Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: November 21, 2018 **CASE NO(S).:** PL170826

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly):	Serge Chicoine et al.
Subject:	Proposed Plan of Subdivision
Property Address/Description:	Part Lot 30, Conc 3, Parts 5, 6 and 7, Plan 50 R9987
Municipality:	The Nation
Municipal File No.:	070-S-15-003
OMB Case No.:	PL170826
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OMB Case Name:	Chicoine v. The Nation (Municipality)

PROCEEDING COMMENCED UNDER subsection 51(53) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Motion By:	Roberto Aburto
Purpose of Motion:	Request for an Order Dismissing the Appeal
Appellant:	Serge Chicoine
Subject:	Proposed Plan of Subdivision
Property Address/Description:	Part Lot 30, Conc 3, Parts 5, 6 and 7, Plan 50 R9987
Municipality:	The Nation
Municipal File No.:	070-S-15-003
OMB Case No.:	PL170826
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Heard: October 19, 2017 in Casselman, Ontario

APPEARANCES:

Parties	**Counsel**
Serge Chicoine	Self-represented
JLXMD Inc.	Roberto Aburto Michelle Cicchino
United Counties of Prescott and Russell	Greg Meeds Patrick Simon

DECISION DELIVERED BY MICHEL BELLEMARE AND ORDER OF THE TRIBUNAL

A. OVERVIEW

[1] Serge Chicoine and a group of neighbours (also referred to as the Appellants) appealed the decision of the United Counties of Prescott and Russell ("United Counties") approving JLXMD Inc.'s ("Applicant") subdivision application in The Nation Municipality ("Nation"). In turn, the Applicant brought a Notice of Motion for an Order dismissing the Appeal without holding a hearing.

[2] Based on the evidence before me, and for the reasons that follow, I find that the Tribunal should deny the Motion and, having held a hearing, dismiss the Appeal and approve the draft plan of subdivision, subject to the fulfillment of several conditions.

B. BACKGROUND

[3] The Applicant proposes to build 31 row dwellings within eight blocks fronting on a new public road linking to L'Érablière Street, with access to municipal water and sewer services.

[4] The subject property has an area of 1.1 hectares in the Village of Limoges, in the southern portion of Nation. Surrounding uses include residential to the North and East,

vacant land and residential to the West, and residential use and home for the aged to the South.

[5] As the upper-tier municipal approval authority, the Planning and Forestry Committee of the United Counties approved the Applicant's draft plan of subdivision on June 28, 2017, as set out in Appendix A of the Counties planning report (Exhibit 3, Tab 2g, p. 85), subject to 33 conditions to obtain final approval, as set out in Appendix C of the United Counties planning report (Exhibit 3, Tab 2g, pp. 87-89).

[6] Prior to the United Counties' decision, Nation's lower-tier council (not the approval authority) adopted a resolution in opposition to the subdivision application. The Nation's council subsequently suggested approval conditions in the event that the United Counties were to approve the application.

[7] As set out in his Notice of Appeal, Mr. Chicoine appealed the United Counties' decision on behalf of over a dozen neighbourhood residents and himself for several reasons that can be summarized as follows:

- The scale of the project does not conform with the Official Plan.
- The proposed development is not compatible with the neighbourhood.
- The proposal would have a negative impact on privacy, sunlight and views.
- Inadequate drainage and tree buffering.
- Problematic snow and garbage removal.
- Construction duration, safety, and cleanliness not addressed.
- No additional park space provided.

C. ANALYSIS

1. Authority of the Tribunal on Appeal

[8] On an appeal relating to a subdivision application under subsection 51(39) of the *Planning Act* ("Act"), subsection 51(56) provides that the Tribunal has the authority to "make any decision that the approval authority could have made on the application".

[9] Also, subsection 51(53) of the Act provides that "[d]espite the *Statutory Powers Procedure Act* […] the Tribunal may dismiss an appeal without holding a hearing on its own initiative or on the motion of any party if":

> (a) it is of the opinion that,
> (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give approval to the draft plan of subdivision or determine the question as to the condition appealed to it,
> (ii) the appeal is not made in good faith or is frivolous or vexatious,
> (iii) the appeal is made only for the purpose of delay, […]

2. Policy Context

[10] Section 2 of the Act requires municipal councils and the Tribunal to "have regard to" several "matters of provincial interest", including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the co-ordination of planning activities of public bodies; the resolution of planning conflicts involving public and private interests; the protection of public health and safety; the appropriate location of growth and development; and so on.

[11] Also, section 2.1 of the Act requires the Tribunal to have regard to "(a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and (b) any information and material that the municipal council or approval authority considered in making the decision described in

clause (a)".

[12] In addition, under subsection 3(5) of Act, decisions of municipal councils and the Tribunal must "be consistent with the provincial policy statements" issued under subsection 3(1) of the Act, and must "conform with the provincial plans […] or shall not conflict with them, as the case may be".

[13] The next level in this land use planning hierarchy includes municipal official plans, as approved by the Province or an upper-tier municipality. Revealing its goals and objectives in its official plan, a municipality fulfills this policy statement mainly by adopting zoning by-laws that must conform with this plan, as subsection 24(1) of the Act prescribes.

[14] In this Appeal, the Tribunal must consider the following policy statements, plans, by-laws, and policies:

- Provincial Policy Statement, 2014
- United Counties of Prescott and Russell Official Plan[1]
- The Nation Municipality Comprehensive Zoning By-law No. 2-2006, as amended by By-law No. 113-2011

3. Motion to Dismiss the Appeal Without a Hearing Denied

[15] Before a hearing was scheduled, the Applicant brought a Motion to Dismiss the Appeal without a hearing on the following grounds:

- The "Appellants propose to call no witnesses whatsoever. On the appeal form, the Appellants indicated that they would be calling an Environmentalist as their witness, but since that time have indicated that they do not intend to

[1] Adopted by the United Counties Council August 16, 2015, and approved by the Ministry of Municipal Affairs and Housing March 1, 2016.

call such a witness, nor any other witness".

- The "uncontradicted evidence of the Applicant is that the appeal provides no legitimate land use planning ground, and is nothing more than vague unsupported statements, nor is any cogent legal argument advanced".

- The Appeal "does not raise any legitimate land use planning grounds".

[16] In the alternative, the Applicant seeks an Order (a) pursuant to subsection 51(53)(a) of the Act dismissing all aspects of the appeal that are not supported by legitimate land use planning grounds; and (b) dismissing the appeals of all Appellants who did not make representations as required by subsection 51(39) of the Act. On this last point, the Applicant argues that there are "seven neighbours on the list of neighbours for Appeal that did not provide written submissions or comments at the public meeting". However, even if I were to make such a finding and grant the requested alternative relief, the Applicant is nevertheless not challenging either Mr. Chicoine's appeal or that of six other neighbours on that basis.

[17] In support of the Motion, the Applicant submitted a Motion Record (Exhibit 3), including the Affidavit of Paul Black, a professional land use planner, sworn October 5, 2017; the Affidavit of Gabrielle Schaeffer, a professional engineer, sworn October 5, 2017; and the Affidavit of Jacob Polowin, sworn October 4, 2017. In their response to the Motion, the United Counties concurred with the Applicant's requested relief, and submitted the Affidavit of Sylvain Boudreault, a junior planner with the United Counties, sworn October 16, 2017.

[18] In opposition to the Motion, the Appellants submitted a written Dismissal Motion Response.

[19] Having reviewed the written material submitted by the Parties, and heard their oral arguments, I note that a dismissal of an Appeal without a hearing is a matter of the Tribunal's discretion under the Act, and depends on the circumstances of each case.

Of course, the Party requesting that the Tribunal dismiss an appeal without holding a hearing bears the burden of showing that the circumstances justify an exercise of that discretion.

[20] The Applicant notably cited *Toronto (City) v. East Beach Community Assn.*[2] for the proposition that "[a]ttempting to raise mere apprehensions without any factual basis is not sufficient to support an appeal", and that "[t]he [Ontario Municipal] Board has consistently considered the following factors in evaluating whether to dismiss an appeal without a hearing: (a) Authenticity—the authenticity of the reasons stated in the appeal; (b) Effectiveness—whether there are issues raised in the appeal that will affect the hearing […]; and (c) Worthiness—whether the issues raised in the appeal are worthy of a full hearing"[3]. The Applicant goes one step further by citing *Ajax (Town) Zoning By-law 31-2001, Re,*[4] for the proposition that "[f]ailure to retain an expert may demonstrate a lack of willingness to participate in the hearing process".

[21] The Appellants countered that "they are serious in their intention", that "they have shown good faith" and "followed the process properly", and do "not require legal or expert representation"[5]. They detailed their efforts in this matter, outlined their concerns and objections, and provided their own analysis of the proposed development.

[22] One could argue that the Appellants might stand a better chance of succeeding in their appeal if they were to call, for example, a witness qualified to provide evidence in land use planning to counter the Applicant's evidence, or if they were to retain legal representation to cross-examine the Applicant's witnesses and test their evidence. However, based on a plain reading of the dismissal section of the Act, there is no statutory obligation on the part of an appellant to retain either legal representation or any expert witness. Also, the right to appeal and to be heard under the Act is not contingent on demonstrating, as a precondition, a likelihood of success. The Tribunal hears many cases where self-represented parties do not call their own expert

[2] 1996 CarswellOnt 5740.
[3] Applicant's Motion Record, Exhibit 3, Tab 1, Page 3, Paragraph 17.
[4] 2001 CarswellOnt 5849, 42 O.M.B.R. 348, at para. 9.
[5] Appellants' Dismissal Motion Response, Exhibit 5, Page 1, Paragraphs 4 and 5.

witnesses, which is often due to limited resources as opposed to “a lack of willingness to participate in the hearing process” as the Applicant argues in this case. In any event, the Tribunal requires expert witnesses testifying at a hearing or providing sworn affidavits, to sign an Acknowledgment of Expert’s Duty to provide opinion evidence within their area of expertise that is fair, objective and non-partisan, regardless of which Party has engaged them. In essence, the paramount duty of an expert witness is to assist the Tribunal in determining a matter at issue, no matter who calls on them to testify.

[23] Based on the evidence and the submissions of the Parties, I am not persuaded that the Applicant has carried its burden for a dismissal without a hearing, and conclude that the Appellants are entitled to have their issues heard. I also conclude that it is in the public interest to put the subdivision application in question under the scrutiny of a public hearing where the Appellants have earnestly put forward legitimate and authentic concerns and objections worthy of adjudication.

[24] Because this matter proceeded to a hearing on the merits of the case, resulting in an Order to Dismiss the Appeal and approve the application, there is no practical need to consider the Applicant’s requested alternative relief.

4. Applicant’s Request for Costs Also Denied

[25] Through its Notice of Motion for an Order pursuant to subsection 51(53)(a) Dismissing the Appeal without a hearing, the Applicant also requested an Order for Costs because “[t]he Appellants have acted unreasonably and frivolously in this appeal by intending to call no witnesses in opposition to the County approved application”.

[26] Having determined that the Applicant’s Motion to dismiss the appeal without a hearing fails the test under subsection 51(53(a) of the Act, I find that the Motion for Costs should also be denied.

5. Hearing of the Appeal

[27] With all Parties agreeing to proceed with the hearing of the Appeal on the same day scheduled for the hearing of the Motion, I heard evidence allowing me to evaluate the merits of the case.

[28] Mr. Chicoine testified in support of the Appeal.

[29] In opposition to the Appeal and in support of the application, the following individuals testified: Mr. Black, a professional planner retained by the Applicant, who was qualified to provide evidence in land use planning, and whose testimony was augmented by his sworn affidavit mentioned above; and Mr. Boudreault, a junior planner with the United Counties, who was also qualified to give evidence in land use planning, and whose testimony was augmented by his sworn affidavit referred to earlier. The Applicant also referred to the sworn affidavit (included in Exhibit 3) of Ms. Schaeffer, a professional engineer.

[30] The Nation did not appear at the hearing.

[31] It was Mr. Black's evidence that his positive analysis of the subdivision application took into account the criteria found in subsection 51(24) of the Act, which read as follows:

> **Criteria**
> 51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:
> (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
> (b) whether the proposed subdivision is premature or in the public interest;
> (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
> (d) the suitability of the land for the purposes for which it is to be subdivided;
> (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways

linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
(f) the dimensions and shapes of the proposed lots;
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
(h) conservation of natural resources and flood control;
(i) the adequacy of utilities and municipal services;
(j) the adequacy of school sites;
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

[32] On behalf of the Appellants, Mr. Chicoine outlined concerns about the scale of the project considering the intensification policies under the Provincial Policy Statement and the United Counties Official Plan, and compatibility with the surrounding neighbourhood.

[33] The Provincial Policy Statement promotes residential intensification and the efficient use of land where municipal services exist. However, as subsection 1.1.3.5 provides, it is up to local planning authorities to "establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions". Subsection 1.4.3 of the Provincial Policy Statement specifically directs local planning authorities to "provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents […] by: a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. […] b) permitting and facilitating: […] all forms of residential intensification, including […] redevelopment […]; c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; d) promoting densities for new housing which efficiently use land,

resources, infrastructure and public service facilities […]. Mr. Black highlighted that the proposed development follows through on Provincial policy by intensifying "an existing underutilized property with row houses to increase the range of housing options in Limoges", and utilizing "existing infrastructure in proximity to existing public service facilities".

[34] The subject property is designated Urban Policy Area under the United Counties Official Plan, which also promotes intensification of residential development. Subsection 2.1.2 targets 85 percent of future residential development to occur in the Urban Policy Area, with the remaining 15 percent of growth slated for the Rural Policy Area. Under the title "Residential Intensification", subsection 2.1.2.1 of the Official Plan states that the intent of intensification is to locate "the majority of homes […] in proximity to each other", and that "[s]ignificant opportunities exist for intensification within the Urban Policy Areas". Policy 1 in this subsection of the Official Plan specifically contemplates that intensification can include: "[…] b) infill development and residential development of vacant land or underutilized land in the Urban Policy Area's built-up area; c) redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a greater density […]; […] f) modest intensification in stable residential areas respecting the character of the area. Stable residential areas are considered to be established areas generally consisting of predominantly low density housing on local roads (SIC) with the built boundary".

a) Conflicting Definitions of Low, Medium and High Density

[35] Mr. Chicoine is right to point out conflicting information as to whether the proposal is considered medium or high density development under the United Counties Official Plan. The initial contradiction is between Mr. Black's Planning Rationale (Exhibit 3, Tab 2d, p. 48), identifying the proposed subdivision as a medium density development, and his affidavit (Exhibit 3, Tab 2), in which he states that the proposed 31 dwellings on the subject property's 1.1 hectares "results in 42.6 units per net hectare, when the proposed road and other public blocks (Blocks 6, 9, 12 and 13) are excluded",

and is therefore “considered a high-density development”. Mr. Black bases his definition on the fact that the Official Plan “identifies low density development as 25 units per net hectare or less, [and] medium density as up to 40 units per net hectare for row dwellings […]”. (The Official Plan defines a net hectare as “the net area of the site developed for residential purposes [and] excludes roads, road right-of-way and areas that have been dedicated to the local municipality or another public agency”.) However, the conflicting information runs even deeper, because the extract of the Official Plan submitted into evidence (Exhibit 3, Tab 2i), and identified as an “Office Consolidation – May 2017” states, under Policy 5 of subsection 2.2.6, that “low density development is defined as (SIC) up 35 units per net hectare. Medium density development on full municipal services should not exceed 55 units per net hectare for townhouses or row houses […]”. Perhaps Mr. Black is referring to a different Official Plan “Office Consolidation”. If so, which one is correct? On this point, Mr. Boudreault’s Planning Report (Exhibit 3, Tab 2g, p. 81) seems to be referring to a previous Official Plan altogether, because he cites subsection 2.2.7 in defining low density as “up (SIC) 16 units per net hectare. Medium density development is up to 30 units per net hectare and high density is defined as more than 43 units per net hectare”. Depending on which version of the Official Plan is correct, the proposed development, at 42.6 units per net hectare, is either medium or high density.

[36] The discrepancies in defining low, medium and high density under the Official Plan create confusion but are not fatal to the proposed development. That is because Policy 2 under subsection 2.2.6 of the Official Plan provides that residential areas “shall be defined through the local municipal zoning by-law” and “establish residential zones within the Urban Policy Area which shall provide for the following uses: a) low density residential uses; […] c) Medium density residential uses; d) High density residential uses; […]. Also, Mr. Black’s evidence was that the proposed development represents intensification that conforms to the Official Plan because “it redevelops an underutilized property within the built-up urban area and contributes to the targets for intensification set out in the Plan”.

[37] Nation's Comprehensive Zoning By-law No. 2-2006 identifies low density residential as R1, medium density residential as R2, and high density residential as R3, each with specific performance standards relating to minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, and so on. In this case, the evidence revealed that in 2011, Nation approved a site specific zoning by-law amendment for the subject property—By-law No. 113-2011—to accommodate the proposed development's scale and density for residential purposes.

[38] By-law No. 113-2011 rezoned part of the subject property from "Medium Density Residential Zone (R2)" to "High Density Residential Zone—Holding—Exception (R3-H-X15), and another part from "High Density Residential Zone (R3) and Village Core Zone (VC)" to Village Core Zone—Holding—Exception (VC-H-X1)". Permitted uses include single family dwelling, semi-detached dwelling, and row dwelling, and performance standards include: a minimum lot area of 170 square metres per dwelling unit; a minimum lot frontage of 6 metres per dwelling unit; a maximum lot coverage of 45 percent; a minimum front yard of 5 metres; a minimum interior side yard of 1.2 metres; and a minimum yard along the property line of 22 and 28 Brisson Street of 3 metres.

b) Compatible Development for the Area

[39] Policy 3 under subsection 2.1.2.1 of the Official Plan lists ten criteria when evaluating applications for residential infill development, intensification and redevelopment, including:

> (a) the proposed development lands are appropriately suited for intensification in the context of the surrounding neighbourhood and the local municipality as a whole;
> (b) the road network can accommodate the traffic generated;
> (c) the proposed development is consistent with the policies of the appropriate land use designation associated with the land;
> (d) the proposal respects and reinforces the existing physical character of the buildings, streetscapes and parks and open space areas;
> (e) the proposal is compatible with the surrounding development;
> (f) the proposal (SIC) provide heights, massing and scale appropriate to the site and compatible with adjacent lands;
> (g) the proposal provides adequate privacy, sunlight and views of the sky for existing and new residents;

[…]

[40] According to Mr. Black, “compatible development is development that is not necessarily the same as or similar to existing buildings, but development that enhances and coexists with existing development without undue adverse impacts”. It was Mr. Black’s evidence that the proposed development meets all of the relevant Official Plan criteria, including those specifically relating to compatibility with surrounding uses.

c) Conditions Address Storm Water Management

[41] As for concerns relating to water, including any potential impact on neighbouring wells or storm water drainage, Mr. Boudreault’s Planning Report (Exhibit 3, Tab 2g, p. 82-83) points out that the South Nation Conservation Authority is responsible for reviewing hydrogeological studies on behalf of the United Counties. The Planning Report states that “based on [the South Nation Conservation Authority’s] review we conclude that the proposed development will not negatively affect the neighbouring wells”. Also, the United Counties has included specific conditions of approval relating to storm water management that the Applicant will need to fulfill. It was Ms. Schaeffer’s evidence that the Servicing and Storm Water Management Report prepared for the proposed development “represents an appropriate engineering solution to storm water management for the Project in accordance with accepted engineering practices criteria from the governing approval agencies”. Conditions of approval for the proposed development include the preparation of a final detailed version of the Servicing and Storm Water Management Report, a Sediment and Erosion Control Plan, and a Lot Grading and Drainage Plan, all to the satisfaction of Nation, the United Counties, and the South Nation Conservation Authority.

d) Privacy, Sunlight and Views

[42] Mr. Chicoine also raised concerns regarding the impact of the proposed development on surrounding properties relating to privacy, sunlight and views. According to Mr. Black, the proposed two-storey row dwellings are “consistent with the

building heights of the adjacent residential properties to the east. Also, the proposed development “will not cause undue adverse shadowing impacts, and will retain the privacy of amenity areas on adjacent properties”, and “fences and/or landscaping can be used to further mitigate any potential impacts”. In addition, I note that it is a well-established principle that there is no legal right to a particular view from one’s property.

e) Payment in Lieu of Parkland

[43] Mr. Chicoine argued that the proposed development should include a requirement for a dedicated park on the subject property. However, section 51.1 of the Act provides municipalities with the option of imposing, as a condition to the approval of a plan of subdivision for residential purposes, that the Applicant convey either 5 percent of the land to the local municipality for park or other public recreational purposes, or a payment in lieu representing 5 percent of the value of the land. It is therefore up to municipal authorities to determine the relative benefits of either option given such considerations as potential park location, size, and local recreational policy priorities.

[44] As for various concerns raised about safety, construction duration, area cleanliness, snow removal, fire hydrant pressure, West Nile virus, and so on, it is Nation’s and the United Counties’ role to address any such safety, public health, property standards, engineering and other operational matters within their jurisdiction, by enforcing their own by-laws, implementing the subdivision agreement conditions, and issuing a building permit once engineering and other issues are satisfied.

[45] Despite conflicting evidence on the definition of low, medium and high density development under the Official Plan, Mr. Black’s and Mr. Boudreault’s evidence on the salient land use planning issues was both uncontroverted and complementary, and not seriously challenged under cross-examination.

6. Draft Plan of Subdivision in Public Interest

[46] Based on the evidence before me, I am satisfied that the proposed development

has regard for the relevant matters of Provincial interest listed under section 2 of the Act, the criteria for the subdivision of the land listed under subsection 51(24) of the Act, the decision made by the relevant approval authority, and the information and material that the approval authority considered in making that decision. I am also satisfied that the proposed development is consistent with the Provincial Policy Statement, conforms with the United Counties Official Plan, complies with the zoning requirements, represents good planning, and is in the public interest.

D. ORDER

[47] The Tribunal orders:

1. That the Motion for an Order dismissing the Appeal without holding a hearing under subsection 51(53)(a) of the *Planning Act* is denied.

2. That the Applicant's request for an award of Costs on the Motion to Dismiss the Appeal without a hearing under subsection 51(53)(a) is denied.

3. That, having held a hearing, the Appeal is dismissed.

4. That the draft plan of subdivision set out in Appendix A of the United Counties of Prescott and Russell planning report (Exhibit 3, Tab 2g, p. 85) is approved, subject to the fulfillment of conditions set out in Appendix C of the United Counties planning report (Exhibit 3, Tab 2g, pp. 87-89).

5. That pursuant to subsection 51(56.1) of the *Planning Act*, the United Counties of Prescott and Russell will have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Planning Act*.

“Michel Bellemare”

MICHEL BELLEMARE
MEMBER

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please visit www.elto.gov.on.ca to view the attachment in PDF format.