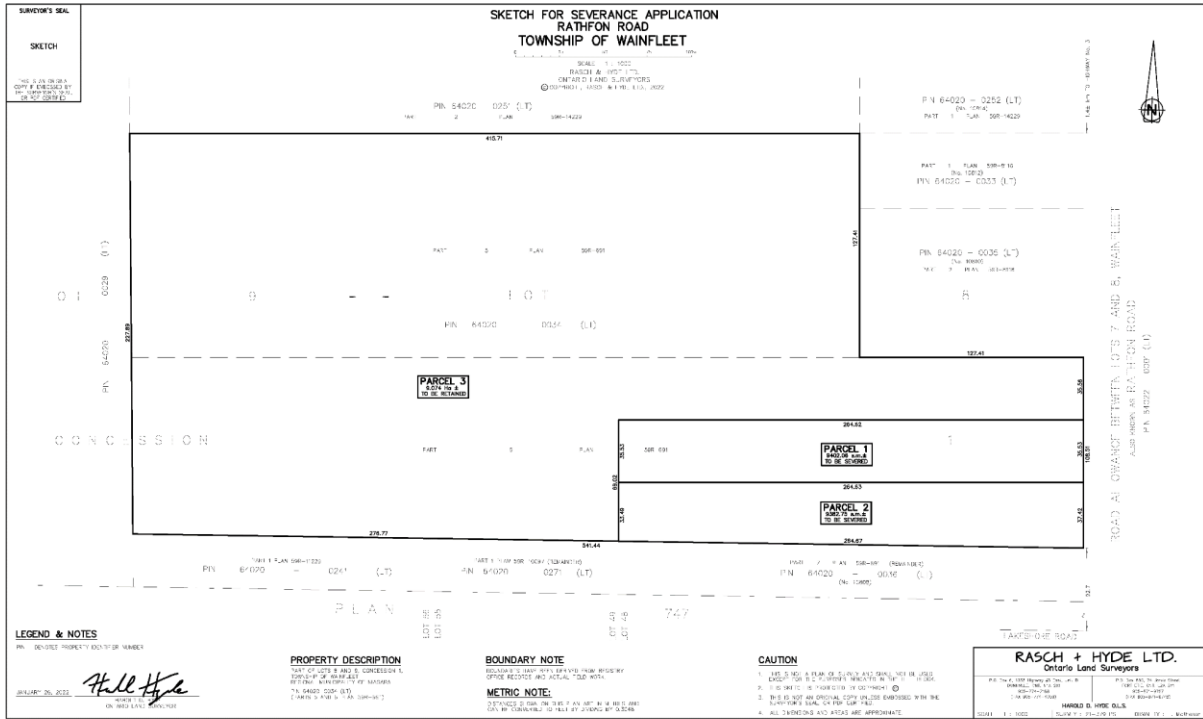
A. CORNACCHIA  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

# Attachment 1



## Attachment 2

### Conditions of Consent

#### Consent Application B17/2022W

1. That minor variance application A14/2022W be approved.
2. That the owner submits a Stage 1-2 archaeological assessment (and any required subsequent archaeological assessments for Parts 1, 2 and 3) to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receiving an acknowledgement letter from MHSTCI (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.
3. That the owner enters into a Development Agreement with the Township, to be registered against the title of Parcels 1, 2 and 3, which requires:
  - a. That the owner agrees to implement the recommendations of the Hydrogeological Assessment prepared by Terra Dynamics Consulting Inc. (dated August 4, 2022), including:
    - i. That the three parcels be equipped with the sewage systems that provide at least 75% nitrogen reduction of septic sewage effluent Level IV/tertiary treatment and located along the northern limit of the proposed parcels as shown in Figure 3;
    - ii. That the private water supply be provided via cistern;
    - iii. That future sewage disposal systems observe the required Ontario Building Code setbacks from water supplies and surface water. During the design process, it should be ensured that the septic bed on Parcel 2 has a minimum 30 metres setback from water well 6603631, likely located on the property immediately south of the subject property, 10808 Rathfon Road (shown in Figure 2 and 3).
    - iv. That if any on-site wells are discovered during construction, they should be decommissioned by a licensed water well contractor;
    - v. That if any on-site petroleum wells are discovered during construction, they should be decommissioned by a qualified well contractor.
  - b. That the owner agrees to implement the recommendations of the Environmental Impact Study prepared by Ecological & Environmental Solutions (dated July 2022), including but not limited to:
    - i. That an Invasive Species Management Plan be submitted, to the satisfaction of Niagara Region, that outlines the removal and management of Japanese Honeysuckle and Multiflora Rose to prevent the spread of these species towards the Core Natural

- Heritage System;
- ii. That the owner agrees to implement the approved Invasive Species Management Plan;
  - iii. That vegetation removals be undertaken between September 15 and May 15, outside of the breeding bird nesting period. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
  - iv. That permanent fencing be installed along the new property lines, to mitigate encroachment.
- c. That any offers and agreements of purchase and sale or lease shall include the following warning clause:
- i. *“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

4. That the Secretary-Treasurer be provided with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
5. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
6. That all conditions of consent be fulfilled within a period of two years after notice has been given under Section 53(17) or 53(24), as per Section 53(41) of the Planning Act, R.S.O. 1990.

#### Consent Application B18/2022W

1. That minor variance applications A15/2022W and A16/2022W be approved.
2. That the owner submits a Stage 1-2 archaeological assessment (and any

required subsequent archaeological assessments for Parts 1, 2 and 3) to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receiving an acknowledgement letter from MHSTCI (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.

3. That the owner enters into a Development Agreement with the Township, to be registered against the title of Parcels 1, 2 and 3, which requires:
  - a. That the owner agrees to implement the recommendations of the Hydrogeological Assessment prepared by Terra Dynamics Consulting Inc. (dated August 4, 2022), including:
    - i. That the three parcels be equipped with the sewage systems that provide at least 75% nitrogen reduction of septic sewage effluent Level IV/tertiary treatment and located along the northern limit of the proposed parcels as shown in Figure 3;
    - ii. That the private water supply be provided via cistern;
    - iii. That future sewage disposal systems observe the required Ontario Building Code setbacks from water supplies and surface water. During the design process, it should be ensured that the septic bed on Parcel 2 has a minimum 30 metres setback from water well 6603631, likely located on the property immediately south of the subject property, 10808 Rathfon Road (shown in Figure 2 and 3).
    - iv. That if any on-site wells are discovered during construction, they should be decommissioned by a licensed water well contractor;
    - v. That if any on-site petroleum wells are discovered during construction, they should be decommissioned by a qualified well contractor.
  - b. That the owner agrees to implement the recommendations of the Environmental Impact Study prepared by Ecological & Environmental Solutions (dated July 2022), including but not limited to:
    - i. That an Invasive Species Management Plan be submitted, to the satisfaction of Niagara Region, that outlines the removal and management of Japanese Honeysuckle and Multiflora Rose to prevent the spread of these species towards the Core Natural Heritage System;
    - ii. That the owner agrees to implement the approved Invasive Species Management Plan;
    - iii. That vegetation removals be undertaken between September 15<sup>th</sup> and May 15<sup>th</sup>, outside of the breeding bird nesting period. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
    - iv. That permanent fencing be installed along the new property lines, to mitigate encroachment.



- c. That any offers and agreements of purchase and sale or lease shall include the following warning clause:

*i. "Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

4. That the Secretary-Treasurer be provided with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
5. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
6. That all conditions of consent be fulfilled within a period of two years after notice has been given under Section 53(17) or 53(24), as per Section 53(41) of the Planning Act, R.S.O. 1990.

### **Attachment 3**

#### Minor Variance Application A14/2022W

That Parcel 1, as shown on the Severance Sketch attached to the Tribunal's Order as Attachment 1, shall have a minimum frontage of 35.5 metres, whereas the Township of Wainfleet Zoning By-law 034-2014 requires a minimum frontage of 46 metres.

#### Minor Variance Application A15/2022W

That Parcel 2, as shown on the Severance Sketch attached to the Tribunal's Order as Attachment 1, shall have a minimum frontage of 37.4 metres, whereas the Township of Wainfleet Zoning By-law 034-2014 requires a minimum frontage of 46 metres.

#### Minor Variance Application A16/2022W

That Parcel 3, as shown on the Severance Sketch attached to the Tribunal's Order as Attachment 1, shall have a minimum frontage of 35.5 metres, whereas the Township of Wainfleet Zoning By-law 034-2014 requires a minimum frontage of 46 metres.

**Ministry of Natural Resources and Forestry**  
Policy Division

Director's Office  
Crown Forests and Lands Policy Branch  
70 Foster Drive, 3<sup>rd</sup> Floor  
Sault Ste. Marie, ON P6A 6V5

**Ministère des Richesses naturelles et des Forêts**  
Division de la politique

Bureau du directeur  
Direction des politiques relatives aux forêts et aux terres de la Couronne  
70, rue Foster, 3<sup>e</sup> étage  
Sault Sainte Marie, ON P6A 6V5



March 17, 2023

Hello,

We are writing to let you know that on March 16, 2023, the Ministry of Natural Resources and Forestry made an update to the proposal to make amendments to [Ontario Regulation 161/17](#) under the [Public Lands Act](#) regarding the use of floating accommodations.

The changes to the proposal are described in the updated proposal notice on Ontario's Regulatory Registry and the Environmental Registry of Ontario (ERO) (ERO number [019-6590](#)), which was first published on February 24, 2023 and updated on March 16, 2023.

In the updated proposal, we are still proposing to amend Ontario Regulation 161/17 to clarify the structures or things that cannot be placed and used for overnight accommodation on water over public land.

The following changes proposed in the original posting have been removed through the update:

- reducing the number of days that a person can camp on water over public land (per location, per calendar year) from 21 days to 7 days
- increasing the distance that a person camping on water must move their camping unit to be occupying a different location from 100 metres to 1 kilometre
- adding a new condition to prohibit camping on water within 300 metres of a developed shoreline, including any waterfront structure, dock, boathouse, erosion control structure, altered shoreline, boat launch and/or fill
- harmonizing the conditions for camping on public land so that residents and non-residents are required to follow the same conditions when camping on water over public lands or on public lands
- specifying conditions for swim rafts, jumps, ramps for water sports, heat loops and water intake pipes
- clarifying that camping on a road, trail, parking lot or boat launch is prohibited
- amending the regulation to add the following to the list of excluded public lands to which section 21.1 of the *Public Lands Act* and Ontario Regulation 161/17 do not apply:

- lands subject to an agreement authorizing the use of those lands
- lands subject to an authorization under the *Aggregate Resources Act*.

We encourage you to review the updated proposal notice (ERO number [019-6590](#)) and provide feedback through the ERO. The comment period for the proposal closes on **April 11, 2023**.

Sincerely,

Peter D. Henry, R.P.F.  
Director, Crown Forests and Lands Policy Branch  
Ministry of Natural Resources and Forestry

c: Pauline Desroches, Manager, Crown Lands Policy Section

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**Subject:** Proclamation Request - Canadian Viral Hepatitis Elimination Day (Can Hep Day)

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**From:** Usick, Karen <Karen.Usick@niagarahealth.on.ca>

**Sent:** March 17, 2023 3:50 PM

**To:** wayne.redekop@niagararegion.ca; marvin.junkin@niagararegion.ca; Brian.Grant@niagararegion.ca; frank.campion@niagararegion.ca; bill.steele@niagararegion.ca; Jdiodati@niagarafall.ca; sandra.easton@niagararegion.ca; jeff.jordan@niagararegion.ca; terry.ugulini@niagararegion.ca; Mathew.Siscoe@niagararegion.ca; Gary.Zalepa@niagararegion.ca; Cheryl.Ganann@niagararegion.ca; jim.bradley@niagararegion.ca; Diodati, Jim <Jim.Diodati@niagarahealth.on.ca>

**Cc:** dkelley@forterie.ca; SLeach@pelham.ca; Amber Chrastina <AChrastina@wainfleet.ca>; theresa.ettorre@welland.ca; nancygiles@portcolborne.ca; kelia@niagarafalls.ca; achambers@lincoln.ca; hsoady-easton@grimsby.ca; ginger@thorold.com; jhughes@stcatharines.ca; victoria.steele@notl.com; Jthrower@westlincoln.ca; erica.pretty@notl.com; 'BHutchinson@westlincoln.ca' <BHutchinson@westlincoln.ca>; BRavazzolo@pelham.ca; Meredith Kirkham <MKirkham@wainfleet.ca>; Rachael.Babirad@welland.ca; brendaheidebrecht@portcolborne.ca; sconidi@niagarafalls.ca; RMunroe@forterie.ca; Meredith Kirkham <MKirkham@wainfleet.ca>; brenda.larouche@welland.ca; Tessa Buonocore <Tessa.Buonocore@thorold.ca>; nancygiles@portcolborne.ca; Jacquie Miller <JMiller@pelham.ca>; kelia@niagarafalls.ca

**Subject:** Proclamation Request - Canadian Viral Hepatitis Elimination Day (Can Hep Day)

Greetings everyone

I am touching base on behalf of the Niagara Health System's – Hepatitis C Care Clinic to share with you about how we will be joining our national partners to raise awareness of viral hepatitis. In May 2016, Canada signed on to the World Health Organization (WHO)'s first ever Global Viral Hepatitis Strategy, with the goal of eliminating viral hepatitis as a public health threat by 2030. On Wednesday May 11, 2022, Action Hepatitis Canada was joined by CanHepC, CanHepB, the Canadian Liver Foundation . . . and the Canadian Association for the Study of the Liver to mark the inaugural "Canadian Viral Hepatitis Elimination Day / Can Hep Day" in Ottawa. To support the global strategy, all provinces and communities across Canada are working together to raise awareness. On May 11, 2023, The Hepatitis C Care Clinic will be joining our national partners to raise awareness of "Can Hep Day" here in Niagara. Our program will be hosting our inaugural Canadian Viral Hepatitis Elimination Day (Can Hep Day) to raise awareness of hepatitis and liver health. The Hepatitis C Care Clinic community awareness event will encourage individuals to learn about hepatitis, liver health, how to receive hepatitis C testing, hepatitis C treatment ... and the care and services of our program. In addition, our community partners will be joining us at our street-based health and social services fair, which take place at St. Andrews United Church-5645 Morrison Street, Niagara Falls from 11:00 am. To 3:00 pm. Event attendees will learn about the care and services of the Hepatitis C Care Clinic . . . and the care and services of our community partners.

Are you wondering how you can help! We are inviting you to join with our awareness campaign and national partners to proclaim Thursday May 11, 2023, as Canadian Viral Hepatitis Elimination Day throughout the 12 municipalities of Niagara. Together we are strong . . . we can join together to raise awareness and to help the residents throughout Niagara. If you have any questions, or require further information, please do not hesitate to contact me!

Hope you have a lovely afternoon and a wonderful weekend!

Take care and stay safe!

*Karen*

**Karen Usick – Reg. N**

Hepatitis C Care Clinic | Community Coordinator

Niagara Health System | Addiction Services

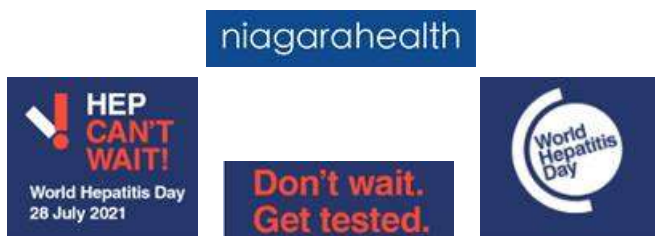
[Karen.Usick@NiagaraHealth.on.ca](mailto:Karen.Usick@NiagaraHealth.on.ca)

W: 905-378-4647 x32555 | C: 289-696-2523

260 Sugarloaf Street, Port Colborne, ON L3K 2N7

HCCC Website Address - [www.niagarahealth.on.ca/site/hepatitis-c-care](http://www.niagarahealth.on.ca/site/hepatitis-c-care)

NHS Addiction Services - [www.niagarahealth.on.ca/services/addiction-recovery](http://www.niagarahealth.on.ca/services/addiction-recovery)



**#HepCantWait | #WorldHepatitisDay | #NoHep**



# **CANADIAN** VIRAL HEPATITIS ELIMINATION DAY

## **JOURNÉE CANADIENNE** POUR L'ÉLIMINATION DE L'HÉPATITE VIRALE

### **Canadian Viral Hepatitis Elimination Day Proclamation May 11, 2023**

**WHEREAS**, hepatitis B and C are among Canada's most burdensome infectious diseases – measured in liver damage, cancer, lives lost, and significant costs to our public healthcare system;

**WHEREAS**, more than 204,000 people in Canada are living with hepatitis C, and more than 250,000 are living with hepatitis B;

**WHEREAS**, hepatitis C is curable, and hepatitis B is vaccine-preventable and treatable;

**WHEREAS**, Canada has committed to eliminating viral hepatitis as a public health threat by 2030; and

**WHEREAS**, Canadian Viral Hepatitis Elimination Day provides an opportunity to highlight the need for policies that support easy access to testing, treatment, and care for those affected, paving the way toward elimination;

**THEREFORE**, I, Brian Grant, Mayor of the City of Wainfleet, do hereby proclaim **May 11, 2023 Canadian Viral Hepatitis Elimination Day** in Wainfleet.

### **Proclamation de la Journée canadienne pour l'élimination de l'hépatite virale 11 mai 2023**

**CONSIDÉRANT** que les hépatites B et C comptent parmi les maladies infectieuses les plus onéreuses au Canada – mesurées en dommages au foie, en cancer, en vies perdues et en coûts importants pour notre système de santé public;

**CONSIDÉRANT** que plus de 204 000 personnes au Canada vivent avec l'hépatite C et plus de 250 000 avec l'hépatite B;

**CONSIDÉRANT** que l'hépatite C est guérissable et que l'hépatite B est évitable par la vaccination et traitable;

**CONSIDÉRANT** que le Canada s'est engagé à éliminer l'hépatite virale en tant que menace pour la santé publique d'ici 2030; et

**CONSIDÉRANT** que la Journée canadienne pour l'élimination de l'hépatite virale est une occasion de souligner la nécessité de mettre en place des politiques qui facilitent l'accès au dépistage, au traitement et aux soins pour les personnes touchées, tout en ouvrant la voie à l'élimination;

**PAR CONSÉQUENT**, je, Brian Grant, maire de Wainfleet, proclame par la présente le **11 mai 2023 Journée canadienne pour l'élimination de l'hépatite virale** à Wainfleet.

**Brian Grant  
Mayor / Maire**



**CORPORATION OF THE MUNICIPALITY OF SOUTH HURON**

322 Main Street South P.O. Box 759

Exeter Ontario

NOM 1S6

Phone: 519-235-0310 Fax: 519-235-3304

Toll Free: 1-877-204-0747

[www.southhuron.ca](http://www.southhuron.ca)

---

March 22, 2023

Via email: [mwark@huroncounty.ca](mailto:mwark@huroncounty.ca)

Meighan Wark, CAO  
County of Huron  
1 Courthouse Square  
Goderich ON

**Re: Report to Council: Cannabis Act Information**

South Huron Council passed the following resolution at their March 6, 2023  
Regular Council Meeting:

**Motion:** 071-2023

**Moved:** A. Neeb

**Seconded:** J. Dietrich

**That South Huron Council support the County of Huron resolution to  
approve the report by CAO Meighan Wark dated February 1, 2023 titled  
Report to Council: Cannabis Act Information.**

**Disposition: Carried (6-1)**

Please find attached the originating correspondence for your reference.

Respectfully,

Alex Wolfe, Deputy Clerk  
Municipality of South Huron  
[awolfe@southhuron.ca](mailto:awolfe@southhuron.ca)  
519-235-0310 ext 224

Encl.

cc: Federation of Canadian Municipalities (FCM)  
All Municipalities in Ontario



Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

Premier of Ontario

Provincial Minister of the Environment, Conservation and Parks

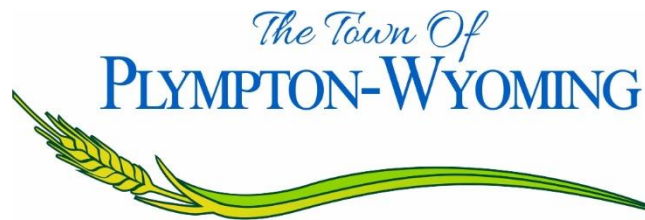
Provincial Minister of Agriculture

Provincial Minister of Municipal Affairs and Housing

Member of Parliament

Federal Minister of Agriculture and Agri-Food

Federal Minister of Health



The Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)

*DELIVERED VIA EMAIL*

March 22<sup>nd</sup> 2023

**Re: Barriers for Women in Politics**

Dear Premier Ford,

Please be advised that at the Regular Council Meeting on March 8<sup>th</sup> 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the Council of the Town of Grimsby regarding *Barriers for Women in Politics*.

***Motion 19***

*Moved by Councillor Kristen Rodrigues*

*Seconded by Councillor Bob Woolvett*

*That Council support item 'I' of correspondence from the Town of Grimsby regarding Barriers for Women in Politics.*

***Carried.***

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at [dgiles@plympton-wyoming.ca](mailto:dgiles@plympton-wyoming.ca).

Sincerely,

Denny Giles  
Deputy Clerk  
Town of Plympton-Wyoming

cc: Hon. Steve Clark, Minister of Municipal Affairs & Housing  
Bob Bailey, MPP – Sarnia-Lambton  
Association of Municipalities of Ontario  
All Ontario Municipalities



The Honourable Steve Clark  
Minister of Municipal Affairs & Housing  
[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

*DELIVERED VIA EMAIL*

March 22<sup>nd</sup> 2023

**Re: Future Accuracy of the Permanent Register of Electors**

Dear Minister Clark,

Please be advised that at the Regular Council Meeting on March 8<sup>th</sup> 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the Council of the Township of Ashfield-Colborne-Wawanosh regarding *Future Accuracy of the Permanent Register of Electors*.

***Motion 20***

*Moved by Councillor Alex Boughen*

*Seconded by Councillor Mike Vasey*

*That Council support item 'G' of correspondence from the Township of Ashfield-Colborne-Wawanosh regarding an Accurate Voters List.*

***Carried.***

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at [dgiles@plympton-wyoming.ca](mailto:dgiles@plympton-wyoming.ca).

Sincerely,

Denny Giles  
Deputy Clerk  
Town of Plympton-Wyoming

cc: Greg Essensa, Chief Electoral Officer for Ontario  
Bob Bailey, Sarnia-Lambton MPP  
All Ontario Municipalities

March 23, 2023

Glen McNeil  
Warden, Huron County  
By E-mail

**RE: Support for the Huron County Call to Action: Cannabis Act Review**

Please be advised that at their meeting held on March 20, 2023, the Council of the Municipality of West Perth passed the following resolution:

**Resolution No. 90/23**

**Moved By:** Councillor Andrew Fournier  
**Seconded By:** Councillor Diane Chessell

*That the Council of the Municipality of West Perth support the Huron County resolution regarding the "Call to Action: Review of the Cannabis Act."*

Attached is a copy of the Huron County resolution for your reference. If you have any questions regarding this letter, please do not hesitate to contact our office.

Sincerely,



Daniel Hobson  
Manager of Legislative Services/Clerk  
[dhobson@westperth.com](mailto:dhobson@westperth.com)  
519-348-8429 ext. 224

cc: Federation of Canadian Municipalities  
All Municipalities in Ontario  
Ontario Ministry of Agriculture, Food and Rural Affairs  
Premier of Ontario  
Provincial Minister of the Environment, Conservation and Parks  
Provincial Minister of Agriculture  
Provincial Minister of Municipal Affairs and Housing  
Member of Parliament  
Federal Minister of Agriculture and Agri-Food  
Federal Minister of Health

**OFFICE OF THE WARDEN**

Corporation of the County of Huron  
1 Courthouse Square  
Goderich, Ontario N7A 1M2  
www.HuronCounty.ca  
Phone: 519.524.8394  
Toll Free: 1.888.524.8394



February 1, 2023

Sent via email.

**Re: Call to Action: Review of the Cannabis Act**

Please note that on February 1, 2023 Huron County Council passed the following motion:

Moved by: Councillor G. Finch and Seconded by: Councillor M. Anderson

THAT:

The Council of the County of Huron approve the report by CAO Meighan Wark dated February 1, 2023 titled Report to Council: Cannabis Act Information as presented;  
AND FURTHER THAT:

The Council of the County of Huron advocate for improvements to the Cannabis Act and current legislative framework for cannabis in Canada by sending the report titled *Report for Council: Cannabis Act Information*, including the correspondence found in the appendices, to the Western Ontario Warden's Caucus (WOWC) for discussion and consideration;

AND FURTHER THAT:

The Council of the County of Huron approve forwarding Call to Action Letters to the following for support:

- Federation of Canadian Municipalities (FCM)
- All Municipalities in Ontario
- Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Premier of Ontario
- Provincial Minister of the Environment, Conservation and Parks
- Provincial Minister of Agriculture
- Provincial Minister of Municipal Affairs and Housing
- Member of Parliament
- Federal Minister of Agriculture and Agri-Food
- Federal Minister of Health

CARRIED

The County of Huron calls for a review and amendments to the Cannabis Act and the current legislative framework for cannabis in Canada.

To be clear, the County of Huron is not against or opposed to cannabis and we appreciate the role that both the federal and provincial governments provide in assisting municipalities. However, when new legislation is implemented, it is often at the municipal level that the impacts of change can be observed, and notations can be made for areas of improvement. It is vital that municipal governments pay attention and provide information and recommendations to higher levels of government so that continual improvements can be made over time.

It is in this spirit that we provide the following recommendation:

As a municipal government for one of Canada's most agriculturally productive regions and a popular tourism destination, we have been in the position to observe the last several years of legal cannabis production under the Cannabis Act as managed by Health Canada.

Under the current legislative and regulatory framework, we have observed, and continue to observe, serious odour impacts on local communities and residents from cannabis production facilities; including concerns from local medical practitioners about these impacts. Most often, these odour impacts arise from properties used for 'The Production of Cannabis for Own Medical Purposes by a Designated Person'.

In our local municipal experience, these facilities are often established without complying with local municipal zoning and nuisance by-laws, often contain hundreds of cannabis plants for each of the four assigned individuals, and usually do not include adequate odour controls to manage impacts on surrounding homes, public facilities, and the community at large.

To help manage public impacts of cannabis production facilities, we request that all production facilities, including facilities used by a designated person to produce cannabis for an individual's medical purposes, to require confirmation from the local municipality that the facility/site selected complies with all local municipal by-laws and regulations prior to an application being approved by Health Canada. We also request that Health Canada implement a system of minimum setbacks between cannabis production facilities and sensitive odour receptors, including homes and public facilities.

As an agricultural community, we have had extensive experience with the Ontario Ministry of Agriculture, Food and Rural Affairs' Minimum Distance Separation (MDS) Formula, an approach which has been used to successfully manage land use conflicts resulting from odour between livestock facilities and sensitive receptors for almost 50 years. We believe a system based on MDS would be appropriate to manage the

impacts of Health Canada's approved cannabis facilities, including both licensed commercial producers and designated growers for individuals.

In conclusion, we strongly recommend further notice and enhanced consultation with municipal governments when drafting and implementing legislation and regulations related to cannabis production, as there is a direct impact on local municipal operations, local residents, and in some cases, serious issues of non-compliance with local municipal by-laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen McNeil". The signature is written in a cursive style with a small dot at the beginning.

Glen McNeil  
Warden, Huron County  
On behalf of Huron County Council

The background of the entire page is a close-up photograph of cannabis leaves, rendered in a monochromatic blue color. The leaves are detailed, showing their serrated edges and vein structure. A vertical yellow bar is positioned to the left of the main title.

# Report for Council: Cannabis Act Information

Prepared: January 2023



# Contents

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<b>3</b>	<b>Cannabis Act: Information For Municipalities</b>
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<b>7</b>	<b>Appendix A</b>
<b>7</b>	<b>Appendix B</b>

## Background

On January 18, 2023, Huron County Council passed the following motion:

**THAT:**

The Council of the County of Huron request staff to prepare a report for Council on the Federal Cannabis Legislation Review with recommendations on options for Huron County to address their concerns with this legislation.

## Cannabis Act: Information For Municipalities

According to The Government of Canada's *Information for Municipalities - Medical Use of Cannabis* there are two approved ways medical cannabis can be grown: *Licensed Producers* and *Personal and Designate Production*

### 1. Licensed Producers

Licensed producers are individuals or companies licensed by Health Canada to produce and sell cannabis for medical purposes. Licensed producers must meet stringent health and safety security requirements before producing and selling cannabis.

When applying to be a licensed producer under the Access to Cannabis for Medical Purposes Regulations (ACMPR), or when applying to amend a licence, an applicant must notify:

- The municipality
- Local fire officials
- Local law enforcement

Licensed producers must also notify these local authorities, within 30 days, after the issuance of a licence or the renewal, amendment, suspension, reinstatement, or revocation of their licence. These notification requirements are intended to provide local authorities with information about activities with cannabis conducted in their jurisdiction to allow them to take appropriate measures, as applicable.

Licensed producers are expected to obey all relevant federal, provincial and municipal laws and by-laws, including municipal zoning by-laws.

## **2. Personal and Designated Production**

If a person wants to produce a limited amount of cannabis for his/her own medical purposes, he/she needs to register with Health Canada. He/she can also choose to designate another person to produce a limited amount of cannabis for him/her. A person can produce a limited number of marijuana plants under a maximum of two registrations (for one other person and him/herself, or two other people). Marijuana plants may be produced under a maximum of four registrations at one address.

A registered or designated person is permitted to produce marijuana plants indoors and/or outdoors, but not both at the same time. If a person wishes to produce marijuana plants outdoors, the boundary of the land on which the production site is located cannot have any points in common with the boundary of the land on which a school, public playground, day care facility or other public place frequented mainly by persons under 18 years of age.

The number of plants a person can grow is determined by the daily amount recommended by their health care practitioner and a set of formulas in the regulations.

Health Canada also recommends that registered and designated persons be discreet with their production.

Individuals who are registered with Health Canada to produce a limited amount of cannabis for medical purposes are expected to obey all federal, provincial and municipal laws and by-laws.

## Community Expressed Concerns

Recently, some concerns regarding the Cannabis Act and local growing practices have been expressed by community members. Some of the topics of concern expressed have included:

- Excessive noise produced by ventilation units
- Serious odour impacts from production
- Health concerns from neighbouring property owners
- Questions regarding zoning requirements for Cannabis operations, particularly in regards to areas zoned residential
- The current lack of a Minimum Distance Separation (MDS) between licensed facilities/designate growers, and homes, public facilities

## Impact to the Municipality

Community concerns regarding the Cannabis Act have an impact on the municipality. These impacts include the costs associated with Council and staff time and legal fees. There is also a potential for community disruption pertaining to licenses issued under the Federal Medical Cannabis Registration process.

It is important to note that the municipality's concerns expressed in this report are not against or opposed to cannabis. The County of Huron appreciates the role that both the federal and provincial governments provide in assisting municipalities. However, when new legislation is implemented, it is often at the municipal level that the impacts of change can be observed and notations can be made for areas of improvement. It is vital that municipal governments pay attention and provide information and recommendations to other levels of government so that continual improvements can be made over time.

## Advocacy Efforts to Date

On October 5, 2022 a letter was sent to the Cannabis Act Legislative Review Secretariat of Health Canada. The letter offered requested feedback on the Cannabis Act and a recommendation for a Minimum Distance Separation to protect residential areas.

See Appendix A.

# Recommendations for Further Advocacy

## **Report for Council: Cannabis Act Information (this report)**

Further advocacy could be accomplished by sending this report, including the correspondence found in the appendices, to the Western Ontario Warden's Caucus (WOWC) for discussion and consideration.

A Call to Action Letter could be sent on behalf of WOWC, and all WOWC member municipalities could be invited to send similar letters to the agencies and individuals outlined below.

## **Call to Action Letter**

A sample Call to Action Letter for Huron County can be found in Appendix B. Once approved by Council, letters could be sent to:

- Federation of Canadian Municipalities (FCM)
- All Municipalities in Ontario
- Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Premier of Ontario: Doug Ford
- Provincial Minister of the Environment, Conservation and Parks: David Piccini
- Provincial Minister of Agriculture: Lisa Thompson
- Provincial Minister of Municipal Affairs and Housing: Steve Clark
- Member of Parliament: Ben Lobb
- Federal Minister of Agriculture and Agri-Food: Marie-Claude Bibeau
- Federal Minister of Health: Jean-Yves Duclos

## Further Resources

### **The Cannabis Act: The Facts**

<https://www.canada.ca/en/health-canada/news/2018/06/backgrounder-the-cannabis-act-the-facts.html>

### **The Cannabis Act**

[https://laws-lois.justice.gc.ca/eng/annualstatutes/2018\\_16/FullText.html#:~:text=The%20objectives%20of%20the%20Act,operating%20outside%20the%20legal%20framework](https://laws-lois.justice.gc.ca/eng/annualstatutes/2018_16/FullText.html#:~:text=The%20objectives%20of%20the%20Act,operating%20outside%20the%20legal%20framework)

### **Cannabis Information for Municipalities**

<https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/information-municipalities.html>

### **Ontario: Cannabis Control Act**

<https://www.ontario.ca/laws/statute/17c26>

## Correspondence Received by Council

### **Correspondence to Council, January 2023: Bonnie Shackelton**

<https://agendas.huroncounty.ca/agendapublic/AttachmentViewer.ashx?AttachmentID=7134&ItemID=5394>

## Appendix A

Copy of the letter sent to the Cannabis Act Legislative Review Secretariat of Health Canada on October 5, 2022

## Appendix B

Sample Call to Action Letter

**OFFICE OF THE WARDEN**

Corporation of the County of Huron  
1 Courthouse Square  
Goderich, Ontario N7A 1M2  
www.HuronCounty.ca  
Phone: 519.524.8394  
Toll Free: 1.888.524.8394



October, 5, 2022

**To:** Cannabis Act Legislative Review Secretariat  
Health Canada  
Address locator 03021  
Ottawa, Ontario  
K1A 0K9

On October 5, 2022, Huron County Council passed the following motion:

**THAT:**

The Council of the County of Huron send correspondence to Health Canada requesting consultation when implementing legislation on cannabis regulation as there is a direct impact on municipal operations and sometimes non compliance to municipal by-laws;

**AND FURTHER THAT:**

The Council of the County of Huron recommends the inclusion of a system of Minimum Distance Separation to protect residential areas;

**AND FURTHER THAT:**

This correspondence be circulated to Huron County local municipalities for support.

Thank you for requesting feedback on the Cannabis Act and the current legislative framework for cannabis in Canada. As a municipal government for one of Canada's most agriculturally productive regions, and a popular tourism destination, we have been in the position to observe areas for improvement during the last several years of legal cannabis production under the Cannabis Act as managed by Health Canada.

Under the current legislative and regulatory framework, we have observed, and continue to observe, serious odour impacts on local communities and residents from cannabis production facilities; including concerns from local medical practitioners about these impacts. Most often, these odour impacts arise from properties used for 'The Production of Cannabis for Own Medical Purposes by a Designated Person'.

In our local municipal experience, these facilities are often established without complying with local municipal zoning and nuisance by-laws, often contain hundreds

of cannabis plants for each of the four assigned individuals, and usually do not include adequate odour controls to manage impacts on surrounding homes, public facilities, and the community at large.

To help manage public impacts of cannabis production facilities, we request that all production facilities, including facilities used by a designated person to produce cannabis for an individual's medical purposes, require confirmation from the local municipality that the facility/site selected complies with all local municipal by-laws and regulations prior to an application being approved by Health Canada. We also request that Health Canada implement a system of minimum setbacks between cannabis production facilities and sensitive odour receptors, including homes and public facilities.

As an agricultural community we have had extensive experience with the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation (MDS) Formula, an approach which has been used to successfully manage land use conflicts resulting from odour between livestock facilities and sensitive receptors for almost fifty years. We believe a system based on MDS would be appropriate to manage the impacts of Health Canada's approved cannabis facilities, including both licensed commercial producers and designated growers for individuals.

In conclusion, we strongly recommend enhanced consultation with municipal governments and request further notice and consultation with the County of Huron when drafting and implementing legislation and regulations dealing with matters related to cannabis production, as there is a direct impact on local municipal operations, local residents, and in some cases serious issues of non-compliance with local municipal by-laws.

Sincerely,



Glen McNeil  
Warden, Huron County  
On behalf of Huron County Council



**OFFICE OF THE WARDEN**

Corporation of the County of Huron  
1 Courthouse Square  
Goderich, Ontario N7A 1M2  
www.HuronCounty.ca  
Phone: 519.524.8394  
Toll Free: 1.888.524.8394



{insert date}

**To:** {insert recipient}

**Re:** Call to Action: Review of the Cannabis Act

On {insert date}, Huron County Council passed the following motion:

**THAT:**

{insert motion}

**AND FURTHER THAT:**

{insert motion}

The County of Huron calls for a review and amendments to the Cannabis Act and the current legislative framework for cannabis in Canada.

To be clear, the County of Huron is not against or opposed to cannabis and we appreciate the role that both the federal and provincial governments provide in assisting municipalities. However, when new legislation is implemented, it is often at the municipal level that the impacts of change can be observed, and notations can be made for areas of improvement. It is vital that municipal governments pay attention and provide information and recommendations to higher levels of government so that continual improvements can be made over time.

It is in this spirit that we provide the following recommendation:

As a municipal government for one of Canada's most agriculturally productive regions and a popular tourism destination, we have been in the position to observe the last several years of legal cannabis production under the Cannabis Act as managed by Health Canada.

Under the current legislative and regulatory framework, we have observed, and continue to observe, serious odour impacts on local communities and residents from cannabis production facilities; including concerns from local medical practitioners about these impacts. Most often, these odour impacts arise from properties used for 'The Production of Cannabis for Own Medical Purposes by a Designated Person'.

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To help manage public impacts of cannabis production facilities, we request that all production facilities, including facilities used by a designated person to produce cannabis for an individual's medical purposes, to require confirmation from the local municipality that the facility/site selected complies with all local municipal by-laws and regulations prior to an application being approved by Health Canada. We also request that Health Canada implement a system of minimum setbacks between cannabis production facilities and sensitive odour receptors, including homes and public facilities.

As an agricultural community, we have had extensive experience with the Ontario Ministry of Agriculture, Food and Rural Affairs' Minimum Distance Separation (MDS) Formula, an approach which has been used to successfully manage land use conflicts resulting from odour between livestock facilities and sensitive receptors for almost 50 years. We believe a system based on MDS would be appropriate to manage the impacts of Health Canada's approved cannabis facilities, including both licensed commercial producers and designated growers for individuals.

In conclusion, we strongly recommend further notice and enhanced consultation with municipal governments when drafting and implementing legislation and regulations related to cannabis production, as there is a direct impact on local municipal operations, local residents, and in some cases, serious issues of non-compliance with local municipal by-laws.

Sincerely,



Glen McNeil  
Warden, Huron County  
On behalf of Huron County Council